

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**THURSDAY, MAY 11, 2017.**

[45]

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JOURNAL OF THE SENATE.

Thursday, May 11, 2017.

Met at twenty-four minutes before twelve o'clock noon (Ms. Jehlen 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 (Ms. Jehlen), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Reports.

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

Report of the Secretary of the Commonwealth (pursuant to Section 2JJJ of Chapter 29 of the General Laws) submitting the Registers Technological Fund Spending Plan (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received May 9, 2017); and

State Secretary,-- registers technological fund. SD2200

Report of the Human Resources Division (pursuant to Section 25 of Chapter 31 of the General Laws) submitting its civil service fire and police chiefs promotional eligible lists that have been revoked (received May 10, 2017).

HRD,-- promotional eligible lists. SD2201

Petition.

Mr. Tarr presented a petition (accompanied by bill, Senate, No. 2067) of Bruce E. Tarr and Leonard Mirra (by vote of the town) for legislation to establish a town manager in the town of West Newbury [Local approval received];

West Newbury,-- town manager.

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

Sent to the House for concurrence.

Reports of Committees.

By Mr. Brady, for the committee on Revenue, on petition, a Bill relative to senior citizen property taxes (Senate, No. 1503);

Property taxes,-- senior citizens.

By the same Senator, for the same committee, on petition, a Bill increasing the property tax deferral for seniors (Senate, No. 1543);

Seniors,-- property tax.

By the same Senator, for the same committee, on Senate, No. 1551 and House, No. 1640, a Bill relative to regional transportation ballot initiatives (Senate, No. 1551);

Regional transportation,-- ballot initiatives.

By the same Senator, for the same committee, on Senate, No. 1607 and House, No. 2589, a Bill relative to application deadlines for agricultural, horticultural, or recreational land (Senate, No. 1607);

Land,-- application deadlines.

By the same Senator, for the same committee, on petition, a Bill providing for sales tax fairness for main street retailers through minimum simplification (Senate, No. 1608); and

Retailers,-- sales tax fairness.

**UNCORRECTED PROOF.**

By the same Senator, for the same committee, on petition, a Bill enhancing Department of Revenue reporting (Senate, No. 1609);

Department of Revenue,-- reporting.

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

By Mr. Brady, for the committee on Revenue, on petition, a Bill relative to taxes due upon the death of active duty personnel and the elderly (Senate, No. 1514);

Active duty personnel,-- taxes.

By the same Senator, for the same committee, on Senate, No. 1536 and House, Nos. 1537 and 1566, a Bill providing volunteer firefighters and emergency medical technicians with a local option real estate tax exemption (Senate, No. 1536);

Firefighters,-- tax exemption.

By the same Senator, for the same committee, on petition, a Bill relative to tax abatements for deaf residents (Senate, No. 1583);

Deaf residents,-- tax abatements.

By the same Senator, for the same committee, on petition, a Bill relative to the interest rate on tax-deferred property (Senate, No. 1644); and

Tax-deferred property,-- interest rate.

By the same Senator, for the same committee, on petition, a Bill relative to the curatorship program (Senate, No. 1655, changed in line 4 by striking out the words:- “the provisions of” and inserting in place thereof the following words:- “taxation under”);

Curatorship program.

**Severally read and, under Senate Rule 26, referred to the committee on Rules.**

*Committee Discharged.*

Mr. Lewis, for the committee on Public Health, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1176) of Cynthia S. Creem for legislation to make a technical changes to the Betsy Lehman Center for Patient Safety and Medical Error Reduction enabling statute,-- and recommending that the same be referred to the committee on Health Care Financing;

Betsy Lehman Center,-- technical changes.

**Under Senate Rule 36, the report was considered forthwith and accepted.**

**Sent to the House for concurrence in the discharge of the joint committee.**

PAPERS FROM THE HOUSE

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

Petition (accompanied by bill, House, No. 3688) of Danielle W. Gregoire and others (by vote of the town) that the town of Westborough be authorized to grant an additional liquor license for the sale of wine and malt beverages not to be drunk on the premises;

Westborough,-- liquor license.

**To the committee on Consumer Protection and Professional Licensure.**

Petition (accompanied by bill, House, No. 3673) of William L. Crocker, Jr., Randy Hunt and Timothy R. Whelan (by vote of the town) relative to the sewer construction and private way maintenance and improvement fund in the town of Barnstable; and

Barnstable,-- sewer construction.

Petition (accompanied by bill, House, No. 3689) of Jonathan Hecht, John J. Lawn, Jr., and William N. Brownsberger (with the approval of the town council) that the city known as the town of Watertown be authorized to pay certain funeral and burial expenses of Joseph Toscano;

Watertown,-- Joseph Toscano.

**Severally, to the committee on Municipalities and Regional Government.**

**UNCORRECTED PROOF.**

A Bill establishing the Massachusetts pregnant workers fairness act (House, No. 3680, amended,-- on Senate, No. 1023 and House, No. 1038),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Massachusetts pregnant workers fairness act.

Reports

Of the committee on Consumer Protection and Professional Licensure asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2811) of Paul Brodeur and others relative to debt collection,-- and recommending that the same be referred to the committee on Financial Services;

Debt collection.

Of the committee on Financial Services asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2172) of Kenneth I. Gordon and others relative to establishing a paid family and medical leave insurance program,-- and recommending that the same be referred to the committee on Labor and Workforce Development;

Paid family and medical leave insurance program.

Of the committee on Public Health, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1218) of Jeffrey Sanchez relative to making technical changes to the Betsy Lehman Center for patient safety and medical error reduction enabling law; and

Betsy Lehman Center enabling law,-- changes.

Of the petition (accompanied by bill, House, No. 2452) of Paul J. Donato and others relative to nurse and nurse anesthetists;

Nurse anesthetists.

And recommending that the same severally be referred to the committee on Health Care Financing.

Report of the committee on Revenue asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3327) of Hannah Kane and others relative to donations of food to persons in need,-- and recommending that the same be referred to the committee on the Judiciary;

Food donations.

**Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Notice was received from the House that the House has called for consideration in the Joint Session the following matters:

Proposal for a legislative amendment to the Constitution relative to creating an independent redistricting commission (House, No. 59),-- with reference to which the committee on Election Laws has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass.

Independent redistricting commission.

Proposal for a legislative amendment to the Constitution amendment relative to term limits for judges (House, No. 61),-- with reference to which the committee on the Judiciary has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass.

Judges,-- term limits.

Proposal for a legislative amendment to the Constitution relative to prohibiting eminent domain takings (House, No. 62),-- with reference to which the committee on the Judiciary has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass.

Eminent domain.

Proposal for a legislative amendment to the Constitution to declare rights afforded to the human inhabitants of the Commonwealth are not applicable to corporations, limited liability companies or any other corporate entities (House, No. 63),-- with reference to which the committee on the Judiciary has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass.

Corporations.

**UNCORRECTED PROOF.**

Proposal for a legislative amendment to the Constitution to define the succession plan for a vacancy in the office of Lieutenant-Governor (see House, No. 64),-- with reference to which the committee on the Judiciary has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass.

Lieutenant Governor.

Proposal for a legislative amendment to the Constitution relative to the subject matter of initiative petitions (House, No. 65),-- with reference to which the committee on the Judiciary has reported, in accordance with Joint Rule 23, that the amendment ought to pass, with an amendment substituting therefor a bill with the same title (Senate, No. 2055).

Initiative petitions.

*Emergency Preambles Adopted.*

An engrossed Bill establishing a sick leave bank for Gary Kellenberger, an employee of the Department of Mental Health (see Senate, No. 2043), 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.

Gary Kellenberger,--  
sick leave.

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

An engrossed Bill establishing a sick leave bank for Ramona Foster, an employee of the Department of Elementary and Secondary Education (see Senate, No. 2054), 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.

Ramona Foster,--  
sick leave.

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

An engrossed Bill establishing a sick leave bank for Gail Normandin, an employee of the Executive Office of Labor and Workforce Development (see Senate, No. 2059), 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.

Gail Normandin,--  
sick leave.

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

*Resolutions.*

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

Resolutions (filed by Mr. Hinds) “congratulating George L. Darey on the occasion of his retirement”;

George L. Darey.

Resolutions (filed by Mr. Hinds) “congratulating Leslie Reed-Evans on the occasion of her retirement”;

Leslie Reed-Evans

Resolutions (filed by Messrs. McGee, Rosenberg, Ross and Rush, Ms. Spilka

National Brain  
Tumor Society.

**UNCORRECTED PROOF.**

and Messrs. Tarr, Timilty and Welch) “commending the National Brain Tumor Society on its recognition of May 2017 as Brain Tumor Awareness Month”;

Resolutions (filed by Mr. Rosenberg) “congratulating Professor Jeffrey D. Blaustein on his retirement”;

Resolutions (filed by Mr. Rosenberg) “commending Annette Gonthier-Kiely for her years of service with the Massachusetts Academy of Trial Attorneys”;

Resolutions (filed by Mr. Rosenberg) “congratulating Joseph L. Pecora on the occasion of his one hundredth birthday”;

Resolutions (filed by Mr. Ross) “congratulating Peter Grabner of the town of Norfolk on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Ms. Spilka) “congratulating Michael Fedorchak of the town of Ashland on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Ms. Spilka and Mr. Tarr) “congratulating Ifigenia Kanara on the completion of her tenure as the Consul General of Greece in Boston”; and

Resolutions (filed by Messrs. Timilty, Barrett, Cyr, DiDomenico, Eldridge and Humason, Ms. Jehlen, Messrs. Keenan, Lesser and Lewis, Ms. L’Italien and Messrs. McGee, Moore, O’Connor and Welch) “celebrating North American Occupational Safety and Health Week and Occupational Safety and Health Professional Day.”

There being no objection, at nineteen minutes before twelve o’clock noon, the Chair (Ms. Jehlen) declared a recess subject to the call of the Chair; and, at five minutes past twelve o’clock noon, the Senate reassembled, Ms. Forry in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

*Matters Taken Out of the Orders of the Day.*

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The Senate Bill authorizing the City of Somerville to borrow funds to pay costs of the Green Line Extension (Senate, No. 1139),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the City of Somerville to borrow funds to pay certain costs of the Green Line Extension”.**

**Sent to the House for concurrence.**

The House Bill amending the charter of the town of Acushnet to eliminate the residency requirement for town administrator (House, No. 1409),-- **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE

A Bill relative to naming a state-owned bridge in the town of Amherst after Ellen Story (House, No. 1837,-- on petition) [Local approval received],-- 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.**

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

Professor Jeffrey D. Blaustein.

Annette Gonthier-Kiely.

Joseph L. Pecora.

Peter Grabner.

Michael Fedorchak.

Ifigenia Kanara.

North American Occupational Safety and Health Week and Occupational Safety and Health Professional Day.

Recess.

Somerville,-- borrow funds.

Acushnet,-- town administrator.

Amherst,-- Ellen Story bridge.

**UNCORRECTED PROOF.**

Petition (accompanied by bill, House, No. 3694) of Daniel Cahill relative to discounted prices for alcoholic beverages;

Alcoholic beverages,-  
- discounts.

**Under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.**

Petition (accompanied by bill, House, No. 3695) of Kay Khan for legislation to establish a sick leave bank for Ruth A. Centola, an employee of the Trial Court;

Ruth A. Centola,--  
sick leave.

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

Petition (accompanied by bill, House, No. 3696) of Tackey Chan for legislation to include the compensation of employees of the Massachusetts Water Resources Authority for certain retirement purposes;

MWRA employees,--  
retirement  
compensation.

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

Petition (accompanied by bill, House, No. 3697) of James M. Murphy relative to property tax exemptions for surviving parents of certain deceased members of the armed forces;

Armed Forces  
survivors,-- tax  
exemptions.

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

Petition (accompanied by bill, House, No. 3698) of Patricia A. Haddad and others relative to the disclosure of customer proprietary information by internet service providers;

Internet providers,--  
proprietary  
information.

**Under suspension of Joint Rule 12, to the committee on Telecommunications, Utilities and Energy.**

*Engrossed Bills.*

The following engrossed bills (all 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 (Ms. Forry) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Gary Kellenberger, an employee of the Department of Mental Health (see Senate, No. 2043);

Bills laid before  
Governor

Establishing a sick leave bank for Ramona Foster, an employee of the Department of Elementary and Secondary Education (see Senate, No. 2054); and

Establishing a sick leave bank for Gail Normandin, an employee of the Executive Office of Labor and Workforce Development (see Senate, No. 2059).

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

Time of meeting.

On motion of the same Senator, at nine minutes past twelve o'clock noon, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.