

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, SEPTEMBER 19, 2019.

JOURNAL OF THE SENATE

Thursday, September 19, 2019.

Met at three minutes past eleven o'clock A.M. (Mr. Lesser in the Chair).

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

Pledge of Allegiance.

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, on the Rostrum, Alexandria "Lexi" Pinto from Randolph, Massachusetts. She was accompanied by her mother, father and brother. Lexi and her mother sang "God Bless America" from the Rostrum. The Senate welcomed them with applause and they withdrew from the Chamber.

Alexandria "Lexi" Pinto.

Report.

Report of the Department of Unemployment Assistance (pursuant to Section 14F of Chapter 151A of the General Laws) submitting the September 2019 Unemployment Insurance Trust Fund Report (received September 17, 2019),-- **was placed on file.**

DUA,-- report.
SD2565

Communication.

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 41 of the Acts of 2019) submitting its the Fiscal Year 2020 transfer schedules for the Community Behavioral Health Promotion and Prevention Trust Fund and the Behavioral Health Outreach, Access and Support Trust Fund (received September 12, 2019),-- **was placed on file.**

Comptroller,--
transfer schedules.
SD2563

Petition.

Mr. Tran presented a petition (accompanied by bill) (subject to Joint Rule 12) of Dean A. Tran for legislation to establish a sick leave bank for Wilfredo Bosque-Rosa, an employee of the Department of Correction;

Wilfredo Bosque-Rosa,-- sick leave.
SD2562

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

Reports of Committees.

By Mr. Welch, for the committee on Financial Services, on petition, a Bill relative to mental health parity implementation (Senate, No. 588);

Mental health parity,-
- implementation.

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

By Ms. Chang-Diaz, for the committee on Children, Families and Persons with Disabilities, on Senate, Nos. 71 and 72, a Bill to protect persons with intellectual or developmental disability from abuse (Senate, No. 2343); and

Caretakers,-- abuse
registry.

By Mr. Lewis, for the committee on Education, on Senate, Nos. 236, 238, 242, 243, 248, 251, 252, 273, 274, 282, 292, 308, 310, 316, 334, 335, 341, 2185 and 2266 and House,

Educational
opportunity,--

Nos. 41, 70, 409, 420, 423, 436, 449, 451, 466, 476, 485, 486, 488, 494, 497, 500, 501, 502, 510, 512, 513, 535, 562, 563, 576, 577, 578, 579, 580, 586, 3759 and 3944, a Bill relative to educational opportunity for students (Senate, No. 2348);

students.

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 authorizing the City Council of the city of Somerville to appoint a clerk of committees and assistant clerks of committees (Senate, No. 2307) [Local approval received];

Somerville,-- clerks of committees.

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

Committee Discharged.

Mr. Moore, for the committee on Public Safety and Homeland Security, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1416) of Adam G. Hinds, Natalie M. Blais, Donald F. Humason, Jr. and Smitty Pignatelli for legislation relative to volunteer ambulance service,-- and recommending that the same be referred to the committee on Public Health.

Ambulance service,-- volunteer.

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

PAPER FROM THE HOUSE.

A Bill amending the charter of the town of Oxford (House, No. 3961,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Oxford,-- charter.

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

Recess.

Resolutions.

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

Resolutions (filed by Mr. Collins) "commemorating the one hundredth anniversary of the establishment of the American Legion Post No. 16 in the Mattapan section of the city of Boston"; and

American Legion Post No. 16.

Resolutions (filed by Mr. Collins) "commending communities responding to extreme weather on its second annual recognition of Climate Preparedness Week."

Climate Preparedness Week.

PAPERS FROM THE HOUSE

Engrossed Bill.

An engrossed Bill amending the home rule charter of the city of Easthampton (see Senate, No. 2331) (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 enacted and signed by the President and laid before the Governor for his approbation.**

Bill laid before the Governor.

Emergency Preamble Adopted.

UNCORRECTED PROOF.

An engrossed Bill establishing a sick leave bank for Ryane Linehan, an employee of the Department of Revenue (see House, No. 4056, 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 11 to 0.

Ryane Linehan,--
sick leave.

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

A Bill establishing a sick leave bank for Kaila McGonagle, an employee of the executive office of health and human services (House, No. 4064,-- on petition),-- was read.

Kaila McGonagle,--
sick leave.

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

A petition (accompanied by bill, House, No. 4083) of Kay Kahn and others relative to reports required to be filed by the Department of Children and Families,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Children, Families and Persons with Disabilities.**

Department of
Children and
Families,-- reporting
form.

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows:

The Senate Bill relative to polling places in the town of Middleton (Senate, No. 2232),-- was read a second time.

Middleton,--
polling places.

Pending the question on ordering the bill to a third reading, Mr. Tarr moved that the bill be amended by substituting a new draft entitled "An Act further regulating the sale and consumption of alcoholic beverages at certain polling places in the town of Middleton" (Senate, No. 2344)

The amendment was adopted.

The bill (Senate, No. 2344) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence

The House Bill relative to nomination of candidates for town meeting in the town of Milford (House, No. 698),-- **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 amending the nomination process of candidates for town meeting in the town of Milford").**

Milford,--
town meeting.

The House Bill relative to expanding the board of selectmen in the town of Duxbury (House, No. 3902),-- **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 expanding the board of selectmen of the town of Duxbury").**

Duxbury,--
board of selectmen.

PAPER FROM THE HOUSE

Engrossed Bill Returned by Governor With His Objections Thereto.

The engrossed Bill relative to collective bargaining dues (see House, No. 3854, amended), which, on Wednesday, July 3, 2019, had been laid before His Excellency the Governor for his approbation,— came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing, [for message, see House, No. 4031] and having passed that branch, notwithstanding said objections.

The message (House, No. 4031) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

After remarks, the question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty minutes past two o'clock, P.M., as follows, to wit (yeas 39 — nays 1) [**Yeas and Nays No. 92**]:

YEAS.

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

NAYS.

- Fattman, Ryan C. – 1.

The yeas and nays having been completed at twenty-four minutes past two o'clock P.M., the bill was passed by the Senate, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

- Authorizing certain investments by the treasurer of the town of Cohasset (Senate, No. 2230);
- Relative to the charter of the town of Winchendon (Senate, No. 2249);
- Exempting Paul Jacques from the maximum age requirement for applying for civil service appointment as a police officer in the town of North Andover (Senate, No 2265);
- Relative to Hanson town elections (House, No. 641, amended);
- Relative to the charter of the town of Plymouth (House, No. 1811);

Second Reading Bills.

Amending the charter of the town of Yarmouth (House, No. 3680);
Relative to certain affordable housing in the South End section of the city of Boston (House, No 3696); and
Authorizing the town of Winthrop to continue the employment of Fire Chief, Paul E. Flanagan;

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

The Senate Bill to protect children, families, and firefighters from harmful flame retardants (Senate, No. 1230),-- was considered, the main question being on ordering the bill to a third reading.

Flame retardants.

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2338), and pending the main question on ordering the bill to a third reading, Mr. deMacedo moved that the proposed new draft be amended by striking the text in its entirety and inserting in place thereof the following:-

1.

“SECTION 1. Chapter 21A of the General Laws, as amended by section 5 of chapter 209 of the acts of 2018, is hereby further amended by adding the following section:-

Section 28. (a) Beginning on January 1, 2021, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, or distribute for use in this state any residential upholstered bedding or furniture, which contains one thousand parts per million (1000 ppm), or greater of any organohalogen flame retardant chemical that is added to a plastic, foam, fabric, or textile, unless the flame retardant chemical: is a polymeric material in accordance with the criteria at 40 CFR 723.250; is chemically reacted to form a polymeric material with the materials it is intended to protect; or has a determination of safety under 15 U.S.C. § 2604(a)(3)(C) or under 15 U.S.C. § 2605(b)(4).

(b) A manufacturer of products that are banned from sale under this section, must notify persons or entities that sell the manufactured products in this state about the provisions of this section no less than ninety (90) days prior to the effective date of the ban.

(c) Internal electric and electronic components of residential upholstered bedding or furniture or residential upholstered bedding or furniture sold for use in commercial or public spaces are not subject to the restrictions in this section.

(d) A manufacturer of products that are banned from sale under this section, must notify persons or entities that sell the manufactured products in this state about the provisions of this section no less than ninety (90) days prior to the effective date of the ban.

(e) The prohibition and any related regulations shall not apply to recycled materials or products that use recycled materials, products required to meet federal fire safety standards under 49 CFR Sections 571.213 and 571.302 and under 16CFR Sections 1632 and 1633, or products sold or in use prior to January 1, 2021.

(f) The Executive Office of Energy and Environmental Affairs may promulgate such rules and regulations as it deems necessary to implement this section. The Secretary may suspend or revoke any permit or registration for violation of any provision of this chapter, or any rule, regulation, ruling, or demand made pursuant to the authority granted by this chapter.

SECTION 2. The provisions of this act shall take effect on January 1, 2021.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at fourteen minutes before three o'clock P.M., on motion of Mr. deMacedo, as follows, to wit (yeas 2 – nays 36) **[Yeas and Nays No. 93]:**

UNCORRECTED PROOF.

YEAS.

deMacedo, Viriato M.

Fattman, Ryan C. – **2.**

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.

Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
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.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **36.**

ABSENT OR NOT VOTING.

Lewis, Jason M. – **1.**

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

Mr. Tarr moved that the proposed new draft be amended by inserting in line 76 after the word "retardant" the following:- "The department shall annually by December 31 submit to the clerks of the house and senate the following: (i) list of prohibited chemicals; (2) impacts on public health and safety; and (3) any economic impacts of the prohibiting of the chemicals. 2.

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by by striking out, in lines 61 and 62, the words "or (v) be a persistent, bioaccumulative and toxic substance" and inserting in place thereof the following words:-"; (v) be a persistent, bioaccumulative and toxic substance; or (vi) have health and environmental impacts". 3.

After remarks, the amendment was adopted.

Mr. Rodrigues moved that the proposed new draft be amended by striking out, in line 57, the words "demonstrate through" and inserting in place thereof the following words:- "determine through scientific"; and by inserting after the word "to", in line 58, the second time it appears, the following words:- "present a toxic hazard to people through 1 or more potential routes of exposure; provided further, that a toxic hazard may include, but shall not be limited to". 4.

The amendment was adopted.

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

The Bill (Senate, No. 2338, amended) was the 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 twenty-three minutes past three o'clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 38 – nays 0) [**Yeas and Nays No. 94**]:

YEAS.

- | | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Gobi, Anne M. |
| Boncore, Joseph A. | Hinds, Adam G. |
| Brady, Michael D. | Humason, Donald F., Jr. |
| Brownsberger, William N. | Jehlen, Patricia D. |
| Chandler, Harriette L. | Keenan, John F. |
| Chang-Diaz, Sonia | Kennedy, Edward J. |
| Collins, Nick | Lesser, Eric P. |
| 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. – 38. |

NAYS – 0.

ABSENT OR NOT VOTING.

Lewis, Jason M. – 1.

The yeas and nays having been completed at twenty-five minutes past three o'clock P.M., the bill was passed to be engrossed [For text of Senate bill, see Senate, No. 2349].

Sent to the House for concurrence.

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 William J. Boyle.

Moment of silence.

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 Danielle Diaz, an employee of the Department of Development Services (House, No. 4052),-- was read a third time and passed to be engrossed, in concurrence.

Reports of Committees.

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 Donald F. Humason, Jr. for legislation relative to genderless civil service positions.

Civil service,-- positions. SD2392

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 Service.

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 Michael D. Brady for legislation to authorize the division of capital asset management and maintenance to dispose of certain

Brockton,-- land. SD2552

parcels of land in the city of Brockton.

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 State Administration and Regulatory Oversight. Severally 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 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 Judge William J. Boyle.

The Senator from Hampden, Mr. Welch and the Senator from First Hampden and Hampshire, Mr. Lesser moved that when the Senate adjourns today, it adjourn in memory of the Honorable William J. Boyle.

The Honorable William J. Boyle, former First Justice of the Springfield District Court died on Thursday, September 5, 2019, after a difficult battle with ALS.

In addition to his professional accomplishments, Bill will be lovingly remembered as a devoted husband, loving father, dedicated brother and true friend, mentor and confidant to many. Bill will also be remembered for his kindness, compassion, toughness, his quick wit, and hearty sense of humor.

Bill is survived by his wife, Rose, three children, Kathryn, Margaret and Marty, and siblings the Rev. Daniel J. Boyle and Dr. Joseph Boyle.

Bill was born and raised in Springfield and was a proud lifelong resident. He was elected to the Springfield City Council for 5 terms beginning in 1989, serving twice as its President. In 1999 Gov. A Paul Cellucci appointed him to the District Court. He had served as the First Justice of Springfield since November, 2006.

In his spare time, Bill was an avid runner and proudly ran the Boston Marathon 8 times with the Massachusetts State Police team beginning at age 50.

Bill enjoyed attending his children's school and sporting events, ran the Our Lady of Hope Ski Club and enjoyed sitting on the beach in Truro with a cold beer. He was happiest in the company of his wife and children, family and friends, listening to his son's music or serving as a toastmaster telling his favorite jokes.

A Memorial Service was held on Wednesday, September 11, 2019 in Springfield, Massachusetts, in his honor.

Accordingly, as a mark of respect in memory of Judge William J. Boyle, at twenty-six minutes before four o'clock P.M., on motion of Ms. Friedman, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.