

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, MAY 2, 2019.

JOURNAL OF THE SENATE

Thursday, May 2, 2019.

Met at nine minutes past eleven o'clock A.M. (Ms. Jehlen 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 (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 Chair (Ms. Jehlen) handed the gavel to Mr. O'Connor for the purpose of an introduction. Mr. O'Connor then introduced, in the rear of the Chamber, the Duxbury High School Boys Hockey Team. The Green Dragons were recognized for winning the MIAA Division 1 State Championship Title on March 17, 2019. The team finished their season with a 12-1-0 division record in the Patriot League Keenen Division and a 22-5 overall record, resulting in the programs first State Title since 2007. They were led by Coach John Blake. The Senate applauded their accomplishments and they withdrew from the Chamber.

Duxbury High
School Boys Hockey
Team.

There being no objection, the Chair (Ms. Jehlen) handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, on the Rostrum, Sharon Police Officer Richard Derry. Officer Derry was recognized for being awarded the Medal of Valor by the Sharon Police Department for his heroic actions in response to a home invasion in November of 2018. He was accompanied by Sharon Police Chief John Ford, Deputy Police Chief Donald Brewer and Officer Steve Finnergian. The Senate applauded his heroic acts of bravery, he was presented with Joint Resolutions and he withdrew from the Chamber. He was also a guest of Senator Feeney and Representative Kafka of Stoughton.

Richard Derry.

There being no objection, the Chair (Ms. Jehlen) handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, on the Rostrum, Tom Rich and Richard O'Keefe. Tom serves as the Corporate Safety Director at Walsh Brothers as well as the Government Affairs Chair for the Greater Boston Chapter of the American Society of Safety Professionals. Richard is the former Government Affairs Chair for the Greater Boston Chapter of the American Society of Safety Professionals. They were visiting the State House in recognition of North American Occupational Safety and Health Week and Occupational Safety and Health Professional Day. Tom and Rich were recognized for their commitment to encouraging safe practices among employers and employees and for assisting companies and organizations in enhancing their workplace safety. The Senate applauded their efforts, they were presented with Joint Resolutions and they withdrew from the Chamber. They were also guests of Representative Kafka of Stoughton.

Tom Rich and
Richard O'Keefe.

Committees Discharged.

Mr. Feeney, for the committee on Consumer Protection and Professional Licensure, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 111) of William N. Brownsberger for legislation relative to TNC driver suitability,-- and recommending that the same be referred to the committee on Financial Services; and

TNC drivers.

Of the petition (accompanied by bill, Senate, No. 114) of Harriette L. Chandler, Lori A. Ehrlich, Walter F. Timilty, Michael O. Moore and other members of the General Court for legislation to protect the health and safety of puppies and kittens in cities and towns,-- and recommending that the same be referred to the committee on Municipalities and Regional Government;

Puppies and kittens,-- welfare.

Mr. Brady, for the committee on Public Service, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1556) of Gerry Mroz and Thomas M. Stanley for legislation to incentivize efficiencies in the education system,-- and recommending that the same be referred to the committee on Education; and

Education system,-- efficiencies.

Of the petition (accompanied by bill, Senate, No. 1580) of Michael F. Rush, Edward F. Coppinger, Liz Miranda, Daniel J. Ryan and others for legislation relative to the composition of the board of directors of the Massachusetts Department of Transportation,-- and recommending that the same be referred to the committee on Transportation;

MassDOT,-- board of directors.

Severally, under Senate Rule 36, the reports were considered forthwith and accepted.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Notice was received from the House of Representatives announcing the following appointments by the Speaker:

Representative Gentile of Sudbury, Scott McDermott of Medfield and Dominick Pangallo of Salem (under Chapter 322 of the Acts of 2018) to the citizen's commission relative to a constitutional amendment to secure government of the people.

Citizen's commission.

The following petitions, having been timely filed prior to 5 o'clock P.M. on January 18, 2019, were referred in concurrence as follows:

Petition (accompanied by bill, House, No. 3701) of Sheila C. Harrington and others relative to the federal tax collateral consequences of alimony;

Alimony,-- federal tax collateral.

To the committee on the Judiciary.

Petition (accompanied by bill, House, No. 3700) of David Henry Argosky LeBoeuf, Tram T. Nguyen and others relative to recognizing the flag of the Vietnamese National Army as the official flag of the Vietnamese American community in the Commonwealth;

Vietnamese National Army,-- flag.

To the committee on State Administration and Regulatory Oversight.

A Bill making appropriations for the fiscal year 2020 for the maintenance of the departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 3801,-- on House, No. 1, in part),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

General appropriations bill

Resolutions.

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

Resolutions (filed by Mr. Cyr, Ms. Chandler, Messrs. Crighton and DiDominico, Ms. DiZoglio, Messrs. Eldridge and Feeney, Ms. Lovely and Messrs. Moore, O'Connor, Rush

Children's Melanoma Prevention Foundation.

UNCORRECTED PROOF.

and Tran) “commending the Children’s Melanoma Prevention Foundation for joining with the American Academy of Dermatology to recognize the month of May as “Skin Cancer Prevention and Detection Month”;

Resolutions (filed by Messrs. DiDomenico and Boncore and Ms. Jehlen) “congratulating the Saint Mary Orthodox Church on its ninetieth anniversary”; and

Resolutions (filed by Messrs. Tarr and Tran, Ms. Gobi, Ms. Lovely, Messrs. O’Connor, Moore, Timilty and Cyr) “commending the United States Coast Guard, the United States Coast Guard Auxiliary, the National Safe Boating Council and the Massachusetts Environmental Police for on their celebration of recognizing National Safe Boating Week.”

The Saint Mary Orthodox Church.

National Safe Boating Week.

Order Adopted.

Mr. Rodrigues offered the following order, to wit:

Ordered, That, pursuant to the provisions of Senate Rule 27A, all amendments to the general appropriations bill as reported by the Committee on Ways and Means shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon, on Friday, May 10, 2019; and be it further ordered that, pursuant to the provisions of Senate Rule 38B, the general appropriations bill as reported by the Committee on Ways and Means shall be placed in the Orders of the Day for Tuesday, May 21, 2019, for its second reading, as the only item on the calendar.

General appropriation bill,-- procedural order.

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. Timilty, and the order was considered forthwith and adopted.

Reports of Committees.

By Mr. Brady, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Mark A. Paiva, an employee of the Department of Correction (Senate, No. 2215).

Mark A. Paiva,-- sick leave.

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

By Mr. Feeney, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill relative to the granting of alcoholic beverages licenses not to be consumed on the premises by the town of Rockport (Senate, No. 186).

Rockport,-- alcohol licenses.

The bill was read. There being no objection, the rules were suspended, on motion of Mr. O’Connor, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Tarr presented an amendment substituting a new draft entitled “An Act authorizing a ballot question in the town of Rockport relative to the granting of 2 licenses for alcoholic beverages not to be drunk on the premises” (Senate, No. 2212).

The amendment was adopted.

The bill (Senate, No. 2212) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Mr. Rodrigues, for the committee on Senate Ways and Means, that the Senate Bill relative to hands free cell phone devices (Senate, No. 2198),-- ought to pass, with an amendment substituting a new draft entitled “An Act preventing distracted driving”

Hands free devices.

(Senate, No. 2216).

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 hands free cell phone devices (Senate, No. 2198) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2216) shall be placed in the Orders of the Day for a second reading on Thursday, May 9, 2019.

Procedural Order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon, on Monday, May 6, 2019. All such amendments shall be second reading-amendments to the Senate Ways and Means new draft (Senate, No. 2216), 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. Timilty, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, May 9, 2019, for a second reading with the amendment pending.

Reports of a Committee.

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 Dean A. Tran for legislation to establish a commission to study the effects of K2 in state prisons;

K2,-- commission.
SD2409

The rules were suspended, on motion of Mr. Fattman, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Cannabis Policy.

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 Dean A. Tran for legislation to reform the toxic use reduction act;

Toxic use,-- reform.
SD2408

The rules were suspended, on motion of Mr. Fattman, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture.

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 Jiovanni Luciani for legislation relative to firefighter protection;

Firefighter
protection.
SD2334

The rules were suspended, on motion of Mr. Fattman, 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 committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of John F. Keenan and Alyson M. Sullivan for legislation to establish a sick leave bank for Kristen Casano, an employee of

Kristen Casano,--
sick leave.
SD2404

the Massachusetts Department of Transitional Assistance;

The rules were suspended, on motion of Mr. Fattman, 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 Eliahu Mazin for legislation relative to three dimensional crosswalks and speed bumps;

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

Crosswalks and speed bumps.
SD2403

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3698) of Lenny Mirra and Bruce E. Tarr relative to innovations in energy management technologies in regenerative braking for metro trains in the Commonwealth;

Metro trains,-- regenerative braking.

Under suspension of Joint Rule 12, to the committee on Economic Development and Emerging Technologies.

Petition (accompanied by bill, House, No. 3699) of James M. Kelcourse (with the approval of the mayor and city council) that the city of Newburyport be authorized to abolish the Newburyport Redevelopment Authority;

Newburyport Redevelopment Authority.

Under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.

Recess.

There being no objection, at twenty-four minutes before twelve o'clock noon, the Chair (Ms. Jehlen) declared a recess subject to the call of the Chair, and at twenty-four minutes before one o'clock P.M., the Senate reassembled, Ms. Jehlen in the Chair.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill authorizing a ballot question in the town of Rockport relative to the granting of 2 licenses for alcoholic beverages not to be drunk on the premises (see Senate, No. 2212) (which originated in the Senate), **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 (Ms. Jehlen) and laid before the Governor for his approbation.**

Bill laid before the Governor.

Order Adopted.

On motion of Mr. Fattman--

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.

On motion of the same Senator, at twenty-three minutes before one o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.