

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



FRIDAY, JULY 7, 2017.

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JOURNAL OF THE SENATE.

Friday, July 7, 2017.

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

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

Pledge of allegiance.

Report of a Committee.

By Mr. Brownsberger, for the committee on the Judiciary, on petition, a Bill establishing a sick leave bank for David Banks of 17 Turner Drive of Randolph, a court officer of the West Roxbury District Court (Senate, No. 2107);

David Banks,--
sick leave.

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

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. 1184) of Julian Cyr, Sarah K. Peake and Dylan Fernandes for legislation to modernize childhood lead poisoning prevention,-- and recommending that the same be referred to the committee on Health Care Financing;

Lead poisoning,--
prevention.

Under Senate Rule 36, the report was considered forthwith and accepted. Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Bills

Authorizing the town of Leyden to continue employment of police chief Daniel J. Galvis (House, No. 3449, amended,-- on petition) [Local approval received; and

Leyden,--
Daniel J. Galvis.

Authorizing the appointment of Sean Fountain to the position of permanent intermittent police officer in the city of Methuen (House, No. 3799,-- on House, No. 3674) [Local approval received on House, No. 3674];

Methuen,-- Sean
Fountain.

Were severally was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

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

Recess.

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 William N. Brownsberger for legislation relative to the A-B-C Stormwater Flooding Board.

Stormwater Flooding
Board.
SD2223

The rules were suspended, on motion of Mr. Montigny, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition

(accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture.

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 establish a sick leave bank for Michelle Dancy, an employee of the Department of Mental Health.

Michelle Dancy,--
sick leave.
SD2252

The rules were suspended, on motion of Mr. Montigny, 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. 3801) of Colleen M. Garry relative to public transparency to support quality care outcomes in all child serving organizations; and

Child services.

Petition (accompanied by bill, House, No. 3802) of Casandra Xavier relative to disability awareness training for certain state employees;

Disability awareness training.

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

Petition (accompanied by bill, House, No. 3803) of Joan Meschino and others relative to the finances of the Massport Community Advisory Committee;

Massport,-- finances.

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

Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill making appropriations for the fiscal year 2018 for the maintenance of the departments, boards commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 3601) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2076), reported, in part, the accompanying bill (House, No. 3800),-- came from the House, and was read.

General appropriations bill.

Ms. Spilka moved to suspend the rules to consider the report forthwith; but objection was made thereto by Mr. Tarr.

Suspension of the rules.

After debate, the question on suspension of the rules was determined by a call of the yeas and nays, at a three minutes before four o'clock P.M., on motion of Mr. Tarr as follows, to wit (yeas 32 – nays 6) [**Yeas and Nays No. 57**]:

YEAS.

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.

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

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Donoghue, Eileen M.
Eldridge, James B.
Flanagan, Jennifer L.
Forry, Linda Dorcena
Gobi, Anne M.
Hinds, Adam G.
Jehlen, Patricia D.

Pacheco, Marc R.
Rodrigues, Michael J.
Rosenberg, Stanley C.
Rush, Michael F.
Spilka, Karen E.
Timilty, Walter F.
Welch, James T. – **32.**

NAYS.

deMacedo, Viriato M.
Fattman, Ryan C.
Humason, Donald F., Jr.

O'Connor, Patrick M.
Ross, Richard J.
Tarr, Bruce E. – **6.**

The yeas and nays having been completed at four o'clock P.M., two-thirds of the members present having voted in the affirmative, the rules were suspended.

After further debate, the question on acceptance of the report of the committee of conference was determined by a call of the yeas and nays, at a twenty-eight minutes before five o'clock P.M., on motion of Ms. Spilka as follows, to wit (yeas 36 – nays 2) [**Yeas and Nays No. 58**]:

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Creem, Cynthia Stone
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Donoghue, Eileen M.
Eldridge, James B.
Flanagan, Jennifer L.
Forry, Linda Dorcena
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.
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, Patrick M.
O'Connor Ives, Kathleen
Pacheco, Marc R.
Rodrigues, Michael J.
Rosenberg, Stanley C.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Welch, James T. – **36.**

NAYS.

Chang-Diaz, Sonia

Fattman, Ryan C. – **2.**

The yeas and nays having been completed at twenty-five minutes before five o'clock P.M., the report was accepted, in concurrence.

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 Jaydon R. Dancy of Salem.

Moment of silence.

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the city of Lowell to transfer certain parcels of park land for the construction of a high school (see House, No. 3654, changed and

Lowell,-- land transfer.

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amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty minutes before five o'clock P.M., as follows, to wit (yeas 36 - nays 0) [**Yeas and Nays No. 59**]:

YEAS.

- | | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Jehlen, Patricia D. |
| Boncore, Joseph A. | Keenan, John F. |
| Brady, Michael D. | Lesser, Eric P. |
| Brownsberger, William N. | Lewis, Jason M. |
| 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, Patrick M. |
| DiDomenico, Sal N. | O'Connor Ives, Kathleen |
| Donoghue, Eileen M. | Pacheco, Marc R. |
| Eldridge, James B. | Rodrigues, Michael J. |
| Fattman, Ryan C. | Ross, Richard J. |
| Flanagan, Jennifer L. | Rush, Michael F. |
| Forry, Linda Dorcena | Spilka, Karen E. |
| Gobi, Anne M. | Tarr, Bruce E. |
| Hinds, Adam G. | Timilty, Walter F. |
| Humason, Donald F., Jr. | Welch, James T. – 36. |

NAYS – 0.

ABSENT OR NOT VOTING.

- L'Italien, Barbara A. – 1.

The yeas and nays having been completed at eighteen minutes before five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Recess.

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

Recess.

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year 2018 for the maintenance of the departments, boards commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 3800), 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

General appropriations.

of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 4 to 0.

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 establishing a sick leave bank for Matthew McGaughran, an employee of the Department of Correction.

Matthew
McGaughran,--
sick leave.
SD2248

The rules were suspended, on motion of Mr. Pacheco, 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.

Sent to the House for concurrence.

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill making appropriations for the fiscal year 2018 for the maintenance of the departments, boards commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 3800) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.**

Bill laid before the
Governor.

Order Adopted.

On motion of Mr. Timilty,--

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

Time of meeting.

Adjourn In Memory of Jaydon R. Dancy.

The Senator from Essex, Ms. Lovely, moved that when the Senate adjourns today it do so in memory of Jaydon R. Dancy of Salem.

Jaydon R. Dancy, of Salem, died unexpectedly as the result of a tragic accident, June 9, 2017 at 11 years of age in Salem.

Born in Salem, he was the son of Michelle Margaret (Cox) Dancy and Raymond Fitzgerald Dancy. Raised and educated in Salem, Jaydon was currently a student at the Carlton School. He had previously attended the Bates and Saltonstall Elementary Schools.

A determined student, Jaydon had a love of sports and activities. He played Flag Football, loved to swim, play basketball and was a professional somersaulter. He enjoyed visiting Sky Zone and showing everyone his ability to dance in the air. He could often be found outside skateboarding, riding his scooter or bike and if there was a song playing that he liked he was the first to show you his new dance moves. His essence was contagious and endeared him to all. He had an adventurous spirit, loved mother nature and all its beauty and was a fisherman at heart. His true passion was animals, having been the pet parent to many reptiles over the years. He had many friends and was loved by all.

Jaydon was intelligent beyond his years. He frequently looked out for others wellbeing before his own. He was awarded the Red Cross Hero's Award in 2017, and honored by state and city leaders for his help in attempting to rescue a wayward kayaker. He was generous, popular, sensitive, sweet and loving and will be deeply missed.

Although his life was short his impact large and he will never be forgotten. Rest in peace sweet angel.

Jaydon is survived by his loving mother, Michelle Margaret (Cox) Dancy of Salem, his father, Raymond F. Dancy of Salem, his brother Raymond Malik Dancy of Salem, his sister Desire Dancy of Boston, his niece Amayah, his nephew Tristan, his maternal grandmothers, Diane Raschelle of Maynard, Celeste Gosselin and Jewel Mchale of Gray, Maine and many aunts, uncles, cousins and extended family, friends and people who loved and adored him.

Accordingly, as a mark of respect in memory of Jaydon R. Dancy, at twenty-two minutes before six o'clock A.M., on motion of Messrs. Pacheco and Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.