

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JUNE 29, 2017.

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JOURNAL OF THE SENATE.

Thursday, June 29, 2017.

Met at fourteen minutes past eleven o'clock A.M.

The Senator from Norfolk, Bristol and Middlesex, Mr. Ross, led the members, guests and staff in the recitation of the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Ross for the purpose of an introduction. Mr. Ross then introduced, on the Rostrum, Jaron May. Jaron was recognized for being named the 2017 DECA Executive President. He is a two-year DECA member from King Philip Regional High School in Wrentham. Jaron was welcomed with applause, he addressed the Senate from the Rostrum and withdrew from the Chamber.

Jaron May.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, in the rear of the Chamber, Avon Selectman Frank Hagerty and his granddaughter, Olivia Nau. The Senate welcomed them with applause and they withdrew from the Chamber.

Frank Hagerty and Olivia Nau.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. deMacedo for the purpose of an introduction. Mr. deMacedo then introduced, in the Senate Gallery, his wife, Jennifer, daughter, Natalie and son, Johnathan. They were accompanied by family visiting from Tennessee, Texas and New Mexico. The Senate welcomed them with applause and they withdrew from the Gallery.

Jennifer, Natalie and Johnathan deMacedo.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Cyr for the purpose of an introduction. Mr. Cyr then introduced, in the rear of the Chamber, Hannah Hussey. Hannah was recognized for her service as Director of Policy and Research for the Massachusetts Commission on LGBTQ youth. The Senate applauded her service as she departs her position to attend Yale Law School in the Fall.

Hannah Hussey.

Communications.

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

Communication from the North Central Correctional Institution submitting its plan of correction for deficiencies noted from the facility inspection conducted on February 22, 23 and 24, 2017 (received June 26, 2017); and

NCCI,-- plan of correction SD2245

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 133 of the Acts of 2016) submitting the Fiscal Year 2017 transfer schedules for the following accounts: 1595-6368 Massachusetts Transportation Trust Fund (received June 28, 2017).

Comptroller, -- transfer schedules. SD2246

Reports.

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

Report of the Department of Unemployment Assistance (pursuant to Section 14F of Chapter 151A of the General Laws) submitting the June 2017 Unemployment Insurance Trust Fund report (received June 26, 2017); and

Report of the Massachusetts Commission on the Status of Women (pursuant to Section 66 of Chapter 3 of the General Laws) submitting its Fiscal Year 2017 Annual Report (received June 26, 2017).

DUA,-- June 2017 report. SD2244.

Commission on Status of Women. SD2248

Petitions.

Petitions were severally presented and referred as follows:

By Ms. Flanagan, a petition (accompanied by bill) (subject to Joint Rule 12) of Jennifer L. Flanagan and Natalie Higgins for legislation to establish a sick leave bank for Jacqueline Cormier, an employee of the Department of Correction; and

By Mr. Pacheco, a petition (accompanied by bill) (subject to Joint Rule 12) of Marc R. Pacheco for legislation to establish a sick leave bank for Matthew McGaughran, an employee of the Department of Correction;

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

Jacqueline Cormier,-- sick leave. SD2247

Matthew McGaughran,-- sick leave. SD2248

Reports of a Committee.

By Mr. McGee, for the committee on Transportation, on petition, a Bill relative to the operating of student pupil transportation (Senate, No. 1925);

By the same Senator, for the same committee, on petition, a Bill relative to carriers of property by motor vehicle (Senate, No. 1956);

By the same Senator, for the same committee, on petition, a Bill relative to drivers license information (Senate, No. 2001);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1913), a Bill relative to handicapped parking (Senate, No. 2099); and

By the same Senator, for the same committee, on Senate, Nos. 1968 and 1972, a Bill concerning the safety of school children embarking and disembarking school buses (Senate, No. 2100);

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

School bus drivers,-- drug test.

Carriers,-- property.

Drivers license information.

Handicapped parking,-- fine.

School children,-- safety.

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3784) of Brian Murray and Ryan C. Fattman (by vote of the town) that the town of Milford be authorized to acquire the Milford Water Company, appoint a board of water commissioners and contract with a water department manager; and

Petition (accompanied by bill, House, No. 3785) of Jeffrey N. Roy, Richard J. Ross and Karen E. Spilka (by vote of the town) that the city known as the town of Franklin be authorized to establish a local agricultural commission.;

Severally, to the committee on Municipalities and Regional Government.

Milford Water Company.

Franklin,-- agriculture commission.

Resolutions.

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

Resolutions (filed by Mr. Brady) “congratulating Michael Veno Junior of the city of Brockton on his elevation to the rank of Eagle Scout”;

Michael Veno Junior.

Resolutions (filed by Ms. L’Italien) “congratulating John R. Sapienza on the occasion of his retirement”;

John R. Sapienza.

Resolutions (filed by Ms. Spilka) “congratulating James David Anthony Kuriss of the town of Ashland on his elevation to the rank of Eagle Scout”;

James David
Anthony Kuriss.

Resolutions (filed by Ms. Spilka) “congratulating Jacob David Sewell of the town of Ashland on his elevation to the rank of Eagle Scout”; and

Jacob David Sewell.

Resolutions (filed by Ms. Spilka) “congratulating Olivia Rose Sewell of the town of Ashland on receiving the Gold Award of the Girl Scouts of America.”

Olivia Rose Sewell

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 Michael D. Brady for legislation to further regulate temporary inventory adjustments of malt beverages.

Malt beverages,--
inventory
adjustments.
SD2237

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 Consumer Protection and Professional Licensure.

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 Jennifer L. Flanagan for legislation to update postural screening requirements in schools.

Postural screening,--
schools.
SD2240

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 Health.

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 Jennifer L. Flanagan and Stephan Hay for legislation to establish a sick leave bank for David Lamkin, an employee of the Department of Correction .

David Lamkin,--
sick leave.
SD2239

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.

Petition.

On motion of Mr. Welch, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Welch, a petition (accompanied by bill) (subject to Joint Rule 12) of James T. Welch and Michael J. Finn for legislation relative to consumer protection for prescription drug purchases,-- **and the same was referred to the committee on Health Care Financing.**

Prescription drugs,--
consumer protection.
SD2250

Sent to the House for concurrence.

Reports of a Committee.

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

UNCORRECTED PROOF.

The House Bill relative to the Mohawk Trail Regional school district and the Hawlemont Regional school district (House, No. 2859).

Mohawk Trail School District.

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

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Ruth A. Centola, an employee of the Trial Court (House, No. 3695),-- ought to pass.

Ruth A. Centola,-- sick leave.

There being no objection, the rules were suspended, on motion of Ms. Lovely, and the bill 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 establishing a sick leave bank for Ruth A. Centola, an employee of the Trial Court of the Commonwealth".

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Alison Dejordy, an employee of the Department of Children and Families (House, No. 3715, amended),-- ought to pass, with an amendment by inserting after the word "Dejordy", in line 4, the following words:-- "to care for her children".

Alison Dejordy,-- sick leave.

There being no objection, the rules were suspended, on motion of Mr. Keenan, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters was taken out of the Notice Section of the Calendar and considered as follows:

The Senate Bill authorizing the city known as the town of Braintree to continue the employment of Paul J. Shastany as chief of police (Senate, No. 2068),-- was read a second time.

Braintree,-- chief of police.

Pending the question on ordering the bill to a third reading, Mr. Keenan moved that the bill be amended in section 6, by striking out, in line 25, the words "chapter 150E or chapter 151A" and inserting in place thereof the following words:-- "or chapter 150E".

The amendment was adopted.

The bill (Senate, No. 2068, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

The House Bill authorizing the town of Boylston to continue the employment of police chief Anthony Sahagian (House, No. 1429),-- **was read a third time and passed to be engrossed, in concurrence.**

Boylston,-- chief of police.

The House Bill relative to the residency requirement for the town manager of the town of Shrewsbury (House, No. 2795) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to**

Shrewsbury,-- town manager.

be engrossed, in concurrence.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Authorizing the town of Wrentham to grant 9 additional licenses for the sale of alcoholic beverages to be drunk on the premises (Senate, No. 23);

Second reading bills.

Relative to the charter of the town of Sutton (Senate, No. 1131);

Authorizing the appointment of retired police officers as special police officers in the city of Taunton (Senate, No. 2034);

Relative to the appointment of special police officers in the city of Brockton (Senate, No. 2040);

Authorizing the town of Palmer to issue one additional license for the sale of all alcoholic beverages not to be drunk on the premises at 4279 Church street (Senate, No. 2051);

Establishing a town manager in the town of West Newbury (Senate, No. 2067);

Relative to the membership of the Millbury Redevelopment Authority (House, No. 1101);

Authorizing the town of Boylston to sell a portion of a certain town property (House, No. 1120);

Authorizing the town of Charlemont to establish a tax on commercial recreation services (House, No. 2623); and

Exempting all positions in the fire department of the city of Marlborough from the civil service law (House, No. 2782);

Were severally read a second time and ordered to a third reading.

The Senate Bill authorizing the town of Hubbardston to convey a certain parcel of land (Senate, No. 1135),-- **was read a second time and ordered to a third reading. The rules were suspended, on motion of Mr. Pacheco, and he bill was read a third time and passed to be engrossed.**

Hubbardston,-- land.

Sent to the House for concurrence.

The House Bill authorizing the appointment of a superintendent of streets in the town of Middlefield (House, No. 1119),-- **was read a second time and ordered to a third reading. The rules were suspended, on motion of Mr. Hinds, and he bill was read a third time and passed to be engrossed, in concurrence.**

Middlefield,-- superintendent of streets.

The House Bill authorizing the City known as the Town of Watertown to pay the funeral and burial expenses of firefighter Joseph Toscano (House, No. 3689),-- **was read a second time and ordered to a third reading. There being no objection, the rules were suspended, on motion of Mr. Brownsberger, and he bill was read a third time and passed to be engrossed, in concurrence.**

Watertown,-- certain funeral expenses.

At twenty-eight minutes before twelve o'clock noon, Mr. Montigny 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-two minutes twelve o'clock noon, a quorum was

declared present

The Senate Bill to prevent driver distraction and motor vehicle fatalities (Senate, No. 2058),-- was read a second time.

Motor vehicles,--
distracted drivers.

After remarks, pending the question on adoption of the amendment, previously recommended by the committee on Rules, substituting a new draft with the same title (Senate, No. 2092), and pending the main question on ordering the bill to a third reading, Mr. Moore, Ms. Forry and Ms. O'Connor Ives moved that the proposed new draft be amended in subsection (b) of section 14, by inserting at the end thereof the following new sentence:- "In addition to fines pursuant to this subsection, an operator who commits a second or third or subsequent violation of this section shall also be required to complete a program selected by the registrar of motor vehicles that encourages a change in driver behavior and attitude about distracted driving."

1

After remarks, the amendment was adopted.

Recess.

There being no objection, at a twenty-nine minutes before one o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess subject to the call of the Chair; and, at twenty-one minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

At twenty minutes before two 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 seventeen minutes before two o'clock P.M., a quorum was declared present

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill to prevent driver distraction and motor vehicle fatalities (Senate, No. 2058),-- was again considered, the main question being on ordering the bill to a third reading.

Motor vehicles,--
distracted drivers.

Ms. Jehlen moved that the proposed new draft be amended by inserting the following section:-

4

"SECTION XX. Chapter 6 of the General Laws is hereby amended by inserting the following new sections:-

Section 15 CCCCC. The governor shall annually issue a proclamation setting apart the second week of March as Massachusetts Sleep Awareness Week, and the Sunday at the beginning of Daylight Savings Time, so called as Massachusetts Sleep Awareness Day and recommending that such week be properly observed as a period of special attention to the problems of sleep deprivation and fatigue such as: impaired reaction time, judgment and vision; problems with information processing and short-term memory; decreased performance, vigilance and motivation; increased moodiness and aggressive behaviors; and, especially, the dangers of driving under the influence of sleep deprivation or fatigue. To this end, the agencies of the Commonwealth as well as private organizations, especially those interested in education, transportation, public health, and public safety, shall adopt policies and programs consistent with the goals of: (1) increasing public awareness about sleep, sleep disorders, and

consequences of sleep deprivation; (2) promoting science-based public policies that improve the sleep health of the nation; (3) advancing basic, clinical, applied, and population-based research; and promoting recognition of and access to care for all individuals with sleep disorders.

Section 15 DDDDDD. The governor shall annually issue a proclamation setting apart the second week of November as Massachusetts Drowsy Driving Prevention Week and recommending that such week be properly observed as a period of special attention to the need for public awareness and action relative to the problems of drowsy driving and driver fatigue. For purposes of this section ‘drowsy driving’ or ‘driver fatigue’ shall mean driving while being ‘sleepy,’ ‘tired,’ ‘drowsy,’ or ‘exhausted’.”

After remarks, the amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended in section 14, by striking the sentence beginning on line 76 and replacing it with the following sentence:- “An operator of a motor vehicle who holds a mobile electronic device to the operator’s ear while operating such vehicle may be considered evidence of a violation of this section.”

17

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at four minutes before two o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 8 – nays 30) [Yeas and Nays No. 53]:

YEAS.

deMacedo, Viriato M.
Eldridge, James B.
Fattman, Ryan C.
Jehlen, Patricia D.

O'Connor, Patrick M.
Ross, Richard J.
Tarr, Bruce E.
Timilty, Walter F. – 8.

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Creem, Cynthia Stone
Cyr, Julian
DiDomenico, Sal N.
Donoghue, Eileen M.
Flanagan, Jennifer L.
Forry, Linda Dorcena
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.

Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
McGee, Thomas M.
Montigny, Mark C.
Moore, Michael O.
O'Connor Ives, Kathleen
Pacheco, Marc R.
Rodrigues, Michael J.
Rosenberg, Stanley C.
Rush, Michael F.
Spilka, Karen E.
Welch, James T. – 30.

The yeas and nays having been completed at a two o'clock P.M., the amendment was *rejected*.

Ms. Chang-Diaz and Ms. Forry moved that the proposed new draft be amended by inserting the text of Senate document numbered 2106, relative to preventing differential treatment through transparency and data.

14

After remarks, the amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended in section 14, by inserting in line 83 after the word "offense", the following:-

18

"provided further, that the fine shall be suspended for a first time violator who provides proof of acquisition of a hands-free accessory subsequent to the violation but prior to the imposition of a fine subject to regulations promulgated by the executive office of public safety".

The amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended by inserting after section 14 the following section:- 19

“SECTION 14A. Chapter 155 of the acts of 2010, is hereby amended by striking out section 14, and inserting in place thereof the following section:-

Section 14. The registrar of motor vehicles, in cooperation with the highway safety division, the department of elementary and secondary education, the department of higher education and municipal law enforcement shall develop and implement an annual public awareness campaign for both junior and adult operators which shall include, but not be limited to, the dangers and consequences of distracted driving, information on the restrictions of mobile telephone and mobile electronic device use while operating a motor vehicle under sections 8M, 12A, 13 and 13B of chapter 90 of the General Laws, information on the fines and punishments which may be imposed for violations of said chapter 90 and bicycle safety. The registrar of motor vehicles shall include information on the hazards of distracted driving in each revised publication of the driver's manual.”

The amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended in section 14, by adding the following subsection:- 21

“(d) Subsections (a) to (c), inclusively, shall not apply to an employee or contractor of a public utility who uses a mobile electronic device while responding to a dispatch by the public utility to respond to an emergency including, but not limited to, a response to a power outage or an interruption in utility service.”

The amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended in section 14, subsection (a), by inserting after the last sentence thereof, the following:- 22

“For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously through the use of artificial-intelligence software and the autonomous operation of the motor vehicle is authorized by law.”

After debate, the amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended in section 14, subsection (b), by inserting after the last sentence, the following:- 23

“The provisions of this subsection shall not be construed as authorizing the seizure or forfeiture of a hand-held mobile telephone or a mobile electronic device.”

After remarks, the amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended by inserting in section 7 at the end thereof the following new text:- “or, (vii) reporting witnessed illegal activity.”; and by inserting in subsection (c) of section 14 the following new text:- “or, (vii) reporting witnessed illegal activity.” 26

The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting in line 85 after the number "175" the following:- “said surchargeable incident shall not increase a premium by anymore than twenty five dollars”. 27

The amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended by adding at the end thereof the following section 30

“SECTION XXX. Section 58A of chapter 276 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in lines 16 to 17, the words conviction for a.”

The amendment was *rejected*.

Mr. Moore, Ms. Forry and Mr. O'Connor moved that the proposed new draft be amended in section 14, by adding at the end thereof the following subsection:- 2

"(d) This section shall not apply to public safety personnel or emergency first responders using a mobile electronic device while operating an emergency services vehicle and engaged in the performance of their duties as emergency services personnel."

The amendment was adopted.

Messrs. Barrett and Brownsberger moved that the proposed new draft be amended by striking out, in section 14, in line 81, subsection 13B(b), and inserting in place thereof the following:- 7

“(b) Whoever violates this section or section 8M shall be punished by a fine of \$50 for a first offense, by a fine of \$100 for a second offense and by a fine of \$150 for a third or subsequent offense. A penalty under this subsection shall not be a surchargeable offense under section 113B of chapter 175.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at six minutes before three o'clock P.M., on motion of Mr. Barrett, as follows, to wit (yeas 12 – nays 26) **[Yeas and Nays No. 54]:**

YEAS.

- | | |
|--------------------------|---------------------------------|
| Barrett, Michael J. | Forry, Linda Dorcena |
| Brownsberger, William N. | Jehlen, Patricia D. |
| Chang-Diaz, Sonia | Lewis, Jason M. |
| Creem, Cynthia Stone | Ross, Richard J. |
| Cyr, Julian | Tarr, Bruce E. |
| Eldridge, James B. | Timilty, Walter F. – 12. |

NAYS.

- | | |
|-------------------------|------------------------------|
| Boncore, Joseph A. | L'Italien, Barbara A. |
| Brady, Michael D. | Lovely, Joan B. |
| Chandler, Harriette L. | McGee, Thomas M. |
| deMacedo, Viriato M. | Montigny, Mark C. |
| DiDomenico, Sal N. | Moore, Michael O. |
| Donoghue, Eileen M. | O'Connor Ives, Kathleen |
| Fattman, Ryan C. | O'Connor, Patrick M. |
| Flanagan, Jennifer L. | Pacheco, Marc R. |
| Gobi, Anne M. | Rodrigues, Michael J. |
| Hinds, Adam G. | Rosenberg, Stanley C. |
| Humason, Donald F., Jr. | Rush, Michael F. |
| Keenan, John F. | Spilka, Karen E. |
| Lesser, Eric P. | Welch, James T. – 26. |

The yeas and nays having been completed at three minutes before three o'clock P.M., the amendment was *rejected*.

Messrs. Moore and O'Connor moved that the proposed new draft be amended in lines 75 and 76, by striking, in its entirety, the phrase "deactivate or initiate a 25

voice command to a global positioning system or navigation device.", and inserting in place thereof the following phrase:- "deactivate or initiate a command to a global positioning system or navigation device or function."

The amendment was adopted.

Mr. Barrett moved to amend the bill by striking out section 12 and section 13 and inserting in place the following:

11

"SECTION 12. Section 13 of chapter 90, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following:-

No person, when operating a motor vehicle, shall permit to be on or in the vehicle or on or about his person anything which interferes with or impedes the proper operation of the vehicle or any equipment by which the vehicle is operated or controlled, except that a person may operate a motor vehicle while using a federally licensed 2-way radio or mobile electronic device in hands-free mode, except as provided in sections 8M, 12A and 13B, as long as 1 hand remains on the steering wheel at all times. Display of a parking identification placard issued pursuant to the requirements in section 2 of this chapter shall not, in and of itself, constitute a violation of this section."

The amendment was adopted.

Mr. Barrett moved to amend the bill in section 1, line 8, by inserting after the word "feature" the following words:- "provided that the device can be used without diverting the operator's attention from the roadway"; and in section 13, lines 60-62, by striking out the section.

12

The amendment was adopted.

Ms. Donoghue and Ms. O'Connor Ives moved that the proposed new draft be amended in section 14, in line 77, by inserting after the word "vehicle" the following words:- "or who holds in hand a mobile electronic device on the operator's lap while operating a motor vehicle".

3

The amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended in section 14, by inserting after the word "offense", in line 83, the following words:- "within 6 years"; and

24

By adding the following section:-

"SECTION 16. Notwithstanding any general or special law to the contrary, the division of insurance shall conduct a study on the feasibility of reducing the amount of time unsafe driver points remain on a driver's record. The report and any recommendations shall be submitted to the clerks of the senate and the house of representatives, the joint committee on transportation and the senate and house committees on ways and means by not later than December 31, 2017."

After remarks, the amendment was adopted.

Mr. Montigny moves to amend the bill in section 9, line 49, by inserting after the word "incident" the following: - "for violations occurring upon any way intended for motor vehicles";

28

In section 14, subsection (a), line 71, by inserting after the words "video calls" the following:- "to watch videos not intended for navigation purposes"; and

By adding the following section:-

"SECTION XX. Section 13 of said chapter 90, as so appearing, is hereby amended by striking out, in line 4, the word 'operator' and inserting in place thereof the following word:- 'operated'."

The amendment was adopted.

The Rules amendment, as amended, was then adopted.

The bill (Senate, No. 2092, amended) was then ordered to a third reading, read a third time and passed to be engrossed. [For text of Senate Bill, printed as amended, see Senate, No. 2103].

Sent to the House for concurrence.

The House Bill establishing the Massachusetts pregnant workers fairness act (House, No. 3680, amended),-- was read a second time.

Pregnant workers
fairness act.

After remarks, pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means, striking out all after the enacting clause and inserting in place thereof the text of Senate document number 2093, and pending the main question on ordering the bill to a third reading, Messrs. Fattman, O'Connor, Tarr and Ross moved that the proposed new text be amended by inserting after the word "to," in line 4, the following words:- " the health of the unborn child,".

1

Pending the question on adoption of the amendment, Ms. Lovely moved that the pending amendment (Fattman et al) be amended by striking out the text and inserting in place thereof the following text:- “, in section 2, by inserting after the word “to”, in line 41, the following words:- “attend to a pregnancy complication or”.

1.1

After remarks, the further amendment (Lovely) was adopted.

After debate, the question on adoption of the amendment (Fattman-Lovely) was determined by a call of the yeas and nays at sixteen minutes before four o'clock P.M., on motion of Mr. Fattman, as follows, to wit (yeas 38 – nays 0) **[Yeas and Nays No. 55]:**

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
Cyr, Julian	Moore, Michael O.
deMacedo, Viriato M.	O'Connor Ives, Kathleen
DiDomenico, Sal N.	O'Connor, Patrick M.
Donoghue, Eileen M.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rosenberg, Stanley C.
Flanagan, Jennifer L.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Gobi, Anne M.	Spilka, Karen E.
Hinds, Adam G.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, Walter F.
Jehlen, Patricia D.	Welch, James T. – 38.

NAYS – 0.

The yeas and nays having been completed at thirteen minutes before four o'clock P.M., the amendment, as amended, was adopted.

Mr. Tarr moved to amend the bill by inserting after section 4 the following section:-

2

“SECTION 4A. The executive office of health and human services shall provide a report on the creation of a designation of a business as ‘Family-Friendly’ which may be used in promotional materials if the business develops and implements a written policy supporting the expression of breast milk at the workplace. Such policy may include, but shall not be limited to, the following elements: (i) work schedule flexibility, including scheduling breaks and work patterns to provide time for the expression of breast milk; (ii) accessible private non-bathroom space to express breast milk; (iii) access to an electrical outlet; (iv) access to a clean, safe water source and a sink for washing; and (v) access to hygienic refrigerated storage in the workplace to store breast milk. The report shall consider information from other states which have enacted similar initiatives and include a review of the feasibility and estimated cost of maintaining a list of businesses designated as ‘Family-Friendly’.

The executive office of health and human services shall file the report with the clerks of the senate and house of representatives, the chairs of the joint committee on labor and workforce development and the chairs of the joint committee on public health not later than March 1, 2018.”

The amendment was adopted.

Ms. Spilka moved to amend the bill in section 2, by inserting after the word “breaks”, in line 65, the following words:- “during pregnancy”;

In said section 2, by inserting after the word “seating”, in line 65, the following words:- “during pregnancy”;

In said section 2, by inserting after the word “pounds”, in line 65, the following words:- “during pregnancy”;

In said section 2, by striking out the last sentence of proposed paragraph (c) of proposed subsection 1E of chapter 151B of the General Laws; and

In section 4, by inserting after the word “notice”, in line 95, the following words:- “in a handbook or by other means”.

The amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The bill, as amended was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at ten minutes before four o’clock P.M., on motion of Mr. Lewis, as follows, to wit (yeas 38 – nays 0) **[Yeas and Nays No. 56]:**

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L’Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
Cyr, Julian	Moore, Michael O.
deMacedo, Viriato M.	O’Connor Ives, Kathleen
DiDomenico, Sal N.	O’Connor, Patrick M.
Donoghue, Eileen M.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rosenberg, Stanley C.
Flanagan, Jennifer L.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.

Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.

Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Welch, James T. – 38.

NAYS – 0.

The yeas and nays having been completed at seven minutes before four o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments [For text of Senate amendments, see Senate, No. 2104, printed as amended]

Sent to the House for concurrence in the amendment.

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 Mary Mulvey Jacobson of Boston.

Moment of silence.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Ruth A. Centola, an employee of the Trial Court of the Commonwealth (see House, No. 3695), 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 9 to 0.

Ruth A. Centola,--
sick leave.

The bill was signed by the President and sent to the House for enactment.

Engrossed Bill.

An engrossed Bill validating actions taken by the town of Templeton at the special town meeting held on November 9, 2015 (see Senate Bill, printed in Senate, No. 2064) (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 President and laid before the Governor for his approbation.**

Bill laid before
Governor.

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 President and laid before the Governor for his approbation, to wit:

Amending the charter of the City of Lowell (see Senate, No. 1125, amended);
Exempting certain positions in the police department of the town of Millis from the civil service law (see Senate, No. 1452);

Bills laid before
Governor.

Authorizing the appointment of a superintendent of streets in the town of Middlefield (see House, No. 1119);

Authorizing the town of Boylston to continue the employment of police chief Anthony Sahagian (see House, No. 1429);

UNCORRECTED PROOF.

Relative to the residency requirement for the town manager of the town of Shrewsbury (see House, No. 2795);

Relative to the Mohawk Trail Regional School District and the Hawlemont Regional School District (see House, No. 2859); and

Authorizing the City known as the Town of Watertown to pay the funeral and burial expenses of firefighter Joseph Toscano (House, No. 3689).

A petition (accompanied by bill, House, No. 3790) of Paul Brodeur that the Massport Employees' Retirement System be directed to grant accidental disability retirement benefits to Jan Witkowski,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Jan Witkowski,--
retirement benefits.

Recess.

There being no objection, at six minutes past four o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-eight minutes before eight o'clock P.M., the Senate reassembled, the Mr. Brownsberger in the Chair.

Recess.

Suspension of Senate Rule 38A.

Ms. Jehlen moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Senate Rule 38A.

Recess.

There being no objection, at twenty-seven minutes before eight o'clock P.M., the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and, at thirteen minutes before nine o'clock P.M., the Senate reassembled, the Mr. Brownsberger in the Chair.

Recess.

Order Adopted.

On motion of Mr. Ross,--

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

Time of meeting.

Adjourn In Memory of Mary Mulvey Jacobson of Boston

The Senator from Norfolk & Suffolk, Mr. Rush moved that when the Senate adjourns today, it do so in memory of Mary Mulvey Jacobson of Boston.

Mary Mulvey Jacobson passed away on May 20, 2017, at the age of 63. Mary was well known for her involvement in the West Roxbury community, as President of the West Roxbury Business and Professional Association, and President of the Boston Irish Social Club. She could often be found volunteering at the West Roxbury YMCA and Ethos, where she served as a chairperson. Mary's friendly face has left a void in the community, her kindness and generosity touched so many. She established "Families in Need", a bi-annual turkey delivery, feeding over 200 residents and families in West Roxbury. She was also dedicated to helping veterans, and was instrumental in the creation of the Vietnam Veterans

Appreciation Day parade.

Mary was a dear friend and neighborhood advisor to myself and Rep. Coppinger. Mary was a long time Chief of Staff to Boston City Councilor Maura Hennigan and extremely involved in Boston Politics and government, to improve the lives of all. She was in a word, "Self Less".

Leaving behind many friends and family members, Mary was predeceased by her husband Carl Jacobson, loving sister to Martin and Karen Mulvey, Matthias Mulvey, Helen and John Connors, Theresa Bundy, Tommy and Jacki Mulvey, Maggie and Chris Kelly and the late Rita Mulvey. Mary was a loving Aunt and Great Aunt to 12 nieces and nephews.

Accordingly, as a mark of respect in memory of Mary Mulvey Jacobson, at eight minutes before nine o'clock P.M., on motion of Mr. Ross, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.