

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, MAY 8, 2017.

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Monday, May 8, 2017.

Met at a quarter past eleven o'clock A.M. (Mr. Brownsberger in the Chair).

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

Pledge of allegiance.

Communications.

The following communications were severally received and placed on file:

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

Senator Ryan Fattman (pursuant to Senate, No. 2060) to the Senate Special Committee on Cyber Security Readiness; and

Cyber security readiness.

Senators Richard J. Ross and Patrick O'Connor (pursuant to Senate, No. 2061) to the Senate Special Committee on Addiction Prevention, Treatment and Recovery Options.

Addiction prevention, treatment and recovery options.

Reports.

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

Report of the Dukes County Registry of Deeds (pursuant to Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received May 4, 2017); and

Dukes Registry of Deeds. SD2194

Report of the Plymouth County Registry of Deeds (pursuant to Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received May 5, 2017).

Plymouth Registry of Deeds. SD2195

PAPERS FROM THE HOUSE.

Messages were severally referred, in concurrence, as follows:-

Message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to the conveyance of a certain parcel of land by the town of Deerfield (House, No. 3670);

Deerfield,-- land conveyance.

To the committee on Municipalities and Regional Government.

Message from His Excellency the Governor recommending legislation relative to modernizing the Massachusetts wiretap law (House, No. 3671);

Wiretap law,-- modernizing.

To the committee on the Judiciary.

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

Petition (accompanied by bill, House, No. 3672) of Angelo M. Scaccia, Sal N. DiDomenico and Daniel J. Ryan (with the approval of the mayor and city council)

Boston,-- nomination papers.

relative to nomination petitions for elections in the city of Boston;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3674) of Frank A. Moran and others (with the approval of the mayor and city council) that the city of Methuen be authorized to appoint Sean Fountain to the position of permanent intermittent police officer, notwithstanding the provisions of the charter of said city;

Methuen,-- Sean Fountain.

To the committee on Public Service.

A Bill establishing a sick leave bank for Angeline Lee, an employee of the Department of Children and Families (House, No. 3456,-- on petition),-- **was read, and under Senate Rule 27, referred to the committee on Ways and Means.**

Angeline Lee,-- sick leave.

Order Adopted.

Ms. Chandler offered the following order, to wit:

Ordered, That conformably to the provisions of Article XLVIII (48) (as amended by Article LXXXI)(81) of the Amendments to the Constitution, a joint session of the two Houses be held on Wednesday, May 10, 2017 at one o'clock P.M., for the purpose of considering proposals for amendments to the Constitution.

Joint Session.

Insofar as applicable, the special rules of procedure, in effect in the preceding General Court shall govern said joint session, and any further joint sessions called for the purpose of considering amendments to the Constitution.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

Sent to the House for concurrence.

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
OFFICE OF THE PRESIDENT

May 8, 2017

Senator President Stanley C. Rosenberg.

William F. Welch
Clerk of the Senate
24 Beacon Street, Room 335
Boston, MA 02133

Dear Mr. Clerk,

I am writing to inform you that Senator Jennifer L. Flanagan has been appointed vice chair of the Joint Committee on Public Service. Thank you for your attention to this matter.

Sincerely,
Stanley C. Rosenberg
President of the Senate

On motion of Mr. Tarr, the above communication was ordered printed in the Journal of the Senate.

Ordered printed.

Resolutions.

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

Resolutions (filed by Messrs. Brady and Timilty) “congratulating Robert Murphy of the town of Easton on his elevation to the rank of Eagle Scout”;

Robert Murphy.

Resolutions (filed by Ms. Chandler and Mr. Moore) “congratulating the Massachusetts Academy of Math and Science on its twenty-fifth anniversary”;

Massachusetts Academy of Math and Science.
Springfield Armory National Historic Site.

Resolutions (filed by Mr. Lesser, Ms. Chandler, Messrs. Moore and Humason, Ms. Creem, Mr. Cyr, Ms. Gobi and Messrs. Keenan and Welch) “commending the Springfield Armory National Historic Site on the one hundredth anniversary of World War I”;

Thomas Ambrose.

Resolutions (filed by Ms. Lovely) “congratulating Thomas Ambrose of the city of Peabody on his elevation to the rank of Eagle Scout”;

James Usovicz.

Resolutions (filed by Ms. Lovely) “congratulating James Usovicz of the city of Beverly on his elevation to the rank of Eagle Scout”;

Jay Evan Abdella.

Resolutions (filed by Mr. Ross) “congratulating Jay Evan Abdella of the town of Franklin on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Ross) “congratulating John Alexander Bachman of the town of Wayland on his elevation to the rank of Eagle Scout”;

John Alexander Bachman.

Resolutions (filed by Mr. Ross) “congratulating Nicholas David Estrada of the town of Wayland on his elevation to the rank of Eagle Scout”;

Nicholas David Estrada.

Resolutions (filed by Mr. Ross) “congratulating Eric James McGonagle of the town of Wayland on his elevation to the rank of Eagle Scout”;

Eric James McGonagle.

Resolutions (filed by Mr. Ross) “congratulating Curran Jeremiah Murphy of the town of Wayland on his elevation to the rank of Eagle Scout”; and

Curran Jeremiah Murphy.

Resolutions (filed by Mr. Ross and Ms. Spilka) “congratulating Kinley MacGregor Baird of the town of Franklin on his elevation to the rank of Eagle Scout”;

Kinley MacGregor Baird.

Resolutions (filed by Mr. Ross and Ms. Spilka) “congratulating Patrick Anthony Cronin of the town of Franklin on his elevation to the rank of Eagle Scout”; and

Patrick Anthony Cronin.

Resolutions (filed by Mr. Ross and Ms. Spilka) “congratulating Matthew Robert Pepin of the town of Franklin on his elevation to the rank of Eagle Scout.”

Matthew Robert Pepin.

Messages from the Governor.

Message from His Excellency the Governor (pursuant to Article II, Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating actions taken by the town of Templeton at the annual town meeting held on November 9, 2015 (Senate, No. 2064) (received in the office of the Clerk of the Senate on Thursday, May 4, 2017, at twenty-seven minutes past one o’clock P.M.); and

Templeton,-- town meeting.

Message from His Excellency the Governor (pursuant to Article II, Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken by the town of Templeton at the annual town meeting held on May 14, 2016 (Senate, No. 2065) (received in the office of the Clerk of the Senate on Thursday, May 4, 2017, at twenty-seven minutes past one o’clock P.M.);

Id.

Were severally read and referred to the committee on Municipalities and Regional Government.

Severally sent to the House for concurrence.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That, pursuant to the provisions of Senate Rule 27A, all amendments to the general appropriations bill as reported by the Committee on Ways and Means shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M. on Thursday, May 18, 2017; and be it further ordered that, pursuant to the provisions of Senate Rule 38B, the general appropriations bill as reported by the Committee on Ways and Means shall be placed in the Orders of the Day for Tuesday, May 23, 2017, for its second reading, as the only item on the calendar.

General appropriation bill,-
procedural order.

Under the rules, referred to the committee on Rules.

Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

Report of Committees.

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 Joan B. Lovely for legislation to provide diaper benefits for certain parents.

Diaper benefits.
SD2161

The rules were 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 Children, Families and Persons with Disabilities.

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. 3681) of Timothy R. Whelan and others relative to establishing a low-vision registry and improving access to information for the Commonwealth Registry of the Blind;

Registry of the Blind,-- improve access.

Under suspension of Joint Rule 12, to the committee on Children, Families and Persons with Disabilities.

Petition (accompanied by bill, House, No. 3682) of Michael J. Finn relative to using driving history as a rating or underwriting factor for private passenger motor vehicle insurance;

Motor vehicle insurance,-- driving history.

Under suspension of Joint Rule 12, to the committee on Financial Services

Petition (accompanied by bill, House, No. 3683) of Timothy R. Whelan and others relative to penalties for neglectful dog ownership;

Neglectful dog owners.

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

Petition (accompanied by bill, House, No. 3684) of Timothy R. Whelan for legislation to designate a certain bridge in the town of Yarmouth as the George Allaire memorial bridge; and

Yarmouth,-- George Allaire memorial bridge.

Petition (accompanied by bill, House, No. 3685) of Timothy R. Whelan, William L. Crocker, Jr. and Julian Cyr for legislation to designate a certain overpass over Route 6 as the lance Corporal William Joseph Donovan, Jr. memorial bridge;

Corporal William Joseph Donovan, Jr. memorial bridge.

UNCORRECTED PROOF.

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

Recess.

There being no objection, at twenty-four minutes past eleven o'clock A.M., the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and, fourteen minutes past twelve o'clock noon, the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

Orders Adopted.

Mr. Eldridge offered the following order:

Ordered, That, the Senate hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, to consider the following proposal:

Independent
redistricting
commission.

Proposal for a legislative amendment to the Constitution establishing an independent redistricting commission (see Senate, No. 11), with reference to which the committee on Election Laws has reported, recommending that the amendment ought NOT to pass.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

Mr. Tarr offered the following order:

Ordered, That, the Senate hereby calls for a joint session of the two Houses, conformable to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, to consider the following proposal:

Eminent Domain.

Proposal for a legislative amendment to the Constitution prohibiting eminent domain (see Senate, No. 14), with reference to which the committee on the Judiciary has reported, recommending that the amendment ought NOT to pass.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

Mr. Tarr offered the following order:

Ordered, That, the Senate hereby calls for a joint session of the two Houses, conformable to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, to consider the following proposal:

Rainy Day Fund,--
utilization.

Proposal for a legislative amendment to the Constitution requiring a supermajority vote for the utilization of rainy day funds (see Senate, No. 15), with reference to which the committee on State Administration and Regulatory Oversight has reported, recommending that the amendment ought NOT to pass.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

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., and that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

On motion of Mr. Tarr, at twenty minutes past twelve o'clock noon, the

UNCORRECTED PROOF.

Senate adjourned to meet again on Thursday next at eleven o'clock A.M.