

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, DECEMBER 20, 2018.

[119]

JOURNAL OF THE SENATE.

Thursday, December 20, 2018.

Met at nineteen minutes past eleven o'clock A.M. (Mr. Collins 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. Collins), 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. Rodrigues) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the rear of the Chamber, Newbury Fire Chief Timothy Wareham. Chief Wareham was recognized for his twenty years of service to the Newbury Fire Department. The Senate welcomed him with applause and wished him well on his retirement. He was accompanied by his wife, Judy and daughter, Carly.

Fire Chief Timothy Wareham.

Communication.

Communication from the Essex District Attorney (pursuant to line item 0340-2100 of Chapter 154 of the Acts of 2018) submitting this notice of the intention of EAS to transfer funds from the AA object class (copies having been forwarded to the Senate Committee on Ways and Means) (received December 20, 2017),-- was placed on file.

Essex DA,-- AA object class fund transfer. SD2857

Reports.

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

Report of the Senate Committee on Ethics (filed pursuant to Senate Rule 12A) summarizing its activities for 2017-2018 legislative session (received December 18, 2018);

Ethics Committee,-- report. SD2856

Report of the Massachusetts Department of Transportation (pursuant to Section 207 of Chapter 46 of the Acts of 2015) submitting the fourth annual report of the MBTA Fiscal and Management Control Board (received December 17, 2018);

MBTA,-- control board report. SD2852

Report of the Cape Cod Regional Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its financial statements and supplementary information for the year ended June 30, 2018 (received December 17, 2018);

CCRTA,-- financial statements. SD2853

Report of the Worcester Regional Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its financial statements for the year ended June 30, 2018 (received December 17, 2018); and

WRTA,-- financial statements. SD2854

Report of the Office of the State Auditor (pursuant to Section 17 of Chapter 11 of the General Laws) submitting the Bureau of Special Investigations fiscal year 2019 1st quarter report (received December 19, 2018).

Auditor,-- BSI 1st quarter report. SD2855

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2689) of Bruce E. Tarr and Leonard Mirra (by vote of the town) for legislation to authorize the town of Groveland to continue the employment of Joseph Santapaola as Fire Lieutenant/EMT [Local approval

Joseph Santapaola,-- employment.

received];

**Under Senate Rule 20, to the committee on Public Service.
Sent to the House for concurrence.**

By Mr. Brady, a petition (accompanied by bill) (subject to Joint Rule 12) of Michael D. Brady for legislation to establish a sick leave bank for Yvonne Davis, an employee of the Department of Education;

Yvonne Davis,--
sick leave.
SD2850

Under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of a Committee.

Mr. Montigny, for the committee on Rules, reported that the following matters be placed in the Orders of the Day for the next session:

The Senate Bill relative to the official amphibian of the Commonwealth (Senate, No. 2089); and

Official amphibian,--
designate.

The House Bills

Designating a certain area within Toohig Park in the Dorchester section of the city of Boston in memory of Ambrose Valentino (House, No. 3686); and

Dorchester,-- Toohig
Park.

Redesignating the Pope John Paul II Park located in the Dorchester section of the city of Boston as the Saint Pope John Paul II Park (House, No. 3687).

Dorchester,-- John
Paul II Park.

Mr. Montigny, for the committee on Rules, reported that the following matters severally be placed in the Orders of the Day for the next session, with the amendments pending:

The Senate Bills

To prevent death and disability from stroke (Senate, No. 1237) (the committee on Rules having recommended that the bill be amended by substituting a new draft with the same title (Senate, No. 2690);

Stroke prevention.

Relative to the curatorship program (Senate, No. 1655) (the committee on Rules having recommended that the bill be amended by substituting a new draft with the same title (Senate, No. 2685); and

Curatorship program.

Relative to PEG access and cable related funds (Senate, No. 2341) (the committee on Rules having recommended that the bill be amended by substituting a new draft with the same title (Senate, No. 2686).

PEG access,-- cable
funds.

PAPERS FROM THE HOUSE

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

Petition (accompanied by bill, House, No. 4999) of Brian Murray (by vote of the town) that the town of Milford be authorized to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises to Central Gas and Market Inc.; and

Milford,--
liquor license.

Petition (accompanied by bill, House, No. 5000) of Brian Murray (by vote of the town) that the town of Milford be authorized to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises to Water Street Meat Market, LLC.

Id.

Severally, to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 5001) of Brian Murray (by vote of the town) relative to the nomination of candidates for town meeting in the town of Milford;

Milford,-- town
meeting.

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 5002) of Marc T. Lombardo (by vote of

Billerica,-- civil

the town) that certain positions in the department of public works in the town of Billerica be exempt from the civil service law;

service.

To the committee on Public Service.

Bills

Relative to principle-based reserving for life insurance (House, No. 2969,-- on petition); and

Life insurance.

Regarding the authorization of the town of Wareham to issue an additional license for the sale of wines and malt beverages to be drunk on the premises (printed in House, No. 4958,-- being a message from His Excellency the Governor);

Wareham,-- liquor license.

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

Resolutions.

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

Resolutions (filed by Mr. Rush) “congratulating David W. Ramsay on his retirement.”

David W. Ramsay.

PAPERS FROM THE HOUSE

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. Collins) and laid before the Governor for his approbation, to wit:

Bills laid before the Governor.

Authorizing the town of Hardwick to continue the employment of Fire Chief Raymond Walker (see Senate, No. 2586);

Changing the composition of the Boston Arts Commission (see House, No. 3460);

Exempting J. Adam Stagno from the maximum age requirement for police officers in the town of North Andover (see House, No. 3794); and

Allowing the chair of the board of selectmen of the town of Orange to appoint a designee to serve on the town’s board of trustees for soldiers’ memorials (see House, No. 4145).

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 to authorize the appointment of special police officers in the city of New Bedford (Senate, No. 2671),-- was read a third time.

New Bedford,-- special police.

Pending the question on passing the bill to be engrossed, Mr. Montigny presented an amendment in section 1, by striking out subsection (j) and inserting in place thereof the following subsection:-

“(j) Pursuant to subsection (e), fees associated with the costs of training, medical examinations, equipment, uniforms and any other requirements considered necessary by the chief of police shall be paid by the special police officer. If the special police officer requests that the relevant union provide the required training, medical examinations, equipment, uniforms or any other requirements on the special police officer’s behalf, the union may charge the special police officer for the reasonable cost of providing them.”

The amendment was adopted.

**The bill (Senate, No. 2671, amended) was then passed to be engrossed.
Sent to the House for concurrence.**

The Senate Bill establishing a sick leave bank for Tyra Jackson, an employee of the Department of Mental Health (Senate, No. 2677),-- was read a third time.

Tyra Jackson,-- sick leave.

Mr. DiDomenico, for the committee on Bills in the Third Reading, reported, recommending that the bill be amended, as follows, and when so amended it be correctly drawn: by inserting before the enacting clause the following words:-

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of mental health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The report was accepted.

**The bill (Senate, No. 2677, amended) was then passed to be engrossed.
Sent to the House for concurrence.**

The House Bill authorizing the town of Provincetown to continue the employment of Michael Trovato (House, No. 3865),-- was read a third time.

Provincetown,--
Michael Trovato.

Pending the question on passing the bill to be engrossed, Mr. Cyr presented an amendment in section 1, by inserting after the word “office”, in line 5, the following words:- “; provided further, that no further deductions shall be made from the regular compensation of Michael Trovato pursuant to chapter 32 of the General Laws for service subsequent to the date on which he reaches 65 years of age; and provided further, that, upon retirement, Michael Trovato shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired on the date on which he reached 65 years of age”.

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 in the amendment.

The House Bill providing for recall elections in the town of Erving (House, No. 4144),-- was read a third time.

Erving,-- recall elections.

Pending the question on passing the bill to be engrossed, Mr. DiDomenico presented an amendment in section 3, by striking out, in line 25, the figure “60” and inserting in place thereof the following figure:- “64”.

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 in the amendment.

The House Bill amending the charter of the town of Needham (House, No. 4948),-- was read a third time.

Needham,-- charter.

Pending the question on passing the bill to be engrossed, Mr. Rush presented an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2682.

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 in the amendment.

The House Bill establishing a sick leave bank for John Taylor Woodward, an employee of the Hampshire County Sheriff's Department (House, No. 4957),-- **was read a third time and passed to be engrossed, in concurrence.**

John Taylor Woodward,-- sick leave.

The House Bill establishing a sick leave bank for William P. Kearney, Jr., an employee of Massachusetts Department of Transportation (House, No. 4974) (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.**

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

Reports of a Committee.

By Ms. Lovely, for the committee on Ways and Means, that the House Bill establishing an early retirement incentive program for Barnstable County (House, No. 4107),-- ought to pass.

Barnstable County,-- retirement program.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

By Ms. Lovely, for the committee on Ways and Means, that the House Bill protecting locked out employees (House, No. 4988, amended) (also based on Senate, No, 1028),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2692.

Locked out employees,-- protect.

There being no objection, the rules were suspended, on motion of Mr. Pacheco, and, after remarks, the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE

Mr. Rodrigues in the Chairs, a Bill amending the membership of the Massachusetts Port Authority community advisory committee (House, No. 4101,-- on House, No. 3457),-- was read.

Massachusetts Port Authority,-- community advisory committee.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Ms. Chang-Diaz presented an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2693.

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Engrossed Bills Returned with Recommendation of Amendment

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill extending the authorization for the use of certain discount vouchers for prescription drugs (see House, No. 4825) [being the text contained in Section 63 of the General Appropriation Bill (see House, No. 4800) [for message, see Attachment

Prescription drugs,-- vouchers.

G of House, No. 4833],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-

By striking out all after the enacting clause and inserting in place thereof the following three sections:

“SECTION 1. Section 226 of chapter 139 of the acts of 2012 is hereby amended by striking out the figure ‘2019’, inserted by section 129 of chapter 133 of the acts of 2016, and inserting in place thereof the following figure:- 2020.

SECTION 2. Notwithstanding any general or special law to the contrary, not later than June 1, 2019, the health policy commission shall conduct an analysis and issue a report evaluating the effect of discounts, rebates, product vouchers and other reductions for biological products and prescription drugs, as authorized under section 3 of chapter 175H, on pharmaceutical spending and health care costs in Massachusetts. The study shall include, but not be limited to, (i) the total number coupons and discounts redeemed in the commonwealth; (ii) the total value of coupons and discounts redeemed in the commonwealth; (iii) an analysis of the types of biological products and prescription drugs for which coupons and discounts were most frequently redeemed; (iv) a comparison of any change in utilization of generic versus brand name prescription drugs; (v) a comparison of any change in utilization among therapeutically-equivalent brand name drugs; (vi) the effect on patient adherence to prescribed drugs; (vii) patient access to innovative therapies; (viii) an analysis of the availability of the coupons or discounts upon renewals; (ix) an analysis of the cost impact to consumers upon expiration of the coupon or discount; (x) an analysis of the impact on commercial health insurance premiums, attributed to both employers and individuals; (xi) an analysis of the impact on any health care cost containment goals adopted by the commonwealth; and (xii) an analysis of the impact on prescription drug costs and premiums for health plans offered by the group insurance commission. The commission may require manufacturers of biological products and prescription drugs to report on the number and types of coupons that such manufacturers have issued and which have been redeemed in the commonwealth. The report shall be made available electronically on the commission’s website, and shall be filed with the secretary of administration and finance, the secretary of health and human services, the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on health care financing.

SECTION 3. This act shall take effect as of July 1, 2018.”

The message, as amended was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Brady, and the Governor’s amendment, as amended was considered forthwith.

Ms. Lovely presented a motion that the Senate concur in the Governor’s amendment, as amended, *with a further amendment* by striking out section 1 and inserting in place thereof the following section:-

“SECTION 1. Section 226 of chapter 139 of the acts of 2012 is hereby amended by striking out the words “July 1, 2019”, inserted by section 129 of chapter 133 of the acts of 2016, and inserting in place thereof the following words:- January 1, 2020”.

The amendment was adopted.

The Governor’s amendment, as amended, was then adopted.

Sent to the House for concurrence in the further Senate amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to the prescription monitoring program (see House, No. 4938) [being the text contained in Section 20 of the engrossed Bill making

Prescription
monitoring program.

appropriations for fiscal year 2018 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4930, amended)[[for message, see Attachment A of House, No. 4941],— came from the House with the endorsement that the House had *rejected* the amendment recommended by the Governor, and had adopted the following amendment: striking out all after the enacting clause and inserting in place thereof the following:

“Subsection (f) of section 24A of chapter 94C of the General Laws, as appearing in section 44 of chapter 208 of the acts of 2018, is hereby amended by striking out clauses (6) and (7) and inserting in place thereof the following 3 clauses:

(6) personnel of the United States attorney, office of the attorney general or a district attorney; provided, however, that the data request is in connection with a bona fide specific controlled substance or additional drug related investigation and accompanied by a probable cause warrant issued pursuant to chapter 276 or a civil investigative demand;

(7) personnel of the Medicaid fraud control unit within the office of the attorney general or a district attorney; provided, however, that the data request is made in connection with a bona fide specific controlled substance or additional drug related investigation of a practitioner, pharmacist, pharmacy, person required to be a registered participant by this chapter or any other provider subject to the jurisdiction of a Medicaid fraud control unit under federal law, including, but not limited to, 42 USC section 1396b, et. seq.; and provided further, that, notwithstanding clauses (4) and (6), the department shall provide the data requested pursuant to this clause without a probable cause warrant issued pursuant to chapter 276; or

(8) personnel within the office of a district attorney; provided, however, that the data request is made in connection with a bona fide investigation into the cause and manner of death of an individual suspected of a drug overdose; and provided further, that, notwithstanding clauses (4) and (6), the department shall provide the data requested pursuant to this clause without a probable cause warrant issued pursuant to chapter 276.”

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Ms. Lovely, and the Governor’s amendment, as amended was considered forthwith.

The Governor’s amendment was considered and it was *rejected*.

Ms. Lovely presented a motion that the Senate concur in the House amendment *with a further amendment* striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2691.

The motion prevailed and the House amendment was then adopted, as amended.

Sent to the House for concurrence in the further Senate amendment.

Reports of Committees.

By Mr. Crighton, for the committee on Municipalities and Regional Government, on petition, a Bill establishing a selectmen-administrator form of government for the town of Newbury (Senate, No. 2675).

Newbury,-- town government.

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

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 Bruce E. Tarr and Barbara A. L'Italien for legislation to establish a sick leave bank for Tiffany Gibb, an employee at Tewksbury State Hospital.

Tiffany Gibb,-- sick leave.
SD2846

Senate Rule 36 was suspended, on motion 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 Public Service.**

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

A Bill relative to a certain residential property tax exemption for seniors in the town of Harwich (House, No. 4437, amended,-- on House, No. 2636) [Local approval received on House, No. 2636],-- was read.

Harwich,-- tax exemption.

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

A Bill relative to the retirement benefits of certain employees of the town of Chicopee (House, No. 4933,-- on petition) [Local approval received],-- was read.

Chicopee,-- retirement benefits.

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

A Bill establishing a sick leave bank for John S. Gay, an employee of the Trial Court of the Commonwealth (House, No. 4992,-- on petition),-- was read.

John S. Gay,-- sick leave.

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

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

Petition (accompanied by bill, House, No. 5012) of Jeffrey N. Roy and Richard J. Ross that Gary M. Premo be authorized to buy back creditable service from the Norfolk County Retirement System;

Gary M. Premo,-- creditable service.

Under suspension of Joint Rules 12 and 7A, to the committee on Public Service.

Petition (accompanied by bill, House, No. 5011) of Paul J. Donato relative to the retirement benefits of Harold F. MacGilvray, Jr., a former police officer of Metropolitan District Commission police; and

Harold F. MacGilvray, Jr,-- benefits.

Petition (accompanied by bill, House, No. 5013) of Elizabeth A. Poirier, James K. Hawkins and Paul R. Feeney for legislation to establish a sick leave bank for William Brown, an employee of the Massachusetts of Department of Transportation;

William Brown,-- sick leave.

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

Report of a Committee.

By Mr. Brownsberger, for the committee on the Judiciary, on petition, a Bill establishing a sick leave bank for Marc Wedgeworth, an employee of the Massachusetts Trial Court (Senate, No. 2688).

Marc Wedgeworth,-- sick leave.

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

Moment of Silence

At the request of the Chair (Mr. Rodrigues), the members, guests and staff stood in a moment of silence and reflection to the memory of Mark Riley.

Moment of silence.

PAPERS FROM THE HOUSE

The Senate Bill relative to critical incident intervention by emergency service providers (Senate, No. 2633),-- came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and

Critical incident intervention.

inserting in place thereof the text of Senate document numbered 2684 *with a further amendment* inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith critical incident prevention services for emergency service providers, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The rules were suspended, on motion of Mr. Brady, and the further House amendment was adopted, in concurrence

Engrossed Bill Returned with Recommendation of Amendment.

The House Bill regulating and insuring short-term rentals (House, No. 4841) [for message see House, No. 4869],-- came from the House with an amendment in the form approved by the committee on Bills in the Third Reading and as amended by the House as follows:- , in section 1, by striking out the words “(iv) information required to be collected and maintained for operators in the registry, which shall, at a minimum, include a list of legal addresses for accommodations offered for rent by operators who are registered in accordance with section 67 of chapter 62C” and inserting in place thereof the following words:- “(iv) information required to be collected and maintained for operators in the registry, which shall, at a minimum, include a list of accommodations offered for rent by operators who are registered in accordance with section 67 of chapter 62C, provided, however, that the location information for any accommodation offered for rent shall be limited to the name of the street and the city or town where the accommodation is located”;

In section 6, by striking out the definition of “Occupancy,” and inserting in place thereof the following definition:-

“‘Occupancy’, the use or possession or the right to the use or possession of a room in a bed and breakfast establishment, hotel, lodging house or motel designed and normally used for sleeping and living purposes for a period of not more than 90 consecutive calendar days, regardless of whether such use and possession is as a lessee, tenant, guest or licensee, or the use or possession or the right to the use or possession of a room in a short term rental normally used for sleeping and living purposes for a period of not more than 31 consecutive calendar days, regardless of whether such use and possession is as a lessee, tenant, guest or licensee; provided, however, that “occupancy” shall include the right to the use or possession of the furnishings or the services and accommodations, including breakfast in a bed and breakfast establishment, accompanying the use and possession of such a room.”;

In said section 6, in proposed section 3 of chapter 64G, by adding the following paragraph:-

“No excises or fees established under this chapter shall be imposed upon the transfer of occupancy of a short-term rental if the operator transfers such short-term rental for not more than 14 days in a calendar year, provided, that the operator has first: (i) registered with the commissioner in accordance with section 67 of chapter 62C; and (ii) filed a declaration with the commissioner, signed by the operator and subject to section 5 of chapter 62C, setting forth the intention to transfer the short-term rental for not more than 14 days in a calendar year. Such a declaration, if applicable, shall be required annually in a manner determined by the commissioner. If the operator transfers the short-term rental for 15 days or more in the same calendar year, or fails to register and file a declaration as required by this section, then the operator shall be liable for the payment of required excises and fees under this chapter, including payment of required taxes and fees on the first 14 days the short-term rental was transferred in the calendar year.”;

In section 8, by striking out the words “(ii) assess, collect, report and remit the excise to the commissioner as described for operators in sections 3, 3A, 3B, 5, 7A, 7B and 12”

and inserting in place thereof the following words:- “(ii) assess, collect, report and remit the excise to the commissioner as described for operators in sections 3, 3A, 3B, 3C, 5, 7A, 7B and 12”;

In said section 8, in proposed section 14 of chapter 64G, by adding the following paragraph:-

“Nothing in this section shall preclude a city or town from publishing a public registry of all short-term rental accommodations located within that city or town offered for rent by operators who are registered in accordance with section 67 of chapter 62C. A city or town may determine what relevant information shall be listed, including where the accommodation is located.”;

In section 10, by striking out the words “July 31, 2019” and inserting in place thereof the following words- “January 1, 2020”;

In section 11, by striking out the words “December 1, 2018” and inserting in place thereof the following words:- “June 1, 2019”;

In section 13, by striking out the words, “June 30, 2019” and inserting in place thereof the following words:- “September 30, 2019”;

By striking out section 14 and inserting in place thereof the following 2 sections:-

“SECTION 14. Sections 3, 3A, 3C and 3D of chapter 64G of the General Laws shall take effect for transfers of occupancies of short-term rentals that commence on or after July 1, 2019 and for which contracts with occupants were entered into on or after January 1, 2019.

SECTION 14A. Section 3B of chapter 64G of the General Laws shall take effect for transfers of occupancies on short-term rentals that commence 90 days after the commonwealth has discharged its obligations on the payment of special obligation bonds of the commonwealth issued pursuant to sections 11 and 12 of chapter 152 of the acts of 1997, as amended, as certified by the secretary of administration and finance.”;

In section 15, by striking out the words “January 1, 2019” and inserting in place thereof the following words:- “July 1, 2019”; and

In section 16, by striking out the words “January 1, 2019” and inserting in place thereof the following words:- “July 1, 2019”.

The message, as amended was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Brady, and the Governor’s amendment, as amended was considered forthwith.

On motion of the same Senator, the Governor’s amendment, as amended, was adopted, in concurrence.

Sent to the House for re-enactment.

Recess.

There being no objection, at nine minutes past one o’clock P.M., the Chair (Mr. Rodrigues) declared a recess, subject to the call of the Chair; and at four o’clock P.M., the Senate reassembled, Mr. Rodrigues in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Recess.

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for John Taylor Woodward, an employee of the Hampshire County Sheriff’s Department (see House, No. 4957, 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 2 to 0.

John Taylor Woodward,-- sick leave.

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

An engrossed Bill relative to critical incident intervention by emergency service providers (see Senate, No. 2633, 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 2 to 0.

Emergency services.

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

An engrossed Bill establishing a sick leave bank for William P. Kearney, an employee of the Massachusetts Department of Transportation (see House, No. 4974), 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 2 to 0.

William P. Kearney,-
- sick leave.

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

Recess.

There being no objection, at six minutes past four o’clock P.M., the Chair (Mr. Rodrigues) declared a recess, subject to the call of the Chair; and at thirteen minutes past six o’clock P.M., the Senate reassembled, Mr. Rodrigues in the Chair.

Recess.

PAPERS FROM THE HOUSE

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. Rodrigues) and laid before the Governor for his approbation, to wit:

Bills laid before the Governor.

Relative to critical incident intervention by emergency service providers (see Senate, No. 2633, amended);

Establishing an early retirement incentive program for Barnstable County (House, No. 4107, amended);

Establishing a town manager form of government in the town of Pembroke (House, No. 4607, amended);

Establishing a sick leave bank for John Taylor Woodward, an employee of the Hampshire County Sheriff’s Department (House, No. 4957, amended); and

Establishing a sick leave bank for William P. Kearney, an employee of the

Massachusetts Department of Transportation (House, No. 4974).

An engrossed Bill regulating and insuring short-term rentals (see House, No. 4841, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and signed by the Acting President (Mr. Rodrigues) and again laid before the Governor for his approbation.**

Bill again laid before the Governor.

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 Michael D. Brady for legislation to establish a sick leave bank for Yvonne Davis, an employee of the Department of Education.

Yvonne Davis,-- sick leave.
SD2850

Senate Rule 36 was suspended, on motion 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 Public Service.

Sent to the House for concurrence.

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.

Adjournment in Memory of Mark Joseph Riley, Sr.

The Senator from Essex, Ms. Lovely, moved that when the Senate adjourns today, it adjourn in memory of Mark Joseph Riley, Sr.

Mr. Mark Joseph Riley, Sr., retired Sergeant of the Salem Police Department, and beloved husband of the late Barbara Ann (Queenan) Riley, passed away peacefully Friday, November 16, 2018, at the age of 71.

Born and raised in Salem, Mark was the son of the late John and Josephine (Sullivan) Riley. After graduating from Salem High School in 1965, Mark went on to earn his bachelor's degree from Boston State College. He returned to his studies in later life, eventually earning his master's degree from Anna Maria College in Criminal Justice.

Mark joined the Salem Police Department in 1973 as a patrolman. In 1982, he was promoted to Detective, and in 1986, he was elevated to the rank of Sergeant before retiring in 2009. A police officer for over 36 years, Mark devoted his career to helping and protecting the residents of the city of Salem. In addition to serving his community as a dedicated police officer, Mark proudly served his country as a member of the United States Navy during the Vietnam War where he was later honorably discharged.

Mark was dedicated to both his community and to law enforcement. He earned the respect of his fellow officers for his ability to stay calm in the heat of duty and an ability to use his strengths when needed. All with the protection and betterment of the city and its residents he so loved on his mind.

As a younger man, he volunteered his time as Boy Scout Troop 72 Leader in Salem, and was an active member of the American Legion and Ancient Order of Hibernians, Division 18 in Salem. He enjoyed traveling, was a collector and very generous to those in need. Mark was an avid Boston Red Sox and New England Patriots fan, he was elated to

see the Red Sox win another World Series.

A parishioner of St. John the Evangelist Church in Swampscott, and a member of St. Michael the Arch Angel Society, faith was important to Mark. A devoted family man, Mark's life was his family and his community. He loved his wife, children, grandchildren, siblings, nieces, and nephews; and many friends wholeheartedly and dedicated his life to protecting and serving others.

Mark is survived by his daughter, Melissa J. Saraiva and her husband James of Swampscott; his sons, Mark J. Riley Jr. of Fort Pierce, Florida, and David K. Riley and his wife Kelly of Cary, North Carolina; his grandchildren, Amanda Saraiva, Casey, Sarah, Braedon, Abigail and Zachary Riley; his sisters, Rosemary Riley-Demeule, Maureen Carone and her husband William, and Alice Riley-King and her husband Edward; his brothers, Jerome Riley and Francis Riley; and many nieces, nephews, and extended family whom he loved dearly. He was also brother of the late Michael Riley Sr., John E. Riley Jr., Eleanor Waldron, Arthur Riley, Martha Getty, and Walter Riley.

Accordingly, as a mark of respect in memory of Mark Joseph Riley, Sr., at a quarter past six o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.