

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, MAY 30, 2019.

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JOURNAL OF THE SENATE

Thursday, May 30, 2019.

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

Pledge of Allegiance.

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2232) of Bruce E. Tarr, Bradley H. Jones, Jr. and Theodore C. Speliotis (by vote of the town) for legislation relative to polling places in the town of Middleton [Local approval received];

Middleton,-- polls.

Under Senate Rule 20, to the committee on Election Laws.

By Mr. Humason, a petition (accompanied by bill, Senate, No. 2229) of Donald F. Humason, Jr. and Daniel R. Carey (with approval of the mayor and city council) relative to amending the home rule charter of the city of Easthampton [Local approval received]; and

Easthampton,-- charter.

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 2230) of Patrick M. O'Connor (by vote of the town) for legislation to authorize certain investments by the treasurer of the town of Cohasset [Local approval received];

Cohasset,-- treasurer.

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

Severally sent to the House for concurrence.

Reports of a Committee.

By Ms. Jehlen, for the committee on Elder Affairs, on petition, a Bill directing the administration to amend the Frail Elder Home and Community-Based Waiver to permit eligible older adults to choose to reside in Certified Assisted Living Residences (Senate, No. 361); and

Frail Elder Home and Community-Based Waiver.

By the same Senator, for the same committee, on petition, a Bill relative to small house nursing homes (Senate, No. 363);

Small house nursing homes,-- regulations.

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3828) of Bruce J. Ayers and Thomas M. Stanley relative to the sale of dogs, cats and rabbits in pet shops;

Pet shops.

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3830) of Michael J. Moran and Michelle M. DuBois relative to regulating beds out of service at long term care facilities;

Long term care facilities

To the committee on Elder Affairs.

Petition (accompanied by bill, House, No. 3831) of David Henry Argosky LeBoeuf and others relative to inactive voters and municipal census administration;

Municipal census administration.

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3832) of Natalie M. Blais, Joanne M. Comerford and others relative to the municipal reporting requirements of the Transportation Infrastructure Enhancement Trust Fund;

Transportation Infrastructure Enhancement Trust Fund.

To the committee on Financial Services.

Petition (accompanied by bill, House, No. 3833) of Sandra Lee and David M. Rogers relative to civil complaints for emotional distress against those convicted of animal abuse; and

Animal abuse,--civil complaints

Petition (accompanied by bill, House, No. 3834) of Michael J. Moran relative to public and non-profit liability caps in cases of wrongful death actions;

Non-profit liability caps.

Severally to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 3835) of Denise C. Garlick, Barry R. Finegold and others relative to the employment of human service workers;

Human service workers.

To the committee on Labor and Workforce Development.

Petition (accompanied by bill, House, No. 3836) of Bruce J. Ayers relative to the building or rebuilding of bridges on certain land that falls under the jurisdiction of more than one municipality;

Bridges.

Petition (accompanied by bill, House, No. 3837) of Bruce J. Ayers and Michael O. Moore relative to certain construction projects occurring in municipalities within 1,500 feet of a border of another municipality;

Construction projects.

Petition (accompanied by bill, House, No. 3838) of Marjorie C. Decker and others relative to zoning for solar systems for certain development projects;

Solar projects,--zoning.

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3839) of Jack Patrick Lewis and others for legislation to ban the use of certain chemicals in food packaging;

Food packaging.

Petition (accompanied by bill, House, No. 3841) of Lindsay N. Sabadosa and others relative to medical abortion or medication abortion at health centers at public institutions of higher education; and

Medical abortion.

Petition (accompanied by bill, House, No. 3842) of Todd M. Smola and Mathew J. Muratore relative to disclosures of certain hazards in well water;

Well water,--hazards.

Severally to the committee on Public Health.

Petition (accompanied by bill, House, No. 3843) of Marjorie C. Decker, Mary S. Keefe and David Henry Argosky LeBoeuf relative to prohibiting ghost guns, so-called, that allow gun pieces to be legally purchased or made to create firearms that lack serial numbers;

Ghost guns.

Petition (accompanied by bill, House, No. 3844) of Daniel M. Donahue and others relative to safe building materials; and

Safe building materials

Petition (accompanied by bill, House, No. 3845) of Carole A. Fiola and others relative to marking of buildings with light-frame truss-type construction;

Firearms,--reporting.

Severally to the committee on Public Safety and Homeland Security.

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

Petition (accompanied by bill, House, No. 3817) of Harold P. Naughton, Jr. (by vote of the town) that the town of Lancaster be authorized to continue the employment of Maurice Bateman, a firefighter/EMT of the fire department of said town; and

Lancaster,--firefighter employment.

Petition (accompanied by bill, House, No. 3818) of Harold P. Naughton, Jr. (by vote of the town) that the town of Lancaster be authorized to continue the employment of Kevin

Id.

Lamb as deputy chief of the fire department of said town;
Severally to the committee on Public Service.

A Bill making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3819, amended-- on House, No. 3702, in part),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Supplemental appropriations.

Resolutions.

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

Resolutions (filed by Mr. Brady) “congratulating Hunter Puleo on his elevation to the rank of Eagle Scout.”

Hunter Puleo.

PAPER FROM THE HOUSE.

Emergency Preamble.

An engrossed Bill establishing a sick leave bank for James Lovett, an employee of the Department of Conservation and Recreation (see Senate, No. 2209, amended), 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 4 to 0.

James Lovett,-- sick leave.

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

Message from His Excellency the Governor.

Message from His Excellency the Governor validating the results of the annual town election held in the town of Heath on May 10, 2019 (Senate, No. 2234) (received in the office of the Clerk of the Senate on Thursday, May 30, 2019, at a twenty-eight minutes before eleven o'clock A.M.);

Heath,-- town election.

The message was read; and, under Senate Rule 20, with the accompanying bill, was referred to the committee on Election Laws.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3827) of Tackey Chan relative to genetic counselors,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Health.**

Genetic counselors.

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 Maryanne Healey, an employee of the Middlesex Sheriff’s Office (House, No. 3689),-- **was read a third time and passed to be engrossed, in concurrence.**

Maryanne Healey,-- sick leave.

PAPERS FROM THE HOUSE.

A petition of Christopher M. Markey and Paul A. Schmid, III (subject to Joint Rule

New Bedford,--

12) (with the approval of the mayor and the city council) relative to the operation of a certain Commonwealth charter school in the city of New Bedford,-- was considered.

charter school.
HD4174

Pending the question on suspension of Joint Rule 12, Ms. Jehlen moved that the matter be laid upon the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

The House 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),-- came from the House with the endorsement that the House had NON-concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2235, and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Michlewitz of Boston, Garlick of Needham and Smola of Warren had been appointed the committee on the part of the House.

General
Appropriations.

On motion of Ms. Rausch, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Rodrigues, Friedman and deMacedo were appointed on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for James Lovett, an employee of the Department of Conservation and Recreation (see Senate, No. 2209, amended) (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 (Mr. Brownsberger) and laid before the Governor for his approbation.**

Bill laid before the
Governor.

Recess.

There being no objection, at twenty-nine minutes past eleven o'clock A.M., the Chair (Mr. Brownsberger) declared a recess, subject to the call of the Chair; and at twenty-six minutes past two o'clock P.M., the Senate reassembled, Mr. Boncore in the Chair.

Recess.

Order Adopted.

Mr. Creem offered the following order, to wit:

Ordered, That notwithstanding any Special Rules of the Joint Session, House Rule 12 or any other rules to the contrary, all amendments to the legislative Proposal for an amendment to the Constitution to provide resources for education and transportation through an additional tax on incomes in excess of one million dollars (see House, No. 86), shall be filed electronically prior to 5:00:01 P.M., on Friday, June 7, 2019 with the Clerk of the Joint Convention.

Procedural order.

The Clerk of the Joint Convention shall further specify the procedure and format for filing all amendments, consistent with this order.

After amendments to the proposal are considered, the question shall be on agreeing to the amendment (House, No. 86).

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

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3846) of Thomas A. Golden, Jr., for

GreenWorks.

UNCORRECTED PROOF.

legislation to provide for a program of climate change resiliency for cities and towns in the Commonwealth,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Telecommunications, Utilities and Energy.**

Order Adopted.

On motion of Mr. Humason--

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-eight minutes past two o'clock P.M., the Senate adjourned to meet on Monday at eleven o'clock A.M.