

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



WEDNESDAY, JULY 26, 2017.

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JOURNAL OF THE SENATE.

Wednesday, July 26, 2017.

Met at five minutes past one o'clock P.M. (Mr. Pacheco in the Chair).

Qualification of a Senator.

The Honorable Cindy F. Friedman at nineteen minutes past twelve o'clock noon, on Wednesday, July 26, 2017, before the Lieutenant-Governor and Council, did take and subscribe the oath of office as State Senator from the Fourth Middlesex district.

Senator-Elect Cindy F. Friedman,--
swearing in.

Communication.

The following communication was received and placed on file:

A communication from the Honorable Stanley C. Rosenberg, President of the Senate, announcing leadership and committee appointments that have been ratified by the Majority Party Caucus:

Leadership and
Committee
appointments.

Assistant Majority Leader

- Senator Patricia D. Jehlen

Senate Committee on Bills on the Third Reading

- Senator Michael D. Brady, member

Senate Committee on Redistricting

- Senator Sal N. DiDomenico

Senate Committee on Ways and Means

- Senator Joan B. Lovely, Assistant Vice Chair
- Senator Michael J. Barrett, member
- Senator Patricia D. Jehlen, member
- Senator James T. Welch, member

Joint Committee on Environment, Natural Resources and Agriculture

- Senator Julian Cyr, member

Joint Committee on Labor and Workforce Development

- Senator Cindy Friedman, member

Joint Committee on Mental Health, Substance Use and Recovery

- Senator Cindy Friedman, member

Joint Committee on Public Safety and Homeland Security

- Senator Michael O. Moore, Chair
- Senator Michael F. Rush, Vice Chair

Joint Committee on Public Service

- Senator Cindy Friedman, Chair

Reports of Committees.

By Mr. Moore, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the Berkshire County Regional Housing Authority to convey a certain parcel of land in the town of Sheffield to the Great Barrington Housing Authority (Senate, No. 2102);

Sheffield,-- land
conveyance.

Read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.

By Ms. Flanagan, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Jacqueline Cormier, an employee of the Department of Correction (Senate, No. 2122); and

Jacqueline Cormier,--
sick leave.

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Matthew McGaughran, an employee of the Department of Correction (Senate, No. 2123);

Matthew
McGaughran,-- sick
leave.

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

By Mr. Moore, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the board of selectmen of Hardwick to appoint the town collector (Senate, No. 2114) [Local approval received]; and

Hardwick,-- town
collector.

By the same Senator, for the same committee, on petition, a Bill authorizing the board of selectmen of Hardwick to appoint the town treasurer (Senate, No. 2115) [Local approval received];

Hardwick,-- town
treasurer.

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

PAPERS FROM THE HOUSE

Bills

Relative to the traffic commission in the city of Woburn (House, No. 2779,-- on petition) [Local approval received]; and

Woburn,-- traffic
commission.

Relative to the employment contract for the director of public works in the town of Upton (House, No. 3726,-- on petition) [Local approval received];

Upton,-- public
works.

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

Notice was received from the House of Representatives announcing the following appointment by the Minority Leader:

Representative John A. Lepper of Attleboro to the Commission (under Section 69 of Chapter 3 of the General Laws) on the Status of Grandparents Raising Grandchildren.

Grandparents Raising
Grandchildren.

There being no objection, at six minutes past one o'clock P.M., the Chair (Mr. Pacheco) declared a recess subject to the call of the Chair; and, at nine minutes past three o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

The Senator from Plymouth and Barnstable, Mr. deMacedo, led the President, members, guests and staff in the recitation of the pledge of allegiance to the flag.

Pledge of allegiance.

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS MASSACHUSETTS SENATE

Senator Kathleen
O'Connor Ives--
absence from
Chamber.

July 19, 2017

William Welch, *Clerk*
Massachusetts State Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

I was absent from the Chamber for the conclusion of formal session on Thursday, July 20, 2017.

Had I been present, I would have voted in the affirmative on the following roll call:

- Senate Bill, No. 2113, Roll Call 66.

I respectfully request that a copy of this letter be printed in the Journal as part of the official records for the next session. Thank you in advance for your attention to this important matter.

Sincerely,
KATHLEEN O'CONNOR IVES
State Senator
First Essex District.

On motion of Ms. Lovely, the above communication was ordered printed in the Journal of the Senate.

Ordered printed.

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 Julian Cyr and Sarah K. Peake for legislation to establish the Cape Cod Water Protection Trust.

Cape Cod Water
Protection Trust.
SD2265

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

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. 3847) of Patricia A. Haddad, Michael J. Rodrigues and Marc R. Pacheco relative to access to early intervention services for children with prenatal exposure to opioids;

Early intervention.

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

Petition (accompanied by bill, House, No. 3848) of Mark J. Cusack and Walter F. Timilty for legislation to establish a sick leave bank for Andrew Williams, an employee of the Department of Conservation and Recreation;

Andrew Williams,--
sick leave.

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

Petition (accompanied by bill, House, No. 3849) of Josh Cutler and others for legislation to designate a certain bridge in the town of Hanson as the Honorable Charles W. Mann bridge;

Hanson,-- Charles W,
Mann bridge.

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

Engrossed Bill — Land Taking for Conservation Etc.

An engrossed Bill authorizing the town of Wareham to lease certain land (see Senate, No. 1152) (which originated in the Senate), 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 twelve minutes past three o'clock P.M., as follows, to wit (yeas 37 - nays 0) **[Yeas and Nays No. 67]:**

Wareham,-- land lease.

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, 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.
Forry, Linda Dorcena	Rush, Michael F.
Friedman, Cindy F.	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Hinds, Adam G.	Timilty, Walter F.
Humason, Donald F., Jr.	Welch, James T. – 37.
Jehlen, Patricia D.	

NAYS – 0.

ABSENT OR NOT VOTING.

Flanagan, Jennifer L. – 1.

The yeas and nays having been completed at nineteen minutes past three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same.

Subsequently, Mr. Pacheco moved that the Senate reconsider the vote by which the Senate had passed the bill to be enacted.

Under the provisions of Senate Rule 53, the question on reconsideration was placed first in the Orders of the Day for the next session.

Engrossed Bill Returned with Recommendation of Amendment.

A Message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill further regulating employer contributions to health care (see House, No. 3822) (its title having been changed by the Senate committee on Bills in the Third Reading) [being the text contained in Sections 16, 17, 60 to 67, inclusive, 93, 110, 122, 146, 147 and 150 of the General Appropriations Bill (see House, No. 3650) [for message, see Attachment D of House, No. 3800],— came from the House with the endorsement that the House

Employer contributions,-- health care.

had *rejected* the amendment recommended by the Governor, and had adopted the following amendment by inserting after section 10 the following two sections:-

“SECTION 10A. Chapter 47 of the acts of 2017 is hereby amended by inserting after section 149 the following section:-

Section 149A. Section 54 shall take effect on September 30, 2022.

Section 10B. Said chapter 47 in hereby further amended by striking out section 1515.”; and by striking out section 17 and inserting in place thereof the following section:

“SECTION 17. Section 14 shall take effect on January 1, 2020.”

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Ms. Spilka.

The same Senator moved that the Senate *reject* the Governor’s amendment and that the House amendment be adopted.

After debate, the question on rejection of the Governor’s recommendation of amendment was determined by a call of the yeas and nays, at fourteen minutes past four o’clock P.M., as follows, to wit (yeas 32 — nays 6) [**Yeas and Nays No. 68**]:

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.
Donoghue, Eileen M.
Eldridge, James B.
Forry, Linda Dorcena
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
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 Ives, Kathleen
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.**

ABSENT OR NOT VOTING.

Flanagan, Jennifer L. — **1.**

The yeas and nays having been completed at twenty minutes past four o’clock P.M., the Governor’s amendment was *rejected*.

The House amendment was then considered; and it was adopted, in concurrence.

Sent to the House for re-enactment.

A Bill relative to simulcasting and racing (House, No. 208, amended,-- on petition),-- was read.

Simulcasting.

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

Emergency Preambles Adopted.

An engrossed Bill relative to simulcasting and racing (see House, No. 208, 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.

Simulcasting.

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

An engrossed Bill further regulating employer contributions to health care (see House, No. 3822, 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 5 to 0.

Health care.

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

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow next at eleven o'clock A.M., in a full formal session without a calendar.

Time of meeting.

On motion of the same Senator, at four minutes past five o'clock P.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.