

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**MONDAY, JULY 1, 2019.**

[60]

JOURNAL OF THE SENATE

Monday, July 1, 2019.

Met at nine 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.

Report.

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

Report of the Executive Office of Technology Services & Security (pursuant to Section 11 of Chapter 69 of the Acts of 2018) submitting its first annual report of the Justice Reinvestment Policy Oversight Board (received June 28, 2019); and

Justice Reinvestment Policy Oversight Board,-- report. SD2486 Section 35 commission,-- report. SD2487

Report of the Special Commission on Involuntary Commitment (pursuant to section 104 of Chapter 208 of the Acts of 2018) submitting its report the efficacy of involuntary inpatient treatment for non-court involved individuals diagnosed with substance use disorder (received July 1, 2019).

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2283) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation relative to the charter of the town of Wareham [Local approval received];

Wareham,-- town charter.

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

**Sent to the House for concurrence.**

By Ms. Comerford, a petition (accompanied by bill) (subject to Joint Rule 12) of Joanne M. Comerford for legislation relative to posting employment opportunities;

State employment,-- postings. SD2482

By the same Senator, a petition (accompanied by bill) (subject to Joint Rule 12) of Joanne M. Comerford for legislation to extend veterans retirement buyback opportunities;

Veterans,-- buy back period. SD2483

By Mr. deMacedo, a petition (accompanied by bill) (subject to Joint Rule 12) of Viriato M. deMacedo for legislation to allow for a Legion of Merit license plate; and

Legion of Merit,-- license plate. SD2484

By Mr. Tarr (by request), a petition (accompanied by bill) (subject to Joint Rule 12) of Katherine Shaw for legislation relative to assessment of surcharge points;

Surcharge points,-- assessment. SD2485

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

Reports of Committees.

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 477 and House, No. 848, a Bill promoting snowmobiling sustainability (Senate, No. 2281);

Snowmobiles,-- promote.

**UNCORRECTED PROOF.**

By Mr. Barrett, for the committee on Telecommunications, Utilities and Energy, on petition, a Bill to encourage the deployment of heat pumps (Senate, No. 1925);

Heat pumps,--  
deployment.

By the same Senator, for the same committee, on petition, a Bill establishing a study of energy efficient options for low income households (Senate, No. 1942);

Low income  
households,-- energy.

By the same Senator, for the same committee, on petition, a Bill relative to Energy Savings Efficiency (Energy SAVE) (Senate, No. 1986); and

Appliances,--  
efficiency.

By the same Senator, for the same committee, on petition, a Bill establishing building energy performance standards (Senate, No. 2011);

Residential  
buildings,-- energy.

**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Ms. Rausch, for the committee on Municipalities and Regional Government, on petition, a Bill amending the home rule charter of the city of Easthampton (Senate, No. 2229) [Local approval received];

Easthampton,--  
charter.

By the same Senator, for the same committee, on petition, a Bill to authorize the conveyance by lease or easement and change of use of conservation land in the town of Groton (Senate, No. 2239) [Local approval received]; and

Groton,--  
conservation land.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2222), a Bill authorizing the city of New Bedford to enter into a long-term lease for the operation of a performing arts center (Senate, No. 2279) [Local approval received on Senate, No. 2222];

New Bedford,--  
performing arts  
center.

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

PAPERS FROM THE HOUSE.

Messages were severally referred, in concurrence, as follows:

A message from His Excellency the Governor recommending legislation relative to validating actions taken at an annual town meeting in the town of Berlin (House, No. 3935); and

Berlin,-- annual town  
meeting.

A message from His Excellency the Governor recommending legislation relative to validating a certain election in the town of Boylston (House, No. 3936);

Boylston,-- town  
election.

**Severally to the committee on Election Laws.**

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

Petition (accompanied by bill, House, No. 3937) of James Arciero, James B. Eldridge and Nina Nazarian (by vote of the town) that the town of Littleton be authorized to establish the Littleton Common smart sewer district; and

Little Common,--  
smart sewer  
district.

Petition (accompanied by bill, House, No. 3938) of Joseph D. McKenna and Ryan C. Fattman (by vote of the town) relative to the charter of the town of Webster;

Webster,-- town  
charter.

**Severally to the committee on Municipalities and Regional Government.**

Bills

Authorizing the town of Plymouth to continue the employment of G. Edward Bradley (House, No. 3742,-- on petition) [Local approval received]; and

Plymouth,-- G.  
Edward Bradley  
employment.

Authorizing the town of Winthrop to continue the employment of Fire Chief, Paul E. Flanagan (House, No. 3909,-- on petition) [Local approval received];

Winthrop,-- Fire  
Chief Paul E.  
Flanagan.

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

*Resolutions.*

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

Resolutions (filed by Mr. Collins) “commending the Cape Verdean Association of Boston on its observance of Cape Verdean Independence Day.”

Cape Verdean Association.

*Communication.*

The Clerk read the following communication:

**The Commonwealth of Massachusetts  
MASSACHUSETTS SENATE**

The Honorable Michael D. Hurley  
Clerk of the Massachusetts Senate  
State House, Room 335  
Boston, MA 02133

Senator Adam G. Hinds,-- absence from Chamber.

***Re: H. 3854 An Act relative to collective bargaining dues***

Dear Mr. Clerk:

On Thursday, June 27, 2019 I was absent from the Chamber as I was scheduled to be out-of-state for official business. Earlier this year Senate President Karen Spilka appointed me to represent the Massachusetts Senate at the NCSL Budget and Tax Academy in Washington, D.C., and, as such, I was out of town. I regret this scheduling conflict prevented me from participating in our debate on H. 3854, *An Act relative to collective bargaining dues*, and recording my position on a number of roll call votes taken that day.

I note that I am a co-sponsor of this legislation. Further, had I been present in the Chamber on Thursday I would have been recorded in the following way:

<b>Roll Call No.</b>	<b>Amendment # – Title</b>	<b>Position – How I Would Have Voted:</b>
74	Amendment #3 – Email Usage to be Consistent with Current Policies	In the NEGATIVE
75	Amendment #4 – Prior Coordination for the Use of Government Facilities and Buildings	In the NEGATIVE
76	Amendment #12 – Meeting with New Hire	In the NEGATIVE
77	Amendment #16 – Employee Information	In the NEGATIVE
78	Amendment #1 – Information Disclosure	In the NEGATIVE
79	Amendment #6 – Privacy for Personal Information	In the AFFIRMATIVE
80	Engrossment	In the AFFIRMATIVE

Thank you, Mr. Clerk, for your time and attention to this matter. I respectfully request that this communication be printed in the Senate Journal so my positions

are publicly available as part of the official record.

Sincerely,

**ADAM G. HINDS**, *State Senator*  
*Berkshire, Hampshire, Franklin & Hampden*

**On motion of Mr. Tarr, the above communication was ordered printed in the Journal of the Senate.**

Ordered printed.

*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 Senate Bill authorizing the appointment of retired police officers as special police officers in the town of Milton (Senate, No. 2240),-- **was read a second time and ordered to a third reading.**

Milton,--  
special police.

*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 William N. Brownsberger for legislation relative to the disclosure of smoking within a multi-residence building by lessor;

Multi-residence,--  
smoking.  
SD2469

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

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 William N. Brownsberger for legislation relative to emergency prescriptions,

Emergency  
prescriptions.  
SD2465

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

**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. 3950) of David Biele and Nick Collins that the Department of Conservation and Recreation designate a certain area at Castle Island in the city of Boston in memory of John J. Mullen;

Boston,-- Castle  
Island designation.

**Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.**

Petition (accompanied by bill, House, No. 3952) of Tricia Farley-Bouvier, Adam G. Hinds and John Barrett, III for legislation to establish a sick leave bank for Christine Smith, an employee of the Department of Conservation and Recreation;

Christine Smith,--  
sick leave.

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

Petition (accompanied by bill, House, No. 3951) of Edward F. Coppinger that the commissioner of Capital Asset Management and Maintenance be authorized to release a certain easement in the West Roxbury section of the city of Boston;

West Roxbury,--  
easement.

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

*Emergency Preambles Adopted.*

An engrossed Bill providing for the terms of certain bonds for transportation improvements to be issued by the commonwealth (see House Bill printed in House, No. 3898), 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.

Transportation improvements,-- terms.

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

An engrossed Bill establishing a sick leave bank for Patricia Harrison, an employee of the Department of Developmental Services (see House, No. 3684, 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.

Patricia Harrison,-- sick leave.

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

*Engrossed Bills.*

The following engrossed bills (both 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. Brownsberger) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Patricia Harrison, an employee of the Department of Developmental Services (see House, No. 3684, amended); and

Bills laid before the Governor.

Providing for the terms of certain bonds for transportation improvements to be issued by the commonwealth (see House Bill printed in House, No. 3898).

*Moment of Silence.*

At the request of the Chair (Mr. Brownsberger), the members, guests and staff stood in a moment of silence and reflection to the memory of Eric Nelson.

Moment of Silence.

*Recess.*

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

Recess.

*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 Senate Bill authorizing the appointment of retired police officers as special police officers in the town of Milton (Senate, No. 2240),-- **was read a third time and passed to be engrossed.**

Milton,-- special police.

**Sent to the House for concurrence.**

*Order Adopted.*

On motion of Mr. Tarr--

*Ordered*, That when the Senate adjourns today, it adjourn to meet again tomorrow 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 Eric Nelson*

The Senator from Hampden and Hampshire, Mr. Lesser, the Senator from Berkshire, Hampshire, Franklin and Hampden, Mr. Hinds, the Senator from Hampshire, Franklin and Worcester, Ms. Comerford, the Senator from Hampden and Hampshire, Mr. Humason, the Senator from Worcester, Hampden, Hampshire and Franklin, Ms. Gobi and the Senator from Hampden, Mr. Welch moved that when the Senate adjourns today, it do so in memory of Eric Nelson of Ashfield.

Born in Portland, Maine, the eldest son of Aaron and Leah Nelson, Eric spent much of his childhood in Santa Cruz, California. He received a Bachelor's degree in Education and a Master's Degree in Landscape Architecture, both from the University of Massachusetts in Amherst.

Eric's career was dedicated to making communities in Western Massachusetts better. A skilled landscape architect and economic development professional, he worked at SVE Associates and most recently served as the President & CEO of WestMass Area Development Corporation based in Chicopee, MA. He had a particular passion for revitalizing historic mills and led the redevelopment of the Ludlow Mills project in Ludlow, MA.

Eric was well known in Ashfield, his home for the past 26 years. He served in several volunteer roles including membership on the Local Education Council, the Ashfield Conservation Commission and the Ashfield Planning Board. Among his many efforts, he helped lead the work to rebuild the high school baseball field. He also coached Little League baseball for many years when his sons were young.

Eric loved Maine, his ancestral home, and vacationed at Pequawket Lake his whole life where many family members gathered each summer. Eric loved gardening, fishing and baseball and was an avid Red Sox fan.

Eric was a "people person," always eager to share a handshake and a laugh with anyone he met. He will always be remembered for his warm smile and kind-hearted attitude. He loved making others laugh and was always eager to help his friends and his community.

Eric is survived by his loving wife of 26 years, Margaret (Peggy) M. Sloan and his beloved sons, Aaron Samuel Nelson and Samuel Sloan Nelson.

Accordingly, as a mark of respect in memory of Eric Nelson, at twenty-four minutes past four o'clock PM, on motion of Mr. Tarr, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.