

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, NOVEMBER 1, 2018.

[105]

JOURNAL OF THE SENATE.

Thursday, November 1, 2018.

Met at thirteen minutes past eleven o'clock A.M. (Mr. Boncore in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Boncore), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Communications.

The following communications were severally received and placed on file, to wit:

Communications from the Honorable Karen E, Spilka, President of the Senate, announcing the following appointments:

Senator Cindy F. Friedman, as Senate Chair on the Massachusetts Caucus of Women Legislators;

MA Caucus of Women Legislators.

Senator Eric P. Lesser (pursuant to Section 7 of Chapter 23H of the General Laws) to the Massachusetts State Workforce Board; and

State Workforce Board.

Mass Bay Community College President Dr. David Podell (pursuant to Section 104 of Chapter 208 of the Acts of 2018) to the Section 35 involuntary commitment commission; and

Sec. 35 involuntary commitment commission.

Communication from the Office of the Comptroller (pursuant to Section 12(a) of Chapter 7A of the General Laws) submitting an updated status report for the FY18 Statutory Basis Financial Report (received October 31, 2018).

Comptroller,-- SBFR updated status report. SD2812

Communication from CliftonLarsonAllen LLP, on an audit of the Commonwealth of Massachusetts Senate with State of available resources and expenditures – statutory basis – and additional information for the Fiscal Year ending June 30, 2017 (received in the Office of the Clerk of the Senate at eleven minutes before twelve o'clock P.M., on Wednesday, October 31, 2018);

Senate Audit for Fiscal Year 2017.

Under the provisions of Senate Rule 13C, the communication has been placed on file.

Communications from CliftonLarsonAllen LLP, on an audit of the Joint Accounts of the Massachusetts Legislature with State of available resources and expenditures – statutory basis – and additional information for the Fiscal Years ending June 30, 2017 (received in the Office of the Clerk of the Senate at eleven minutes before twelve o'clock P.M., on Wednesday, October 31, 2018);

Joint Accounts Audit for the Fiscal Year 2017.

Under the provisions of Joint Rule 34, the communication has been placed on file.

Report.

Report of the Department of Youth Services (pursuant to Section 16 of Chapter 123A of the General Laws) submitting its annual report regarding the treatment provided to sexually dangerous persons (copies having been forwarded as required to the Senate Committee on Ways and Means and Joint Committees on the Judiciary and Public Safety and Homeland Security (received October 31, 2018,)) -- was placed on file.

DYS,-- annual report.. SD2811

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 4947) of Jennifer E. Benson and James B. Eldridge (by vote of the town) relative to the finance department of the town of Harvard; and

Harvard,-- finance department.

Petition (accompanied by bill, House, No. 4948) of Denise C. Garlick, Michael F. Rush and Richard J. Ross (by vote of the town) relative to amending the charter of the town of Needham;

Needham,-- charter.

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4949) of Jennifer E. Benson and James B. Eldridge (by vote of the town) that the town of Harvard be authorized to establish a cap on property taxes for means tested senior citizens;

Harvard,-- senior property tax.

To the committee on Revenue.

Notice was received from the Minority Leader of the House of Representatives informing the Senate that he has appointed Meredith Management President John E. Rosenthal as his designee to serve on the Section 35 Involuntary Commitment Commission (pursuant to Section 104 of Chapter 208 of the Acts of 2018).

Involuntary Commitment Commission.

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The House Bill relative to a certain retirement benefit to be paid to the surviving spouse of fallen officer, Michael Chesna, of the Police Department of the city known as the town of Weymouth (House, No. 4928) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Michael Chesna,-- retirement benefits.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-

Resolutions (filed by Messrs. DiDomenico, Tarr and Brady, Ms. Creem, Messrs. Crighton, deMacedo, Eldridge, Fattman and Feeney, Ms. Friedman, Ms. Gobi and Messrs. Hinds, Moore, O'Connor, Ross, Rush, Timilty and Tran) "celebrating the fiftieth anniversary celebration of Shriners Hospital for Children-Boston"; and

Shriners Hospital for Children-Boston

Resolutions (filed by Mr. Rush) "congratulating Monsignor William Manning Helmick on the occasion of his retirement."

Monsignor William Manning Helmick

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The House Bill authorizing the city of Somerville to offer an exemption for certain owner occupied residential properties for water and sewer charges and rates (House, No. 4309),-- **was read a third time and passed to be engrossed, in concurrence.**

Somerville,-- sewer rate exemption.

Report of Committees.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Nick Collins for

Marc Wedgeworth,-- sick leave.

legislation to establish a sick leave bank for Marc Wedgeworth, an employee of the Massachusetts Trial Court.

SD2810

The rules were suspended, at the request of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4954) of Paul K. Frost and Ryan C. Fattman for legislation to establish a sick leave bank for Charde Christophe, an employee of the Department of Youth Services,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Charde Christophe,-- sick leave.

A petition (accompanied by resolve, House, No. 4953) of Brian M. Ashe and Anne M. Gobi that the state treasury be authorized to pay Armando Sousa, a former employee of the Monson Developmental Center, for services rendered to the Monson Developmental Center, for services rendered to the Monson Developmental Center during the years 1977 to 1985, inclusive,-- **came from the House referred, under suspension of Joint Rule 12, to the House committee on Ways and Means; and the Senate concurred in the suspension of said joint rule.**

Armando Sousa,-- treasury payment.

Engrossed Bills.

The following engrossed bills (all of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Boncore) and laid before the Governor for his approbation, to wit:

Relative to a real property exemption for disabled persons in the town of Westford (see House, No. 4660);

Bills laid before the Governor.

Authorizing the town of Brookline to raise the income threshold for senior real property tax deferments (see House, No. 4847);

Authorizing the city of Newton to amend the income qualifications for a certain tax deferral program (see House, No. 4849); and

Relative to a certain retirement benefit to be paid to the surviving spouse of fallen officer, Michael Chesna, of the police department of the city known as the town of Weymouth (see House, No. 4928).

Moment of Silence.

At the request of the Chair (Mr. Boncore), the members, guests and staff stood in a moment of silence and reflection to the memory of Tim McCarthy.

Moment of silence.

Order Adopted.

On motion of Mr. Tarr--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M.

Time of meeting.

Adjourn In Memory of Timothy McCarthy of Truro

The Senator from Cape and Islands, Mr. Cyr, moved that when the Senate adjourns today it adjourn in memory of Timothy McCarthy of Truro.

Timothy McCarthy of Truro passed away on October 19, 2018. He was 61 years old.

Mr. McCarthy, a longtime resident of the Outer Cape, was a notable documentary filmmaker, video historian, and LGBTQ rights activist. He was ubiquitous in the Provincetown community, where he supported local arts and was an avid champion of politicians he cared deeply about. Those who knew Tim were continually inspired by his passion, enthusiasm, and fearlessness, which was evident in all he did. Recognizing the power of film to create social change, Tim sought to empower the repressed and oppressed to speak for themselves through his videography. McCarthy's extensive video library documenting LGBTQ events has been used in several productions including the 2012 Oscar-nominated documentary "How to Survive a Plague" about ACT UP and the Treatment Action Group, two front-line activist organizations that fought for better treatment for AIDS patients. Tim's videography brought him to nearly one hundred countries around the world, including Uganda, where he documented the struggles of LGBTQ people. His efforts in Uganda culminated in his seminal work, the documentary film "Voices of Abasiyazzi: Combating Homophobia in Uganda."

McCarthy was a passionate advocate for access to the recreational marijuana industry for small business owners and farmers. He worked with state lawmakers to create a "craft cultivator" license as part of the new marijuana law in the Commonwealth. McCarthy then partnered with neighbors in Truro and Wellfleet to form the High Dune Craft Cooperative, the first of its kind in the state.

Born in Worcester in 1957, Mr. McCarthy was the fifth of seven children. At a time of a rampant homophobia, Mr. McCarthy had the courage to come out as a gay man at age 13. After quitting high school, Mr. McCarthy went on to join the U.S. Army, and he later earned his GED. Following his time in the Army, Mr. McCarthy started a successful computer business in Washington D.C.; he ultimately sold the business when he was diagnosed with AIDS and moved to Provincetown.

Mr. McCarthy leaves behind sisters Beth and Colleen, brothers Mike, Charles, Gary, Bob, and Patrick, as well as countless friends from Commercial Street to Kampala.

Tim McCarthy took great joy in standing side by side with persecuted people and lending his voice, always loud and proud, to theirs, to help improve life for everyone who loved or wanted to be loved. As we honor Tim's memory, let us recommit ourselves to defending the oppressed in our communities and across the world, to live our lives with the same joy.

Accordingly, as a mark of respect in memory of Timothy McCarthy, at twenty-three minutes before twelve o'clock noon, on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.