

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, APRIL 25, 2019.

[37]

JOURNAL OF THE SENATE

Thursday, April 25, 2019.

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

The Chair (Mr. DiDomenico), 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. DiDomenico) handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, in the rear of the Chamber, the Division 2 Hockey State Championship Team from Canton High School. The Canton Bulldogs were undefeated this season with a record of 25-0-1. They were accompanied by their principal Derek Folan, Athletic Director Danny Erickson, Strength and Conditioning Coach Adam Hughes, Athletic Trainer Kristen Sasonoff and coaches Brian Shuman, Scott Connolly, Tim Ford, Greg Chamberlain and Matty Marcone. The Senate welcomed them with applause and they withdrew from the Chamber.

Canton High School
Hockey Team.

There being no objection, the Chair (Mr. DiDomenico) handed the gavel to Mr. Feeney for the purpose of an introduction. Mr. Feeney then introduced, seated in the Senate Gallery, students from the 7th grade class of the Ahern Middle School in Foxborough. Students are part of a "Community Connections" program learning about how the community of Foxborough functions as a unit. Guest speakers have met with students about various community projects and programs, and the operation of state and local government. The group was led by teachers Julie Clough, Dave Budge, Alan Scharman and Sue Forest. The Senate welcomed them with applause and they withdrew from the Gallery.

Ahern Middle
School,-- 7th grade.

There being no objection, during consideration of the Orders of the Day, the President introduced, in the rear of the Chamber, students from the Benjamin Franklin Classic Charter Public School in Franklin. The Senate welcomed them with applause and they withdrew from the Chamber. The group was also guests of Senator Rausch and Representative Roy of Franklin.

Benjamin Franklin
Classic Charter
Public School.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Rodrigues for the purpose of an introduction. Mr. Rodrigues then introduced, in the rear of the Chamber, exchange students from the 9th grade class of the Basic Integrated School of Aqua de Pau in San Miguel, Portugal. They were accompanied by the Director of the Basic Integrated School Joana Medeiros and Professors Eduardo Cabral and Diogo Cabral. The Senate welcomed them with applause and they withdrew from the Chamber.

Basic Integrated
School of Aqua de
Pau,-- 9th grade.

Communications.

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

Communication from the Massachusetts State House Press Association (pursuant to Joint Rule 32) submitting an updated list of the legislative reporters who constitute the Massachusetts State House Press Association and the State House Broadcasters Association (received April 23, 2019);

SHPA,-- updated list.
SD2406

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Communication from the Office of the Comptroller (pursuant to Section 2 of Chapter 154 of the Acts of 2018) submitting its third quarter FY2019, as of March 31, 2019, report on "Settlements and Judgments" (received April 24, 2019); and

Comptroller,-- settlements and judgments. SD2411

Communication from the Office of the Comptroller (pursuant to item 1599-2040 of Section 2B of Chapter 154 of the Acts of 2018) submitting its paid prior year deficiency report through the third quarter of FY2019 (received April 24, 2019).

Comptroller,-- prior year deficiency report. SD2412

Petitions.

Petitions were severally presented and referred as follows:

By Ms. DiZoglio, a petition (accompanied by bill) (subject to Joint Rule 12) of Diana DiZoglio for legislation relative to public bidding;

Public bidding. SD2407

By Mr. Tran, a petition (accompanied by bill) (subject to Joint Rule 12) of Dean A. Tran for legislation to reform the toxic use reduction act; and

Toxic use,-- reform. SD2408

By the same Senator, a petition (accompanied by bill) (subject to Joint Rule 12) of Dean A. Tran for legislation to establish a commission to study the effects of K2 in state prisons;

K2,-- commission. SD2409

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

Reports of Committees on Proposals for

Legislative Amendments to the Constitution.

By Mr. Finegold, for the committee on Election Laws, on the petition (accompanied by proposal, House, No. 78) of Michael J. Moran and others for a legislative amendment to the Constitution to provide for no excuse absentee voting,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 78), ought to pass;

Absentee voting.

By Mr. Eldridge, for the committee on the Judiciary, on the petition (accompanied by proposal, House, No. 81) of Mindy Domb and others for a legislative amendment to the Constitution relative to the oaths and affirmations of public office,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 81), ought to pass with a recommended new draft with the same title (Senate, No. 2211) (Representative Garry of Dracut dissenting);

Oaths of office.

By Mr. Hinds, for the committee on Revenue, on the petition (accompanied by proposal, Senate, No. 16) of Jason M. Lewis, Mike Connolly, Jack Patrick Lewis, Julian Cyr and other members of the General Court for a legislative amendment to the Constitution to provide resources for education and transportation through an additional tax on incomes in excess of one million dollars,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 16), ought to pass;

Millionaire tax.

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 86) of James J. O'Day and others for a legislative amendment to the Constitution to provide resources for education and transportation through an additional tax on incomes in excess of one million dollars,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 86), ought to pass;

Id.

The reports were severally read and placed on file, in accordance with the requirements of said rule.

By Mr. Finegold, for the committee on Election Laws, on the petition (accompanied

Voting rights.

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by proposal, Senate, No. 12) of Adam G. Hinds, Jack Patrick Lewis, Jason M. Lewis, Denise Provost and other members of the General Court for a legislative amendment to the Constitution relative to voting rights,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 12), ought NOT to pass;

Redistricting,--
commission.

By the same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 13) of James B. Eldridge for a legislative amendment to the Constitution establishing an independent redistricting commission, -- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 13), ought NOT to pass;

Initiative petitions.

By Mr. Eldridge, for the committee on the Judiciary, on the petition (accompanied by proposal, Senate, No. 14) of Cynthia Stone Creem for a legislative amendment to the Constitution relative to the subject matter of initiative petitions,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 14), ought NOT to pass (Senator Creem dissenting);

Term renewal
process.

By the same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 15) of Vincent Lawrence Dixon for a legislative amendment to the Constitution for term renewal process,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 15), ought NOT to pass;

By the same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 21) of Norma Powell for a legislative amendment to the Constitution relative to the term of judicial officers,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 21), ought NOT to pass;

Judicial officers,--
term.

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 80) of Mindy Domb and others for a legislative amendment to the Constitution relative to use of gender in the Constitution of the Commonwealth,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 80), ought NOT to pass (Senator Creem dissenting);

Constitution,-- use of
gender.

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 82) of Thomas A. Golden, Jr. and others for a legislative amendment to the Constitution relative to term limits for judges,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 82), ought NOT to pass (Representatives Harrington of Groton and Sullivan of Abington dissenting);

Judges,-- term limits.

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 83) of Bradley H. Jones, Jr. and others for a legislative amendment to the Constitution relative to prohibiting eminent domain takings,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 83), ought NOT to pass (Representatives Harrington of Groton and Sullivan of Abington dissenting);

Eminent domain.

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 84) of Paul W. Mark, Susannah M. Whipps and Jeffrey N. Roy for a legislative amendment to the Constitution relative to a succession plan for a vacancy in the office of Lieutenant Governor,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 84), ought NOT to pass;

Lt. Governor,--
succession plan.

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 85) of Paul W. Mark and others for a legislative amendment to the

Corporations are not
people.

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Constitution to declare that corporations are not people, money is not speech,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 85), ought NOT to pass;

The reports were severally read and placed on file, in accordance with the requirements of said rule.

Under the provisions of Joint Rule 23, the following proposals were placed on file, the time within which the said committees were required to report having expired:

Of the committee on the Health Care Financing, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, House, No. 79) of Vincent Lawrence Dixon and Mindy Domb for a legislative amendment to the Constitution for a constitutional right to health care; and

Right to health care.

Of the committee on the Revenue, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, Senate, No. 2210) of Bruce E. Tarr for a legislative amendment to the Constitution requiring a supermajority vote for the utilization of rainy day funds.

Rainy day funds.

Resolutions.

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

Resolutions (filed by Messrs. Brownsberger and Brady, Ms. Chandler, Mr. Collins, Ms. Creem, Messrs. Crighton, Cyr, deMacedo and DiDomenico, Ms. DiZoglio, Messrs. Eldridge, Feeney and Finegold, Ms. Lovely and Messrs. Moore, Rush, Tarr and Timilty) “commending the Admetech Foundation on hosting the Eleventh Annual Prostate Cancer Awareness Day at the Massachusetts State House on April 30, 2019”;

Admetech
Foundation.

Resolutions (filed by Mr. Lesser) “recognizing the year of 2019 as the International Year of the Periodic Table of Chemical Elements”;

Periodic Table of
Chemical Elements.

Resolutions (filed by Mr. O’Connor) “congratulating Eoghan Casey on his elevation to the rank of Eagle Scout”;

Eoghan Casey.

Resolutions (filed by Ms. Spilka and Ms. Comerford) “congratulating Thomas Patrick Hannum on his fortieth anniversary with the University of Massachusetts Minuteman Marching Band”; and

Thomas Patrick
Hannum.

Resolutions (filed by Messrs. Timilty, Crighton, Cyr, DiDomenico, Eldridge and Feeney, Ms. Gobi, Ms. Jehlen, and Messrs. Keenan, Moore, O’Connor, Rush and Welch) “celebrating North American Occupational Safety and Health Week and Occupational Safety and Health Professional Day.”

North American
Occupational Safety
and Health Week.

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 Nick Collins for legislation to invest in the Commonwealth’s schools;

Schools,-- grants.
SD2240

The rules were suspended, on motion of Ms. Friedman, 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 Mark C. Montigny and Christopher Hendricks for legislation to establish a sick leave bank for Mark A. Paiva, an employee of the Department of Correction;

Mark A. Paiva,--
sick leave.
SD2405

The rules were suspended, on motion of Ms. Friedman, 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 committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Nick Collins and David Henry Argosky LeBoeuf for legislation relative to the SMART Plan;

SMART Plan.
SD2238

The rules were suspended, on motion of Ms. Friedman, 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 committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Julian Cyr for legislation relative to the Commonwealth's fire departments;

Fire departments.
SD2382

The rules were suspended, on motion of Ms. Friedman, 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 committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Nick Collins for legislation relative to eligibility for tax credit programs;

Tax credits,--
eligibility.
SD2272

The rules were suspended, on motion of Ms. Friedman, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) 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 Nick Collins and David Henry Argosky LeBoeuf for legislation relative to the 401(k) CORE program;

Deferred
compensation,--
program. SD2239

The rules were suspended, on motion of Ms. Friedman, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight.

Severally sent to the House for concurrence.

By Mr. Brady, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Daniel Ajoue, an employee of the Department of Correction (Senate, No. 2208).

Daniel Ajoue,--
sick leave.

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

By Mr. Brady, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for James Lovett, an employee of the Department of Conservation and Recreation (Senate, No. 2209).

James Lovett,--
sick leave.

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

PAPERS FROM THE HOUSE

A Bill establishing a sick leave bank for Patricia Harrison, an employee of the Department of Developmental Services (House, No. 3684, amended,-- on petition),-- was read.

Patricia Harrison,--
sick leave.

There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time and ordered to a third reading.

Engrossed Bill Returned by Governor With His Objections Thereto.

The engrossed Bill to lift the cap on kids (see House, No. 3594, amended), which, on

Cap on kids.

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Thursday, April 4, 2019, had been laid before His Excellency the Governor for his approbation,— came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing, [for message, see House, No. 3686] and having passed that branch, notwithstanding said objections.

The message (House, No. 3686) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

The question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-three minutes before twelve o'clock noon, as follows, to wit (yeas 37 — nays 3) **[Yeas and Nays No. 21]**:

YEAS.

Barrett, Michael J.	Jehlen, Patricia D.
Boncore, Joseph A.	Keenan, John F.
Brady, Michael D.	Kennedy, Edward J.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	Lovely, Joan B.
Collins, Nick	Montigny, Mark C.
Comerford, Joanne M.	Moore, Michael O.
Creem, Cynthia Stone	O'Connor, Patrick M.
Crichton, Brendan P.	Pacheco, Marc R.
Cyr, Julian	Rausch, Rebecca L.
DiDomenico, Sal N.	Rodrigues, Michael J.
DiZoglio, Diana	Rush, Michael F.
Eldridge, James B.	Spilka, Karen E.
Feeney, Paul R.	Tarr, Bruce E.
Finegold, Barry R.	Timilty, Walter F.
Friedman, Cindy F.	Tran, Dean A.
Gobi, Anne M.	Welch, James T. — 37.
Hinds, Adam G.	

NAYS.

deMacedo, Viriato M.	Humason, Donald F., Jr. — 3.
Fattman, Ryan C.	

The yeas and nays having been completed at eighteen minutes before twelve o'clock noon, the bill was passed by the Senate, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Orders of the Day.

The Orders of the Day were considered as follows:

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

The Senate Bill relative to gender identity on Massachusetts identification (Senate, No. 2192),-- was read a second time.

Identification,--
gender identity.

Remarks of Senator Joanne M. Comerford.

Thank you Madam President and through you to the members.

I am tremendously proud that the Senate will vote today on *An Act relative to gender*

Senator Joanne M.
Comerford.

identity on Massachusetts identification.

This bill exemplifies how under your leadership, Madam President, this body can be powerfully responsive to the demands and needs of the people of the Commonwealth.

How we can ensure that *everyone* in our communities has chance not only to succeed, but to thrive.

This, for me, is the bold mandate of government at all levels.

After working for years as an organizer and budget wonk, I ran for State Senate to do my part in advancing this kind of justice, equity, and opportunity from within the General Court.

This kind of progress for all.

It is the honor of a lifetime to address you as the State Senator from the Hampshire, Franklin, Worcester district. The 24 cities and towns in my district are not just naturally beautiful; they are strong contributors to our Commonwealth's well-being and advancement. The towns of Pelham, Shutesbury, and New Salem are the stewards of Boston's drinking water. Our farmers in Hadley, Deerfield, Sunderland, and Hatfield use the open space and rich soil to grow the food that they transport to Boston every day. And our forests in Wendell, Warwick, and Royalston are essentially breathing for the state as they suck up carbon dioxide and breathe out oxygen.

But the most incredible thing about my district, I must say, is the people. I am thrilled by the number of constituents who have written me with innovative ideas about the regional development of 21st Century Green New Deal jobs. Their public pressure and partnership propel me forward. Their voices are a clarion call to us all to do better. To seek progress.

It is of course equally alarming and sobering to receive the testimony of towns being crushed under the weight of education funding. Wrenching when my local food bank tells me that in one of the wealthiest states in the wealthiest country in the world, nearly 22,000 of my constituents remain food insecure. Or when I hear about another life lost to the opioid crisis. And I am left without an answer when a Greenfield constituent with no other means of transportation than a bus asks me how they can get to school or work without any public transportation at night or on the weekends in all of Franklin County.

These are the kinds of issues I've been sent to make progress on.

And I know this progress will be made possible by strong partnerships with you all, my colleagues. Thank you for your kindness and your sage advice. What's more, thank you for reaching out to collaborate on issues that matter.

Like the Senate President Emerita who took the time to discuss how to be successful with committee work. Or the Senator from Winchester, who recently came to my district and spent more than three hours listening to my constituents talk about education funding shortfalls. Or my Western Massachusetts colleagues, who have helped me hit the ground on issues like broadband internet, infrastructure, farms and agriculture, and other topics unique to our beautiful part of the state.

And like you, Madam President, who came to my district to discuss the opportunities for regional equity and the challenges we face in Western Mass before I had even been sworn in---and that's of course *after* you participated in a bike-for-food event to raise funds for our food bank.

Progress in all of these areas can be uncomfortable. It can be difficult. But it's where we're called to dig in.

And progress is a particularly critical mandate when we consider those who have been rendered invisible and those who have been chronically marginalized.

For these constituents, the notion of progress—like that embodied by this bill—is achingly distant, as their thoughts dwell most on sheer survival.

But with this Gender ID legislation, the Senate President recognized the way to leap

forward. Recognized the civil rights issue that is at the heart of the call for visibility for all, ensuring that all people have the opportunity to self identify.

Because of course people know what gender they are.

This bill simply allows their official documents to match their identity. It allows for the Commonwealth to enshrine gender identification and IDs as diverse as our people.

Our current binary options are unnecessarily restrictive and have created a situation where the government regularly infringes on people's rights.

This legislation affirms the ability of people to identify by their preferred gender on state documents and forms. It requires the Registry of Motor Vehicles to allow someone to choose an M, F, or X—which is a non-binary option—on driver's licenses, state identification cards, and liquor purchase identification cards.

Similarly, it allows parents, emancipated minors, or adults to amend the gender on birth certificates.

Many states have passed similar legislation around licenses and four states and the District of Columbia have passed similar legislation around birth certificates.

But in Massachusetts we can and should go further.

That is why I have filed an amendment that asks the administration to develop a plan to ensure that *all other state forms* or documents that ask an individual to indicate their gender provide an opportunity for the individual to choose M, F, or X.

The Senate President has been a leader in this work, inspired by a constituent, El.

Similarly, the voices of my constituents have driven my work on this bill.

Like Michael DeChiara, who is with us today and who spoke to me as the parent of a non-binary child.

And Dr. Genny Beemyn, who directs the Stonewall Center, at the University of Massachusetts, Amherst had this to say:

The ability to have a third option on my driver's license would make all the difference in the world to me. Not only would it mean that I am misgendered less often when I present identification, but it would also make me feel acknowledged and visible. As a trans person, I am told in subtle and not so subtle ways that my life does not matter; this change would be a powerful step forward by Massachusetts to say that my life and the lives of other trans people do indeed matter.

Ben and Julie Levin of Florence, parents of 10 year old Soph, wrote:

We are proud parents of our 10 year old son, Soph Levin. Soph is a transgender male and was born a biological female. Soph is going to be a successful person in the world because of the confidence in himself.

Allowing people to have the confidence to legally confirm the gender of the person they are, is a major step in helping the citizens of our Commonwealth feel more a part of our community, our state.

And it is that community and participation that will make our Commonwealth a better place for all of us.

Finally, here's an excerpt of a letter from Anthony Marqusee, a non-binary transgender person born and raised in Massachusetts:

When I was 21, I finally began to come out about being transgender—specifically, nonbinary. I had struggled with my gender identity for years, but as a child and teenager, I didn't know nonbinary people existed. I didn't feel fully comfortable living as a woman, but I believed that if I didn't feel like a man either, it was better to just stay quiet. Luckily, our society had come a long way even in the short time since then, and I now know nonbinary people who are thriving as teachers, lawyers, dancers, data analysts, and more.

Yes, Anthony. Society has come a long way. Now it's time for our Commonwealth

to go the distance by voting today to advance basic human dignity.

I am deeply appreciative of the leadership of the Senate President and the chance you have given me to advocate for this beautiful legislation. Grateful to my colleague from Westport, my colleague from the Cape and Islands, my colleague from Winthrop, and their amazing teams for both strengthening and moving the bill forward.

Speaking of amazing teams, I happen to have one. Now 117 days (not that I'm counting) into this wonderful journey, please let me say how grateful I am that my team has risen to the service of this session with a rare combination of goodwill, smarts, grit, and shared love for our constituents.

And of course none of this would be possible without the support of my wife Ann and our two incredible children.

It is with their support, and with the support of my colleagues and constituents, that I have been able to bring this bill forward in order to create a more fair and just Commonwealth, to advance progress for all.

In the name of the basic dignity, human and civil rights that we are committed to protect for everyone in the Commonwealth, I urge my Senate colleagues to vote in favor of this bill.

On motion on Ms. Friedman, under the provisions of Senate Rule 6, the above remarks were printed in the Journal of the Senate.

Ordered printed.

Moment of Silence.

At the request of the Chair, Ms. Creem, the members, guests and staff stood in a moment of silence and reflection to the memory of Marshall M. Sloane.

Moment of silence.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The Senate Bill relative to gender identity on Massachusetts identification (Senate, No. 2192),-- was considered, the main question being on ordering the bill to a third reading.

Identification,--
gender identity.

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2203), and pending the main question on ordering the bill to a third reading, Ms. Comerford and Ms. Rausch moved that the proposed new draft be amended by inserting after section 2 the following section:-

1.

“SECTION 2A. The secretary of administration and finance shall develop a plan to ensure that any state form or document issued by a state agency that requires an individual to indicate the individual’s gender shall provide an opportunity for the individual to choose a gender option other than male or female; provided, however, that the secretary shall ensure that such a form or document complies with applicable federal rules and regulations. The secretary shall submit the plan to the clerks of the senate and house of representatives and the senate and house committees on ways and means not later than July 1, 2020.”

After remarks, the amendment was adopted.

Mr. Cyr moved that the proposed new draft be amended in section 1, by striking out, in line 7, the words “non-binary, intersex, undesignated or of another gender” and inserting in place thereof the following:- “another gender or an undesignated gender”;

2.

In section 2, by inserting, after the word “X”, in line 20, the following:- , “M” or “F”;

In said section 2, by striking out after the word “gender”, in line 20, the following words:- in lieu of “male” or “female”; and

By striking out the last sentence in said section 2.

After remarks, the amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

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The bill (Senate, No. 2203, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at seventeen minutes past twelve o'clock noon, on motion of Ms. Comerford, as follows, to wit (yeas 39 – nays 1) [**Yeas and Nays No. 22**]:

YEAS.

Barrett, Michael J.	Hinds, Adam G.
Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Kennedy, Edward J.
Chandler, Harriette L.	Lesser, Eric P.
Chang-Diaz, Sonia	Lewis, Jason M.
Collins, Nick	Lovely, Joan B.
Comerford, Joanne M.	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
Crighton, Brendan P.	O'Connor, Patrick M.
Cyr, Julian	Pacheco, Marc R.
deMacedo, Viriato M.	Rausch, Rebecca L.
DiDomenico, Sal N.	Rodrigues, Michael J.
DiZoglio, Diana	Rush, Michael F.
Eldridge, James B.	Spilka, Karen E.
Fattman, Ryan C.	Tarr, Bruce E.
Feeney, Paul R.	Timilty, Walter F.
Finegold, Barry R.	Tran, Dean A.
Friedman, Cindy F.	Welch, James T. – 39.
Gobi, Anne M.	

NAYS.

Humason, Donald F., Jr. – **1.**

The yeas and nays having been completed at nineteen minutes past twelve o'clock noon, the bill was passed to be engrossed [For text of bill, printed as amended, see Senate, No. 2213].

Sent to the House for concurrence.

The Senate Bill to reduce traffic fatalities (Senate, No. 2042),-- was read a second time.

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2204), and pending the main question on ordering the bill to a third reading, Messrs. Tarr, Moore and O'Connor moved that the proposed new draft be amended by inserting after section 9 the following section:-

“SECTION 9A. Said chapter 90 of the General Laws is hereby further amended by inserting after section 17 the following section:

Section 17½. (a) For purposes of this section, ‘active construction zone’ shall mean an area on a public highway or on the adjacent right of way where construction, repair, maintenance or survey work is being performed by the department or by a utility company or a private contractor under contract with the department.

(b) Notwithstanding section 18, the department may establish a speed limit in an active construction zone without conducting an engineering study. A rate of speed in excess of a speed limit posted under this section shall be prima facie evidence that the

1.

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motor vehicle's speed was not reasonable and proper. A violation of this section shall be punishable by a fine of 2 times the amount that would be imposed for such a violation in that area if the area were not designated as a construction zone.

A construction zone speed limit shall be effective when signs giving notice of that speed limit are prominently displayed and construction, repair, maintenance or survey work is being performed. The signs may carry either a fixed speed limit or an electronic message that displays adjusted speed limits when work is being performed. The signs shall notify motorists that the fine for a violation of the posted speed limit is doubled in the construction zone.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at five minutes past one o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 23]**:

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.
Collins, Nick	Lewis, Jason M.
Comerford, Joanne M.	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crichton, Brendan P.	Moore, Michael O.
Cyr, Julian	O'Connor, Patrick M.
deMacedo, Viriato M.	Pacheco, Marc R.
DiDomenico, Sal N.	Rausch, Rebecca L.
DiZoglio, Diana	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Fattman, Ryan C.	Tarr, Bruce E.
Feeney, Paul R.	Timilty, Walter F.
Finegold, Barry R.	Tran, Dean A.
Friedman, Cindy F.	Welch, James T. – 39.
Gobi, Anne M.	

NAYS – 0.

The yeas and nays having been completed at eight minutes past one o'clock P.M., the amendment was adopted.

Ms. Jehlen moved that the proposed new draft be amended in section 6, by adding the following sentence:- “The registrar shall consider and may adopt regulations that require certain categories of motor vehicles, trailers, semi-trailers or semi-trailer units that are subject to this paragraph to be equipped with rear visibility camera systems.” 3.

After remarks, the amendment was adopted.

Messrs. Tarr and Moore moved that the proposed new draft be amended in section 10, by inserting after the word “highway”, in line 72, the following words:- “, other than a limited access highway,”. 4.

After remarks, the amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The bill (Senate, No. 2204, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas

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and nays at twenty-one minutes past one o'clock P.M., on motion of Mr. Brownsberger, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 24**]:

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.
Collins, Nick	Lewis, Jason M.
Comerford, Joanne M.	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crichton, Brendan P.	Moore, Michael O.
Cyr, Julian	O'Connor, Patrick M.
deMacedo, Viriato M.	Pacheco, Marc R.
DiDomenico, Sal N.	Rausch, Rebecca L.
DiZoglio, Diana	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Fattman, Ryan C.	Tarr, Bruce E.
Feeney, Paul R.	Timilty, Walter F.
Finegold, Barry R.	Tran, Dean A.
Friedman, Cindy F.	Welch, James T. – 39 .
Gobi, Anne M.	

NAYS – 0.

The yeas and nays having been completed at twenty-three minutes past one o'clock P.M., the bill was passed to be engrossed [For text of bill, printed as amended, see Senate, No. 2214].

Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Lewis,--

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 Marshall M. Sloane

The Senator from Middlesex and Norfolk, Ms. Creem, moved that when the Senate adjourns today, it do so in memory of Marshall M. Sloane of Brookline and Newton.

He passed away surrounded by his loving family on April 6, 2019 at the age of 92.

Marshall Sloane was a longtime resident of Newton and more recently Brookline. Born to the late Jacob Sloane and Rose Mary Jacobson, Marshall was the third of five children and grew up in Somerville. Marshall graduated from Somerville High School in 1944 and then served as a Navy Seabee in the 139th Construction Battalion at the end of World War II, stationed in California. He returned home, attended Boston University and worked in his family's furniture business. His father bought a building across the street, hoping to attract a financial institution. After Jacob passed away, Marshall, at the age of 26, launched a cooperative bank in the building his father had bought. He fulfilled his

father's dream of bringing a financial institution to the area, never thinking that he would become the banker.

Marshall became an icon in the state's banking industry after he founded Century Bank 50 years ago in a trailer in Somerville while the permanent offices were under construction. He stressed a personal approach to his customers so they would know the people in the bank and the organization, and the bank was successful immediately. His family has been involved in the community, and Century Bank is known as a family bank. Marshall remained chairman of the bank he launched in a trailer and had been going into work until several weeks ago.

He served on many boards and was frequently honored for his involvement with many organizations and institutions, from Jewish causes to the Boy Scouts to Boston University, where he served as a trustee for many years. He received an Honorary Doctorate of Humane Letters from Salem State and an Honorary Doctorate of Laws degree from Southern New England School of Law. He was the author of an autobiography called "Character Counts".

Marshall exemplified dedication toward his family, his friends, people working at Century Bank and the local community, according to an e-mail by Cardinal Sean O'Malley. Marshall demonstrated countless acts of charity; some known only to the people he quietly helped, and was an advocate for social justice. He was always the first one to be willing to contribute to a worthwhile cause. He was truly a mensch.

Marshall was involved with the Boy Scouts for many years, receiving regional, national and international awards. In the early 1950's he was helping lead a Boy Scouts camping trip, when he met his wife to whom he was married for over 65 years.

Marshall is survived by his wife Barbara (Gluck) Sloane, son Barry R. Sloane and his wife Dr. Candice Lapidus Sloane, daughter Linda Sloane Kay and her husband Jonathan B. Kay, and son Jonathan G. Sloane, and nine grandchildren, as well as his sister Elaine S. Blank and her husband Harry. He will be deeply missed by his family and friends, people of the Century Bank family, and by the larger Brookline and Newton communities.

Accordingly, as a mark of respect to the memory of Marshall M. Sloane, at twenty-five minutes past one o'clock P.M., on motion of Ms. Creem, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.