

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, DECEMBER 24, 2018.

[120]

JOURNAL OF THE SENATE.

Monday, December 24, 2018.

Met at four 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.

Communication.

Communication from the Department of Transportation (under the provisions of Section 6 of Chapter 25 of the Acts of 2009) submitting its annual Performance Management Report (received December 21, 2018),-- was placed on file.

MassDOT,-- 2018 annual performance report. SD2858

PAPERS FROM THE HOUSE

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

Petition (accompanied by bill, House, No. 5003) of John Barrett and Adam G. Hinds (by vote of the town) relative to the board of selectmen of the town of Cheshire; and

Cheshire,-- board of selectmen.

Petition (accompanied by bill, House, No. 5004) of Natalie Higgins (with the approval of the mayor and city council) that the city of Leominster be authorized to pay a certain unpaid bill;

Leominster,-- bills.

Severally, to the committee on Municipalities and Regional Government.

Bills.

Providing for continuing education credits flexibility (House, No. 19,-- on petition); and

Continuing education,-- credits.

Relative to background checks by the Department of Youth Services (House, No. 5088,-- on House, No. 4104);

DYS,-- background checks.

Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Engrossed Bills.

The following engrossed bills (the first two 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. Boncore) and laid before the Governor for his approbation, to wit:

Relative to the Springfield Technology Park (see Senate, No. 2674);

Bills laid before the Governor.

Amending the charter of the city of Somerville (see Senate., No. 2676); and

Amending the charter of the town of Needham (see House, No. 4948).

An engrossed Bill regarding the authorization of the town of Sturbridge to grant an additional license for sale of all alcoholic beverages (see Senate Bill, printed in Senate, No. 2673) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage was passed to be enacted, two-thirds of the members present having voted in the affirmative, and signed by the Acting

Bill laid before the Governor.

President (Mr. Boncore) and laid before the Governor for his approbation.

Emergency Preamble Adopted.

An engrossed Bill protecting locked out employees (see House, No. 4988, 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 4 to 0.

Locked out workers.

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

A petition (accompanied by bill, House, No. 5020) of Diana DiZoglio for legislation to establish a sick leave bank for Matthew Clark, an employee of the Trial Court,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee the Judiciary.**

Matthew Clark,--
sick leave.

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 House Bill designating a certain area within Toohig Park in the Dorchester section of the city of Boston in memory of Ambrose Valentino (House, No. 3686, amended),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Boston,-- Toohig
Park.

The House Bill 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),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Boston,-- Pope John
Paul II Park.

The House Bill authorizing the town of Tyngsborough to grant additional licenses for the sale of alcoholic beverages (House, No. 4429),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the town of Tyngsborough to grant 4 additional licenses for the sale of alcoholic beverages to be drunk on the premises".**

Tyngsborough,--
liquor license.

The House Bill establishing guidelines for the installation and use of electric vehicle charging stations in the city of Boston (House, No. 4069) (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.**

Boston,-- electric
vehicles

The House Bill authorizing the town of Tyngsborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4430),-- **was read a third time and passed to be engrossed, in concurrence.**

Tyngsborough,--
liquor license.

The House Bill repealing the act establishing the Nantucket Mosquito Control Project (House, No. 4644),-- **was read a third time and passed to be engrossed, in concurrence.**

Nantucket Mosquito
Control Project.

The House Bill relative to the powers and duties of the Town Manager in the town of

Hanover,-- town
manager.

Hanover (House, No. 4658),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to the position of appointed tax collector in the town of Hadley (House, No. 4750),-- **was read a third time and passed to be engrossed, in concurrence.**

Hadley,-- tax collector.

The House Bill relative to the position of appointed treasurer in the town of Hadley (House, No. 4751),-- **was read a third time and passed to be engrossed, in concurrence.**

Hadley,-- treasurer.

The House Bill authorizing the Massachusetts Water Resources Authority to supply water to the town of Burlington (House, No. 4801, changed),-- **was read a third time and passed to be engrossed, in concurrence.**

Burlington,-- MWRA.

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill protecting locked out employees (see House, No. 4988) (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 enacted and signed by the Acting President (Mr. Boncore) and laid before the Governor for his approbation.**

Bill laid before the Governor.

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 House Bill reducing the membership of the Nantucket Planning and Economic Development Commission (House, No. 4819) (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.**

Nantucket Planning and Economic Development.

The House Bill relative to fees assessed by the Dracut Water Supply District (House, No. 4898),-- **was read a third time and passed to be engrossed, in concurrence.**

Dracut Water Supply District,-- fees.

The House Bill authorizing the town of Dracut to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 4908),-- **was read a third time and passed to be engrossed, in concurrence.**

Dracut,-- liquor license.

The House Bill authorizing the appointment of special police officers in the town of Stoughton (House, No. 4918),-- **was read a third time and passed to be engrossed, in concurrence.**

Stoughton,-- special police.

The Senate Bill establishing a sick leave bank for Maria Krull, an employee of the Department of Unemployment Assistance (Senate, No. 2680) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Maria Krull, -- sick leave.

Pending the question on passing the bill to be engrossed, Mr. DiDomenico presented an amendment striking out, in line 2, the word "Transitional" and inserting in place thereof the following word:- "unemployment".

The amendment was adopted.

The bill (Senate, No. 2680, amended), was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill relative to the affordable housing trust fund of the town of Brewster (House, No. 4619) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Brewster,--
affordable housing.

Pending the question on passing the bill to be engrossed, Mr. Cyr presented an amendment striking out section 3 and inserting in place thereof the following section:-

“SECTION 3. Section 1 shall take effect upon the completion of the transfer described in section 2. Not later than 30 days after the completion of the transfer described in section 2, the board of selectmen of the town of Brewster shall file a letter with the clerks of the senate and the house of representatives reporting the date of completion of that transfer.”.

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 Gina Parolisi, an employee of the Trial Court (House, No. 4986),-- was read a third time.

Gina Parolisi,-- sick
leave.

Pending the question on passing the bill to be engrossed, Mr. DiDomenico presented an amendment inserting after the word “Parolisi”, in line 5, the following words:- “to care for her parent”.

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.

PAPERS FROM THE HOUSE

The House Bill relative to the town manager of the town of Upton (House, No. 4989,-- on petition) [Local approval received],-- was read.

Upton,-- town
manager.

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

The House Bill establishing a sick leave bank for Aaron Nyahn, an employee of the Department of Public Health (House, No. 4991,-- on petition),-- was read.

Aaron Nyahn,-- sick
leave.

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

The House Bill relative to placing a plaque at the McCarthy Pavilion in the city of Revere in memory of Grace Hill Sannella (House, No. 4993, amended-- on House, No. 4972),-- was read.

Revere,-- Grace Hill
Sannella.

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.

The House Bill establishing a sick leave bank for Michael Hooton, an employee of the Massachusetts Department of Transportation (House, No. 4997,-- on petition),-- was read.

Michael Hooton,--
sick leave.

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

The Senate Bill providing for recall elections in the town of Uxbridge (Senate, No.

Uxbridge,-- recall

2589),-- came from the House passed to be engrossed, in concurrence *with an amendment* in section 1, in line 17, by striking out the words “petition blanks” and inserting in place thereof the word “affidavit”; by striking out, in line 34, the words “election is ordered” and inserting in place thereof the words “date of the certification of the petitions”; by inserting after the word “certification”, in line 36, the words “of the petition”; and by striking out, in line 40 to 43, the words “An official whose recall is sought shall be a candidate to succeed to the same office unless the official requests otherwise. If the official requests otherwise in writing, the town clerk shall place the name of the official on the ballot without nomination” and inserting in place thereof the words “Unless an official whose recall is sought requests otherwise in writing, the town clerk shall place the name of the official on the ballot without nomination and the official shall be a candidate to succeed the same office”.

elections.

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

The House Bill authorizing the town of Auburn to relocate Faith Avenue and convey remnant parcels of real property(House, No. 4551, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment inserting after the word “contrary”, in line 2, the following words:- “but subject to paragraphs (a), (b) and (g) of section 16 of Chapter 30B of the General Laws *with a further amendment* striking out the figure: “2” and inserting in place thereof the figures: “12”; and striking out the following: “chapter 30B of the General Laws” and inserting in place thereof the following: “said chapter 30B”.

Auburn,-- land conveyance.

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

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to the lease of certain yacht clubs on land owned by the commonwealth (see House, No. 4824) [being the text contained in Section 62 of the General Appropriations Bill (see House, No. 4800)] [for message, see House, No. 4833],— 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: by striking out all after the enacting clause and inserting in place thereof the following:

Yacht clubs,-- land lease.

“Chapter 65 of the acts of 2010 in hereby amended by inserting after section 2 the following section:-

Section 2A. Notwithstanding any general or special law to the contrary, the leases or other agreements executed under section 1 shall not require an annual rental payment increase of more than 3 per cent of the established rental or permit payment rate for each lease or other agreement as of January 1, 2015. This section shall not apply to any lease or other agreement executed by a club associated with an institution of higher education.”.

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. Tarr, 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.

UNCORRECTED PROOF.

Order Adopted.

On motion of Mr. Tarr--

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

Time of meeting.

On motion of Mr. Pacheco, at sixteen minutes before twelve o'clock noon, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.