

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



TUESDAY, FEBRUARY 21, 2017.

JOURNAL OF THE SENATE.

Tuesday, February 21, 2017.

Met at two minutes past eleven o'clock P.M. (Ms. Lovely in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Communication.

Communication from the Honorable Stanley C. Rosenberg, President of the Senate, announcing the appointment (pursuant to Section 7 of Chapter 187 of the Acts of 2016) of Senator James B. Eldridge to the Ride for Hire Task Force,-- **was placed on file**

Ride for Hire Task Force.

Report.

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

Report of the Department of Elementary and Secondary Education (pursuant to Chapter 284 of the Acts of 2014) submitting its Safe and Supportive Schools Commission Second Annual Report (received February 17, 2017); and

DESE,-- Safe and Supportive Schools. SD2084.

Report of the Office of Community Corrections (pursuant to Section 5 of Chapter 211F of the General Laws) submitting its utilization of community corrections centers annual statistical report for fiscal year 2016 (received February 17, 2017).

OCC,-- utilization statistical report. SD2085

Petitions.

Petitions were severally presented and referred, as follows:

By Mr. Ross, a petition (accompanied by bill, Senate, No. 23) of Richard J. Ross and Shawn Dooley (by vote of the town) for legislation to grant 9 additional licenses to the town of Wrentham for the sale of alcoholic beverages to be drunk on the premises [Local approval received];

Wrentham,-- liquor licenses.

Under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 22) of Patrick M. O'Connor (by vote of the town) for legislation relative to a lease for the bathing beach bathhouse facility and surrounding grounds located on Otis Street in Hingham [Local approval received]; and

Hingham,-- bathhouse lease.

By Mr. Walter F. Timilty, a petition (accompanied by bill, Senate, No. 24) of Walter F. Timilty and William Driscoll for legislation to authorize the town of Milton to establish a special purpose stabilization fund [Local approval received];

Milton,-- stabilization fund.

Severally under Senate Rule 20, to the committee on Municipalities and Regional Government.

Severally sent to the House for concurrence.

By Ms. Creem, a petition (accompanied by bill) (subject to Joint Rule 12) of Cynthia S. Creem for legislation to prevent illegal trafficking of firearms;

Firearms,-- illegal trafficking. SD2087

By Mr. DiDomenico, a petition (accompanied by bill) (subject to Joint Rule 12) of Sal N. DiDomenico and Daniel J. Ryan for legislation to establish a sick

Ramona Foster,- sick leave.

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leave bank for Ramona Foster, an employee of the Department of Elementary and Secondary Education;

By Mr. Donnelly, a petition (accompanied by bill) (subject to Joint Rule 12) of Kenneth J. Donnelly for legislation to protect workers' wages from arbitrary recoupment of overpayments;

By the same Senator, a petition (accompanied by bill) (subject to Joint Rule 12) of Kenneth J. Donnelly for legislation to clarify Department of Mental Health regulations;

By Mr. Eldridge, a petition (accompanied by bill) (subject to Joint Rule 12) of James B. Eldridge and Sheila C. Harrington for legislation to establish a sick leave bank for Cheryl Ramirez, an employee of the executive office of public safety and security;

By Ms. Jehlen, a petition (accompanied by bill) (subject to Joint Rule 12) of Patricia D. Jehlen, Marjorie C. Decker, Antonio F. D. Cabral and Kenneth I. Gordon for legislation to provide emergency aid to certain elderly and disabled residents;

By Mr. Moore, a petition (accompanied by bill) (subject to Joint Rule 12) of Michael O. Moore for legislation to exempt residents of the Commonwealth from payment of tuition or mandatory curriculum fees at community colleges;

By Mr. Rush (by request), a petition (accompanied by bill) (subject to Joint Rule 12) of Russ Fleming for legislation relative to creditable service for state employees who served in the Peace Corps;

By Mr. Tarr, a petition (accompanied by bill) (subject to Joint Rule 12) of Bruce E. Tarr, Donald F. Humason, Jr., Danielle W. Gregoire, Michael D. Brady and other members of the General Court for legislation relative to retirement benefits for certain veterans;

By Mr. Tarr, a petition (accompanied by bill) (subject to Joint Rule 12) of Bruce E. Tarr for legislation relative to wiretapping for drug trafficking; and

By Mr. Tarr (by request), a petition (accompanied by bill) (subject to Joint Rule 12) of Thomas Beaton for legislation relative to hardship licenses for first time offenders;

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

PAPERS FROM THE HOUSE.

Notice was received from the Minority Leader of the House of Representatives informing the Senate that he has made the following appointments to the Standing Committees of the House and the Joint Standing Committees of the House and Senate for the 2017-2018 legislative session:

House Standing Committees.

Rules: Representative Kimberly N. Ferguson of Holden, Ranking Minority Member Representative David T. Vieira of Falmouth and Assistant Ranking Minority Member Representative Sheila C. Harrington of Groton.

Ways & Means: Representative Todd M. Smola of Warren, Ranking Minority Member, Representative Angelo L. D’Emilia of Bridgewater, Assistant Ranking Minority Member, Representative Donald R. Berthiaume of Spencer, Representative Nicholas A. Boldyga of Southwick, Representative Kate Campanale of Leicester, Representative Shawn Dooley of Norfolk, Representative Timothy Whelan of Brewster and Representative Donald H. Wong of Saugus.

SD2092

Workers' wages,--
overpayment
protection. SD2095

DMH,-- regulations.
SD2097

Cheryl Ramirez,--
sick leave.
SD2096

Emergency aid,--
elderly and disabled.
SD2089

Community college,-
- tuition and fees.
SD2094

Peace Corps,--
creditable service.
SD2090

Veterans,--
retirement benefits.
SD2086

Wiretapping,-- drug
trafficking. SD2091

Hardship licenses,--
first time offenders.
SD2093

Minority Leader of
the House of
Representatives,--
committee
appointments.

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Bills in the Third Reading: Representative Angelo L. D’Emilia of Bridgewater.

Ethics: Representative Elizabeth A. Poirier of North Attleborough, Ranking Minority Member, Representative F. Jay Barrows of Mansfield, Assistant Ranking Minority Member, Representative Marc T. Lombardo of Billerica and Representative Susannah M. Whipps of Athol.

Personnel & Administration: Representative James J. Lyons, Jr. of Andover, Ranking Minority Member, Representative Angelo L. D’Emilia of Bridgewater, Assistant Ranking Minority Member, Representative Kimberly N. Ferguson of Holden and Representative Sheila C. Harrington of Groton.

Post Audit & Oversight: Representative Peter J. Durant of Spencer, Ranking Minority Member and Representative Shaunna L. O’Connell of Taunton.

Steering, Policy, & Scheduling: Representative Bradford Hill of Ipswich, Ranking Minority Member and Representative Susan Williams Gifford of Wareham.

Bonding, Capital Expenditures & State Assets: Representative David T. Vieira of Falmouth, Ranking Minority Member and Representative Kevin J. Kuros of Uxbridge.

Global Warming & Climate Change: Representative Geoff Diehl of Whitman, Ranking Minority Member and Representative Kate Campanale of Leicester.

Redistricting: Representative Paul K. Frost of Auburn, Ranking Minority Member and Representative Steven Howitt of Seekonk.

Technology & Intergovernmental Affairs: Representative Marc T. Lombardo of Billerica, Ranking Minority Member and Representative Geoff Diehl of Whitman.

Joint Standing Committees.

Children, Families & Persons with Disabilities: Representative Shaunna L. O’Connell of Taunton, Ranking Minority Member and Representative William Crocker of Barnstable.

Community Development & Small Business: Representative Leonard Mirra of West Newbury, Ranking Minority Member and Representative Joseph McKenna of Webster.

Consumer Protection & Professional Licensure: Representative Steven Howitt of Seekonk, Ranking Minority Member and Representative Joseph McKenna of Webster.

Economic Development & Emerging Technologies: Representative Keiko M. Orrall of Lakeville, Ranking Minority Member, Representative Kevin J. Kuros of Uxbridge, Assistant Ranking Minority Member and Representative James M. Kelcourse of Amesbury.

Education: Representative Kimberly N. Ferguson of Holden, Ranking Minority Member and Representative James M. Kelcourse of Amesbury.

Elder Affairs: Representative Kate Campanale of Leicester, Ranking Minority Member and Representative David K. Muradian, Jr. of Grafton.

Election Laws: Representative Nicholas A. Boldyga of Southwick, Ranking Minority Member and Representative Marc T. Lombardo of Billerica.

Environment, Natural Resources & Agriculture: Representative Donald R. Berthiaume of Spencer, Ranking Minority Member and Representative James M. Kelcourse of Amesbury.

Export Development: Representative Donald H. Wong of Saugus, Ranking

Minority Member and Representative Keiko M. Orrall of Lakeville.

Financial Services: Representative F. Jay Barrows of Mansfield, Ranking Minority Member and Representative Shawn Dooley of Norfolk.

Health Care Financing: Representative Randy Hunt of East Sandwich, Ranking Minority Member, Representative Mathew Muratore of Plymouth, Assistant Ranking Minority Member and Representative Leonard Mirra of West Newbury.

Higher Education: Representative Susannah M. Whipps of Athol, Ranking Minority Member and Representative Timothy Whelan of Brewster.

Housing: Representative Geoff Diehl of Whitman, Ranking Minority Member and Representative David F. DeCoste of Norwell.

Judiciary: Representative Sheila C. Harrington of Groton, Ranking Minority Member and Representative James J. Lyons, Jr. of Andover.

Labor & Workforce Development: Representative Joseph McKenna of Webster, Ranking Minority Member and Representative Keiko M. Orrall of Lakeville.

Marijuana Policy: Representative Hannah Kane of Shrewsbury, Ranking Minority Member and Representative Nicholas A. Boldyga of Southwick.

Mental Health, Substance Use & Recovery: Representative Susannah M. Whipps of Athol, Ranking Minority Member, Representative William Crocker of Barnstable, Assistant Ranking Minority Member and Representative Shaunna L. O'Connell of Taunton.

Municipalities & Regional Government: Representative Donald H. Wong of Saugus, Ranking Minority Member and Representative David K. Muradian, Jr. of Grafton.

Public Health: Representative Hannah Kane of Shrewsbury, Ranking Minority Member and Representative James J. Lyons, Jr. of Andover.

Public Safety & Homeland Security: Representative David T. Vieira of Falmouth, Ranking Minority Member, Representative David K. Muradian, Jr. of Grafton, Assistant Ranking Minority Member and Representative Peter J. Durant of Spencer.

Public Service: Representative Timothy Whelan of Brewster, Ranking Minority Member and Representative David F. DeCoste of Norwell.

Revenue: Representative Shawn Dooley of Norfolk, Ranking Minority Member and Representative Peter J. Durant of Spencer.

State Administration & Regulatory Oversight: Representative Kevin J. Kuros of Uxbridge, Ranking Minority Member and Representative Mathew Muratore of Plymouth.

Telecommunications, Utilities & Energy: Representative Lenny Mirra of West Newbury, Ranking Minority Member and Representative Randy Hunt of East Sandwich.

Tourism, Arts & Cultural Development: Representative Mathew Muratore of Plymouth, Ranking Minority Member and Representative William Crocker of Barnstable.

Transportation: Representative Steven Howitt of Seekonk, Ranking Minority Member, Representative Randy Hunt of East Sandwich, Assistant Ranking Minority Member and Representative Hannah Kane of Shrewsbury.

Veterans & Federal Affairs: Representative David F. DeCoste of Norwell, Ranking Minority Member and Representative Donald R. Berthiaume of Spencer.

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There being no objection, at three minutes past eleven o'clock A.M., the Chair (Ms. Lovely) declared a recess subject to the call of the Chair; and, twenty minutes past eleven o'clock A.M., the Senate reassembled, Ms. Lovely in the Chair.

Recess.

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

Pledge of allegiance.

Resolutions.

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

Resolutions (filed by Ms. Spilka) "congratulating Shaylin McMains on being named a 2017 Prudential Spirit of Community Distinguished Finalist."

Shaylin McMains.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill establishing a sick leave bank for Valencia Hadley, an employee of the Department of Transitional Assistance (see House, No. 70), 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.

Valencia Hadley,-
Sick leave.

The bill was signed by Acting President (Ms. Lovely), and sent to the House for enactment.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Ms. Lovely) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tarr,--

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

Time of meeting.

On motion of the same Senator, at twenty-eight minutes past eleven o'clock A.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.