

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, MARCH 7, 2019.

JOURNAL OF THE SENATE

Thursday, March 7, 2019.

Met at four minutes past eleven o'clock A.M. (Ms. Jehlen in the Chair).

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

Pledge of Allegiance.

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Lesser for the purpose of an introduction. Mr. Lesser then introduced, in the rear of the Chamber, students from Bay Path University in Longmeadow. The group of students was visiting the State House in observance of International Women's Day. The Senate welcomed them with applause and they withdrew from the Chamber.

Bay Path University.

Reports.

Report of the Massachusetts Capital Resource Company (under the provisions of Section 20 of Chapter 816 of the Acts of 1977) submitting its forty-second annual report (Senate, No. 2182) (received March 5, 2019),-- was referred to the committee on Revenue.

MCRC,-- annual report.

Sent to the House for concurrence.

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

Report of MassDevelopment (pursuant to Section 45C of Chapter 75 of the General Laws) submitting its first annual report of the Innovation Voucher Program Fund (received March 5, 2019);

MassDev,-- voucher report. SD2320

Report of the Berkshire Regional Planning Commission (pursuant to Section 101 of Chapter 154 of the Acts of 2018) submitting its Berkshire Flyer 2.0 final report (received March 6, 2019); and

BRPC,-- Berkshire flyer 2.0 report. SD2322

Report of the Plymouth County Registry of Deeds (pursuant to Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (received March 7, 2019) (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight).

Plymouth County Registry of Deeds,-- tech fund. SD2326

Report of a Committee.

By Ms. Chang-Diaz, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill relative to well-being and care of a child (Senate, No. 37);

Cap on children,-- assistance.

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

PAPER FROM THE HOUSE.

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

Addison Koelle (under Section 79 of Chapter 154 of the Acts of 2018) on the Early

Early Ed and Care

UNCORRECTED PROOF.

Education and Care Workforce Council.

Workforce Council.

Recess.

There being no objection, at five minutes past eleven o'clock A.M., the Chair (Ms. Jehlen) declared a recess subject to the call of the Chair, and at ten minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

Reports of Committees.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Adam G. Hinds, Donald F. Humason, Jr., Smitty Pignatelli, Susannah M. Whipps and other members of the General Court for legislation to ensure fair funding for rural schools.

Rural schools,--
funding.
SD2292

The rules were suspended, at the request of Mr. Brownsberger, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Bruce E. Tarr for legislation relative to childhood lead poisoning prevention.

Lead poisoning,--
prevention.
SD2236

The rules were suspended, at the request of Mr. Brownsberger, 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 Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Bruce E. Tarr for legislation to establish a fluoride task force.

Fluoride task force.
SD2263

The rules were suspended, at the request of Mr. Brownsberger, 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 Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Diana DiZoglio for legislation relative to safe driving.

Safe driving.
SD2314

The rules were suspended, at the request of Mr. Brownsberger, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Safety and Homeland Security.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Bruce E. Tarr for a legislative amendment to the Constitution to require a supermajority vote for the utilization of rainy day funds.

Rainy day fund,--
supermajority vote.
SD2284

The rules were suspended, at the request of Mr. Brownsberger, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by proposal) was referred to the committee on Revenue.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Don Privitera for legislation relative to senior citizen property tax credits.

Property tax credits,--
seniors.
SD2311

The rules were suspended, at the request of Mr. Brownsberger, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue.

Severally sent to the House for concurrence.

Message from His Excellency the Governor.

Message from His Excellency the Governor recommending legislation to support improved financial stability in higher education (Senate, No. 2183) (received in the office of the Clerk of the Senate on Wednesday, March 6, 2019, at a half past three o'clock P.M.);

Higher education,-- stability.

The message was read; and, under Senate Rule 20, with the accompanying bill, was referred to the committee on Higher Education. Sent to the House for concurrence.

Orders of the Day.

The Orders of the Day were considered as follows:

The House Bill making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3506),-- was considered, the main question being on ordering the bill to a third reading.

Supplemental appropriations.

After remarks, pending the question on adoption of the amendment previously recommended by Mr. Rodrigues striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2181, Mr. Cyr moved that the proposed new text be amended by adding the following section:-

8.

“SECTION X. Chapter 228 of the acts of 2018 is hereby amended, in item 7002-1120, by striking the words ‘OpenCape Corporation to expand fiber optic cable’ and inserting in place thereof the following words:- ‘the town of Barnstable to expand access to broadband internet’.”

After remarks, the amendment was adopted.

Mr. Fattman moved that the proposed new text be amended by inserting at the end thereof the following section:-

17.

“SECTION __. Section 1 of chapter 64G of the General Laws is hereby amended by striking out the definition of the word ‘Hosting platform’, as inserted by section 6 of chapter 337 of the acts of 2018, and inserting in place thereof the following:-

‘Hosting platform’, a person or entity that provides a means through which accommodations are offered, and from which that person or entity financially benefits.”

After remarks, the amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended by striking out section 13 in its entirety and inserting in place thereof the following:-

18.

“SECTION 13. Subsection (a) of section 13 of chapter 64G of the General Laws, as inserted by section 8 of chapter 337 of the acts of 2018, is hereby amended by striking out clause (v).”

The amendment was *rejected*.

PAPER FROM THE HOUSE

There being no objection, during the consideration of the Orders of the Day, the following matters were considered as follows.

The House Order relative to the adoption of permanent Joint Rules for the 191st General Court governing the 2019-2020 legislative session (House, No. 2021),-- came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 17 *with a further amendment* striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the text contained in House document numbered 3510.

Joint Rules.

The rules were suspended, on motion of Mr. DiDomenico, and, after debate, the further House amendment was adopted, in concurrence.

Orders Adopted.

Mr. DiDomenico offered the following order, to wit:

Ordered, that the Rules of the Senate be amended by adding the following rule:-

Senate Rules.

“11E. Members of the Senate may be compensated for service in no more than 2 positions, whether as a member of leadership or as a chair, vice-chair or ranking member of a committee.”;

In Rule 12, by striking out, the figure “8”, the second time it appears, and inserting in place thereof the following figure:- “7”;

In Rule 13 by striking the words “not more than 3”;

In said Rule 13 by striking the words “not more than 4”; and

By striking rule 62B and inserting in place thereof the following rule:-

“62B. (a) The Chief Financial Officer of the Senate shall complete the procurement of all goods and services for the Senate. Procurements for goods or services shall be made from the statewide procurement contract established by the operational services division, to the extent practicable, as determined by the Chief Financial Officer. If the Chief Financial Officer determines that a procurement cannot be made using the statewide procurement contract established by the operational services division, the Chief Financial Officer may procure the required goods or services under subsections (b), (c) or (d).

(b) Procurement of a supply or service from a vendor not on the statewide procurement contract valued at less than \$10,000 shall be made at the discretion of the Chief Financial Officer.

(c) If the Chief Financial Officer seeks to procure a supply or service from a vendor not on the statewide procurement contract valued at \$10,000 or more, but less than \$100,000, the Chief Financial Officer shall seek quotations from not fewer than 3 persons providing such supply or service. The Chief Financial Officer shall record the names and addresses of all persons from whom quotations were received, the names of the persons submitting quotations and the date and amount of each quotation. The Chief Financial Officer shall award the contract to the responsible person whose quotation offers the needed quality of supply or service and which represents the best value for the Senate.

(d) If the Chief Financial Officer seeks to procure a supply or service from a vendor not on the statewide procurement contract valued at \$100,000 or more, the Chief Financial Officer shall seek proposals through a competitive bid process, which shall be established by the Chief Financial Officer.

(e) The Chief Financial Officer shall maintain a file on each procurement not executed using the statewide procurement contract established by the operational services division and in excess of \$10,000 and shall include in such file all documents constituting the agreement for goods and services and all documents required by subsection (c) or (d). The files maintained shall be available for inspection by members of the Senate during regular business hours unless the information is otherwise protected by state or federal law.

(f) In addition to the requirements of this rule, all procurements for legal services shall be approved by the Senate Counsel.

(g) If, in the determination of the Chief Financial Officer, an emergency procurement of greater than \$10,000 is necessary, the Chief Financial Officer may procure the goods or services immediately and create and maintain a file explaining the nature of the emergency and the goods or services that were procured as a result. The Chief Financial Officer shall document the goods or services that were procured, the process used to procure the goods or services, the vendors that were contacted and any other information relevant to the procurement, and make that information available to members of the Senate during regular business hours, unless the information is otherwise protected by state or federal law.

[2013.]”;

The rules were suspended, on motion of Ms. Lovely, and the order was considered forthwith and adopted.

Mr. Tarr offered the following order, to wit:

Ordered, that, notwithstanding any rule to the contrary, the Senate Committee on Rules shall provide a report on the feasibility of broadcasting informal sessions in the same manner and format as formal sessions. The report shall include: (i) the estimated cost and cost effectiveness of the broadcasting; (ii) the recommended format; (iii) and additional considerations for the Senate in implementing this proposal. The report shall be filed with the clerk of the senate not later than December 31, 2019.

Informal sessions,--
broadcasting.

The rules were suspended, on motion of Mr. Timilty, and the order was considered forthwith.

After remarks, the question on adoption of the order was determined by a call of the yeas and nays at five minutes before three o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 38 – nays 0) [**Yeas and Nays No. 14**]:

YEAS.

- | | |
|--------------------------|------------------------------|
| Barrett, Michael J. | Hinds, Adam G. |
| Boncore, Joseph A. | Humason, Donald F., Jr. |
| Brady, Michael D. | Jehlen, Patricia D. |
| Brownsberger, William N. | Keenan, John F. |
| Chandler, Harriette L. | Kennedy, Edward J. |
| Chang-Diaz, Sonia | Lesser, Eric P. |
| Comerford, Joanne M. | Lewis, Jason M. |
| Creem, Cynthia Stone | Lovely, Joan B. |
| Crighton, Brendan P. | Montigny, Mark C. |
| Cyr, Julian | Moore, Michael O. |
| deMacedo, Viriato M. | O'Connor, Patrick M. |
| DiDomenico, Sal N. | Pacheco, Marc R. |
| DiZoglio, Diana | Rausch, Rebecca L. |
| Eldridge, James B. | Rodrigues, Michael J. |
| Fattman, Ryan C. | Rush, Michael F. |
| Feeney, Paul R. | Tarr, Bruce E. |
| Finegold, Barry R. | Timilty, Walter F. |
| Friedman, Cindy F. | Tran, Dean A. |
| Gobi, Anne M. | Welch, James T. – 38. |

NAYS – 0.

ABSENT OR NOT VOTING.

Collins, Nick – **1.**

The yeas and nays having been completed at two minutes before three o’clock P.M., the order was adopted.

Recess.

At one minute before three o’clock P.M, at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at twenty-nine minutes past three o’clock P.M., the Senate reassembled, the President in the Chair.

Recess.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3506),-- was considered, the main question being on ordering the bill to a third reading.

Supplemental appropriations.

Pending the question on adoption of the amendment previously recommended by Mr. Rodrigues striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2181, Mr. Cyr moved that the proposed new text be amended by inserting after section 7 the following 3 sections:-

7.

“SECTION 7A. The second paragraph of section 19 of chapter 29C of the General Laws, as appearing in section 2 of chapter 337 of the acts of 2018, is hereby amended by inserting after the word ‘protection’ the following words:- ‘as submitted to the department of environmental protection by a majority vote of the chief executive officers of the municipality’.

SECTION 7B. The fourth paragraph of said section 19 of said chapter 29C, as so appearing, is hereby amended by striking out the words ‘board, in addition to any approvals required under this chapter. The’ and inserting in place thereof the following words:- ‘management board, in addition to any approvals required under this chapter. The management.’

SECTION 7C. Section 20 of said chapter 29C, added by section 2 of chapter 337 of the acts of 2018, is hereby amended by adding the following 2 paragraphs:-

Annually, not later than June 1, the commissioner of revenue shall make available to the management board the total amount of revenue collected under section 3C of chapter 64G in the preceding fiscal year from occupancies in each municipality that is a member of the fund. The management board shall maintain complete itemized records of all receipts, expenditures and disbursements from the fund in accordance with generally accepted accounting principles and shall produce an annual written report that shall include, but not be limited to: (i) an account of revenue generated under section 3C of chapter 64G; (ii) itemized expenses of the board; (iii) summaries of the projects funded through the Cape Cod and Islands Water Protection Fund; (iv) an account of administrative expenses of the Cape Cod commission and the Martha’s Vineyard Commission; and (v) 5-year projections relative to expected revenue and upcoming projects.

The records maintained by the management board shall be audited annually by an independent certified public accountant. Annually, not later than January 15, a copy of the annual audit report and the annual written report shall be provided to the chairs of the joint committee on environment, natural resources and agriculture and to each representative and senator who represents at least 1 municipality in the county of Barnstable, the county of Dukes County or the county of Nantucket.”; and

In section 36, by inserting after the word “designate”, in line 477, the following words:- “by a majority vote of the chief executive officers of the municipality”.

After remarks, the amendment was adopted.

At twenty-eight minutes before four o’clock P.M, Mr. Tarr doubted the presence of a quorum; but a quorum was deemed present.

Quorum.

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following section:-

9.

“SECTION . Notwithstanding any general or special law to the contrary prior to any fare increase by the Massachusetts bay transportation authority, the Massachusetts bay transportation authority fiscal control board as established under chapter 46 of the acts of 2015, shall contract with an independent actuary and auditor to conduct an independent review, and analysis of sustainability of the Massachusetts bay transportation authority

retirement fund as established under chapter 32 of the general laws. Said review shall be commence no later than 45 days after the passage of this act, and no fare increase shall be implemented prior too.

Said review and any recommendations shall be submitted to the Massachusetts bay transportation authority fiscal control board, the joint committee on transportation, the house and senate committee on ways and means and the clerks of the house and senate.”

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by striking section 31 in its entirety and inserting in place thereof the following:-

10.

“SECTION_. Section 110 of chapter 5 of the acts of 1995, as most recently amended by sections 53 and 55 of chapter 154 of the acts of 2018, is hereby further amended by striking out subsections (a) through (e) and inserting in place thereof the following subsections:-

(a) For purposes of this act the following words shall, unless the context clearly requires otherwise, have the following meanings:-

‘Assistance’, cash grants, special needs assistance, and other benefits funded jointly by the commonwealth and the federal government which are available from the program.

‘Commissioner’, the commissioner of the department.

‘Department’, the department of transitional assistance known previously as the department of public welfare established by chapter 18 of the General Laws.

‘Dependent child’, ‘dependent children’, ‘child’ or ‘children’, the children of recipients eligible to receive assistance from the program.

‘Family’, the household unit consisting of dependent children and a recipient or recipients determined eligible for assistance from said program.

‘Program’, the program of aid to families with dependent children established by chapter 118 of the General Laws and as modified by this act.

‘Recipient’, parents receiving or otherwise eligible to receive assistance from said program who are responsible for the care of dependent children.

(b) A family shall be eligible for assistance provided its maximum allowable countable resources do not exceed \$5,000 and upon meeting all other eligibility criteria; provided, however, that the value of 1 vehicle will not count toward the family's countable resources; and provided further, that an assistance unit shall be allowed the value and balance of a college savings plan established and maintained pursuant to, or consistent with, section 529 of the Internal Revenue Code.

The department shall exclude from a family's countable resources any earned income of dependent children of the family who are working part-time while attending school full time. The department shall promulgate regulations in accordance with this section, including, but not limited to, updated 106 CMR 204.210(D)(2).

(c) The department shall treat adult social security income as countable income for purposes of determining eligibility and benefit levels for the program.

(d) An earnings disregard of earned income shall be provided to both exempt and nonexempt families, such that a recipient shall be eligible to have 100 per cent of the remaining gross earned income, before dependent care deductions, disregarded for 6 consecutive months immediately following the start of initial employment or the date on which the recipient began receiving transitional aid to families with dependent children, whichever is later; provided, however, that total income shall not exceed 200 per cent of the federal poverty level for the household size. Such recipient shall also be eligible to have 50 per cent of the remaining gross income, after work-related expenses but before dependent care deductions, disregarded following the initial 6-month period of earnings disregard.

(e) Recipients meeting the following eligibility criteria shall be exempt from the provisions of subsections (d), (f), (h) and (j) until such time as their eligibility status has been determined by the department to have changed and they no longer conform to the criteria that define the following exempt categories of assistance:

(1) recipients who are disabled, as defined by the federal Social Security Act, 42 U.S.C.A. §423(d) or, in the commissioner's discretion, a recipient who has been determined by the commonwealth's disability evaluation service to have a disability that meets or equals medical standards established by the department or substantially reduces the recipient's ability to support the recipient's children taking into account the individual's age, education and work experience; provided that in families with 2 parents, both parents are disabled; provided further, that to the extent permitted by federal law, the word 'disabled' shall not include recipients who are dependent on alcohol or drugs or whose disability is based in whole or in part on previous dependency. A recipient who requests an exemption under this clause shall, as a condition of continued eligibility for transitional aid to families with dependent children, apply for supplemental security income (SSI) and, if requested by the department, appeal a denial of SSI benefits. Recipients who do not comply with the department's request to apply for SSI or appeal a decision shall not be granted a work exemption under this clause;

(2) recipients who must care for a disabled child or spouse. A recipient who requests an exemption under this clause shall apply for SSI benefits on behalf of the disabled child or spouse;

(3) recipients in their thirty-third week or later of pregnancy, recipients in their third trimester of pregnancy who have submitted documentation signed by a primary care provider, as defined in section 1 of chapter 111 of the General Laws, or an obstetrician, gynecologist, nurse-midwife or family practitioner registered and certified under chapter 112 of the General Laws, that the recipient has a medical condition that prevents the recipient from working, or recipients with a child under the age of 2 years;

(4) recipients under the age of 20 years attending high school full time subject to the provisions of subsection (i); or

(5) caretakers of children in their care to whom they have no legal obligation; provided, however, that the department shall provide a cash payment for only the children.

SECTION_. Subsection (j) of said section 110 of said chapter 5 of the acts of 1995, as most recently amended by section 27 of chapter 158 of the acts of 2014, is hereby further amended by striking out the words 'of record' each time they appear."

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following section:-

19.

"SECTION_. Section 44 of Chapter 130 of the General Laws is hereby amended by striking out the third paragraph, as appearing in Section 107 of Chapter 38 of the acts of 2013, and inserting in place thereof the following paragraph:-

If the measurement of any such lobster taken from 1 or the other eye sockets is of the required length, such lobster shall be deemed to be a legal lobster. In all prosecutions under this section, any mutilation of any lobster which affects its measurement as aforesaid shall be prima facie evidence that the lobster was or is shorter than the required length; provided, however, that the director shall, by regulation approved by the marine fisheries advisory commission, allow the on-shore processing in the commonwealth of live lobsters of legal length into frozen shell-on lobster parts or tails and the importation of unfrozen shell-on lobster parts or tails for the purpose of further processing by wholesale dealers that are licensed by the department of public health under Section 77G of Chapter 94. Processed frozen shell-on lobster parts or tails may be possessed, sold or offered for sale in the

commonwealth by any wholesale dealer, retail dealer or food establishments and such food product may be possessed by a consumer. The processing, possession or sale of frozen or unfrozen lobster tails pursuant to this section shall be limited to lobster tails weighing 3 ounces or more. The packaging of processed frozen or unfrozen shell-on lobster parts or tails pursuant to this section as a food product shall be labeled in accordance with applicable federal and state laws and regulations. This section shall not apply to common carriers having lobster in possession for the purpose of transportation.

This section shall take effect on April 1, 2019 during which time the Division of Marine Fisheries shall promulgate regulations, in accordance with recommendations from the 2012 Division of Marine Fisheries report entitled, 'Analysis of Laws, Regulations and Policies Pertaining to the Processing, Possession and Sale of Processed Frozen Lobster Parts,' to maintain enforcement of conservation rules and to ensure only legally sized lobsters are taken."

After remarks, the amendment was adopted.

Mr. Rodrigues moved that the proposed new text be amended by striking out sections 10 to 13, inclusive;

20.

By inserting after section 35, the following 4 sections:-

"SECTION 35A. Section 6 of chapter 337 of the acts of 2018 is hereby amended by striking out, in section 1 of chapter 64G of the General Laws, the definition of 'Rent' and inserting in place thereof the following definition:-

'Rent', the total consideration paid by or on behalf of an occupant, including any service, cleaning or other charge, to an operator or an intermediary collecting and remitting the excise on behalf of an operator under section 13 in exchange for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature; provided, however, that 'rent' shall not include: (i) bona fide refundable security deposits; (ii) any amount paid by an occupant that is included in the taxable gross receipts of the operator under chapter 64H or 64I where the operator is a vendor for purposes of those chapters; or (iii) amounts paid by an occupant to an operator for services offered by the operator on similar terms to non-occupants in the regular course of the operator's business.

SECTION 35B. Said section 6 of chapter 337 is hereby further amended by striking out section 3D of chapter 64G and inserting in place thereof the following section:-

Section 3D. (a) A city or town that accepts section 3A may, by a separate vote and in the same manner of acceptance as set forth in said section 3A, impose a community impact fee of not more than 3 per cent of the total amount of rent upon each transfer of occupancy of a professionally managed unit that is located within that city or town.

(b) A city or town that votes to impose a community impact fee under subsection (a) may, by a separate additional vote and in the same manner of acceptance as set forth in section 3A, also impose the community impact fee upon each transfer of occupancy of a short-term rental unit that is located within a two-family or three-family dwelling that includes the operator's primary residence.

(c) An operator shall pay the community impact fees imposed under this section to the commissioner at the same time and in the same manner as the excise due to the commonwealth under section 3. All sums received by the commissioner under this section as excise, penalties or forfeitures, interest, costs of suit and fines shall, not less than quarterly, be distributed, credited and paid by the state treasurer upon certification of the commissioner to the city or town. A city or town shall dedicate not less than 35 per cent of the community impact fees collected under this section to affordable housing or local infrastructure projects.

SECTION 35C. Section 8 of said section 337 of the acts of 2018 is hereby amended

by striking out, in clause (iii) of subsection (a) of section 13 of said chapter 64G the word ‘municipality’ and inserting in place thereof the following word:- ‘commissioner’.

SECTION 35D. Said section 8 of said section 337 is hereby amended by striking out in clause (v) of said subsection (a) of said section 13 of said chapter 64G the words ‘to permitting such operator to list or offer an accommodation for rent through the use of the intermediary’ and inserting in place thereof the following words:- ‘to the intermediary collecting any rent from an occupant or facilitating the collection or payment of rent on behalf of an operator’.”;

By striking out section 46; and

By striking out section 47 and inserting in place thereof the following section:-

“SECTION 47. Section 18 and sections 26 to 31, inclusive, shall take effect as of January 1, 2019; provided, however, that the department of transitional assistance shall implement said section 18 and said sections 26 to 31, inclusive, not later than June 1, 2019.”

The amendment was adopted.

The Rodrigues amendment (Senate, No. 2181) was then adopted, as amended.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed [For text of Senate amendment, printed as amended, see Senate, No. 2184].

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 David Vigneault.

Moment of silence.

Order Adopted.

On motion of Ms. Comerford,--

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.

Adjournment in Memory of David Vigneault.

The Senator from First Hampden and Hampshire, Mr. Lesser and the Senator from Hampden, Mr. Welch moved that when the Senate adjourn today, it adjourn in memory of David Vigneault who passed away on February 13, 2019 at the age of 83.

Born in Springfield, David, or Dave as he was known to his friends, was a graduate of Springfield’s Technical High School. After he graduated, Dave enlisted in the United States Army in 1955 and was deployed to serve in the Korean War.

After being discharged, Dave enrolled as a Political Science Major at the University of Massachusetts, Amherst.

In 1960, at the age of 24, Dave was elected to the Massachusetts House of Representatives from the 5th Hampden District, which at the time encompassed the Pine Point and Indian Orchard neighborhoods of Springfield. Over the 12 years Dave served in the legislature he became a steadfast champion of the Civil Rights movement, sometimes to the detriment of his own political career.

In fact, while serving in the legislature, Dave became a Freedom Rider, traveling to Mississippi to help register black voters, an action at the time which resulted in his arrest

at gunpoint by the Nashoba County Sheriff's Department on charges of disturbing the peace, disobeying an officer of the law, and unruly conduct. A full accounting of this event can be found in the September 2, 1965 edition of the Springfield Union News.

After returning home from Mississippi, Dave sought re-election to his seat amid backlash over his support for the civil rights movement, ultimately winning by only 129 votes.

In 1972, he left the House of Representatives and moved to Washington D.C. where he spent much of his time in the Library of Congress, studying history and politics.

He returned to Massachusetts in 1978 and went to work for former Senate President William Bulger where he served for 20 years.

After his retirement, Dave continued to have a robust civic and political life in Springfield, volunteering for numerous candidates on the local, state, and national level. Anyone who knew Dave, knew him as a kind and gentle man. For many of us, Dave was always there, always ready to hold a sign or knock on a door to help elect someone he admired.

Dave was recently diagnosed with cancer and spent his final days at the Holyoke Soldiers Home where he was visited by countless friends, sharing a laugh or an old story from his days at the State House or out on the campaign trail.

The Springfield community grieves the loss of our friend, former State Representative and civil rights activist, David Vigneault.

Accordingly, as a mark of respect to the memory of David Vigneault, at five minutes past four o'clock P.M., on motion of Ms. Gobi, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.