

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



WEDNESDAY, JULY 31, 2019.

[77]

JOURNAL OF THE SENATE

Wednesday, July 31, 2019.

Met at four minutes past one o'clock P.M. (Mr. Rush in the Chair).

Distinguished Guests.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. Rush for the purpose of an introduction. Mr. Rush then introduced, in the rear of the Chamber, a delegation visiting from Nigeria. The group was visiting as part of the Issele-Uku Association of New England, a cultural, non-governmental, nonprofit organization that provides humanitarian services to the people of Nigeria. The members were being recognized for their participation in the Association's 2019 National Convention in Boston. Among the group was Abosede Ojei, a constituent from Hyde Park, who was recognized for putting the visit together and the Monarch of the Issele-Uku Kingdom of Nigeria, Abogidi Obi Nduka. The delegation was welcomed with applause, they signed the guest book and withdrew from the Chamber. They were also guests of Senators Collins, Chang-Diaz and Lewis and Representative Scaccia of Boston.

Nigerian delegation.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. Collins for the purpose of an introduction. Mr. Collins then introduced, in the rear of the Chamber, Bill McGonagle of South Boston. Mr. McGonagle was being recognized for his 40 years of service to the Boston Housing Authority, and on his retirement as administrator of the department. He had also previously been recognized by the Urban League of Eastern MA, the Massachusetts Union of Public Housing Tenants and the South Boston Citizen's Association for his tireless efforts in uplifting the city's most vulnerable residents. He was accompanied by his wife Ellen, their son Mark, their daughter Allison, former Mayor Ray Flynn and his wife Kathy. The Senate wished him well on his retirement, presented him with a Joint Resolutions, he addressed the Senate from the Rostrum, signed the guest book along with Mayor Flynn and withdrew from the Chamber.

Bill McGonagle.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. Collins for the purpose of an introduction. Mr. Collins then introduced, in the rear of the Chamber, Sarah Lawton. Sarah was being recognized for receiving the 33rd annual Globe Foundation/Richard J. Phelps Scholar-Athlete Award for her outstanding track record. She amassed nearly a dozen individual and relay city titles including the 600, 800, 1000 meter races as well as 1 and 2 mile, and anchored multiple mile relay squads. Sarah was also able to maintain honor roll status and achieved a 4.04 GPA while at Fenway High School and will begin her freshman year at Suffolk University in the fall. She was accompanied by her father Barry, her brother Asberry, her godfather former Senator Richard Moore and many family members and friends. She was applauded for her accomplishments, she was presented a Senate Citation, addressed the Senate from the Rostrum and withdrew from the Chamber.

Sarah Lawton.

There being no objection, the President handed the gavel to Ms. Creem for the purpose of an introduction. Ms. Creem then introduced, in the rear of the Chamber, a long time friend Norman Soep and his wife Judy from Chicago. The Senate welcomed them with applause and they withdrew from the Chamber.

Norman and Judy Soep.

Report.

Report of the Special Legislative Commission on Postpartum Depression (under the provision of Chapter 313 of the Acts of 2010) submitting its CY17 Annual Report (received July 31, 2019),-- **was placed on file.**

DPH,-- postpartum depression CY17report. SD2509

Reports of Committees.

By Ms. Chang-Diaz, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill allowing spouses to serve as caregivers (Senate, No. 28); and

Spouses,-- paid caregivers.

By the same Senator, for the same committee, on petition, a Bill relative to personal care attendant services (Senate, No. 50);

Personal care attendant,-- services.

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

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill relative to horse riding instructor's licenses (Senate, No. 526); and

Horse riding instructor,-- licenses.

By Ms. Rausch, for the committee on Municipalities and Regional Government, on petition, a Bill relative to the Hampshire Council of Governments (Senate, No. 2302);

Hampshire Council of Governments.

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

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 445 and House, No. 777, a Bill prohibiting the use of mobile gear in certain waters off the coast of the town of Nantucket (Senate, No. 445) [Local approval received];

Nantucket waters,-- mobile gear.

By Ms. Rausch, for the committee on Municipalities and Regional Government, on Senate, Nos. 1202, 1203 and 2269, a Bill relative to gender neutral redraft of the town charter of Ipswich (Senate, No. 1203) [Local approval received];

Ipswich,-- town charter.

By the same Senator, for the same committee, on petition, a Bill relative to the procedure for municipal acceptance of subdivision roads in the town of Hingham (Senate, No. 2242) [Local approval received];

Hingham,-- subdivision roads.

By the same Senator, for the same committee, on petition, a Bill to repeal Chapter 404 of the Acts of 2008 (Senate, No. 2263) [Local approval received];

North Andover,-- town manager.

By the same Senator, for the same committee, on petition, a Bill to amend the North Andover town charter (Senate, No. 2264) [Local approval received]; and

North Andover,-- town charter.

By the same Senator, for the same committee, on petition, a Bill relative to the charter of the town of Wareham (Senate, No. 2283) [Local approval received];

Wareham,-- town charter.

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

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4009) of William M. Straus (by vote of the town) that the town of Fairhaven be authorized to transfer an interest in certain park land;

Fairhaven,-- land.

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4010) of Todd M. Smola, Donald R. Berthiaume, Jr., and Anne M. Gobi (by vote of the town) for legislation to authorize Christopher Scott Romani to take the civil service examination for appointment as a police officer in the town of Ware, notwithstanding the maximum age requirement;

Ware,-- police officer appointment.

To the committee on Public Service.

A Bill relative to air monitoring stations (House, No. 4008,-- on House, No. 2909),-- was read and, under Senate Rule 27, referred to the committee on Ways and Means.

Air monitoring stations.

A Bill authorizing the Norfolk County Retirement Board to acquire real property to use as administrative offices (House, No. 3741,-- on House, No. 1787),--was read and, under Senate Rule 26, referred to the committee on Rules.

Norfolk County Retirement Board,-- land.

Recess.

There being no objection, at five minutes past one o'clock P.M., the Chair (Mr. Rush) declared a recess, subject to the call of the Chair; and at seven minutes before two o'clock P.M., the Senate reassembled, 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).

Recess.

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

Pledge of Allegiance.

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill relative to collective bargaining dues (see House, No. 3854), 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 10 to 0.

Collective bargaining dues.

The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House to be again enacted.

Report 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 Mark Bell for legislation relative to moving violations.

Moving violations. SD2341

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

PAPER FROM THE HOUSE.

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill providing for the assignment of a perpetual conservation restriction in the town of Middleborough (see Senate, No. 2292) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at one minutes past two o'clock P.M., as follows, to wit (yeas 39 - nays 0) [Yeas and Nays No. 90]:

Middleborough,-- land.

YEAS.

- | | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Hinds, Adam G. |
| Boncore, Joseph A. | Humason, Donald F., Jr. |
| Brady, Michael D. | Jehlen, Patricia D. |
| Brownsberger, William N. | Keenan, John F. |
| Chandler, Harriette L. | Kennedy, Edward J. |
| Chang-Diaz, Sonia | Lesser, Eric P. |
| Collins, Nick | Lewis, Jason M. |
| Comerford, Joanne M. | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crichton, Brendan P. | Moore, Michael O. |
| Cyr, Julian | O'Connor, Patrick M. |
| deMacedo, Viriato M. | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Eldridge, James B. | Rush, Michael F. |
| Fattman, Ryan C. | Tarr, Bruce E. |
| Feeney, Paul R. | Timilty, Walter F. |
| Finegold, Barry R. | Tran, Dean A. |
| Friedman, Cindy F. | Welch, James T. – 39. |
| Gobi, Anne M. | |

NAYS – 0.

The yeas and nays having been completed at nineteen minutes past two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.

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 authorizing the town of Hudson to grant five additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3847),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading as follows: "An Act authorizing the town of Hudson to grant 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises".**

Hudson,--
liquor license.

Recess.

There being no objection, at twenty-four minutes before three o'clock P.M., the Chair (Mr. Brownsberger) declared a recess, subject to the call of the Chair; and at seventeen minutes before six o'clock P.M., the Senate reassembled, Mr. Collins in the Chair, having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair.

Recess.

PAPER FROM THE HOUSE.

The House Bill relative to simulcasting and racing (House, No. 4003, amended),— came from the House with the endorsement that the House had again NON-concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2305.

Simulcasting.

**On motion of Mr. Pacheco, the Senate again insisted on its amendment.
The bill was returned to the House endorsed accordingly.**

Report of a Committee.

Simulcasting.

By Mr. Rodrigues, for the committee on Ways and Means, on Senate No. 2238, reported, in part, a “Bill extending simulcasting and horse racing authorization” (Senate, No. 2308).

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

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Engrossed Bill.

Bill again laid before the Governor.

An engrossed Bill relative to collective bargaining dues (see House, No. 3854) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be again enacted and signed by the Acting President (Mr. Collins) and again laid before the Governor for his approbation.**

Engrossed Bills Returned with Recommendation of Amendment.

Restaurant promotion commission.

The President in the Chair, a message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill establishing a restaurant promotion commission (see House, No. 4020) [being the text contained in Section 89 of the General Appropriations Bill (see House, No. 4000)] [for message, see Attachment F of House, No. 4014],— came from the House with endorsement that the House adopted the amendment as approved by the committee on Bills in the Third Reading, as follows :

By striking out all after the enacting clause and inserting in place thereof the following:-

“SECTION 1. Subsection (a) of section 6A of chapter 64H of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting, in line 9, after the word “motorboats” the words:- , meals.

SECTION 2. (a) There shall be a special commission, known as the restaurant promotion commission to review and develop recommendations and best practices for the promotion and continued growth and vitality of the restaurant industry in the commonwealth. The commission shall consist of the following 11 members: the house and senate chairs of the joint committee on tourism, arts and cultural development; 3 persons to be appointed by the speaker of the house of representatives; 3 persons to be appointed by the president of the senate; 1 person to be appointed by the minority leader of the house of representatives; 1 person to be appointed by the minority leader of the senate; and the executive director of the Massachusetts office of travel and tourism, or the executive director’s designee, who shall serve as chair of the commission.

(b) The commission shall examine ways to increase promotion of and visitation to restaurants operating in the commonwealth, including but not limited to: challenges to maintaining and operating restaurants, including issues related to the training, development and retention of the industry’s workforce; barriers to establishing new restaurants; licensing and permitting issues impacting emerging business models; strategies for increased marketing to attract visitors to the commonwealth’s restaurants; and strategies for cross-promotional partnerships, including but not limited to partnerships with the

hospitality, agriculture and seafood industries. The commission shall consider successful programs and national and local best practices.

(c) The commission shall recommend programs for the use of the funds available in item 7008-1024. The commission shall hold its first meeting not later than 30 days after the effective date of this act and shall meet not less frequently than monthly thereafter. The commission shall hold meetings in various geographic regions of the commonwealth. The chair of the commission shall work to facilitate information and data requests of the commission members, ensure that the work of the commission incorporates feedback from the industry statewide and coordinate interagency cooperation. The commission shall submit a report of its review and its recommendations, if any, together with drafts of legislation necessary to carry those recommendations into effect by filing the same with the clerks of the house of representatives and the senate not later than January 31, 2020.

SECTION 3. This act shall take effect as of July 1, 2019.”

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Rodrigues, and the Governor’s amendment was considered forthwith.

After remarks, on motion of the same Senator, the Governor’s amendment was adopted, in concurrence.

Sent to the House for re-enactment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to offshore wind contract pricing (see House, No. 4019) [being the text contained in Sections 69, 103, 104 and 108 of the General Appropriations Bill (see House, No. 4000)] [for message, see Attachment E of House, No. 4014],— came from the House with endorsement that the House adopted the amendment as approved by the committee on Bills in the Third Reading, as follows :

Offshore wind.

By striking out all after the enacting clause and inserting in place thereof the following:-

“SECTION 1. Subsection (b) of section 83C of chapter 169 of the acts of 2008, as inserted by section 12 of chapter 188 of the acts of 2016, is hereby amended by striking out, in the fifth sentence, the following words:- provided, however, that the department of public utilities shall not approve a long-term contract that results from a subsequent solicitation and procurement period if the levelized price per megawatt hour, plus associated transmission costs, is greater than or equal to the levelized price per megawatt hour plus transmission costs that resulted from the previous procurement.

SECTION 2. Subsection (b) of section 83C of chapter 169 of the acts of 2008, as inserted by section 12 of chapter 188 of the acts of 2016, is hereby amended by adding, in the fifth sentence, the following words:- provided, however, that the department of public utilities shall not approve a long-term contract that results from a subsequent solicitation and procurement period if the levelized price per megawatt hour, plus associated transmission costs, is greater than or equal to the levelized price per megawatt hour plus transmission costs that resulted from the previous procurement.”

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Rodrigues, and the Governor’s amendment was considered forthwith.

After remarks, on motion of the same Senator, the Governor’s amendment was adopted, in concurrence.

Sent to the House for re-enactment.

MA Tourism Trust Fund.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to grants from the Massachusetts Tourism Trust Fund (see House, No. 4016) [being the text contained in Section 14 of the General Appropriations Bill (see House, No. 4000)] [for message, see Attachment B of House, No. 4014],-- came from the House with endorsement that the House adopted the amendment as approved by the committee on Bills in the Third Reading, as follows :

By striking out all after the enacting clause and inserting in place thereof the following:-

“SECTION 1. Grants from the amounts collected pursuant to subsection (a) of section 13T of chapter 23A of the General Laws allocated to regional tourism councils pursuant to clause (ii) of subsection (d) of said section 13T of said chapter 23A for fiscal year 2020 shall be distributed not later than September 1, 2019.

SECTION 2. This act shall take effect as of July 1, 2019.”

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Rodrigues, and the Governor’s amendment was considered forthwith.

After remarks, on motion of the same Senator, the Governor’s amendment was adopted, in concurrence.

Sent to the House for re-enactment.

Suspension of Senate Rule 38A.

Senate Rule 38A.

Ms. Creem moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Recess.

Recess.

There being no objection, at twenty-nine minutes before eight o’clock P.M., the President declared a recess, subject to the call of the Chair; and at twenty-nine minutes past ten o’clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

MA Tourism Trust Fund.

An engrossed Bill relative to grants from the Massachusetts Tourism Trust Fund (see House, No. 4016, 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 5 to 0.

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

Offshore wind.

An engrossed Bill relative to offshore wind contract pricing (see House, No. 4019, 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 6 to 0.

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

UNCORRECTED PROOF.

An engrossed Bill establishing a restaurant promotion commission (see House, No. 4020, 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 8 to 0.

Restaurant promotion commission.

The bill was signed by the President 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 re-enacted and were signed by the President and again laid before the Governor for his approbation, to wit:

Bills again laid before the Governor

Relative to offshore wind contract pricing (see House, No. 4019, amended); and
Establishing a restaurant promotion commission (see House, No. 4020, amended).

An engrossed Bill relative to grants from the Massachusetts Tourism Trust Fund (see House, No. 4016, amended), (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage. The question on passing it to be re-enacted was determined by a call of the yeas and nays, at eleven o'clock A.M., on motion of Mr. Tarr, as follows, to wit (yeas 39 - nays 0) **[Yeas and Nays No. 91]:**

Bill again laid before the Governor

YEAS.

Barrett, Michael J.	Hinds, Adam G.
Boncore, Joseph A.	Humason, Donald F., Jr.
Brady, Michael D.	Jehlen, Patricia D.
Brownsberger, William N.	Keenan, John F.
Chandler, Harriette L.	Kennedy, Edward J.
Chang-Diaz, Sonia	Lesser, Eric P.
Collins, Nick	Lewis, Jason M.
Comerford, Joanne M.	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, Brendan P.	Moore, Michael O.
Cyr, Julian	O'Connor, Patrick M.
deMacedo, Viriato M.	Pacheco, Marc R.
DiDomenico, Sal N.	Rausch, Rebecca L.
DiZoglio, Diana	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Fattman, Ryan C.	Tarr, Bruce E.
Feeney, Paul R.	Timilty, Walter F.
Finegold, Barry R.	Tran, Dean A.
Friedman, Cindy F.	Welch, James T. – 39.
Gobi, Anne M.	

NAYS – 0.

The yeas and nays having been completed at five minutes past eleven o'clock P.M., the bill was passed to be re-enacted, two thirds of the members present having agreed to pass the same, and it was signed by the President and again laid before the Governor for his approbation.

Order.

Mr. Tarr offered the following order, to wit:

Ordered, That the Senate shall adjourn today 11:15 pm, and adjourn to meet again tomorrow at eleven o'clock A.M. in a full formal session without a calendar.

Time of meeting.

After remarks, and pending the question on adoption of the order, at nine minutes past eleven o'clock P.M, at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at a quarter before twelve o'clock midnight, the Senate reassembled, the President in the Chair.

Recess.

PAPER FROM THE HOUSE.

The House Bill relative to simulcasting and racing (House, No. 4003),-- came from the House with the endorsement that the House had receded from its NON-concurrence in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2305, and had concurred in the Senate amendment *with a further amendment* striking out all after the enacting and inserting in place thereof the text contained in House document numbered 4023.

Simulcasting.

The rules were suspended, on motion of Mr. Brownsberger, and the further House amendment was considered forthwith, and adopted, in concurrence.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill relative to simulcasting and racing (House, No. 4003), 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.

Simulcasting

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

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the President and laid before the Governor for his approbation.

Order.

The Senate Order previously moved by Mr. Tarr relative to relative to adjournment and time of meeting,-- was again considered.

Time of meeting.

Mr. Tarr moved that the order be amended, as follows:-

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.

The order was considered forthwith and, after remarks, was adopted.

On motion of Senator Pacheco at fourteen minutes past twelve o'clock A.M., the Senate adjourned to meet again Monday next at eleven o'clock A.M.