

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JUNE 20, 2019.

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JOURNAL OF THE SENATE

Thursday, June 20, 2019.

Met at nine minutes past eleven o'clock A.M. (Mr. Lewis 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. Lewis), 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. Lewis) handed the gavel to Mr. Humason for the purpose of an introduction. Mr. Humason then introduced, in the rear of the Chamber, Steve and Robin Sklarski from Westfield. Steve and Robin were visiting from the western part of the state and were on a tour of the State House. The Senate welcomed them with applause and they withdrew from the Chamber.

Steve and Robin Sklarski.

There being no objection, the Chair (Mr. Lewis) handed the gavel to Mr. Tran for the purpose of an introduction. Mr. Tran then introduced, in the rear of the Chamber, Karen Walsh Fortin, a teacher from the Florence Sawyer School in Bolton. Ms. Fortin was visiting the State House in recognition of being honored by the Department of Elementary and Secondary Education as a finalist for the 2018 Presidential Award for Excellence in Math and Science. Some of her accomplishments include: organizing school district wide Family Math Nights, co-leader of the Math Olympics Teams for both elementary and middle school students and in 2017 she was also honored as a finalist for the 2016 Presidential Award for Excellence in Mathematics and Science Teaching. Ms. Fortin was accompanied by her husband Larry, her father Edward Walsh, her daughter Vanessa Fortin, her son-in-law Chris Mobley, her grandchildren Shaylen, Briella and Kaleb and the Vice Principal at Florence Sawyer School Kaitlyn Angulo. The Senate applauded her for over 30 years of service as an educator, presented her with a Senate Citation on the Rostrum and they withdrew from the Chamber.

Karen Walsh Fortin.

Report.

Report of the Department of Unemployment Assistance (pursuant to Section 14F of Chapter 151A of the General Laws) submitting the June 2019 Unemployment Insurance Trust Fund report (received June 18, 2019),-- was placed on file.

DUA,-- report. SD2470

Petitions.

Petitions were severally presented and referred as follows:

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 2262) of Diana DiZoglio, Bruce E. Tarr, Christina A. Minicucci and Tram T. Nguyen (by vote of the town) for legislation to authorize the town of North Andover to grant an additional liquor license [Local approval received];

North Andover,-- liquor license.

Under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 2263) of Diana

North Andover,--

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DiZoglio, Bruce E. Tarr, Christina A. Minicucci and Tram T. Nguyen (by vote of the town) for legislation to repeal Chapter 404 of the Acts of 2008 [Local approval received];

town manager.

By the same Senator, a petition (accompanied by bill, Senate, No. 2264) of Diana DiZoglio, Bruce E. Tarr, Christina A. Minicucci and Tram T. Nguyen (by vote of the town) for legislation to amend the North Andover town charter [Local approval received]; and

North Andover,--
town charter.

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2269) of Bruce E. Tarr and Bradford Hill (by vote of the town) for legislation relative to updating the town charter in the town of Ipswich [Local approval received];

Ipswich,-- town
charter.

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

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 2265) of Diana DiZoglio, Bruce E. Tarr, Christina A. Minicucci and Tram T. Nguyen (by vote of the town) for legislation to exempt Paul Jacques from the maximum age requirement for applying for civil service appointment as a police officer in the town of North Andover [Local approval received];

North Andover,--
civil service
exemption.

Under Senate Rule 20, to the committee on Public Service.

Severally sent to the House for concurrence.

By Mr. Brownsberger, a petition (accompanied by bill) (subject to Joint Rule 12) of William N. Brownsberger for legislation relative to the disclosure of smoking within a multi-residence building by lessor;

Multi-residence,--
smoking.
SD2469

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

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3906) of Natalie M. Blais and Adam G. Hinds (by vote of the town) for legislation to validate the actions taken at the annual town election held on May 4, 2019 in the town of Chester;

Chester,-- town
election actions.

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3902) of Josh S. Cutler, Patrick M. O'Connor and Kathleen R. LaNatra (by vote of the town) relative to expanding the board of selectmen in the town of Duxbury;

Duxbury,-- board of
selectman.

Petition (accompanied by bill, House, No. 3903) of Jonathan D. Zlotnik and Anne M. Gobi (by vote of the town) relative to the charter of the town of Winchendon;

Winchendon,-- town
charter.

Petition (accompanied by bill, House, No. 3907) of Paul W. Mark and Joanne M. Comerford (by vote of the town) that the town of Northfield be authorized to increase the size of the board of selectmen from three to five members; and

Northfield,-- board of
selectman.

Petition (accompanied by bill, House, No. 3908) of Sarah K. Peake and Julian Cyr (by vote of the town) that the town of Eastham be authorized to establish a water connection assistance program for property owners;

Eastham,-- water
connection assistance

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3909) of Robert A. DeLeo and Joseph A. Boncore (with the approval of the town council) that the town of Winthrop be authorized to continue the employment of Paul E. Flanagan as fire chief of said town;

Winthrop,-- fire
chief.

To the committee on Public Service.

Bills

Relative to certain affordable housing in the South End section of the city of Boston (House, No. 3696,-- on petition) [Local approval received]; and

South End,--
affordable housing.

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Relative to appraisal management companies (House, No. 3904,-- on House, No. 1114);

Appraisal management companies.

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

Bills

Authorizing the town of Bedford to release a portion of a certain conservation restriction (House, No. 3644,-- on petition) [Local approval received];

Bedford,-- conservation land.

Providing for the construction of improvements to Arsenal Park in the city known as the town of Watertown (House, No. 3814,-- on petition) [Local approval received]; and

Watertown,-- Arsenal Park.

Revising the charter for the city of Melrose (House, No. 3822,-- on petition) [Local approval received];

Melrose,-- charter.

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

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The House Bill establishing a sick leave bank for Brian S. Bibeau, an employee of the Department of Correction (House, No. 2376, amended),-- **was read a third time and passed to be engrossed, in concurrence.**

Brian S. Bibeau,-- sick leave.

The House Bill establishing a sick leave bank for Carrie Peters, an employee of the Department of Transitional Assistance (House, No. 3740),-- **was read a third time and passed to be engrossed, in concurrence.**

Carrie Peters,-- sick leave.

The House Bill establishing a sick leave bank for Antoinette Rodney, an employee of the Trial Court of the commonwealth (House, No. 3744) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Antoinette Rodney,-- sick leave.

Reports of a Committee.

By Mr. Rodrigues, for the committee on Senate Ways and Means, on the residue of the House 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),-- ought to pass; with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2271.

Supplemental appropriations.

There being no objection, the rules were suspended, on motion of Mr. Rodrigues, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

By Mr. Rodrigues, for the committee on Senate Ways and Means, that the House Bill relative to collective bargaining dues (House, No. 3854),-- ought to pass; with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2273.

Collective bargaining dues.

Order Adopted.

Mr. Rodrigues offered the following order, to wit:

Procedural Order.

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill relative to collective bargaining dues (House, No. 3854) (the committee on Ways and Means having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2273) shall be placed in the Orders of the Day for a second reading on Thursday, June 27, 2019.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon, on Monday, June 24, 2019. All such amendments shall be second-reading amendments to the Senate Ways and Means new text (Senate, No. 2273), 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, June 27, 2019, for a second reading with the amendment pending.

Report of a Committee.

By Mr. Rodrigues, for the committee on Senate Ways and Means, that the Senate Bill authorizing the mutual release of all claims to certain lands in the town of Newbury (Senate, No. 2201),-- ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2270);

Newbury,-- land conveyance.

There being no objection, the rules were suspended, on motion of Mr. Tran, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2270), was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

Resolutions.

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

Resolutions (filed by Mr. Cyr) “commending Paul McCormick for his distinguished service to the Town of Dennis” and

Paul McCormick.

Resolutions (filed by Mr. Feeney) “commending Doctor Lincoln D. Lynch III on his retirement after a 32-year career in education.”

Doctor Lincoln D. Lynch III.

PAPER FROM THE HOUSE.

A Bill establishing a sick leave bank for Susan Purcell, an employee of the Department of Children and Families (House, No. 3862,-- on petition),-- was read.

Susan Purcell,-- sick leave.

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

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The Senate Bill establishing a sick leave bank for David P. Christian, an employee of the Department of Correction (Senate, No. 1541),-- **was read a third time and passed to be engrossed.**

David P. Christian,--
sick leave.

Sent to the House for concurrence.

The Senate Bill establishing a sick leave bank for Ryan Russell, an employee of the Department of Correction (Senate, No. 2218),-- **was read a third time and passed to be engrossed.**

Ryan Russell,--
sick leave.

Sent to the House for concurrence.

The House Bill relative to the fire district in the town of Williamstown (House No. 1760, amended),-- **was read a third time and passed to be engrossed, in concurrence.**

Williamstown,--
fire district.

Report of a Committee.

Ms. Lovely, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill designating a certain bridge in the town of Needham as the Lt. Joseph R. Fandrey Memorial Bridge (Senate, No. 2244).

Needham,-- bridge
designation.

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

Pending the question on ordering the bill to a third reading, Mr. Rush presented an amendment substituting a new draft entitled "An Act designating certain bridges in memory of certain members of the United States Armed Forces who lost their lives while serving in the Military" (Senate, No. 2272).

The amendment was adopted.

The bill (Senate, No. 2272) was then ordered to a third reading, read a third time and 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. 3911) of James Arciero and others relative to representation of special education parent advisory councils on school committee;

Special education,--
advisory councils.

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

Petition (accompanied by bill, House, No. 3912) of Patricia A. Haddad that the Bristol County Retirement Board be authorized to grant creditable service to Christopher R. Carreiro [Local approval received];

Christopher R.
Carreiro,-- creditable
service.

Under suspension of Joint Rules 12 and 7A, to the committee on Public Service.

Petition (accompanied by bill, House, No. 3913) of Joseph F. Wagner, Donald F. Humason, Jr., and Nicholas A. Boldyga for legislation to establish a sick leave bank for Thomas Lingenberg, an employee of the Soldiers' Home in Holyoke; and

Thomas Lingenberg,-
- sick leave.

Petition (accompanied by bill, House, No. 3914) of Bradford Hill and Bruce E. Tarr for legislation to establish a sick leave bank for Michelle Kitchen-Taraska, an employee of the Department of Developmental Services;

Michelle Kitchen-
Taraska,-- sick leave.

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

Petition (accompanied by bill, House, No. 3915) of Shawn Dooley and Rebecca L. Rausch that the commissioner of Capital Asset Management and Maintenance be authorized to convey certain parcels of land in the town of Norfolk to said town for passive and active recreational activities and facilities;

Norfolk,-- land conveyance.

Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Brian S. Bibeau, an employee of the Department of Correction (see House, No. 2376, 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 2 to 0.

Brian S. Bibeau,-- sick leave.

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

An engrossed Bill establishing a sick leave bank for Carrie Peters, an employee of the Department of Transitional Assistance (see House, No. 3740), 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 2 to 0.

Carrie Peters,-- sick leave.

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

An engrossed Bill establishing a sick leave bank for Antoinette Rodney, an employee of the Trial Court of the Commonwealth (see House, No. 3744), 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 2 to 0.

Antoinette Rodney,-- sick leave.

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

Engrossed Bills.

The following engrossed bills (all of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Lewis) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Brian S. Bibeau, an employee of the Department of Correction (see House, No. 2376, amended);

Bills laid before the Governor.

Establishing a sick leave bank for Carrie Peters, an employee of the Department of Transitional Assistance (see House, No. 3740); and

Establishing a sick leave bank for Antoinette Rodney, an employee of the Trial Court of the Commonwealth (see House, No. 3744).

Order Adopted.

On motion of Mr. Tran--

UNCORRECTED PROOF.

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 a one minute before twelve o'clock noon, the Senate adjourned to meet on Monday at eleven o'clock A.M.