

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**THURSDAY, NOVEMBER 29, 2018.**

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JOURNAL OF THE SENATE.

Thursday, November 29, 2018.

Met at eight minutes past eleven o'clock A.M. (Mr. Timilty 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. Timilty), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guest.

There being no objection, the Chair (Mr. Timilty) handed the gavel to Mr. Feeney for the purpose of an introduction. Mr. Feeney then introduced, in the rear of the Chamber, the 5th grade class from Cottage Elementary School in Sharon. The students were on a field trip to the State House learning about the different aspects of state government. The Senate welcomed them with applause and they withdrew from the Chamber. They were also guests of Senator Timilty.

Cottage Elementary School.

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:

David Sullivan (pursuant to Section 14 of Chapter 207 of the Acts of 2018) to the Tax Expenditure Commission;

Tax expenditure commission.

Senator Michael O. Moore, Jill Dixon of Framingham and Lesley Kinney of Medway (pursuant to Section 79 of Chapter 154 of the Acts of 2018) to the Early Education and Care Workforce Council; and

Early Education and Care Workforce Council.

Meenakshi Bharath of Hopkinton (pursuant to Section 68 of Chapter 3 of the General Laws) to the Commission on the status of citizens of Asian descent; and

Status of citizens of Asian descent commission.

Communications from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing the following appointments:

Senator Patrick M. O'Connor (pursuant to Section 95 of Chapter 209 of the Acts of 2018) as his designee to the Special Commission to scope a state grant or low-interest loan program for structural elevation or acquisition of properties prone to flooding in the Commonwealth;

Flooded property loan program commission.

Senator Donald F. Humason, Jr. (pursuant to Section 103 of Chapter 154 of the Acts of 2018) to the Special Commission to study the financial and economic impacts of crumbling concrete foundations due to the presence of pyrrhotite;

Crumbling concrete foundations commission.

Senator Ryan C. Fattman (pursuant to Section 44 of Chapter 218 of the Acts of 2018) to the Special Commission to study the cost and feasibility of exempting veterans of the commonwealth due from tuition, fees and associated costs of attending public colleges and universities in the commonwealth, due to recent changes in federal veteran services and benefits related to higher education;

Commission on veterans exemption of costs of attending public higher education.

Senator Patrick M. O'Connor (pursuant to Section 97 of Chapter 209 of the Acts of 2018) to the Special Commission to make an investigation and study relative to ocean acidification;

Commission on ocean acidification.

**UNCORRECTED PROOF.**

Senator Dean A. Tran (pursuant to Section 76 of Chapter 154 of the Acts of 2018) to the Special Commission on brain injury; and

Special Commission on brain injury.

Senator Ryan C. Fattman (pursuant to Chapter 3 of the Resolves of 2016) to the Special Commission on Local and Regional Public Health replacing Senator Richard J. Ross;

Special Commission on local and regional public health.

Communication from the Hampden County Jail and House of Correction Sheriff submitting a plan of correction in response to a Department of Public Health facility inspection (received November 26, 2018); and

Hampden County, -- plan of correction. SD2837

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 154 of the Acts of 2018) submitted a revised Fiscal Year 2019 transfer schedule to reflect a supplemental budget increase for the account: 1595-1068 Medical Assistance Trust Fund (received November 27, 2018).

Comptroller, -- revised transfer schedules. SD2839

*Petition.*

Mr. Collins presented a petition (accompanied by bill) (subject to Joint Rule 12) of Nick Collins for legislation to establish a sick leave bank for Joy Cochran, an employee of the Department of Children and Families;

Joy Cochran,-- sick leave. SD2838

**Referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

PAPERS FROM THE HOUSE

A message from His Excellency the Governor recommending relative to ensuring the safety and soundness of the Commonwealth's natural gas infrastructure (House, No. 4979),-- **was referred, in concurrence, to the committee on Telecommunications, Utilities and Energy.**

Natural gas infrastructure,-- safety.

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

Petition (accompanied by bill, House, No. 4975) of Jack Lewis and Karen E. Spilka (by vote of the town) that the town of Ashland be authorized to create an economic development funding program within said town;

Ashland,-- economic development.

**To the committee on Economic Development and Emerging Technologies.**

Petition (accompanied by bill, House, No. 4976) of Jack Lewis and Karen E. Spilka (by vote of the town) relative to the charter of the town of Ashland;

Ashland,-- charter.

**To the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4977) of Josh S. Cutler and Viriato M. deMacedo (by vote of the town) relative to health insurance benefits for certain retirees in the town of Pembroke;

Pembroke,-- retiree benefits.

**To the committee on Public Service.**

Petition (accompanied by bill, House, No. 4978) of James Arciero (by vote of the town) that the town of Westford be authorized to establish a means tested senior citizen property tax exemption in said town;

Westford,-- senior property tax.

**To the committee on Revenue.**

*Resolutions.*

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

Resolutions (filed by Ms. Creem and Mr. Ross) "congratulating Alexander Cracraft on his elevation to the rank of Eagle Scout";

Alexander Cracraft.

**UNCORRECTED PROOF.**

Resolutions (filed by Ms. Creem and Mr. Ross) “congratulating Christiaan Eikeboom on his elevation to the rank of Eagle Scout”;

Christiaan Eikeboom.

Resolutions (filed by Mr. Eldridge) “recognizing Ambassador Glivânia De Oliveira’s service to the Commonwealth as Consul-General of Boston”;

Ambassador Glivânia De Oliveira.

Resolutions (filed by Mr. O’Connor) “congratulating Conor Power of the town of Hingham on his elevation to the rank of Eagle Scout”; and

Conor Power.

Resolutions (filed by Ms. Spilka) “congratulating Justin P. Twamley on his elevation to the rank of Eagle Scout.”

Justin P. Twamley.

*Matters Taken Out of the Orders of the Day*

There being no objection, the follows matters were taken out of the Orders of the Day and considered as follows:

The Senate Bill authorizing the town of Wenham to make permanent improvements to certain private ways and assess betterments (Senate, No. 2662),-- was read a second time.

Wenham,-- private ways.

Pending the question on ordering the bill to a third reading, Mr. Tarr presented an amendment substituting a new draft with the same title (Senate, No. 2678).

**The amendment was adopted.**

**The bill (Senate, No. 2678) was then ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

The House Bill to establish a sick leave bank for Heather Tavares, an employee of the Department of Children and Families (House, No. 4900),-- was read a third time.

Heather Tavares,-- sick leave.

Pending the question on passing the bill to be engrossed, Mr. Montigny presented an amendment inserting after the word “Tavares”, in line 4, the first time it appears, the following words:- “to care for her children”.

**The amendment was adopted.**

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.**

**Sent to the House for concurrence.**

PAPERS FROM THE HOUSE

The House Bill authorizing the town of Ayer to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4907,-- on House, No. 4875) [Local approval received on House, No. 4875],-- was read.

Ayer,-- liquor license.

**There being no objection, the rules were suspended, on motion of Mr. Feeney, and the bill was read a second time and ordered to a third reading.**

The House Bill establishing a sick leave bank for Charde Christophe, an employee of the Department of Youth Services (House, No. 4954,-- on petition),-- was read.

Charde Christophe,-- sick leave.

**There being no objection, the rules were suspended, on motion of Mr. O’Connor, and the bill was read a second time and ordered to a third reading.**

The House Bill establishing a sick leave bank for Rachel Purnell, an employee of the Trial Court (House, No. 4980,-- on House, No. 4961),-- was read.

Rachel Purnell,-- sick leave.

**There being no objection, the rules were suspended, on motion of Mr. Feeney, and the bill was read a second time and ordered to a third reading.**

**UNCORRECTED PROOF.**

A petition (accompanied by bill, House, No, 4985) of Donald R. Berthiaume, Jr. for legislation to establish a sick leave bank for Brian Kennedy, an employee of the Massachusetts Department of Transportation,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Brian Kennedy,--  
sick leave.

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Heather Tavares, an employee of the Department of Children and Families (see House, No. 4900, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 3 to 0.

Heather Tavares,--  
sick leave.

**The bill was signed by the Acting President (Mr. Timilty) and sent to the House for enactment.**

*Engrossed Bills.*

The following engrossed bills (the first of which originated in the Senate), 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. Timilty) and laid before the Governor for his approbation, to wit:

Bills laid before the  
Governor.

Adding a fifth member to the board of elections commission in the city of Everett (see Senate, No. 2658);

Establishing a sick leave bank for Heather Tavares, an employee of the Department of Children and Families (see House, No. 4900, amended);

Designating a certain exit on State Route 18 as the Giammalvo Family Memorial Exit (House, No. 4912); and

Authorizing the city of Chicopee to establish a water and sewer department (House, No. 4914).

*Moment of Silence*

At the request of the Chair (Mr. Timilty), the members, guests and staff stood in a moment of silence and reflection to the memory of Sergeant 1<sup>st</sup> Class Eric M. Emond.

Moment of silence.

*Order Adopted.*

On motion of Mr. Feeney--

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

Time of meeting.

*Adjournment in Memory of Sergeant 1st Class Eric M. Emond*

The Senator from Norfolk, Bristol and Plymouth, Mr. Timilty, moved that when the Senate adjourns today, it adjourn in memory of Sergeant 1st Class Eric M. Emond.

This Tuesday Sergeant 1<sup>st</sup> Class Eric M. Emond was killed by an IED while serving his country in Afghanistan.

Sergeant 1<sup>st</sup> Class Emond was a member of the 3<sup>rd</sup> Special Forces Group based in Fort Bragg, North Carolina. He was a Boston native with 21 years of military service and was on his seventh tour of duty at the time of his death. He is survived by his wife and three children.

**UNCORRECTED PROOF.**

Accordingly, as a mark of respect in memory of Sergeant 1<sup>st</sup> Class Eric M. Emond, at twenty-six minutes past twelve o'clock noon, on motion of Mr. O'Connor, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.