

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



WEDNESDAY, MARCH 22, 2017.

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JOURNAL OF THE SENATE.

Wednesday, March 22, 2017.

Met at eight minutes past one o'clock P.M. (Ms. Chandler in the Chair).

Distinguished Guest.

There being no objection, the President handed the gavel to Mr. Eldridge for the purpose of an introduction. Mr. Eldridge then introduced, in the rear of the Chamber, his office aide Melissa Reilly. Melissa was recognized for winning the gold medal in downhill skiing and the silver medal in slalom at the Massachusetts Special Olympics Winter Games held at Wachusett Mountain. She was also recognized for being a part of the MDSC's Self Advocate Advisory Council and "Your Next Star" campaign, aimed at raising awareness about the power of people with down syndrome in the workplace. As a self-advocate, she speaks to many groups, schools and other organizations about her life with Down Syndrome and about the Special Olympics. The Senate applauded her accomplishments, she approached the Rostrum for congratulations and she withdrew from the Chamber.

Melissa Reilly.

Communications.

The following communications were severally received and placed on file:

Communication from the Joint Committee on Revenue (under the provisions of Joint Rule 1) relative to the rules of procedure for said committee for the 2017-2018 legislative session (received Wednesday, March 22, 2017); and

Communication from the Norfolk County Sheriff's Office submitting a copy of the plan of action reports for the Norfolk Sheriff's Office Correctional Center and Dedham Alternative Center (received March 20, 2017).

Committee on
Revenue.

Norfolk Sheriff,--
plan of action reports.
SD2133

Report.

Report of the Executive Office of Health and Human Services (pursuant to Section 171 of Chapter 133 of the Acts of 2016) submitting its final report of the interagency task force on newborns with neonatal abstinence syndrome and substance-exposed newborns (received March 21, 2017),-- **was placed on file.**

EOHHS,-- newborns
task force.
SD2134

Reports of a Committee.

By Mr. James E. Timilty, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Cheryl Ramirez, an employee of the Executive Office of Public Safety and Security (Senate, No. 2041); and

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Ramona Foster, an employee of the Department of Elementary and Secondary Education (Senate, No. 2042);

Cheryl Ramirez,--
sick leave.

Ramona Foster,-- sick
leave.

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

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 2793) of Paul Tucker and Joan B. Lovely (with the approval of the mayor and city council) that the city of Salem be authorized to grant one additional license for the sale of wine and malt beverages not to be drunk on the premises;

Salem,-- liquor license.

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 2795) of Hannah Kane and Michael O. Moore (by vote of the town) relative to residency requirements of the town manager of the town of Shrewsbury;

Shrewsbury,-- town manager.

To the committee on Public Service.

Petition (accompanied by bill, House, No. 2794) of Dylan Fernandes and Julian Cyr (by vote of the town) that the town of Nantucket be authorized to impose real estate transfer fees for certain housing;

Nantucket,-- real estate transfer fee.

To the committee on Revenue.

Notice was received from the House of Representatives announcing the following appointments by the Speaker:

Representatives Donato of Medford and Moran of Boston to the special legislative commission established (under Section 20 of Chapter 131 of the Acts of 2016) to examine the accessibility of information concerning the legislative process of the General Court and the expansion of the definition of public records.

Legislative commission,-- accessibility of information.

There being no objection, at nine minutes past one o'clock P.M., the Chair (Ms. Chandler) declared a recess subject to the call of the Chair; and, at twenty-two minutes past four o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

The Senator from Essex and Middlesex, Mr. Tarr, led the President, members, guests and staff in the recitation of the pledge of allegiance to the flag.

Pledge of allegiance.

At twenty-two minutes past four o'clock P.M., Mr. Tarr doubted the presence of a quorum. The President, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently, at twenty-eight minutes past four o'clock P.M., a quorum was declared present.

Reports of Committees.

Mr. Rush, for the Committee on the Arrangement of Seats in the Senate, reported that the seating of the Senate be in the following order:

Arrangement of seats.

On the President's Left.

1. Hon. Harriette L. Chandler
2. Hon. Cynthia Creem
3. Hon. Karen E. Spilka
4. Hon. Sal N. DiDomenico
5. Hon. Mark C. Montigny
6. Hon. Kenneth J. Donnelly
7. Hon. Michael J. Rodrigues
8. Hon. Linda Dorcena Forry
9. Hon. Joan B. Lovely
10. Hon. Eileen M. Donoghue
11. Hon. Patricia D. Jehlen
12. Hon. Michael J. Barrett

On the President's Right.

1. Hon. Marc R. Pacheco
2. Hon. Anne M. Gobi
3. Hon. Donald F. Humason
4. Hon. Patrick M. O'Connor
5. Hon. Bruce E. Tarr
6. Hon. Richard J. Ross
7. Hon. Viriato M. deMacedo
8. Hon. Ryan C. Fattman
9. Hon. Walter F. Timilty
10. Hon. Julian Cyr
11. Hon. Michael O. Moore
12. Hon. Kathleen O'Connor Ives

13. Hon. James C. Eldridge
14. Hon. John F. Keenan
15. Hon. James T. Welch
16. Hon. Thomas M. McGee
17. Hon. Adam G. Hinds
18. Hon. James E. Timilty
19. Hon. Michael F. Rush
20. Vacant

13. Hon. Barbara l'Italien
14. Hon. Jennifer L. Flanagan
15. Hon. Jason M. Lewis
16. Hon. Eric P. Lesser
17. Hon. Sonia Chang-Diaz
18. Hon. Joseph A. Boncore
19. Hon. William N. Brownsberger
20. Hon. Michael D. Brady

The rules were suspended, on motion of Mr. Rush, and the report was considered forthwith and accepted.

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 Kenneth J. Donnelly for legislation to protect workers' wages from arbitrary recoupment of overpayments.

Workers' wages,--
overpayment
protection.
SD2095

The rules were suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Labor and Workforce Development.

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 Kenneth J. Donnelly for legislation to clarify department of mental health regulations.

DMH,-- regulations.
SD2097

The rules were suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Mental Health, Substance Use and Recovery.

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 Cynthia S. Creem for legislation to prevent illegal trafficking of firearms.

Firearms,-- illegal
trafficking.
SD2087

The rules were suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Safety and Homeland Security.

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 Kenneth J. Donnelly and James J. Dwyer for legislation to establish a sick leave bank for Dean Canada, an employee of the Department of Correction.

Dean Canada,-- sick
leave.
SD2118

The rules were suspended, on motion of Ms. Chandler, 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.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3450) of James R. Miceli for legislation to establish a sick leave bank for Marie Visco, an employee of the Department of Public Health;

Marie Visco,--
sick leave.

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

Petition (accompanied by bill, House, No. 3451) of Chris Walsh and others for legislation to prohibit the use of state funds to purchase bottled water;

Bottled water,-- state
funds.

Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

A Bill making appropriations for the fiscal year 2017 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3448, amended,-- on House, No. 72),- was read.

Supplemental appropriations.

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

After remarks, the question on passing the bill to be engrossed was determined by a standing vote, on motion of Mr. Tarr, and it was passed to be engrossed, in concurrence, by a vote of 22 to 0, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act making appropriations for fiscal year 2017 to provide for supplementing certain existing appropriations and for certain other activities and projects”.

Emergency Preamble Adopted; Engrossed Bill Enacted.

Mr. Walter F. Timilty in the Chair, an engrossed Bill making appropriations for fiscal year 2017 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 3448, 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 5 to 0.

Supplemental appropriations.

The bill was signed by the Acting President (Mr. Walter Timilty) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) 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 (Mr. Walter Timilty).

Order Adopted.

On motion of Mr. Humason,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of Edward “Ed” Joseph Crowley.

Moment of silence.

Adjourn In Memory of Edward “Ed” Joseph Crowley.

The Senator from the Plymouth and Bristol, Mr. Brady, moved that when the Senate adjourns today, it do so in memory Edward “Ed” Joseph Crowley, 82. Edward passed away on January 17th at Rhode Island Hospital.

Ed graduated from Brockton High school in 1952 and went on to serve in the

United States Navy during the Korean War. After serving in the Navy, Ed went on to earn his bachelor's degree from Stonehill College in 1961, his love and affinity for his alma mater never left him. Throughout his life Ed displayed his "gift to gab" and he effectively utilized his social personality for a lengthy and successful career as a salesman for Liberty Mutual Insurance. Ed never skipped a beat in retirement and loved spending his summers in Mattapoisett often times enjoying a cigar while taking in the beautiful view of the Atlantic Ocean. Happiest when with family, Ed did his best to never miss a sporting event for his grandchildren or a round of golf with family. Ed had a passion for painting as well as ballroom dancing and it never took long for him to clear a dance floor to show his exquisite dance moves. He lived an active life and will be greatly missed.

Ed leaves behind three children Ed Crowley Jr., Kellie Manzone, Karen Flanders and five loving grandchildren.

Accordingly, as a mark of respect in memory of Edward "Ed" Joseph Crowley, at twenty-eight minutes past five o'clock P.M., on motion of Mr. Humason, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.