

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**MONDAY, AUGUST 12, 2019.**

JOURNAL OF THE SENATE

Monday, August 12, 2019.

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

Pledge of Allegiance.

Communications.

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

Communication from the Department of Public Health (pursuant to Section 25A of Chapter 112 of the General Laws) submitting its report entitled "Investigatory & Disciplinary Actions Conducted by the Board of Registration in Pharmacy" (received August 8, 2019);

DPH,-- pharmacy investigations report. SD2522

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 41 of the Acts of 2019) submitting the Fiscal Year 2020 transfer schedules for the following accounts: 1595-6368, 1595-6369, 1595-6370, 1595-6379 (received August 9, 2019);

Comptroller,-- FY20 transfer schedules. SD2526

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 154 of the Acts of 2018 as amended by Section 58 of Chapter 273 of the Acts of 2018) submitting a revised Fiscal Year 2019 transfer schedule or the following account: 1595-1068 Medical Assistance Trust Fund (received August 9, 2019);

Comptroller,-- revised transfer schedule. SD2527

Communication from the Office of the Comptroller (pursuant to line item 1599-2040 of Section 2B Chapter 154 of the Acts of 2018) submitting its fourth quarter paid prior year deficiency report for fiscal year 2019 (received August 9, 2019); and

Comptroller,-- prior year deficiency report. SD2528

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 41 of the Acts of 2019) submitting the Fiscal Year 2020 transfer schedule for the following account: 1599-6152 State Retiree Benefits Trust Fund (received August 9, 2019).

Comptroller,-- FY20 transfer schedule. SD2530

Reports.

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

Report of the Department of Public Health (pursuant to Section 35X of Chapter 10, Section 24A of Chapter 94C and Sections 9G, 25, 43, and 78 of Chapter 112 of the General Laws) submitting its report entitled "Bureau of Health Professions Licensure Annual Report" (received August 8, 2019);

DPH,-- HPL annual report. SD2521

Report of the Department of Public Health (pursuant to line item 4513-1020 of Chapter 154 of the Acts of 2018) submitting its Early Intervention program report with updates from the third quarter of FY19 (received August 8, 2019);

Early Intervention,-- 3rd quarter FY19 report. SD2523

Report of the Department of Transitional Assistance (pursuant to Section 2(B) of Chapter 18 of the General Laws) submitting its Transitional Aid to Families with Dependent Children Work Participation Report (received August 9, 2019); and

DTA,-- TAFDC work participation report. SD2524

Report of the Special Commission to Study the Prevention of Suicide Among

SACOMCF,-- final

**UNCORRECTED PROOF.**

Correction Officers in Massachusetts Correctional Facilities (pursuant to Section 219 of Chapter 69 of the Acts of 2018) submitting its final report (received August 9, 2019).

report.  
SD2525

*Petitions.*

Petitions were severally presented and referred as follows:

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 2317) of Michael J. Barrett and Tami L. Gouveia (by vote of the town) for legislation to establishing a building permit surcharge in the town of Concord [Local approval received];

Concord,-- building  
permit surcharge.

**Under Senate Rule 20, to the committee on Housing.**

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 2318) of Michael J. Barrett and Tami L. Gouveia (by vote of the town) for legislation to establishing a real estate transfer fee upon the transfer of property in the town of Concord [Local approval received];

Concord,-- real estate  
fee.

**Under Senate Rule 20, to the committee on Revenue.**

**Severally sent to the House for concurrence.**

By Mr. Tran, a petition (accompanied by bill) (subject to Joint Rule 12) of Dean A. Tran and Jennifer E. Benson for legislation to establish a sick leave bank for Amanda Franczek, an employee of the Department of Children and Families;

Amanda Franczek,--  
sick leave.  
SD2529

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

*Reports of Committees.*

By Mr. Pacheco, for the committee on State Administration and Regulatory Oversight, on petition, a Bill to preserve the Schooner Ernestina-Morrissey (Senate, No. 2287);

Schooner Ernestina-  
Morrissey.

**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 authorizing the town of Scituate to use certain land for general municipal purposes without Article 97 restrictions on such use (Senate, No. 2300) [Local approval received];

Scituate,-- land.

**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. 4040) of Paul F. Tucker and Joan B. Lovely (with the approval of the mayor and city council) that the city of Salem be authorized to convert a license for the sale of wine and malt beverages to be drunk on the premises to a license for the sale of all alcoholic beverages to be drunk on the premises;

Salem,-- liquor  
license.

**To the committee on Consumer Protection and Professional Licensure.**

Petition (accompanied by bill, House, No. 4041) of Paul F. Tucker and Joan B. Lovely (with the approval of the mayor and city council) that the scholarship and education committee in the city of Salem be authorized to provide scholarships from funds set aside for educational purposes;

Salem,--  
scholarships.

**To the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4042) of Michael J. Finn and James T. Welch (with the approval of the mayor and town council) that the city known as the town of West Springfield be authorized to exempt certain positions in said town from the civil

West Springfield,--  
civil service  
positions.

service law;

**To the committee on Public Service.**

A Bill designating a certain bridge in the town of Falmouth as the Deputy John Robert Kotfila Jr. memorial bridge (House, No. 3170, amended,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Falmouth,-- Deputy John Robert Kotfila, Jr. bridge.

*Engrossed Bill Returned by Governor with Recommendation of Amendment.*

The engrossed Bill establishing a sick leave bank for Marilyn O’Neil, an employee of the Executive Office of Public Safety and Security (see Senate, No. 2301) (which on Thursday, August 8, 2019, had been laid before the Governor for his approbation) was returned to the Senate Clerk by the Governor on Friday, August 9, 2019, at twenty minutes before five o’clock P.M., with a message recommending an amendment.

Marilyn O’Neill,-- sick leave.

The message (Senate, No. 2319) was read and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.

Pending action thereon, the bill was referred to the committee on Bills in the Third Reading, on motion of Mr. O’Connor.

Subsequently, Mr. DiDomenico, for the committee on Bills in the Third Reading,— reported, that the amendment recommended by the Governor be considered in the following form:—

“Notwithstanding any general or special law to the contrary, the sex offender registry board shall establish a sick leave bank for Marilyn O’Neil, an employee of the board. Any employee of the board may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Marilyn O’Neil. If Marilyn O’Neil terminates employment with the board or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the board.”; and by striking out the title and inserting in place thereof the following title: “An Act establishing a sick leave bank for Marilyn O’Neil, an employee of the sex offender registry board.”

**The rules were suspended, on motion of Mr. O’Connor, and the report was considered forthwith and accepted.**

**The Chair (Mr. Crighton) stated that 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 Governor’s amendment was then considered; and it was adopted. Sent to the House for its action.**

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4044) of Adrian C. Madaro relative to private motor vehicle rentals;

Motor vehicles,-- rentals.

**Under suspension of Joint Rule 12, to the committee on Financial Services.**

Petition (accompanied by bill, House, No. 4046) of Peter J. Durant for legislation to establish a sick leave bank for Karen Phillips, an employee of the Department of Mental Health;

Karen Phillips,-- sick leave.

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

Petition (accompanied by bill, House, No. 4045) of Paul McMurtry and others for legislation to establish a comprehensive statewide policy concerning streaming

Digital infrastructure,-- municipal costs.

entertainment services and the recovery of municipal costs for the management and maintenance of digital infrastructure;

**Under suspension of Joint Rule 12, to the committee on Telecommunications, Utilities and Energy.**

A Bill establishing a sick leave bank for Rosa Santos, an employee of the Department of Children and Families (House, No. 4005,-- on petition),-- was read.

Rosa Santos,-- sick leave.

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

*Emergency Preamble Adopted.*

An engrossed Bill designating a certain park in the city of Lynn as the Frederick Douglass Park (see Senate, No. 2205), 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.

Lynn,-- Frederick Douglass Park.

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

The engrossed Bill establishing a sick leave bank for Marilyn O'Neil, an employee of the Sex Offender Registry Board (see Senate, No. 2301, amended),-- came from the House with the endorsement that the House had concurred in the Governor's amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2319, and by striking out the title and inserting in place thereof a new title, *with a further amendment* by striking out the emergency preamble and inserting in place thereof the following emergency preamble:

Marilyn O'Neil,-- sick leave.

*"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the sex offender registry board, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."*

**The rules were suspended, on motion of Mr. O'Connor, and the House amendment was adopted, in concurrence.**

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Marilyn O'Neil, an employee of the Sex Offender Registry Board (see Senate, No. 2301, 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.

Id.

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

*Engrossed Bills.*

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

Designating a certain park in the city of Lynn as the Frederick Douglass Park (see

Bills laid before the

**UNCORRECTED PROOF.**

Senate, No. 2205);

Exempting the position of sealer of weights and measures in the town of Lynnfield from the Civil Service Law (see House, No. 3815);

Authorizing the appointment of retired police officers in the town of Avon to serve as special police officers (see House, No. 3823); and

Authorizing the town of Hudson to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 3848).

An engrossed Bill establishing a sick leave bank for Marilyn O'Neil, an employee of the Sex Offender Registry Board (see Senate, No. 2301, amended) (which originated in the Senate), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be again enacted and signed by the Acting President (Mr. Crighton) and again laid before the Governor for his approbation.**

*Order adopted.*

On motion of Mr. O'Connor--

Ordered. That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of the same Senator, at five minutes before one o'clock P.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.

Governor.

Bill again laid before the Governor.

Time of Meeting.