

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, OCTOBER 10, 2019.

JOURNAL OF THE SENATE

Thursday, October 10, 2019.

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

Pledge of Allegiance.

Communications.

The following communication was received and placed on file, to wit: Communications from the Honorable Karen E. Spilka, President of the Senate, announcing the following appointments:

Christopher Jamison and Ted Twinney (pursuant to Section 89 of Chapter 41 of the Acts of 2019) to the special commission known as the Restaurant Promotion Commission (received October 7, 2019).

Restaurant Promotion Commission.

Reports.

The following reports were severally received and placed on file, to wit: Report of the Pioneer Valley Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its financial statements and supplementary information for the year ended June 30, 2019 (received October 7, 2019); and Report of the Cape Ann Transportation Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its financial statements and supplementary information for the year ended June 30, 2019 (received October 7, 2019).

PVTA,-- financial statements. SD2589
CATA,-- financial statements. SD2590

Report of a Committee.

By Mr. Feeney, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 2261), a Bill relative to the granting of alcoholic beverages licenses in the town of Boxford (Senate, No. 2366) [Local approval received on Senate, No. 2261]

Boxford,-- liquor licenses.

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

Committee Discharged.

Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, reported, asking to be discharged from further consideration Of the petition (accompanied by bill, Senate, No. 492) of Edward J. Kennedy, Mary S. Keefe, Brian W. Murray, Michael O. Moore and other members of the General Court for legislation to decrease food waste by standardizing the date labeling of food,-- and recommending that the same be referred to the committee on Public Health; and Of the petition (accompanied by bill, Senate, No. 2341) of Diana DiZoglio for legislation to update the Massachusetts rideshare program,-- and recommending that the same be referred to the committee on Transportation;

Food waste,-- labeling.
Rideshare program.

Severally, under Senate Rule 36, the reports were considered forthwith and accepted.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4115) of Kevin G. Honan and others (with the approval of the mayor and city council) that the city of Boston be authorized to further regulate the zooming of housing, commercial and institutional development in said city; and

Boston,-- development regulations.

Petition (accompanied by bill, House, No. 4116) of Timothy R. Whelan, William L. Crocker, Jr., and Julian Cyr (by vote of the town) that the town of Yarmouth be authorized to establish a beach capital improvement fund;

Yarmouth,-- beach improvement fund.

Severally, to the committee on Municipalities and Regional Government.

Bills

Amending the charter of the city of Attleboro by making all gender references therein gender neutral (House, No. 3678,-- on petition) [Local approval received]; and

Attleboro,-- charter.

Exempting the labor service positions of the department of public works in the city of Medford from the civil service laws (House, No, 4082,-- on petition) [Local approval received];

Medford,-- civil service.

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

Resolutions.

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

Resolutions (filed by Mr. Barrett) “congratulating the Concord Players, Inc. on its one hundredth anniversary of establishment”;

The Concord Players.

Resolutions (filed by Ms. Lovely) “congratulating Colin Andrew on his elevation to the rank of Eagle Scout”;

Colin Andrew.

Resolutions (filed by Ms. Lovely) “congratulating Joshua Millen on his elevation to the rank of Eagle Scout”; and

Joshua Millen.

Resolutions (filed by Ms. Lovely, Mr. Crighton, Ms. DiZoglio and Messrs. Finegold and Tarr) “congratulating Paul Lanzikos upon the occasion of his retirement after a lifetime of advocating for the elderly.”

Paul Lanzikos.

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 Diana DiZoglio for legislation to establish adequate funding for residents of Massachusetts nursing homes;

Nursing homes,-- funding. SD2571

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 Elder Affairs.

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 John F. Keenan and Mark J. Cusack for legislation to establish a sick leave bank Tiffany Myers, an employee of the Massachusetts Department of Correction;

Tiffany Meyers,-- sick leave. SD2582

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 Diana DiZoglio for legislation to establish a sick leave bank for Daniel Kiley, an employee of the Massachusetts Department of Mental Health;

Daniel Kiley,--
sick leave.
SD2584

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.

Severally sent to the House for concurrence.

Ms. Lovely, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill designating a certain building in the city of Fall River as the Captain Thomas Hudner Jr. Memorial Building (Senate, No. 2358).

Fall River,-- Thomas
Hudner Jr. Building.

There being no objection, the rules were suspended on motion of Mr. Tarr, 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.

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

Petition (accompanied by bill, House, No. 4122) of Paul McMurtry and others relative to motor vehicle owners' and independent repair facilities' access to vehicle on-board diagnostic system;

Motor vehicles,--
diagnostic system
access.

Under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4124) of Jay D. Livingstone and Joseph A. Boncore that a certain pavilion shelter on the Charles River Esplanade in the city of Boston be designated as the Priebatsch pavilion;

Charles River
Esplanade,--
Priebatsch pavilion.

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

Petition (accompanied by bill, House, No. 4123) of Lindsay N. Sabadosa and Joanne M. Comerford that the commissioner of Capital Asset Management and Maintenance be authorized to convey certain parcels of land in the city of Northampton;

Northampton,-- land
conveyance.

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

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The Senate Bill authorizing the city of Lynn to issue an additional license for the sale of wines and malt beverages not to be drunk on the premises (Senate, No. 2354),-- was read a second time.

Lynn,--
liquor license.

Pending the question on ordering the bill to a third reading, Mr. Crighton presented an amendment striking out, in line 3, the word "be", the second time it appears, and inserting in place thereof the following words:- "Lucille Wine LLC,".

The amendment was adopted.

The bill (Senate, No. 2354, amended) 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 amending the charter of the town of Yarmouth (House, No. 3680),-- was read a third time.

Yarmouth,-- charter.

Pending the question on passing the bill to be engrossed, Mr. Cyr presented an amendment striking out section 1 and inserting in place thereof the following section:-

“SECTION 1. Chapter 2 of the charter of the town of Yarmouth, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out section 2-7 and inserting in place thereof the following section:-

Section 2-7 – Initiative Petition.

As provided by section 10 of chapter 39 of the General Laws, the voters of the town, by written petition to the board of selectmen, may:

(i) if 10 voters sign the petition, secure the inclusion of an article in the warrant for the annual town meeting; provided, however, that the petition shall be submitted in accordance with the by-law governing town meeting warrants;

(ii) if 100 voters sign the petition, secure the inclusion of an article for the warrant of any special town meeting; provided, however, that the petition shall be submitted in accordance with the by-law governing town meeting warrants; or

(iii) if 200 voters sign the petition, require the calling of a special town meeting.”

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Amanda Franczek, an employee of the Department of Children and Families (see Senate, No. 2322, 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.

Amanda Franczek,-- sick leave.

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

An engrossed Bill establishing a sick leave bank for Dawn Ball, an employee of the Massachusetts Department of Transportation (see House, No. 4091), 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.

Dawn Ball,-- sick leave.

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

Orders Adopted.

Mr. Rodrigues offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to protect persons with intellectual or developmental disability from abuse (Senate, No. 2343), to be reported by the committee on Ways and Means with a recommended new draft with the same title Senate, No. 2367 on Friday, October 10, 2019,

Procedural order.

and read into the Senate Journal on Tuesday, October 15, 2019, shall be placed in the Orders of the Day for a second reading on Thursday, October 17, 2019.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Tuesday, October 15, 2019. All such amendments shall be second reading-amendments to the Senate Ways and Means new draft (Senate, No. 2367), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Rules.

Subsequently, Ms. Lovely, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, October 17, 2019, for a second reading with the amendment pending.

Mr. Rodrigues offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill relative to children's health and wellness (House, No. 4012, amended), to be reported by the committee on Ways and Means with a recommended new text with the same title Senate, No. 2368 on Friday, October 10, 2019, and read into the Senate Journal on Tuesday, October 15, 2019, shall be placed in the Orders of the Day for a second reading on Thursday, October 17, 2019.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Tuesday, October 15, 2019. All such amendments shall be second reading-amendments to the Senate Ways and Means new text (Senate, No. 2368), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Rules.

Subsequently, Ms. Lovely, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, October 17, 2019, for a second reading with the amendment pending.

PAPERS FROM THE HOUSE.

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

UNCORRECTED PROOF.

severally passed to be enacted and were signed by the Acting President (Mr. Keenan) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Amanda Franczek, an employee of the Department of Children and Families (see Senate, No. 2322, amended);

Establishing a sick leave bank for Thelma J. Williams, an employee of the Massachusetts Commission for the Blind (see House, No. 4032); and

Establishing a sick leave bank for Dawn Ball, an employee of the Massachusetts Department of Transportation (see House, No. 4091).

Order Adopted.

On motion of Mr. Tarr--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday 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 nineteen minutes past eleven o'clock A.M., the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.

Bills laid before the Governor.

Time of Meeting.