

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, JULY 31, 2017.

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JOURNAL OF THE SENATE.

Monday, July 31, 2017.

Met at seven minutes past eleven o'clock A.M. (Mr. Brownsberger 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 (Mr. Brownsberger), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Report

Report of the Department of Unemployment Assistance (pursuant to Section 14F of Chapter 151A of the General Laws submitting the July 2017 Unemployment Insurance Trust Fund report (received July 28, 2017),-- **was placed on file.**

DUA,-- July 2017
report.
SD2277

Reports of Committees.

By Mr. Boncore, for the committee on Housing, on petition, a Bill relative to smart growth housing production (Senate, No. 84) [Representatives DeCoste of Norwell and Diehl of Whitman dissenting];

Smart growth,--
housing.

By the same Senator, for the same committee, on petition, a Bill promoting accessory dwelling units (Senate, No. 722);

Accessory dwelling
units.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 715), a Bill updating chapter 40R (Senate, No. 2130); and

Smart growth zoning
district.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 723), a Bill relative to housing production (Senate, No. 2131) [Representatives DeCoste of Norwell and Diehl of Whitman dissenting];

Housing production.

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

By Mr. Boncore, for the committee on Housing, on petition (accompanied by bill, Senate, No. 729), a Bill relative to accessory dwelling units (Senate, No. 2132); and

Accessory dwelling
units.

By Mr. Moore, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the appointment of retired police officers to serve as special police officers (Senate, No. 1118, changed in Section 3, in line 17, by striking out the words “, chapter 151A”);

Police officers,--
retired.

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

PAPERS FROM THE HOUSE

A Bill establishing a sick leave bank for Mary Sorenson, an employee of the Department of Mental Health (House, No. 3837, amended,-- on petition),-- **was**

Mary Sorenson,--
sick leave.

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

A Bill relative to the charter of the town of Eastham (House, No. 2423,-- on petition),-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Eastham,-- charter.

Resolutions.

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

Resolutions (filed by Mr. Ross) “congratulating Nicholas Sorel of the town of Plainville on his elevation to the rank of Eagle Scout” and

Nicholas Sorel.

Resolutions (filed by Mr. Ross) “congratulating Ryan Matthew Warner of the town of Needham on his elevation to the rank of Eagle Scout.”

Ryan Matthew Warner.

Reports of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Renee Salisbury, an employee of the Department of Transitional Assistance (Senate, No. 2101),-- ought to pass, with an amendment by inserting after the word “Salisbury”, in line 4, the first time it appears, the following words:- “to care for her child”; and by inserting before the enacting clause the following emergency preamble:-

Renee Salisbury,-- sick leave.

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of transitional assistance, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

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

The bill (Senate, No. 2101, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Michelle Dancy, an employee of the Department of Mental Health (Senate, No. 2116),-- ought to pass.

Michelle Dancy,-- sick leave.

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

Sent to the House for concurrence.

PAPER FROM THE HOUSE

Emergency Preamble Adopted

An engrossed Bill establishing a sick leave bank for Justin Michael Rizzo, an employee of the Executive Office of Labor and Workforce Development (see

Justin Michael Rizzo,-- sick leave.

House, No. 3720, 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 2 to 0.

The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.

Reports of Committees.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for David Senatillaka, an employee of the Department of Correction (House, No. 3734, amended),-- ought to pass.

David Senatillaka,--
sick leave.

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

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 Anne M. Gobi and Donald R. Berthiaume, Jr. for legislation to authorize the Brookfield Housing Authority to convey a certain parcel of land and the buildings to the Oxford Housing Authority.

Brookfield Housing
Authority,-- land
conveyance.
SD2228

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 Municipalities and Regional Government.

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 Anne M. Gobi for legislation relative to retirement buy back into the Massachusetts State Retirement system for Debra Kay Boudreau.

Debra Kay
Boudreau,--
retirement buy back.
SD2266

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 Public Service.

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 Anne M. Gobi for legislation relative to street rods and custom vehicles.

Street rods and
custom vehicles.
SD2225

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 Transportation.

Severally sent to the House for concurrence.

Order.

Messrs. Rosenberg and Tarr offered the following order:

Ordered, That, there shall be a special senate taskforce to review and report on efforts to strengthen the local retail sector in the commonwealth. The review shall include, but not be limited to: (i) challenges faced by local retailers in a changing economic environment increasingly dominated by large online sellers; (ii) closures of local retail establishments, affecting local economies and property tax bases; (iii) initiatives taken by local retailers to increase or maintain their

Local retail sector
task force.

market share; and (iv) actions by state and local governments to encourage purchasing from local retailers, consistent with other important policy objectives including adequate revenues. The task force shall consist of 13 members, 7 of whom shall be members of the senate, 5 appointed by the president and 2 by the minority leader, 5 members who represent large and small retailers from geographically diverse regions of the commonwealth, 3 of whom shall be appointed by the president and 2 by the minority leader, 1 member whom shall represent the retailers association of Massachusetts. The task force may consult with experts in business and economics to facilitate the committee's work and shall hold at least 1 public hearing. The task force shall file a report of its findings with the clerk of the senate not later than June 1, 2018 (Senate, No. 2136).

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, after remarks, the order was considered forthwith and adopted.

Report 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:

The Senate Bill establishing the month of May as Cystic Fibrosis Awareness Month (Senate, No. 1742) (the committee on Rules recommending that the bill be amended by substituting a new draft with the same title, Senate, No. 2137).

Cystic Fibrosis
Awareness Month.

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

The bill (Senate, No. 2137) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Justin Michael Rizzo, an employee of the Executive Office of Labor and Workforce Development (see House, No. 3720, amended) (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 Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.**

Bill laid before the
Governor.

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.

Moment of Silence.

At the request of the Chair (Mr. Brownsberger), the members, guests and staff stood in a moment of silence and reflection to the memory of Mary Ellen Colten.

Moment of silence.

Adjourn In Memory of Mary Ellen Colten

The Senator from Cape and the Islands, Mr. Cyr, and the Senator from Middlesex and Suffolk, Mr. DiDomenico, moved that when the Senate adjourns today, it do so in memory of Mary Ellen Colten of both Cambridge and Truro. Dr. Colten passed away on May 2, 2017. She was 68 years old.

Dr. Colten, known to most as M.E., was a remarkable wife, mother, community leader, and friend to all she came into contact with during her life. For more than three decades, Dr. Colten was the director of the Center for Survey Research at the University of Massachusetts Boston. She is responsible for growing the center into one of the best academic survey centers in the country—an accomplishment demonstrative of her incredible intelligence and relentless dedication.

Dr. Colten was a native of Detroit, Michigan – and throughout her life she earned degrees from some of the finest educational institutions in our country; including, a bachelor's degree in psychology and a doctorate in psychology from the University of Michigan, a master's degree in psychology from Yale University, and a master's degree in business administration from Simmons College.

Her devoted husband of thirty years, Barry Bluestone, is also a Detroit native. They had lived perhaps a mile apart in Detroit, but were separated by four years in high school and didn't meet until years later in Boston.

Dr. Colten combined her scholarly studies with political and community activism. When she was diagnosed with cancer eight years ago, she channeled her passion for advocacy into becoming part of the Breast Cancer Advocacy Group at Dana-Farber/Harvard Cancer Center. Her empathic nature and sensitivity to those around her fueled her work to improve holistic treatment of cancer patients. As Diane Juliar, a close friend described, "Dr. Colten was incredibly smart and wonderfully funny, but I think above all she was the most loving and supportive friend one could ever dream of. Whether it was a visit or a phone call, before you could get a word out, she would ask in all sincerity, 'How are you'—with the emphasis on the 'you'."

Dr. Colten is survived by her husband Barry, her son Josh Colten Bluestone, her brother Stewart, and her stepbrother, Joe Chafets.

We remember M.E. for her remarkable accomplishments, passion for life, and love of all people.

Accordingly, as a mark of respect in memory of Mary Ellen Colten, at twenty-four minutes past eleven o'clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.