

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JANUARY 9, 2020.

JOURNAL OF THE SENATE

Thursday, January 9, 2020.

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

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Mr Timilty) introduced Alex McNeil. The Senate welcomed him with applause and he withdrew from the Chamber.

Alex McNeil.

Communication.

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

Communication from the Honorable Bruce E. Tar, Minority Leader, announcing the appointment of Senator Ryan C. Fattman (pursuant to Section 11 of Chapter 123 of the Acts of 2019) to the special commission established to study the feasibility of authorizing the use of campaign funds to pay for child care services for candidates for state, county and municipal office (received January 8, 2020); and

Campaign funds,-- child care services.

Communication from the Department of Public Health (pursuant to line item 4513-1020 of Section 2 of Chapter 47 of the Acts of 2017) submitting a report entitled Early Intervention FY19 Expenditures and Respite Referrals Approved by Month (received January 7, 2020).

DPH,-- early intervention. SD2732.

Reports.

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

Report of the Office of the Comptroller (pursuant to Section 12(a) of Chapter 7A of the General Laws) submitting its Statutory Basis Financial Report (SBFR) for the fiscal year ended June 30, 2019 (received January 6, 2020);

Comptroller,-- FY19 SBFR. SD2723

Report of the Executive Office of the Trial Court (pursuant to Section 5 of Chapter 205 of the Acts of 2008) submitting its fiscal year 2019 annual report relative to the prosecution and disposition of offenses established under "An Act Further Protecting Children" (received January 7, 2020);

EOTC,-- FY19 annual report. SD2724

Report of the Department of Correction (pursuant to Section 16 of Chapter 123A of the General Laws) submitting its annual report regarding the treatment provided to sexually dangerous persons (copies having been forwarded as required to the Senate Committee on Ways and Means and Joint Committees on the Judiciary and Public Safety and Homeland Security) (received December 26, 2019);

DOC,-- dangerous persons report. SD2725

Report of the Department of Correction (pursuant to Section 1(p) of Chapter 124 of the General Laws) submitting its 2018 Annual Report (received December 26, 2019);

DOC,-- 2018 annual report. SD2726

Report of MassDevelopment (pursuant to Section 42(e) of Chapter 23G of the General Laws) submitting its 13th annual report on activities of the Cultural Facilities Fund (received December 30, 2019);

MassDev,-- CFF report. SD2727

UNCORRECTED PROOF.

Report of the District Attorney for the Essex County (pursuant to Section 99R of Chapter 272 of the General Laws) submitting its annual report of wiretap interceptions for the calendar year 2019 (received January 6, 2020);

Essex,-- DA annual report.
SD2728

Report of the Massachusetts Office of Travel and Tourism (pursuant to M.G.L. ch. 23A, section 13T) submitting its annual report of the expenditures made in FY19 (received December 31, 2019);

MOTT,-- annual report.
SD2729

Report of the Department of Veterans' Services (pursuant to Section 12(b) of Chapter 115A of the General Laws) submitting its report on the state of the Commonwealth's two Soldiers' Homes (received January 6, 2020);

Soldiers' Home report.
SD2730

Report of the Trial Court (pursuant to section 131Y of Chapter 123 of the Acts of 2018) submitting its annual report on Extreme Risk Protective Orders (received January 7, 2020); and

Trial Court,-- ERPO report.
SD2731

Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspections of the following correctional facilities: Bridgewater State Hospital and Old Colony Correctional Center, Bridgewater (received January 3, 2020).

DPH,-- inspection reports.
SD2733

Petition.

By Mr. Feeney, a petition (accompanied by bill, Senate, No. 2458) of Paul R. Feeney, Paul McMurtry, John H. Rogers, Shawn Dooley and others (by vote of the town) for legislation to amend the charter for the town of Walpole [Local approval received];

Walpole,-- town charter.

Referred, under Senate Rule 20, to the committee on Municipalities and Regional Government.

Sent to the House for concurrence.

Committees Discharged.

Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Bill regarding a farmland protection and viability action plan (Senate, No. 482);

Farmland,-- protection.

Of the Senate Bill establishing a roadmap for housing solutions (Senate, No. 780);

Housing solutions.

Of the Senate Resolve establishing a special commission to foster greater opportunities for skilled immigrants in the Commonwealth (Senate, No. 1053);

Skilled immigrants,-- opportunities.

Of the Senate Bill to reform the distribution of unrestricted local aid (Senate, No. 1194);

Unrestricted local aid,-- distribution.

Of the Senate Resolve providing for investigating construction practices and their impact on firefighter deaths (Senate, No. 1364);

Firefighter deaths,-- construction.

Of the Senate Resolve relative to a special VFW Parkway master plan commission (Senate, No. 2134);

VFW Parkway,-- commission.

Of the Senate Resolve providing for an investigation and study by a special commission relative to mattress recycling (Senate, No. 2388);

Mattress recycling,-- special commission.

Of the Senate Bill establishing a commission on the 250th anniversary of the American Revolution (Senate, No. 2452); and

American Revolution,-- 250th anniversary.

Of the House Resolve establishing a Deborah Sampson memorial commission (House, No. 4179);

Deborah Sampson commission.

And recommending that the same severally be referred to the committee on Rules.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

PAPERS FROM THE HOUSE.

Notice was received from the House of Representatives announcing the following appointment by the Minority Leader:

Lisa Bennington to the special commission (under Section 102 of Chapter 41 of the Acts of 2019) to study and make recommendations regarding the licensing of foreign-trained medical professionals.

Licensing of foreign-trained medical professionals.

Bills

Relative to further regulating the commission on falls prevention (House, No. 1893,- on petition); and

Falls prevention.

Establishing the George Washington memorial highway (House, No. 2974, amended,-- on petition);

George Washington memorial highway.

Were severally read and, under Senate Rule 26, referred to the committee on Rules.

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 Acting President (Mr. Boncore) and laid before the Governor for his approbation, to wit:

Establishing the position of treasurer-collector in the town of Hinsdale (see House, No. 3679, amended); and

Bills laid before the Governor.

Changing the name of the board of selectmen in the town of Lexington to the select board (see House, No. 4062).

Resolutions.

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

Resolutions (filed by Ms. Lovely) “congratulating Natalie E. Glovsky on her one hundredth birthday”;

Natalie E. Glovsky.

Resolutions (filed by Mr. O’Connor) “commending the American Meteorological Society on the occasion of its one hundredth annual meeting”;

American Meteorological Society.
Lee Byan.

Resolutions (filed by Mr. Pacheco) “congratulating Lee Byan on her one hundredth birthday”; and

Resolutions (filed by Mr. Pacheco) “congratulating Daniel Fagan on his elevation to the rank of Eagle Scout.”

Daniel Fagan.

Reports of a Committee.

By Ms. Lovely, for the committees on Rules of the two branches acting concurrently, that Joint Rule 12 be suspended on the Senate petition of William N. Brownsberger and Walter F. Timilty for legislation to modernize property tax abatements for veterans;

Veterans,-- property tax. SD2699

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

By Ms. Lovely, for the committees on Rules of the two branches acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael J. Rodrigues for legislation to authorize the commissioner of capital asset management and maintenance to convey an easement in certain land in the city of Fall River;

Fall River,-- easement. SD2703

UNCORRECTED PROOF.

The rules were suspended on motion of Mr. Timilty, 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.

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 establishing a sick leave bank for Aurora Wilber, an employee of the Massachusetts commission for the deaf and hard of hearing (Senate, No. 2437) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Aurora Wilber,--
sick leave.

Pending the question on passing the bill to be engrossed, Mr. Brownsberger moved that the bill be amended by inserting after the second sentence the following sentence:-

“Upon exhaustion of all other available leave time, including personal days, vacation days, sick time and any time available pursuant to the extended illness leave bank established by section 4P of chapter 7 of the General Laws, Aurora Wilber shall be permitted to use any time credited to the sick leave bank established by this act.”; and

By inserting before the enacting clause the following emergency preamble:-

“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 Massachusetts commission for the deaf and hard of hearing, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted.

The bill (Senate, No. 2437, amended) was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill establishing a sick leave bank for Rosa Santos, an employee of the department of children and families (House, No. 4005) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Rosa Santos,--
sick leave.

The House Bill establishing a sick leave bank for Shannon Ondras, an employee of the trial court of the commonwealth (House, No. 4237) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Shannon Ondras,--
sick leave.

The House Bill relative to the funding of the Other Post-Employment Benefits Liability Trust Fund in the Town of Uxbridge (House, No. 4097),-- **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 to read as follows:- “An Act providing for the funding of the Other Post-Employment Benefits Liability Trust Fund of the town of Uxbridge.”**

Uxbridge,-- Other
Post-Employment
Benefits Liability
Trust Fund.

PAPER FROM THE HOUSE.

The Senate 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),-- came from the House passed to be engrossed, in concurrence, *with an amendment* by striking out

Webster,-- liquor
license.

section 1 and inserting in place thereof the following section:

“SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the local licensing authority of the town of Webster may grant an additional license for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of chapter 138 to Waterfront Mary’s I, LLC located at 103 Birch Island road in the town of Webster. The license shall be subject to all of said chapter 138 except said section 17.”

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

Mr. Fattman presented a motion that that the Senate concur with the House amendment with a *further amendment*, by striking out section 1 (inserted by amendment by the House) and inserting in place thereof the following section:-

“SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Webster may grant an additional license for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to Waterfront Mary’s I, LLC located at 103 Birch Island road in the town of Webster. The license shall be subject to all of said chapter 138 except said section 17.

(b) Upon the issuance of the license granted pursuant to this act, Waterfront Mary’s I, LLC shall return the seasonal license that it currently holds for the sale of all alcoholic beverages to be drunk on the premises to the licensing authority.

(c) The licensing authority shall not approve the transfer of the license granted pursuant to this section to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(d) If a licensee terminates or fails to renew a license granted under this section or any such license is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this section.

(e) The license granted pursuant to this act shall be issued within 1 year after the effective date of this act; provided, however, that if the license is originally granted within that time period, it may be granted to a new applicant pursuant to subsection (c) or (d) anytime thereafter.”

The motion prevailed and the Senate concurred in the House amendment with the further amendment.

Sent to the House for concurrence in the further amendment.

Order 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 relative to healthy youth (Senate, No. 2399), to be reported by the committee on Ways and Means with a recommended new draft with the same title Senate, No. 2459, on Friday, January 10, 2020, and read into the Senate Journal on Monday, January 13, 2020, shall be placed in the Orders of the Day for a second reading on Thursday, January 16, 2020.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M, on Monday, January 13, 2020. All such amendments shall be second reading-amendments to the Senate Ways and Means new draft (Senate, No. 2459), 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 said committee, reported, recommending that the order ought to be adopted.

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

The bill will be placed in the Orders of the Day for Thursday, January 16, 2020, for a second reading with the amendment pending.

Order Adopted.

Mr. Rodrigues offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill regarding breakfast after the bell (House, No. 4218), to be reported by the committee on Ways and Means with a recommended new text Senate document numbered 2460, on Friday, January 10, 2020, and read into the Senate Journal on Monday, January 13, 2020, shall be placed in the Orders of the Day for a second reading on Thursday, January 16, 2020.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M, on Monday, January 13, 2020. All such amendments shall be second reading-amendments to the Senate Ways and Means new text (Senate, No. 2460), 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 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, January 16, 2020, for a second reading with the amendment pending.

Recess.

There being no objection, at twenty-seven minutes past eleven o'clock, A.M., the Chair (Mr. Boncore) declared a recess subject to the call of the Chair; and at six minutes before twelve o'clock noon, the Senate reassembled, Mr. Timilty 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

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Elliot Brown, an employee of the executive office of health and human services (see Senate, No. 2415, 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.

Elliot Brown,-- sick leave.

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

Recess.

There being no objection, at five minutes before twelve o'clock noon, the Chair (Mr. Timilty) declared a recess subject to the call of the Chair; and at twenty-two minutes past two o'clock P.M., the Senate reassembled, Mr. Boncore in the Chair.

Recess.

PAPERS FROM THE HOUSE

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Elliot Brown, an employee of the executive office of health and human services (see Senate, No. 2415, 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 enacted and signed by the Acting President (Mr. Boncore) and laid before the Governor for his approbation.

Bill laid before the Governor.

The following initiative petitions, having been transmitted by the Secretary of the Commonwealth to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution, and having been received in the Office of the Clerk of the House on Thursday, January 3, 2020, were referred, in concurrence, as follows:

Initiative petition of Thomas Hickey and others for the passage of "An Act to enhance, update and protect the 2013 motor vehicle right to repair law (House, No. 4302); and

Right to repair.

Initiative petition of Matthew Durand and others for the passage of "An Act Initiative Petition for a law relative to the sale of beer and wine by food stores" (House, No. 4303);

Beer and wine.

Severally, to the committee on Consumer Protection and Professional Licensure.

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.

On motion of the same Senator at twenty-five minutes past two o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.