

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, NOVEMBER 19, 2018.

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JOURNAL OF THE SENATE.

Monday, November 19, 2018.

Met at three minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair)

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

Pledge of allegiance.

Communication.

Communication from the Department of Public Health relative to plans of correction for the following correctional facilities:

DPH,-- plans of corrections. SD2833

MA Treatment Center

Souza-Baranowski Correctional Center (received November 16, 2018),-- was placed on file.

Report.

Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspections of the following correctional facilities:

DPH,-- facility inspections. SD2832

Suffolk County Jail (conducted on 10/29/18)

Suffolk County House of Correction (conducted on 11/5/18) (received November 16, 2018),-- was placed on file.

PAPERS FROM THE HOUSE.

A Resolve to establish a special commission on agricultural tourism (House, No. 4962, amended,-- on House, No. 2715); and

Agricultural tourism, - commission.

A Bill relative to the proper bonding and grounding of corrugated stainless steel tubing (House, No. 4969,-- on House, No. 4285);

Corrugated stainless steel tubing.

Were severally read, and under Senate Rule 26, referred to the committee on Ways and Means.

A report of the committee on Telecommunications, Utilities and Energy, recommending that the communication from the Division of Energy Resources of the Executive Office of Energy and Environmental Affairs (under provisions of Section 12 of Chapter 25A of the General Laws) submitting amendments to 225 CMR 13, DOER Co2 Budget Trading Program Auction Regulation (RGGI Auction Regulations) (House, No. 4920) be placed on file, - came up accepted by the House.

Department of Energy Resources,-- regulations.

Under Senate Rule 36, the report was considered forthwith and accepted in concurrence.

Resolutions.

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

Resolutions (filed by Ms. Creem, Ms. Spilka, Messrs. Crighton, Cyr, deMacedo, DiDomenico, Eldridge, Fattman and Feeney, Ms. Friedman, Ms. Gobi, Messrs. Hinds and Humason, Ms. Jehlen, Mr. Keenan, Ms. L'Italien, Messrs. Lesser and Lewis, Ms. Lovely

Chanukah 2018.

and Messrs. Montigny, Moore, O'Connor, Pacheco, Rodrigues, Ross, Rush, Tarr, Timilty, Tran and Welch) “commemorating the celebration of Chanukah 2018.”

Report of a Committee.

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 Kathleen O'Connor Ives and Andres X. Vargas for legislation to establish a sick leave bank for Brian S. Bibeau, an employee of the Department of Correction.

Brian S. Bibeau,--
sick leave.
SD2829

The rules were suspended, on motion of Mr. Rodrigues, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

Sent to the House for concurrence.

Moment of Silence.

At the request of the Chair (Mr. Brownsberger), the members, guests and staff stood in a moment of silence and reflection to the memory of Frederick E. Berry.

Moment of silence.

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 real property tax deferrals in the town of Arlington (House, No. 4916),-- **was read a third time and passed to be engrossed, in concurrence.**

Arlington,-- property
tax.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4971) of Timothy R. Whelan, William L. Crocker, Jr. and others for legislation to establish the DHY clean waters community partnership, an inter-municipal agreement for waste water management in the town of Dennis, Harwich and Yarmouth;

Dennis, Harwich,
Yarmouth,-- waste
water.

Petition (accompanied by bill, House, No. 4972) of RoseLee Vincent and Joseph A. Boncore that the Department of Conservation and Recreation be authorized to place a plaque at the McCarthy Pavilion in the city of Revere in honor of Grace Hill Sannella; and

Revere,-- McCarthy
pavilion.

Petition (accompanied by bill, House, No. 4973) of Harold P. Naughton, Jr. and Harriette L. Chandler that the children’s pool at the Philip J. Weih Memorial Pool in the town of Clinton be designated as the Liberty M. Arnold-Simon memorial children’s pool;

Clinton,-- memorial
pool.

Severally, under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 4974) of Harold P. Naughton, Jr. and Harriette L. Chandler for legislation to establish a sick leave bank for William P. Kearny, Jr., an employee of the Massachusetts Department of Transportation;

William P. Kearny,
Jr.,-- sick leave.

Under suspension of Joint Rule 12, to the committee on Public Service.

Order Adopted.

On motion of Mr. O’Connor,--

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

Time of meeting.

Adjournment in Memory of Frederick E. "Fred" Berry

The Senator from Essex, Ms. Lovely, moved that when the Senate adjourns today it do so in memory of Frederick E. "Fred" Berry.

Frederick E. "Fred" Berry of Peabody, husband of Gayle R. (Crawford) Berry passed away peacefully on Tuesday November 13, 2018 surrounded by family.

Born in Salem on December 20, 1949, Fred was the son to the late Philip and Helen "Honey" Berry. A life-long Peabody resident, Fred graduated from Bishop Fenwick High School and Boston College. He then went on to earn a Master's Degree from Antioch College.

For several years, Fred served as Executive Director of Heritage Industries in Peabody. In 1979, Fred made his first venture into local government when he was elected as a Councilor-at-Large in Peabody where he served two terms.

In 1982, Fred was elected to the Massachusetts Senate representing the Second Essex District. Fred rose to Senate Majority Leader, a position he held for ten years, prior to his retirement in 2012. As a State Senator, Fred advocated for people with disabilities and those in need. During his 30-year legislative career, Fred served the Commonwealth with distinction and integrity.

Outside of his duties as a State Senator, Fred ran his own nonprofit, F.B. Charities Inc. and was heavily involved with Northeast Arc.

In addition to his wife, Fred is survived by his daughter Lindsey and her husband Jeffrey Hancock of Sherborn, his sisters Judith M. and her husband Charles "Win" Fairbank of Danvers, and Cynthia Luma of Kittery, Maine, his 3 grandchildren Jazmin Natalie, Jackson Frederick and Julia Grace Hancock. He also is survived by his stepson Frank Lotito of Hamilton and several nieces and nephews. Fred was predeceased by his brother Stephen and by his stepdaughter Natalie Lotito.

Accordingly, as a mark of respect in memory of Frederick E. "Fred" Berry, at thirteen minutes past eleven o'clock A.M., on motion of Mr. Rodrigues, the Senate adjourned to meet again on Wednesday next at eleven o'clock A.M.