

**The Commonwealth of Massachusetts**

---

**JOURNAL OF THE SENATE.**



**MONDAY, JANUARY 13, 2020.**

JOURNAL OF THE SENATE

Monday, January 13, 2020.

Met at seven minutes past eleven o'clock A.M. (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).

The Chair (Mr. Brownsberger), 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. Brownsberger), handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the rear of the Chamber, a group of women entrepreneurs from the Essex Coastal Scenic Byway. There are 10 women owned businesses in a 10 mile stretch of the coastal byway. Members of the group that were present included Shelly Nicastro, Pauline and Glen Bresnahan, and Johanne Cassia and Frank Wiedenmann. The Senate welcomed them with applause and they withdrew from the Chamber.

Essex Coastal Scenic Byway business owners.

Communications.

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

Communication from the Executive Office of Labor and Workforce Development (pursuant to Section 2WWW(j) of Chapter 29 of the General Laws) submitting its Workforce Competitiveness Trust Fund (WCTF) FY2019 annual report (received December 23, 2019);

EOLWD,-- WCTF report. SD2734

Communication from the Department of Elementary and Secondary Education (pursuant to line item 7053-1925 of Section 2 of Chapter 41 of the Acts of 2019) submitting its report on the Status of School Compliance with FY 2019 Breakfast After the Instructional Day Begins Requirement (received January 10, 2020);

DESE,-- school breakfast report. SD2737

Communication from MassDevelopment submitting its Devens annual report for 2019 (received December 26, 2019);

MassDev,-- Devens report. SD2740

Communication from the Department of Public Health submitting its plan of correction relative to the inspections of the following facilities: Essex County Correctional Alternative Center, Lawrence; Pondville Correctional Center; Norfolk and Worcester County Jail and House of Correction, West Boylston (received January 7, 2020); and

DPH,-- plans of correction. SD2742

Communication from the Department of Public Health submitting its plan of correction relative to inspection of Massachusetts Treatment Center, Bridgewater (received January 3, 2020).

DPH,-- plan of correction. SD2743

Reports.

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

Report of the Cape and Islands District Attorney's Office (pursuant to Section 99 of Chapter 272 of the General Laws) submitting its annual report of wiretap interceptions for the 2019 calendar year (received January 8, 2020);

Cape & Islands DA,-- wiretap. SD2735

Report of MassDevelopment (pursuant to Section 46(m) of Chapter 23G of the

MassDevelopment,-- CWP report.

**UNCORRECTED PROOF.**

General Laws) submitting its FY19 annual report of the Collaborative Workspace Program (copies having been forwarded as required to the Senate Committee on Ways and Means and Joint Committees on Economic Development and Emerging Technologies and Labor and Workforce Development) (received December 30, 2019); and

SD2738

Report of the Massachusetts Department of Transportation (pursuant to Section 81 of Chapter 161B of the General Laws) submitting its 2019 Annual Report on Regional Transit Authorities (received December 31, 2019).

MassDOT,-- RTA  
annual report.  
SD2741

*Petitions.*

Petitions were severally presented and referred as follows

By Mr. Brady, a petition (accompanied by bill) (subject to Joint Rule 12) of Michael D. Brady for legislation to establish a sick leave bank for Marie Romelus, an employee of the Center for Health Information and Analysis; and

Marie Romelus,--  
sick leave.  
SD2736

By Ms. Gobi, a petition (accompanied by bill) (subject to Joint Rule 12) of Anne M. Gobi and Todd M. Smola for legislation to permit familial searching and partial DNA matches in investigating certain unsolved crimes;

Crimes,-- DNA  
search.  
SD2739

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

*Reports of Committees.*

By Mr. Rodrigues for the committee on Ways and Means, that the Senate Bill relative to healthy youth (Senate, No. 2399),-- ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2459) [Senator Fattman dissenting].

Sex education,--  
youth.

**Reported on Friday, January 10, pursuant to an order previously adopted, and bill was placed in the Orders of the Day for Thursday, January 16, the question being on ordering the bill to a third reading, with the amendment pending.**

By Mr. Rodrigues for the committee on Ways and Means, that the House Bill regarding breakfast after the bell (House, No. 4218) (also based on Senate, No. 267),-- ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2460.

Breakfast after the  
bell.

**Reported on Friday, January 10, pursuant to an order previously adopted, and bill was placed in the Orders of the Day for Thursday, January 16, the question being on ordering the bill to a third reading, with the amendment pending.**

By Ms. Rausch, for the committee on Municipalities and Regional Government on petition, a Bill relative to solar drying of laundry (Senate, No. 1169); and

Laundry,-- solar  
drying.

By the same Senator, for the same committee, on petition, a Bill relative to the effective enforcement of municipal ordinances and bylaws (Senate, No. 1183);

Municipal ordinances  
and bylaws,--  
enforcement.

**Severally read and, under Senate Rule 26, referred to the committee on Rules.**

By Ms. Rausch, for the committee on Municipalities and Regional Government on petition, a Bill repealing Chapter 46 of the Acts of Two Thousand and Seventeen, wherein certain parcels of land in the city of Lowell were transferred for the construction of a high school (Senate, No. 2445) [Local approval received];

Lowell,-- land  
transfer.

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

PAPERS FROM THE HOUSE.

**UNCORRECTED PROOF.**

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

Representative John A. Lepper to the special commission (under Section 69 of Chapter 3 of the General Laws) on the status of Grandparents Raising Grandchildren.

Grandparents Raising Grandchildren.

A petition (accompanied by bill, House, No. 4288) of Patricia A. Haddad (by vote of the town) that the town of Somerset be authorized to grant additional licenses for the sale alcoholic beverage to be drunk on the premises in said town,-- **was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.**

Somerset,--  
liquor license.

*Emergency Preambles Adopted.*

An engrossed Bill establishing a sick leave bank for Rosa Santos, an employee of the department of children and families (see House, No. 4005), 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.

Rosa Santos,--  
sick leave.

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

An engrossed Bill establishing a sick leave bank for Shannon Ondras, an employee of the trial court of the commonwealth (see House, No. 4237), 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.

Shannon Ondras,--  
sick leave.

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

*Engrossed Bill.*

An engrossed Bill providing for the funding of the Other Post-Employment Benefits Liability Trust Fund of the town of Uxbridge (see House, No. 4097) (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 enacted and signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.**

Bill laid before Governor.

*Engrossed Bill Returned with Recommendation of Amendment.*

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill authorizing the town of Burlington to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3676) [for message, see House, No. 4286],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-

Burlington,--  
liquor licenses.

In section 1 (as engrossed) by striking out subsection (e) and inserting in place thereof the following subsection:

(e) Any license granted pursuant to this act shall be issued not later than 5 years after the effective date of this act; provided, however, that a license originally granted within that time period may be granted to a new applicant pursuant to subsection (c) or (d) thereafter.

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. Tarr and the Governor’s amendment was considered forthwith.

On motion of the same Senator, the Governor’s amendment was adopted, in concurrence (as correct House BTR).

Sent to the House for re-enactment.

*Reports of a Committee.*

By Mr. Finegold, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Kathleen J. Richard, an employee of the department of correction (Senate, No. 2456).

Kathleen J. Richard,-  
- sick leave.

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

By Mr. Finegold, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Alison Neas, an employee of the Department of Developmental Services (Senate, No. 2455).

Alison Neas,--  
sick leave.

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

*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 Senate Bill authorizing the city of Easthampton to grant 8 additional licenses for the sale of all alcoholic beverages to be drunk on the premises, 4 additional licenses for the sale of wine and malt beverages to be drunk on the premise and 1 additional license for the sale of wine and malt beverages not to be drunk on the premises (Senate, No. 2381),-- **was read a third time and passed to be engrossed.**

Easthampton,--  
liquor licenses.

Sent to the House for concurrence.

*Resolutions.*

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

Resolutions (filed by Mr. Tarr) “congratulating Jon Bernard on the occasion of his retirement as Superintendent of Schools in the town of North Reading after 33-year career in Public Education”;

Jon Bernard.

Resolutions (filed by Mr. Tran) “congratulating Andrew James Adiletta on his elevation to the rank of Eagle Scout”; and

Andrew James  
Adiletta.

Resolutions (filed by Mr. Tran) “congratulating Jack Thomas Adiletta on his elevation to the rank of Eagle Scout.”

Jack Thomas  
Adiletta.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4294) of Sarah K. Peake relative to the closed season on edible crabs;

Edible crab.

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

Petition (accompanied by bill, House, No. 4295) of Steven Ultrino and others for legislation to prohibit discrimination based on natural hairstyles;

Natural hairstyles,--  
discrimination.

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

The Senate Bill extending simulcasting and horse racing authorization (Senate, No. 2308),-- came from the House passed to be engrossed, in concurrence, *with an amendment* striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4287.

Simulcasting.

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

The same Senator moved that the Senate concur with the House amendment with a *further amendment* in section 1, by striking out, in line 4, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 2, by striking out, in line 7, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 3, by striking out, in line 10, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 4, by striking out, in line 13, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 5, by striking out, in line 16, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 6, by striking out, in line 20, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 7, by striking out, in line 23, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 8, by striking out, in line 26, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 9, by striking out, in line 29, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 10, by striking out, in line 32, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 11, by striking out, in line 35, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 12, by striking out, in line 38, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 13, by striking out, in line 41, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 14, by striking out, in line 44, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 15, by striking out, in line 47, the words "December 1" and inserting in place thereof the following words:- "June 12"; and

In section 17, by striking out, in lines 54 and 55, the words "December 1" and inserting in place thereof, in each instance, the following words:- "June 12".

**The further amendment was adopted.**

**The Senate then concurred in the House amendment, as amended.**

**Sent to the House for concurrence in the further amendment.**

The Senate Bill authorizing the mutual release of all claims to certain lands in the town of Newbury (Senate, No. 2270),-- came from the House passed to be engrossed, in concurrence *with an amendment* striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4175.

Newbury,--  
land release.

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

*Recess.*

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

Recess.

PAPERS FROM THE HOUSE.

The Senate Bill extending simulcasting and horse racing authorization (Senate, No. 2308),-- came from the House with the endorsement that the House had concurred in the further Senate amendment in section 1, by striking out, in line 4, the words "December 1" and inserting in place thereof the following words:- "June 12";

Simulcasting.

In section 2, by striking out, in line 7, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 3, by striking out, in line 10, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 4, by striking out, in line 13, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 5, by striking out, in line 16, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 6, by striking out, in line 20, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 7, by striking out, in line 23, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 8, by striking out, in line 26, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 9, by striking out, in line 29, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 10, by striking out, in line 32, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 11, by striking out, in line 35, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 12, by striking out, in line 38, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 13, by striking out, in line 41, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 14, by striking out, in line 44, the words "December 1" and inserting in place thereof the following words:- "June 12";

In section 15, by striking out, in line 47, the words "December 1" and inserting in place thereof the following words:- "June 12"; and

In section 17, by striking out, in lines 54 and 55, the words "December 1" and inserting in place thereof, in each instance, the following words:- "June 12",-- with *still further amendments* in section 1, by striking out, in line 4, the words "June 12" (inserted by amendment by the Senate) and inserting in place thereof the following: "July 1";

In section 2, by striking out, in line 7, the words "June 12" (inserted by amendment by the Senate) and inserting in place thereof the following: "July 1";

In section 3, by striking out, in line 10, the words "June 12" (inserted by amendment by the Senate) and inserting in place thereof the following: "July 1";

In section 4, by striking out, in line 13, the words "June 12" (inserted by amendment

**UNCORRECTED PROOF.**

by the Senate) and inserting in place thereof the following:- “July 1”;

In section 5, by striking out, in line 16, the words “June 12” (inserted by amendment by the Senate) and inserting in place thereof the following: “July 1”;

In section 6, by striking out, in line 20, the words “June 12” (inserted by amendment by the Senate) and inserting in place thereof the following: “July 1”;

In section 7, by striking out, in line 23, the words “June 12” (inserted by amendment by the Senate) and inserting in place thereof the following:- “July 1”;

In section 8, by striking out, in line 26, the words “June 12” (inserted by amendment by the Senate) and inserting in place thereof the following: “July 1”;

In section 9, by striking out, in line 29, the words “June 12” (inserted by amendment by the Senate) and inserting in place thereof the following: “July 1”;

In section 10, by striking out, in line 32, the words “June 12” (inserted by amendment by the Senate) and inserting in place thereof the following:- “July 1”;

In section 11, by striking out, in line 35, the words “June 12” (inserted by amendment by the Senate) and inserting in place thereof the following: “July 1”;

In section 12, by striking out, in line 38, the words “June 12” (inserted by amendment by the Senate) and inserting in place thereof the following: “July 1”;

In section 13, by striking out, in line 41, the words “June 12” (inserted by amendment by the Senate) and inserting in place thereof the following: “July 1”;

In section 14, by striking out, in line 44, the words “June 12” (inserted by amendment by the Senate) and inserting in place thereof the following: “July 1”;

In section 15, by striking out, in line 47, the words “June 12” (inserted by amendment by the Senate) and inserting in place thereof the following: “July 1”; and

In section 17, by striking out, in lines 54 and 55, the words “June 12” (inserted by amendment by the Senate) and inserting in place thereof, in each instance, the following:- “July 1”.

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

*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. Rodrigues) and laid before the Governor for his approbation, to wit:

Authorizing the town of Webster to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 143, amended);

Amending the charter of the town of Yarmouth (see House, No. 3680, amended);

Establishing a sick leave bank for Rosa Santos, an employee of the department of children and families (see House, No. 4005); and

Establishing a sick leave bank for Shannon Ondras, an employee of the trial court of the commonwealth (see House, No. 4237).

Bills laid before the Governor.

*Emergency Preamble Adopted; Engrossed Bill Enacted.*

An engrossed Bill extending simulcasting and horse racing authorization (see Senate, No. 2308, 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.

Simulcasting.



**UNCORRECTED PROOF.**

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

Subsequently, the bill, which originated in the Senate, 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 Acting President (Mr. Rodrigues) and laid before the Governor for his approbation.**

*Engrossed Bills.*

An engrossed Bill authorizing the town of Burlington to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3676, amended) (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 re-enacted and signed by the Acting President (Mr. Rodrigues) and again laid before the Governor for his approbation.**

Bill again laid before the Governor.

An engrossed Bill extending simulcasting and horse racing authorization (see Senate, No. 2308, 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. Rodrigues ) and laid before the Governor for his approbation.**

Bill laid before the Governor.

*Order Adopted.*

On motion of Mr. Tarr,--

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M., in a full formal session with a calendar.

Time of meeting.

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