

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, MAY 6, 2019.

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JOURNAL OF THE SENATE

Monday, May 6, 2019.

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

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

Pledge of Allegiance.

Communication.

Communication from the Honorable Karen E. Spilka, President of the Senate, announcing the appointments of Noval Alexander, Jay Marsden and Costas Panagopoulos (under the provisions of Chapter 322 of the Acts of 2018) to the Citizens Commission,-- **was placed on file.**

Citizens
Commission,--
appointments.

Reports.

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

Report of the Bristol 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 (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received May 6, 2019); and

Bristol County,--
ROD.
SD2423

Report of the Massachusetts Technology Collaborative (pursuant to Section 8 of Chapter 40J of the General Laws) submitting its fiscal year 2018 annual report (received May 6, 2019).

MassTech,-- FY18
annual report.
SD2425

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 health insurance benefits for state employees;

State employees,--
health insurance.
SD2416

By Mr. O'Connor, a petition (accompanied by bill) (subject to Joint Rule 12) of Patrick M. O'Connor for legislation to prevent domestic violence;

Domestic violence,--
prevent. SD2417

By Mr. Tarr, a petition (accompanied by bill) (subject to Joint Rule 12) of Bruce E. Tarr for legislation relative to expungement from central registry; and

Central registry,--
expunge. SD2418

By the same Senator, a petition (accompanied by bill) (subject to Joint Rule 12) of Bruce E. Tarr for legislation to establish Arbor and Bird days;

Arbor and Bird days.
SD2419

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

Reports of Committees.

By Mr. Brady, for the committee on Public Service, on petition, a Bill authorizing the Barnstable County Retirement Board to acquire real property in Barnstable County (Senate, No. 1496);

Barnstable County,--
real property.

Read and, under Senate Rule 26, referred to the committee on Rules.

By Mr. Brady, for the committee on Public Service, on petition, a Bill concerning health insurance benefits for surviving spouses of firefighters in the city of Boston (Senate, No. 1483) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill to provide certain retirement benefits and medical benefits to the widow and children of Everett Firefighter Thaddeus M Baxter, Jr. (Senate, No. 1508) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill authorizing the town of Blackstone to continue the employment of fire chief Michael Sweeney (Senate, No. 1517) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill authorizing the town of Groveland to continue the employment of Joseph Santapaola as Fire Lieutenant/EMT (Senate, No. 1585) [Local approval received];

Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Committee 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. 102) of Joseph A. Boncore, Martin J. Walsh, Mayor of Boston, Cindy F. Friedman and Michelle L. Ciccolo for legislation relative to transportation network company rider assessments,-- and recommending that the same be referred to the committee on Financial Services;

**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 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. 3704) of Hannah Kane and others relative to establishing a minimum age requirement for entry into cannabis-related events, conferences, forums and exhibitions; and

Petition (accompanied by bill, House, No. 3705) of Hannah Kane and others relative to data collection for the research agenda of the Cannabis Control Commission;

Severally to the committee on Cannabis Policy.

Petition (accompanied by bill, House, No. 3706) of James Arciero, James Dolan and Patrick M. O'Connor relative to state assistance for funeral expenses;

To the committee on Children, Families and Persons with Disabilities.

Petition (accompanied by bill, House, No. 3707) of Linda Dean Campbell and others relative to licensing of mental health counselors;

Petition (accompanied by bill, House, No. 3708) of Peter J. Durant, Joseph D. McKenna and Shaunna L. O'Connell relative to limiting the salaries of executives in non-profit organizations; and

Petition (accompanied by bill, House, No. 3709) of Daniel J. Hunt relative to exams of the Board of Registration of Cosmetology and Barbering;

Severally to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3710) of Michelle M. DuBois and Michael D. Brady relative to transportation of special needs students;

To the committee on Education.

Petition (accompanied by bill, House, No. 3711) of Linda Dean Campbell and

Boston,-- surviving spouses.

Thaddeus Baxter,-- retirement benefits.

Michael Sweeney,-- employment.

Joseph Santapaola,-- employment.

TNC,-- rider assessments.

Cannabis-related events,-- minimum age.

Cannabis Control Commission,-- data.

Funeral expenses.

Mental health counselors,-- licenses.
Salaries,-- non-profit executives.

Cosmetology and Barbering,-- exams.

Special needs students,-- transportation.

Seniors,-- food assistance.

Michelle M. DuBois relative to food assistance for senior citizens;

To the committee on Elder Affairs.

Petition (accompanied by bill, House, No. 3712) of Mindy Domb, Nika C. Elugardo and David Henry Argosky LeBoeuf relative to random placement of candidate names and removal of incumbent information on primary and state ballots; and

Petition (accompanied by bill, House, No. 3713) of Mindy Domb and others relative to ballots for state general elections;

Severally to the committee on Election Laws.

Petition (accompanied by bill, House, No. 3714) of Laura Kiesel for an investigation by a special commission (including members of the General Court) relative to the effects of rat poison on wildlife;

To the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 3715) of Peter J. Durant relative to insurance coverage of applied behavioral analysis therapy for certain patients with Down Syndrome; and

Petition (accompanied by bill, House, No. 3716) of Joseph D. McKenna, Michael O. Moore and Michael J. Soter relative to auto insurance liability during claims investigations;

Severally to the committee on Financial Services.

Petition (accompanied by bill, House, No. 3717) of F. Jay Barrows relative to access to prescription monitoring data by law enforcement;

Petition (accompanied by bill, House, No. 3718) of Melissa Ferris relative to child custody orders;

Petition (accompanied by bill, House, No. 3719) of Daniel J. Hunt relative to the use of offensive words;

Petition (accompanied by bill, House, No. 3720) of James J. O'Day and others relative to the treatment of certain individuals affected by mental illness, including perinatal psychiatric complications, by the criminal justice system; and

Petition (accompanied by bill, House, No. 3721) of Chynah Tyler and others relative to the expungement of records of marijuana arrests;

Severally to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 3722) of Kay Khan and others relative to nurses in psychiatric facilities;

To the committee Mental Health, Substance Use and Recovery.

Petition (accompanied by bill, House, No. 3723) of Amos Meeks that master plans by planning boards in cities and towns address climate change and renewable energy;

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3724) of James Arciero and James Dolan relative to the operation of crematories by funeral establishments;

Petition (accompanied by bill, House, No. 3725) of James Arciero and James Dolan relative to online death attestations; and

Petition (accompanied by bill, House, No. 3726) of Shaunna L. O'Connell relative to access to healthcare information by parents or legal guardians of minors;

Severally to the committee on Public Health.

Petition (accompanied by bill, House, No. 3727) of James Arciero and others for legislation to further regulate the safety of mobile amusement equipment; and

Petition (accompanied by bill, House, No. 3728) of Mindy Domb and others relative to temporary overnight shelter for persons in need;

Severally to the committee on Public Safety and Homeland Security.

Petition (accompanied by bill, House, No. 3730) of Michelle M. DuBois, Michael D. Brady and David Henry Argosky LeBoeuf relative to sick time benefits for Frank Ray, an employee of the Department of Early Education and Care;

Ballots.

Id.

Wildlife,-- poison.

Insurance,-- behavioral analysis therapy.

Claims,-- auto insurance liability.

Prescription monitoring data.

Child custody orders.

Offensive words,-- use.

Treatment,-- mental illness.

Expungement of records.

Nurses.

Climate change.

Crematories.

Online death attestations.

Healthcare information access.

Amusement equipment,-- safety.

Overnight shelter.

Frank Ray,-- benefits.

To the committee on Public Service.

Petition (accompanied by bill, House, No. 3731) of Paul W. Mark and Paul Brodeur relative to employee-owned businesses and cooperatives; and

Petition (accompanied by bill, House, No. 3732) of Paul W. Mark relative to the classification and taxation of forest ecosystem land;

Severally to the committee on Revenue.

Petition (accompanied by bill, House, No. 3733) of James Arciero and others relative to vehicle registration plates of veterans;

Petition (accompanied by bill, House, No. 3734) of James Arciero and others relative to motor vehicle registration plates and placards for certain disabled veterans;

Petition (accompanied by bill, House, No. 3735) of James Arciero and James Dolan relative to licensed funeral home vehicles; and

Petition (accompanied by bill, House, No. 3736) of Cynthia M. Kent relative to the issuance of motor vehicle hardship licenses;

Severally to the committee on Transportation.

Resolutions.

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

Resolutions (filed by Mr. Brownsberger) “congratulating Brian Costello on the occasion of his retirement as Executive Director of the Watertown Housing Authority”;

Resolutions (filed by Mr. Cyr) “commending Alan McClennen, Jr. for his years of service to the town of Orleans”;

Resolutions (filed by Ms. Lovely) “congratulating Katherine Johnston on receiving the Gold Award of the Girl Scouts of America”;

Resolutions (filed by Ms. Lovely) “congratulating Catlin Nicole Tricomi on receiving the Gold Award of the Girls Scouts of America”;

Resolutions (filed by Ms. Lovely) “congratulating Alexandra Gagnon on receiving the Gold Award of the Girls Scouts of America”; and

Resolutions (filed by Ms. Spilka and Ms. Rausch) “honoring the memory of Martin Paul Hladick and Joseph John Hladick on the dedication of Hladick Brothers Square in the town of Natick”.

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 Senate Bill establishing a sick leave bank for Daniel Ajoue, an employee of the Department of Correction (Senate, No. 2208),-- was read a third time.

Pending the question on ordering the bill to a third reading, Mr. Pacheco presented an amendment inserting after the word “Ajoue”, in line 4, the first time it appears, the following words:- “to care for his immediate family member”.

The amendment was adopted.

The bill (Senate, No. 2208, amended) was then passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3737) of Paul W. Mark relative to harvesting of forest products;

Under suspension of Joint Rule 12, to the committee on Environment, Natural

Employee-owned businesses.

Forest classification.

Vehicle plates,-- veterans.

Id.

Funeral home vehicles.

Motor vehicle hardship licenses.

Brian Costello.

Alan McClennen.

Katherine Johnston.

Catlin Nicole Tricomi.

Alexandra Gagnon.

Hladick Brothers Square.

David Ajoue,-- sick leave.

Forest products,-- harvesting.

Resources and Agriculture.

Petition (accompanied by bill, House, No. 3738) of Natalie M. Blais and others relative to expanding access to healthy food choices in vending machines on state property;

Vending machines,--
healthy food.

Under suspension of Joint Rule 12, to the committee on Public Health.

Petition (accompanied by bill, House, No. 3739) of Peter Capano, Brendan P. Crighton and Mindy Domb for legislation to establish a sick leave bank for Sophia R. Velez, an employee of the Executive Office of Health and Human Service; and

Sophia R. Velez,--
sick leave.

Petition (accompanied by bill, House, No. 3740) of Jeffrey N. Roy and Rebecca L. Rausch for legislation to establish a sick leave bank for Carrie Peters, an employee of the Department of Transitional Assistance;

Carrie Peters,-- sick
leave.

Severally, under suspension of Joint Rule 12, to the committee on Public Service.

Recess.

There being no objection, at two minutes before twelve o'clock noon, the Chair (Ms. Friedman) declared a recess, subject to the call of the Chair; and at eight minutes past five o'clock P.M., the Senate reassembled, Ms. Friedman in the Chair.

Recess.

Orders Adopted.

Mr. Lewis offered the following order, to wit:

Ordered, That, the Senate hereby calls for a joint session of the two Houses, conformable to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, to consider the following proposal:

Millionaire tax.

Proposal 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 (see Senate, No. 16), with reference to which the committee on Revenue has reported, recommending that the amendment ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Humason and the order was considered forthwith and adopted.

Mr. Eldridge offered the following order, to wit:

Ordered, That, the Senate hereby calls for a joint session of the two Houses, conformable to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, to consider the following proposal:

Redistricting,--
commission.

Proposal for a legislative amendment to the Constitution establishing an independent redistricting commission (see Senate, No. 13), with reference to which the committee on Election Laws has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass.

There being no objection, the rules were suspended, on motion of Mr. Humason and the order was considered forthwith and adopted.

Mr. Tarr offered the following order, to wit:

Ordered, That, the Senate hereby calls for a joint session of the two Houses, conformable to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, to consider the following proposal:

Rainy day fund,--
supermajority vote.

Proposal for a legislative amendment to the Constitution requiring a supermajority vote for the utilization of rainy day funds (see Senate, No. 2210), with reference to which the committee on Revenue has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass, the time within which the said committee was required to report having expired.

There being no objection, the rules were suspended, on motion of Mr. Humason

and the order was considered forthwith and adopted.

Ms. Creem offered the following order, to wit:

Ordered, That conformably to the provisions of Article XLVIII (48) (as amended by Article LXXXI)(81) of the Amendments to the Constitution, a joint session of the two Houses be held on Wednesday, May 8, 2019 at one o'clock P.M., for the purpose of considering proposals for amendments to the Constitution.

Joint Session.

Insofar as applicable, the special rules of procedure, in effect in the preceding General Court shall govern said joint session, and any further joint sessions called for the purpose of considering amendments to the Constitution.

There being no objection, the rules were suspended, on motion of Mr. Humason, and the order was considered forthwith and adopted.

Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Humason--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Wednesday 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 Mr. Tarr, at thirteen minutes past five o'clock P.M., the Senate adjourned to meet again on Wednesday next at eleven o'clock A.M.