

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, APRIL 8, 2019.

[32]

JOURNAL OF THE SENATE

Monday, April 8, 2019.

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

Pledge of Allegiance.

Report.

Report of the Division of Administrative Law Appeals (pursuant to Section 4H of Chapter 7 of the General Laws) submitting its 2018 annual report (received April 3, 2019), -- was placed on file.

DALA,-- annual report. SD2380

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2195) of Bruce E. Tarr and Ann-Margaret Ferrante (with approval of the mayor and city council) for legislation relative to crediting the stabilization fund for the sale of Fuller School in the city of Gloucester [Local approval received];

Gloucester,-- Fuller School sale.

Under Senate Rule 20, to the committee on Municipalities and Regional Government.

Sent to the House for concurrence.

By Mr. Cyr, a petition (accompanied by bill) (subject to Joint Rule 12) of Julian Cyr for legislation relative to the Commonwealth's fire departments;

Fire departments. SD2382

By Ms. DiZoglio, a petition (accompanied by bill) (subject to Joint Rule 12) of Diana DiZoglio for legislation relative to overtime pay for agricultural and farm work; and

Farm work,-- overtime pay. SD2383

By Ms. Lovely, a petition (accompanied by bill) (subject to Joint Rule 12) of Joan B. Lovely and James J. O'Day for legislation relative to the well-being of new mothers and infants;

Mothers and infants,- - well-being. SD2381

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

Committee Discharged.

Mr. Barrett, for the committee on Telecommunications, Utilities and Energy, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1971) of Anne M. Gobi, Michael O. Moore and Ryan C. Fattman for legislation to authorize the Southern Worcester County Regional Vocational School District to enter into solar power generation agreements,-- and recommending that the same be referred to the committee on Education;

Worcester County School District,-- solar power.

Under Senate Rule 36, the report was considered forthwith and accepted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

The following petitions (having been filed in the office of the Clerk of the House prior to five o'clock P.M., on Friday, January 18, 2019, and having been transmitted to the Secretary of the Commonwealth under the provisions of Section 5 of Chapter 3 of the General Laws, and returned by him with memorandum relative thereto on Friday, March 29, 2019) were referred, in concurrence, as follows, to wit:-

A petition (accompanied by bill, House, No. 3669) of Dylan A. Fernandes for legislation to establish a Martha's Vineyard housing bank;

Martha's Vineyard,--
housing bank.

To the committee on Municipalities and Regional Government.

A petition (accompanied by bill, House, No. 3675) of Louis L. Kafka, Steven S. Howitt and James K. Hawkins that the Massachusetts Credit Union Share Insurance Corporation be authorized to create and maintain a fund for the insurance of shares and deposits of members of the Central Credit Union Fund, Inc.;

Massachusetts Credit
Union Share
Insurance
Corporation.

To the committee on Financial Services.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3676) of Kenneth I. Gordon and Cindy F. Friedman (by vote of the town) that the town of Burlington be authorized to issue five additional licenses for the sale of all alcoholic beverages to be drunk on the premises and four additional licenses for the sale of wine and malt beverages to be drunk on the premises;

Burlington,-- liquor
licenses.

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3677) of Angelo L. D'Emilia and Marc R. Pacheco (with the approval of the town council) that the town of Bridgewater be authorized to appoint police cadets under certain circumstances to the police department of said town;

Bridgewater,-- police
department.

Petition (accompanied by bill, House, No. 3678) of James K. Hawkins (with the approval of the mayor and municipal council) that the city of Attleboro be authorized to amend the charter of said city by making all gender references therein gender neutral;

Attleboro,-- charter.

Petition (accompanied by bill, House, No. 3679) of Paul W. Mark and Adam G. Hinds (by vote of the town) relative to the position of appointed treasurer-collector in the town of Hinsdale; and

Hinsdale,-- treasurer-
collector.

Petition (accompanied by bill, House, No. 3680) of Timothy R. Whelan (by vote of the town) relative to amending the charter of the town of Yarmouth;

Yarmouth,-- charter.

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3681) of Paul F. Tucker and Joan B. Lovely (with the approval of the mayor and city council) that the city of Salem be authorized to establish a means-tested senior citizen property tax exemption; and

Salem,-- property tax
exemption.

Petition (accompanied by bill, House, No. 3682) of Tommy Vitolo (by vote of the town) relative to property tax relief for low and moderate income seniors in the town of Brookline;

Brookline,-- property
tax relief.

Severally to the committee on Revenue.

A report of the committee on Labor and Workforce Development, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3572) of Lindsay N. Sabadosa, Rebecca L. Rausch and others relative to workplace harassment in the State House, and recommending that the same be referred to the committee on State Administration and Regulatory Oversight,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Workplace
harassment.

Emergency Preamble.

An engrossed Bill establishing a sick leave bank for Pattie Woods, an employee of the Massachusetts Commission Against Discrimination (see House, No. 3508), 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.

Pattie Woods,--
sick leave.

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

Resolutions.

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

Resolutions (filed by Messrs. Brady and Timilty) “congratulating Marius Machado on his elevation to the rank of Eagle Scout”;

Marius Machado.

Resolutions (filed by Mr. Brownsberger) “commending Aurelian Mardiros and Anahid Mardiros for their contributions to the commemoration of the Armenian Genocide”; and

Aurelian and Anahid
Mardiros.

Resolutions (filed by Ms. Chang-Diaz, Ms. Comerford, Ms. Creem, Messrs. Crighton, DiDomenico and Finegold, Ms. Gobi, Messrs. Keenan and Lesser, Ms. Lovely and Messrs. Montigny, O’Connor, Rush and Tarr) “commemorating the one hundred and fiftieth anniversary of the ratification of the fifteenth amendment to the United States Constitution by the Commonwealth.”

150th Anniversary of
the Ratification of the
Fifteenth
Amendment.

Communication.

The Clerk read the following communication:

**The Commonwealth of Massachusetts
MASSACHUSETTS SENATE**

April 3, 2019

Senator Cindy F.
Friedman,--absence
from Chamber.

Mr. Michael D. Hurley
Clerk of the Senate
Room 335, State House
Boston, MA 02133

Dear Mr. Clerk:

I was absent from the Senate chamber when the final roll call votes were taken on the following two bills on Thursday, March 28, 2019:

- to engross H.3594, An Act to lift the cap on kids
- to enact H.3638, An Act making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects (Title X funding)

I respectfully request to add the following statement to the records of the Senate:

I would like to call to the attention of the Senate that I was unable to be present for the final roll call votes to engross H.3594, An Act to lift the cap on kids, and to enact H.3638, An Act making appropriations for the fiscal year 2019 to provide for

supplementing certain existing appropriations and for certain other activities and projects (Title X funding), on Thursday, March 28, 2019 due to a prior commitment. Had I been present, I would have voted in the affirmative in both instances.

Thank you very much for your assistance. Please do not hesitate to contact me if I can provide any additional information.

Sincerely,

Cindy F. Friedman
Fourth Middlesex District

On motion of Mr. Fattman, the above communication was ordered printed in the Journal of the Senate.

Ordered printed.

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The House Bill establishing a sick leave bank for Anna-Paula Ferreira, an employee of the Department of Transitional Assistance (House, No. 77) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Anna Paula Ferreira,-
- sick leave.

Pending the question on passing the bill to be engrossed, Mr. Rodrigues presented an amendment inserting after the second sentence the following sentence:-

“Upon exhaustion of all other available leave time, including personal days, vacation days, sick time and any time available pursuant to the extended illness leave bank established by section 4P of chapter 7 of the General Laws, Anna Paula Ferreira shall be permitted to use any time credited to the sick leave bank established by this act.”

The amendment was adopted.

The bill, as amended, was passed to be engrossed, in concurrence with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No 3684) of Paul W. Mark and Adam G. Hinds for legislation to establish a sick leave bank for Patricia Harrison, an employee of the Department of Developmental Services,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Patricia Harrison,--
sick leave.

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Pattie Woods, an employee of the Massachusetts Commission Against Discrimination (see House, No. 3508) (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. Boncore) and laid before the Governor for his approbation.**

Bill laid before the
Governor.

Moment of Silence.

At the request of the Chair (Mr. Boncore), the members, guests and staff stood in a moment of silence and reflection to the memory of Ed Hamilton.

Moment of Silence.

Order Adopted.

On motion of Mr. Fattman --

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.

Adjournment in Memory of Ed Hamilton.

The Senator from Suffolk, Mr. Collins, presented a request that when the Senate adjourns today it do so in memory of Ed Hamilton.

Ed Hamilton was a World War II veteran who served in the U.S Navy in the South Pacific on the USS Bennett DD-473 that his father Ross Hamilton built at the Charlestown Navy Yard. As Seaman First Class, Ed was responsible as the gunner's mate and a helmsman.

While aboard the USS Bennett, Ed and his fellow gunners played a major role to help the Marine Corps land on Iwo Jima, providing over 100 hours of bomb support. A total of 587 rounds of 5 inch shells in 26 minutes into Iwo Jima softening the ground for the Marines advance. Once Iwo Jima was secured, they moved on to Okinawa.

During World War II, Ed fought in 9 major battles, receiving many medals including the Navy Unit Commendation medal for bravery for the entire crew and they fought to save survivors from two other destroyers that were sunk while under attack in the Okinawa Transport area. They fought off 9 kamikazes and more than 50 other enemy aircrafts while their ammunition was greatly reduced. The crew of the Bennett successfully destroyed 17 enemy aircrafts and finally was hit by one kamikaze, whose bomb exploded on the ship.

Ed shared his stories of World War II to many people including his pen pal Domink's class during a trip back for the 75th anniversary of Pearl Harbor.

A true American Hero who was loved by many and will be missed by all."

Accordingly, as a mark of respect in memory of Ed Hamilton, at twenty-five minutes past eleven o'clock A.M., on motion of Mr. Fattman, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M