

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, APRIL 18, 2019.

JOURNAL OF THE SENATE

Thursday, April 18, 2019.

Met at eleven minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair).

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

Pledge of Allegiance.

Distinguished Guests.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, on the side of the Rostrum, Jacob Brawley and Michael Cotter of Wrentham. The Senate welcomed them with applause and they withdrew from the Chamber.

Jacob Brawley and Michael Cotter.

Communications.

The following communications were severally received and placed on file:

Communication from the Office of the Comptroller (pursuant to Section 6B of Chapter 29 of the General Laws) submitting its quarterly report on the status of federal funds applied for, received and expended in the third quarter of fiscal year 2019 (received on April 18, 2019); and

Comptroller,-- federal grants report. SD2401

Communication from the Hampden County Sheriff's Office submitting a plan of corrective action following an inspection of the Hampden County Jail and House of Correction conducted on February 13th,14th, and 15th, 2019 (received on April 17, 2019).

Hampden county,-- corrective plan. SD2398

Reports.

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

Report of the Department of Public Health (pursuant to Section 107 of chapter 208 of the Acts of 2018) relative to the Catastrophic Illness in Children Relief Fund for fiscal year 2018 (received on April 16, 2019); and

CICRF,-- report. SD2397

Report of the Department of Unemployment Assistance (pursuant to Section 14F of Chapter 151A of the General Laws) submitting the April 2019 Unemployment Insurance Trust Fund report (received on April 16, 2019).

DUA,-- report. SD2400

Petition.

Ms. DiZoglio presented a petition (accompanied by bill, Senate, No. 2202) of Diana DiZoglio for legislation to dissolve the Newburyport Redevelopment Authority and transfer its lands to the city of Newburyport for permanent dedication for park and conservation purposes, with public parking not excluded, under Article 97 of the Massachusetts Constitution [Local approval received];

Newburyport Redevelopment Authority.

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

Sent to the House for concurrence.

Reports of a Committee.

By Mr. Pacheco, for the committee on State Administration and Regulatory Oversight, on petition, a Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain property in the town of Templeton (Senate, No. 1854); and

Templeton,-- land conveyance.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1911), a Bill authorizing the mutual release of all claims to certain lands in the town of Newbury (Senate, No. 2201);

Newbury,-- land conveyance.

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

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to financing the general governmental infrastructure of the Commonwealth (House, No. 3687),-- **was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.**

Commonwealth's infrastructure,-- bond.

Reports

Of the committee on Education, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 481) of Natalie M. Higgins and others for legislation to establish a fund to be known as the education fund, and recommending that the same be referred to the committee on Higher Education; and

Education fund.

Of the committee on Municipalities and Regional Government, asking to be discharged from further consideration of the 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, and recommending that the same be referred to the committee on Public Service;

Bridgewater,-- police cadets.

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

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 Max Rhodes on his elevation to the rank of Eagle Scout";

Max Rhodes.

Resolutions (filed by Mr. O'Connor) "congratulating Robert Linden on his elevation to the rank of Eagle Scout";

Robert Linden.

Resolutions (filed by Mr. Pacheco) "congratulating James P. "Jake" Broderick, III on his elevation to the rank of Eagle Scout"; and

James P. "Jake" Broderick, III.

Resolutions (filed by Messrs. Tran and Eldridge, Ms. Gobi and Ms. Chandler) "commemorating the thirty-fifth anniversary of the North Central Massachusetts Chamber of Commerce."

North Central MA Chamber of Commerce.

Report of Committees.

By Ms. Lovely, for the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Marc R. Pacheco and Angelo L. D'Emilia for legislation to establish a sick leave bank for Daniel Ajoue, an employee of the Department of Correction.

Daniel Ajoue,-- sick leave. SD2361

The rules were suspended, on motion of Mr. Timilty, 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 Ms. Lovely, for the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Walter F. Timilty for legislation to require a parent or guardian who is exempt from property tax to reimburse a child's school for tuition.

Tuition,--
taxpayers.
SD2367

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

Severally sent to the House for concurrence.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3692) of Daniel J. Hunt and others for the issuance of an annual proclamation by the Governor to designate the last full week in April as building trades opioids awareness week,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.**

Building trades,--
opioids awareness
week.

Report of a Committee.

By Mr. Rodrigues, for the committee on Senate Ways and Means, that the Senate Bill to reduce traffic fatalities (Senate, No. 2042),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2204).

Traffic accidents,--
reduction.

Order Adopted.

Mr. Rodrigues offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to reduce traffic fatalities (Senate, No. 2042) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2204) shall be placed in the Orders of the Day for a second reading on Thursday, April 25, 2019.

Procedural Order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon, on Monday, April 22, 2019. All such amendments shall be second reading-amendments to the Senate Ways and Means new draft (Senate, No. 2204), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Rules.

Subsequently, Ms. Lovely, for the said committee, reported, recommending that the order ought to be adopted.

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

The bill will be placed in the Orders of the Day for Thursday, April 25, 2019, for a second reading with the amendment pending.

Moment of Silence.

At the request of the Chair (Mr. Tarr), the members, guests and staff stood in a moment of silence and reflection to the memory of Reverend Eugene Loring Alves.

Moment of Silence.

Report of a Committee.

By Mr. Rodrigues, for the committee on Senate Ways and Means, that the Senate Bill relative to gender identity on Massachusetts identification (Senate, No. 2192) [Mr. Humason dissenting],-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2203).

Identification,-- gender identity.

Order Adopted.

Mr. Rodrigues offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to gender identity on Massachusetts identification (Senate, No. 2192) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2203) shall be placed in the Orders of the Day for a second reading on Thursday, April 25, 2019.

Procedural Order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon, on Monday, April 22, 2019. All such amendments shall be second reading-amendments to the Senate Ways and Means new draft (Senate, No. 2203), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Rules.

Subsequently, Ms. Lovely, for the said committee, reported, recommending that the order ought to be adopted.

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

The bill will be placed in the Orders of the Day for Thursday, April 25, 2019, for a second reading with the amendment pending.

Order Adopted.

On motion of Mr. Tarr--

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 Reverend Eugene Loring Alves.

The Senator from Essex and Middlesex, Mr. Tarr, moved that when the Senate adjourns today, it do so in memory of Reverend Eugene Loring Alves, who passed peacefully at the age of 87 on February 8, 2019, surrounded by his loving family.

Father Gene was a graduate of Gloucester High Class of 1949, where he was a recipient of the Sawyer Medal and held the rank of 1st Lieutenant in the ROTC. He

received his Bachelor's degree in 1953 and graduated cum laude from The College of the Holy Cross. In 1954, he received his Master of Arts degree from Boston College Graduate School. After a 2-year term of service in the U.S. Army, he entered St. John's Seminary in 1956 and was ordained to the priesthood on February 2, 1961.

Father Gene began his pastoral journey with assignments to St. Anthony's Parish in Woburn and St. Francis of Assisi Parish in Medford. In 1965, he became a Newman Chaplain serving U-Mass Boston and Suffolk University and Chaplain to the Catholic Alumni Club of Greater Boston.

In 1974 at 42 years of age, he was appointed Administrator of Our Lady of Good Voyage Church. He grew up within a stone's throw from the church in Gloucester. The move proved to be the perfect fit for him and for the people of Our Lady's as he led the church onward, carrying out the traditions and customs unique to Gloucester, particularly those of the Portuguese Community. He retired in 2014 with 40 years of service, and assisted at Our Lady's in spiritual duties until his decline in health over this past year. He celebrated his 58th anniversary in the priesthood on February 2nd.

Father Gene is survived by his sister Blanche L. Alves, nephews Mark and Kenneth Davis, and his niece Anita McCarthy, as well as various great-nephews and great-nieces.

Accordingly, as a mark of respect in memory of Reverend Eugene Loring Alves, at twenty-four minutes past eleven o'clock A.M., on motion of Mr. Timilty, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.