

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JUNE 27, 2019.

JOURNAL OF THE SENATE

Thursday, June 27, 2019.

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

The Chair (Ms. Chandler), 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 appointment of Senators Michael F. Rush and James B. Eldridge (pursuant to Chapter 69 of the Acts of 2003) to serve on the committee that will review the nominations for the Amy Sweeney Award for Civilian Bravery,-- was placed on file.

Amy Sweeney Award,-- appointment.

Report.

Report of the Juvenile Justice and Policy Data Board (JJPAD) (pursuant to Section 89 of Chapter 69 of the Acts of 2018) submitting its report (copies having been forwarded as required to the Senate Committee on Ways and Means and the Joint Committee on the Judiciary) (received June 26, 2019),-- was placed on file.

Juvenile Justice and Policy Data Board,-- report. SD2479

Reports of Committees.

By Mr. Feeney, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill relative to speech language pathologists (Senate, No. 117); and

Speech-language pathologists.

By Ms. Comerford, for the committee on Public Health, on petition, a Bill relative to strengthening the local and regional public health system (Senate, No. 1294, changed in line 1, by striking out the word "in" and inserting in place thereof the following: " , as appearing in the 2018 Official Edition, is");

Public health system,-- local and regional.

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

By Ms. Comerford, for the committee on Public Health, on petition, a Bill to protect children, families, and firefighters from harmful flame retardants (Senate, No. 1230); and

Flame retardants,-- protection.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1308), a Bill ensuring consumer choice and equal access to eye care (Senate, No. 2278);

Eye care,-- access.

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

By Mr. Lewis, for the committee on Education, on Senate, No. 1971 and House, No. 450, a Bill authorizing the Southern Worcester County Regional Vocational School District to enter into solar power generation agreements (Senate, No. 1971);

Worcester County School District,-- solar power.

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

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By Mr. Feeney, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill authorizing the town of Webster to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 143) [Local approval received];

Webster,-- liquor license.

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

Committee Discharged.

Mr. Lewis, for the committee on Education, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 293) of Anne M. Gobi and Donald R. Berthiaume, Jr. for legislation to provide for the annual election of members of the Spencer East Brookfield Regional School Committee,-- and recommending that the same be referred to the committee on Election Laws.

Spencer East Brookfield Regional School Committee.

Under Senate Rule 36, the report was considered forthwith and accepted. Sent to the House for concurrence.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3916) of Christopher Hendricks and Mark C. Montigny (by vote of the town) that the town of Acushnet be authorized to exempt uniformed positions in the fire department of said town from certain provisions of the civil service law,-- **was referred, in concurrence, to the committee on Public Service.**

Acushnet,-- fire department positions.

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 Patricia Harrison, an employee of the Department of Developmental Services (House, No. 3684, amended),-- **was read a third time and passed to be engrossed, in concurrence.**

Patricia Harrison,-- sick leave.

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Kyle Minnicucci, an employee of the Department of the State Police (House, No. 3901,-- on petition),-- was read.

Kyle Minnicucci,-- sick leave.

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

Petitions were severally referred, in concurrence, as follows, to wit:
Petition (accompanied by bill, House, No. 3944) of Josh S. Cutler relative to the minimum amount of school aid available to municipalities;

Municipalities,-- school aid.

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

Petition (accompanied by bill, House, No. 3943) of Kimberly N. Ferguson and Harriette L. Chandler for legislation to establish a sick leave bank for Nicole Reidy, an employee of the Department of Children and Families;

Nicole Reidy,-- sick leave.

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

Petition (accompanied by bill, House, No. 3942) of Josh S. Cutler relative to deeds excise receipts;

Deeds excise receipts.

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

Statement of Senator Dean A. Tran.

Mr. Tran of Worcester and Middlesex submitted the following statement:

Richard P. Bastien, 66, passed away with his family by his side on June 22, 2019 in Leominster Hospital.

Richard P. Bastien.

Richard was born in Fitchburg on September 1, 1952, a son of Lorraine (Rousseau) Legere of Fitchburg and late Andre Bastien, who passed away in 2007. He graduated from Fitchburg High School in 1971. For over 40 years, Richard worked for Simonds Saw and Steel in payroll and bookkeeping and later managing the shop. He later worked for Munksjo and Crocker Burbank Paper Co. for several years and as a Second-Class Fireman, Boiler and Steam Engineer at Health Alliance Hospital.

Richard was a member of the Kingsmen Drum and Bugle Corp, where he played on the Cymbals; he also belonged to the Light Brigade in Revere, Legends in Everett, and in his youth, the Royal Knights. He was also a member of the South Fitchburg Social Club, where he enjoyed spending time with his many friends.

Along with his wife, Ann, whom he married in Las Vegas on April 5, 2005, he loved to travel and take day trips. Richard enjoyed golfing, gardening, and genealogy; he was very active in the Fitchburg Historical Society as a historian and participating in shows.

Always keeping busy, Richard could be counted on to fix anything for anyone in need; he was a true handy man. He was very creative and made several lighthouses and birdhouses for family members. Richard loved spending time with his family, as well as his two beloved dogs, Rocky and Ashley.

Richard is survived by his loving wife Ann M. (Tusia) Bastien of Fitchburg; two children; Richard M. Bastien and wife Shelley of Gardner and Jennifer Bastien of Fitchburg; three grandchildren, Kaeleigh Reeves, Sean Bastien, and Sirena Contois; two siblings, Michael Bastien and wife Denise of Fitchburg and Kathleen Caron and her husband Michael "Moe" of Fitchburg; several nieces and nephews.

On motion of Mr. Tarr, the above statement was printed in the Journal of the Senate, under the provisions of Senate Rule 6

Recess.

There being no objection, at seventeen minutes past eleven o'clock A.M., the Chair (Ms. Chandler) declared a recess subject to the call of the Chair; and, at nineteen minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

PAPER FROM THE HOUSE.

A Bill validating the results of the annual town election held in the town of Chester on May 4, 2019 (House, No. 3906,-- on petition) [Local approval received],-- was read.

Chester,-- election results.

There being no objection, the rules were suspended, on motion of Ms. Lovely, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Authorizing the town of Salisbury to assume control of the Ring's Island Water District (Senate, No. 1179);

Second Reading Bills.

Relative to the town charter of Groton (Senate, No. 1192);

Relative to the Board of Park Commissioners of the town of Dunstable (Senate, No. 1193);

Relative to marijuana-related revenue in the town of Millbury (Senate, No. 1196);

Concerning health insurance benefits for surviving spouses of firefighters in the city of Boston (Senate, No. 1483);

To provide certain retirement benefits and medical benefits to the widow and children of Everett Firefighter Thaddeus M. Baxter, Jr. (Senate, No. 1508); and

Authorizing the town of Medfield to enter into a long-term- lease for an arts and cultural center (House, No. 3643);

Were severally read a second time and ordered to a third reading.

The House Bill relative to collective bargaining dues (House, No. 3854),-- was read a second time.

Collective Bargaining Dues.

There being no objection, during consideration of the Orders of the Day, the following matter was considered, as follows, to wit:

PAPER FROM THE HOUSE.

A Bill establishing a sick leave bank for Thomas Lingenberg, an employee of the Soldiers' Home in Holyoke (House, No. 3913,-- on petition),-- was read.

Thomas Lingenberg,-
- sick leave.

There being no objection, the rules were suspended, on motion of Mr. Humason, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to collective bargaining dues (House, No. 3854),-- was again considered.

Collective bargaining dues.

After remarks, and pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2273, and pending the main question on ordering the bill to a third reading, Mr. Tarr moved that the proposed new text be amended in section 3, in subsection (e) by inserting in line 70, after the word "employer", the following words:- "; provided, that the use shall be consistent with any computer, electronic mail or information technology usage polices of the public employer and consistent with all state and federal laws and regulations".

3.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at a half past two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 6 – nays 32) [**Yeas and Nays No. 74**]:

YEAS.

deMacedo, Viriato M.
Fattman, Ryan C.
Humason, Donald F., Jr.

O'Connor, Patrick M.
Tarr, Bruce E.
Tran, Dean A. – 6.

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian

Friedman, Cindy F.
Gobi, Anne M.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
Pacheco, Marc R.

DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.

Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Welch, James T. – 32.

ABSENT OR NOT VOTING.

Hinds, Adam G. – 1.

The yeas and nays having been completed at twenty-six minutes before three o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended in section 3, in subsection (f) by inserting, in line 79, after the words "governmental operations", the following words: -
"; and provided further, that the use is based on reasonable prior notice to the government entity".

4.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes before three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 6 – nays 32) [**Yeas and Nays No. 75**]:

YEAS.

deMacedo, Viriato M.
Fattman, Ryan C.
Humason, Donald F., Jr.

O'Connor, Patrick M.
Tarr, Bruce E.
Tran, Dean A. – 6.

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.

Friedman, Cindy F.
Gobi, Anne M.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Welch, James T. – 32.

ABSENT OR NOT VOTING.

Hinds, Adam G. – 1.

The yeas and nays having been completed at fourteen minutes before three o'clock P.M., the amendment was *rejected*.

There being no objection, during consideration of the Orders of the Day, the following matter was considered, as follows, to wit:

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Thomas Lingenberg, an employee of the Soldiers' Home in Holyoke (see House, No. 3913), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency

Thomas Lingenberg,-
- sick leave.

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 21 to 0.

The bill was signed by the President and sent to the House for enactment.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to collective bargaining dues (House, No. 3854).—was again considered.

Collective
Bargaining Dues.
5.

Mr. Tarr moved that the proposed new text be amended in section 3 (b) (i) in line 44 after the word “issues” the following:- “; subject to an agreement between the employer and the employee organization with respect to meeting times, and subject to employer policies for use of government buildings”.

After remarks, the amendment was *rejected*.

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows, to wit:

Resolutions.

Mr. Brownsberger in the Chair, the following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. Boncore) “congratulating Kathleen Hardaway on the occasion of her retirement from the Massachusetts Office of Counsel to the Senate”;

Kathleen Hardaway.

Resolutions (filed by Mr. Timilty) “commemorating the one hundredth anniversary of the establishment of American Legion Edward J. Beatty Post No. 24 in the town of Canton”; and

American Legion
Edward J. Beatty
Post No. 24.

Resolutions (filed by Messrs. Timilty, Feeney and Humason, Ms. Gobi, Messrs. Rush, Tran and Finegold, Ms. Lovely, Ms. DiZoglio, Messrs. Moore and Lesser, Ms. Comerford, Messrs. Brady, Collins, Crighton, Hinds, Eldridge, Tarr, Cyr, Fattman, DiDomenico and O’Connor, Ms. Chandler, Messrs. Welch, Pacheco, Barrett and Kennedy, Ms. Friedman, Messrs. Montigny, Keenan and deMacedo, Ms. Jehlen, Ms. Creem and Mr. Lewis) “commemorating the observance of June 27, 2019 as National Post-Traumatic Stress Injury Awareness Day.”

National Post-
Traumatic Stress
Injury Awareness
Day.

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (both of which originated in the Senate), 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) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation, to wit:

Authorizing the town of Groveland to continue the employment of Joseph Santapaola as a member of the Groveland fire department (see Senate, No. 1585); and

Bills laid before the
Governor.

Crediting the stabilization fund for the sale of the former Milton L. Fuller School property in the city of Gloucester (see Senate, No. 2195).

A Bill providing for the terms of certain bonds for transportation improvements to be issued by the Commonwealth (printed in House, No. 3898,-- being a message from His

Transportation
improvements,--
terms.

Excellency the Governor),-- was read.

There being no objection, the rules were suspended, on motion of Mr. Boncore, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

A Bill authorizing the town of Barnstable to grant an easement to Vineyard Wind LLC (House, No. 1771,-- on petition) [Local approval received],--was read.

Barnstable easement.

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

Pending the question on ordering the bill to a third reading, the same Senator moved that the bill be amended in section 1, by inserting after the word “Vineyard”, in line 8, the second time it appears, the following words:- “; provided, however, that Vineyard Wind LLC shall provide mitigation for the granting of such an easement pursuant to the Host Community Agreement entered into between the city known as the town of Barnstable and Vineyard Wind LLC.”.

The amendment was adopted.

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.

Quorum.

At twenty-four minutes before four o’clock P.M, Mr. Tarr doubted the presence of a quorum.

Quorum.

The President, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at twenty-three minutes before four o’clock P.M., a quorum was declared present.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to collective bargaining dues (House, No. 3854),-- was again considered.

Collective Bargaining Dues.

Mr. Fattman moved that the proposed new text be amended by striking out in its entirety section 1.

After remarks, the amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended by striking out in its entirety subsection (h) of section 3.

9.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following new section:-

10.

“SECTION _ . Notwithstanding any general or special law to the contrary the attorney general shall establish a dedicated hotline and public website to apprise employees of their rights with regards to collective bargaining”.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting in section 3 (b) (iii) in line 56 after “subsection (c)” the following:- “provided, no employee shall be required to meet with the employee organization”.

12.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes before four o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 5 – nays 33) [**Yeas and Nays No. 76**]:

YEAS.

deMacedo, Viriato M.
Fattman, Ryan C.
Humason, Donald F., Jr.

Tarr, Bruce E.
Tran, Dean A. – **5.**

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.

Gobi, Anne M.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Welch, James T. – **33.**

ABSENT OR NOT VOTING.

Hinds, Adam G. – **1.**

The yeas and nays having been completed at four minutes before four o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended in section 3(c) by striking the following:-(i) name; (ii) job; (iii) title; (iv) worksite location; (v) home address; (vi) work telephone number; (vii) home and personal cellular telephone numbers on file with the public employer; (viii) date of hire; (ix) work email address; and (x) personal email address on file with the public employer"; and inserting in place thereof the following: "(i) name; (ii) job; (iii) title; (iii) worksite location; (iv) work telephone number; (v) date of hire; (vi) work email address; provided no additional information shall be provided without written consent of the employee".

16.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at one minute before four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 6 – nays 32) [**Yeas and Nays No. 77**]:

YEAS.

deMacedo, Viriato M.
Fattman, Ryan C.
Humason, Donald F., Jr.

Montigny, Mark C.
Tarr, Bruce E.
Tran, Dean A. – **6.**

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.

Friedman, Cindy F.
Gobi, Anne M.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.

Creem, Cynthia Stone
Crichton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.

Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Welch, James T. – 32.

ABSENT OR NOT VOTING.

Hinds, Adam G. – 1.

The yeas and nays having been completed at one minute before four o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting after section 3 the following section:- 17.

“SECTION 3A. Subsection (b) of section 10 of said chapter 150E, as so appearing, is hereby amended by adding the following clause:-

(4) To use information obtained under section 10B of chapter 66 to interfere with, restrain or coerce an employee in the exercise of any right guaranteed under this chapter or section 17A of chapter 180.”

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended in section 1, by striking out, in lines 3 and 4, the words “home telephone number or mobile telephone number” and inserting in place thereof the following words:- “and home telephone number”; and in subsection (d) of section 3, by striking out, in lines 64 through 66, inclusive, the words “home and personal cellular telephone numbers, personal email addresses, dates of birth, bargaining units and groupings of employees and emails or other communications between employee organizations and their members” and inserting in place thereof the following words:- “personal email addresses and home telephone numbers”. 18.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting in section 3(b)(iii) in line 53 after the word “meeting” the following:-”unless the parties agree otherwise”. 19.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by striking in line 60 the following:-”agreed to by the exclusive representative” and inserting in place thereof the following:- “agreed by both the employer and the employee organization”. 20.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended in line 74 by inserting after the word “entity” the following:-”; subject to any of the government entities's policy for using and scheduling of use of the government building”. 21.

The amendment was *rejected*.

Mr. Tran moved that the proposed new text be amended by inserting after the word “organization” in line 9, the following:- “ to whom the employee has consented to disclose said information and”; and by striking, in section 3, subsection (c) in its entirety and inserting in place thereof the following subsection:- 1.

“(c) Not later than 10 calendar days after the date a prospective school employee accepts an offer of employment or after the date of hire for all other public bargaining unit employees, a public employer shall provide the following contact information to the exclusive representative in spreadsheet file format or other format agreed to by the exclusive representative: (i) name; (ii) job; (iii) title; (iv) worksite location; (v) work telephone number; (vi) date of hire (vii) and work email address. The employee's home

UNCORRECTED PROOF.

address, home and personal cellular telephone numbers on file with the public employer, and personal email address on file with the public employer shall not be disclosed except by the express permission of said employee.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven minutes past four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 5 – nays 33) **[Yeas and Nays No. 78]:**

YEAS.

deMacedo, Viriato M.
Fattman, Ryan C.
Humason, Donald F., Jr.

Tarr, Bruce E.
Tran, Dean A. – **5.**

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.

Gobi, Anne M.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Welch, James T. – **33.**

ABSENT OR NOT VOTING.

Hinds, Adam G. – **1.**

The yeas and nays having been completed at nine minutes past four o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following section:-

6.

“SECTION __. All personal information disclosed to a non-governmental organization pursuant to this chapter shall be kept confidential by such organization. No such personal information may be sold by such non-governmental organization. Upon any revocation pursuant to this section, the non-governmental organization shall immediately destroy all personal information of the revoking employee that it may have in its possession, custody or control. Any further contact with said employee by means of such information shall be in violation of this act and subject to a fine of not less than \$1,000.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at a quarter past four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 7 – nays 31) **[Yeas and Nays No. 79]:**

YEAS.

deMacedo, Viriato M.
Fattman, Ryan C.

O'Connor, Patrick M.
Tarr, Bruce E.

UNCORRECTED PROOF.

Humason, Donald F., Jr.
Moore, Michael O.

Tran, Dean A. – 7.

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.

Friedman, Cindy F.
Gobi, Anne M.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Welch, James T. – 31.

ABSENT OR NOT VOTING.

Hinds, Adam G. – 1.

The yeas and nays having been completed at seventeen minutes past four o'clock P.M., the amendment was *rejected*.

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows, to wit:

Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of John Cahalane.

Moment of silence.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to collective bargaining dues (House, No. 3854),-- was again considered.

7.

Mr. Tarr moved that the proposed new text be amended in section 3, by inserting after the word "meeting", in line 53, the following words:- " ; provided, however, that the department of labor and workforce development shall prepare and provide to each employer subject to this act written material regarding employee rights to join or not join a bargaining unit, which may include, but shall not be limited to, websites established for such purpose, and the employer shall post the material conspicuously in the workplace". .

After remarks, the amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The bill, as amended, was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at fourteen minutes before five o'clock P.M., on motion of Mr. Boncore, as follows, to wit (yeas 38 — nays 1) **[Yeas and Nays No. 80]:**

YEAS.

Barrett, Michael J.
Boncore, Joseph A.

Humason, Donald F., Jr.
Jehlen, Patricia D.

UNCORRECTED PROOF.

Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 38.

NAYS.

Fattman, Ryan C. – 1.

ABSENT OR NOT VOTING.

Hinds, Adam G. – 1.

The yeas and nays having been completed at twelve minutes before five o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments [For text of amendments, printed as amended, see Senate, No. 2282].

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

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 President and laid before the Governor for his approbation, to wit:

Authorizing the county of Dukes County to borrow funds to pay the costs for making various capital improvements at and acquiring items of capital equipment for the Martha's Vineyard airport (see House, No. 3630);

Validating the results of the annual town election held in the town of Chester on May 4, 2019 (see House, No. 3906);

Making certain appropriations for Fiscal Year 2020 before final action on the General Appropriation Bill (see House Bill, printed in House, No. 3910); and

Establishing a sick leave bank for Thomas Lingenberg, an employee of the Soldiers' Home in Holyoke (see House, No. 3913).

Bills laid before the Governor.

Order Adopted.

Messrs. Lesser and Tarr offered the following order, to wit:

Ordered, That the question of the conduct of Senator Michael D. Brady and whether he violated the rules of the Senate be referred to the Senate Committee on Ethics for its consideration in accordance with Senate Rule 12A.

The rules were suspended, on motion of Ms. Chandler, and the order (Senate, No. 2280) was considered forthwith and adopted.

Michael D. Brady,--
conduct.

Order Adopted.

On motion of Ms. Friedman,--

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.

Adjournment in Memory of John Cahalane.

Mr. Cyr moved that when the Senate adjourns today, it do so in memory of John J. Cahalane of Mashpee. On June 8, 2019, John passed away at age 72 during convalescence after a major surgery.

John was raised in the Boston area, and moved to Mashpee in 1972 with his late wife Christine (Dulchinos) Cahalane. Together, they opened The Farm restaurant. Soon after, John delved into public service.

John served on the Mashpee Board of Selectmen for two decades and seven terms, where he became an admired and respected institution. In his extensive tenure, John took on many roles and displayed remarkable leadership, serving as both Chairman and Vice Chairman of the Board. John also served as a Mashpee Sewer Commissioner, Mashpee Housing Authority member, Human Services Committee member, as Chairman of the Mashpee Environmental Oversight Committee, Cape Cod Regional Transit Authority Advisory Board member, and as one of the first members of the Cape Cod Special Olympics Committee. During his time as the Chairman of the Mashpee Human Services Committee, John helped ensure the posterity of the Substance Use Task Force's monthly "Drop-In Nights" through his key efforts to secure the program's funding.

John lent his expertise as a liaison in the town's work with the Mashpee Wampanoag Tribe, where he fostered and maintained close relationships. He also owned a toy store in Mashpee Commons, where he demonstrated a keen business sense. John was recognized on various occasions for his dedication to the betterment of the town of Mashpee, including his Municipal Distinguished Service Award from the Mashpee Chamber of Commerce. Just a week before his death, John was recognized as the first ever Dean of the Mashpee Board of Selectman. He was respected by many, and continuously used his intelligence, wisdom, and perseverance to improve the town of Mashpee.

We are grateful for John's dedicated public service, and mourn the passing of such a distinguished member of the community. John is remembered by his partner Karen Fisher, his aunt, Peg Duddy; niece, Jean Duddy; and his beloved dog, Molly, fellow members of the SelectBoard and by many Mashpee residents.

Accordingly, as a mark of respect to the memory of John J. Cahalane and Richard P. Bastien, at five minutes before five o'clock PM, on motion of Mr. Humason, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.