

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**WEDNESDAY, NOVEMBER 20, 2019.**

[113]

JOURNAL OF THE SENATE

Wednesday, November 20, 2019.

Met at five 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 Ms. Rausch for the purpose of an introduction. Ms. Rausch then introduced, in the rear of the Chamber, members of the Needham High School Girls Volleyball team. The Volleyball Team became the first ever state champions in the school's history. The Senate welcomed them with applause, presented them with Senate Citations and they withdrew from the Chamber. They were also guests of Senator Rush and Representative Garlick of Needham.

Needham High School Girls Volleyball team.

There being no objection, the President handed the gavel to Ms. Creem for the purpose of an introduction. Ms. Creem then introduced, at the rear of the Chamber, Chloe McShane. Ms. McShane is currently working for Chris Evans, a member of Parliament in the United Kingdom. The Senate welcomed her with applause and she withdrew from the Chamber.

Chloe McShane.

There being no objection, the President handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced Michael Allard, Chief Operating Officer, Home Base, David Friedman, Senior Vice President, Legal & Government Affairs, Boston Red Sox, Kurt Power, United States Army Veteran, Purple Heart recipient, championed the "No Shave" campaign through Home Base and Leslie Feinberg, Director of Government Relations & Special Projects at Home Base. The Senate welcomed them with applause; presented them with Senate Resolutions and they withdrew from the Chamber.

Home Base Program.

There being no objection, the Chair (Mrs. Creem) handed the gavel to Mr. Collins for the purpose of an introduction. Mr. Collins then introduced at the rear of the Chamber Paulo DeBarros, a member of the Cabo Verde Assembly, Arlindo Do Roasario, the Minister of Health and Social Security in Cabo Verde, Fatima Lima, the Director of Cabinet at the Ministry of Health and Social Security in Cabo Verde, and Herminio Moniz, the Consul General of Cabo Verde to New England. The Senate welcomed them with applause, the group signed the guest book and they withdrew from the Chamber.

Cabo Verde.

Report.

Report of the Department of Unemployment Assistance (pursuant to Section 14F of Chapter 151A of the General Laws) submitting the November 2019 Unemployment Insurance Trust Fund report (received November 20, 2019),-- was placed on file.

DUA,-- report. SD2641

*Petition.*

Mr. Fattman presented a petition (accompanied by bill) (subject to Joint Rule 12) of Ryan C. Fattman for legislation to provide for a medical exemption for manufacturer coupons;

Manufacturer coupons,-- exemption. SD2640

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

*Quorum*

At seven minutes past eleven o'clock A.M, Mr. O'Connor doubted the presence of a quorum.

Quorum.

The Chair (Mr. Brownsberger), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at eleven minutes past eleven o'clock A.M., a quorum was declared present.

*Report of a Committee.*

Mr. Rodrigues, for the committee on Ways and Means, on Senate No. 2302, reported, in part, "An Act relative to the Hampshire Council of Governments" (Senate, No. 2417).

Hampshire Council of Governments.

**The bill was read. There being no objection, the rules were suspended, on motion of Mr. Humason, 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.**

*Orders of the Day.*

The Orders of the Day were considered as follows:

**Bills**

Exempting all uniformed positions in the fire department of the town of Acushnet from the civil service law (House, No. 3916);

Second reading bills.

Authorizing the town of Swansea to grant additional alcoholic beverage licenses (House, No. 3969, amended); and

Authorizing the city of Fitchburg to employ Kevin D. Roy as fire chief beyond the retirement age (House, No. 4071);

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

*Matters Taken Out of the Notice Section.*

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

The House Bill authorizing the Norfolk county treasurer to borrow funds for repairs to the Norfolk county agricultural school and other county buildings (House, No. 4090) (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.**

Norfolk County Agricultural school,-- repairs.

The House Bill establishing a sick leave bank for Melinda Trudell, an employee of the Executive Office of Health and Human Services (House, No. 4130),-- **was read a third time and passed to be engrossed, in concurrence.**

Melinda Trudell,-- sick leave.

The President in the Chair, the following remarks were offered by various Senators:

*Remarks of Senator Michael J. Rodrigues.*

Thank you, Madam President and through you to the members.

I am honored to be here today with all of you to recognize the distinguished career of public service and to pay a fond farewell to our very good friend, Senator Viriato “Vinny” deMacedo.

Long before Senator deMacedo became one of the most respected members of the Senate, Senator deMacedo was born on the island of Brava, in Cape Verde.

His family moved to Dorchester, Massachusetts when he was only six months old. Senator deMacedo grew up in Kingston, Massachusetts with his six brothers and sisters.

Wanting to give back to his community, Senator deMacedo’s time in the State House began in the House of Representatives in 1999, where he served until his election to this body in 2014, overlapping with my own time in the House for a dozen years.

Throughout his legislative career, he has distinguished himself as an intelligent and caring public servant, and an excellent and willing partner on a variety of issues.

Most recently, I had the pleasure of serving with him in his capacity as ranking minority member of the Senate Committee on Ways and Means, where his collaborative insight was imperative in the development of the state’s budget. His counsel, which has proven invaluable to me in my first year as Chair, will be missed.

As a member of the Senate’s Special Commission on the Opioid Epidemic, he has been a leader on opiate legislation. The advances he’s helped to make - in a crisis that has had a disproportionate impact on both of our communities - is something I am truly grateful for. Although we know there is much work to still be done, I know we all are eager to build on the progress he’s made.

Because of Senator deMacedo, all Massachusetts homes are required to have Carbon Monoxide detectors. Nicole Garofalo was a 7-year-old girl who died in January 2005 when a blocked heating vent allowed carbon monoxide to accumulate in her home. Spearheaded by Senator deMacedo, Nicole’s Law has saved more lives than we can know.

It is this last example that I find illustrates one of Senator deMacedo’s most admirable qualities – the humanity that imbues his work. Though we can disagree, I have never, for one second, doubted that Senator deMacedo has the best interests of his community at heart. His career has been characterized by a sincere desire to make life better for all members of the Commonwealth.

Regardless of party, Senator deMacedo and I have always enjoyed plenty of common ground. As members of the Portuguese-American Legislative Caucus, we’ve worked together to promote our communities through the annual Heritage Day of Portugal. As a fellow small business owner, I know I can always count on Senator deMacedo to understand the challenges facing that community, and all hardworking families of Massachusetts.

An exemplary statesman, he has represented his constituents with great distinction and rigor. He is always willing to put differences aside and work together for the good of the Commonwealth.

As the members of this body well know, Senator deMacedo is perhaps one of the kindest and most personable people you will ever meet. He is an excellent listener, and makes you feel as though he truly values your opinion when speaking with him.

He is the kind of person who, after even just one conversation, gives you the unmistakable impression that you’ve made a friend for life. For me, at least - I know for a fact that that is true.

Though we are, of course, sad to see him go, I know that Senator deMacedo will be a

Remarks of Senator  
Michael J. Rodrigues.

tremendous advocate for one of the Commonwealth's great institutions, Bridgewater State University.

The depth of knowledge, talent, and work ethic that Bridgewater is gaining in the gentleman from Plymouth will no doubt benefit the University in myriad ways. They should feel very lucky, indeed, to be gaining someone of such distinction.

However – I believe that we all should feel lucky, as well. Those of us that have had the opportunity and honor to work with Senator deMacedo over the last 20 years have no doubt been impacted in many ways.

Though we all come from different backgrounds and represent different districts, he was always willing to lend a hand. Not only have we developed strong working relationships, I have no doubt many of us have gained a friend.

I am honored that I was able to spend a few minutes speaking about Senator deMacedo today. Vinny, you are a good friend, a good man, and an exemplary public servant. You will be missed.

On behalf of everyone who has served with you in both chambers, and the people of Massachusetts, I wish you the very best and thank you.

*Remarks of Senate Minority Leader Bruce E. Tarr.*

Thank you Madam President and through you to the members and Madam President I also rise and I do so considering it to be a great honor to be able to share a few thoughts about our friend and colleague Senator Vinny deMacedo.

Madam President, Senator deMacedo has been a part of our culture on Beacon Hill for an extensive period of time. A number of terms representing his constituents in the House of Representatives and then a number of years here with us in the Senate. And all of that time has been characterized by his understanding of a one singular truth about accomplishing things in the public sector, and that is it is always about relationships. It is about relationships with the people you serve with, and about relationships with the people you serve. Now maybe he understands that because his life story is so remarkable and so inspirational. His family moved here from Cape Verde when he was six months old and he began to understand the opportunity that was in our culture as he grew up in Kingston, Mass as part of a fairly large family. Always the first person to say, “how can I help”, “what is your concern”, “what’s on your mind today?” Vinny deMacedo grew up in that family environment and as we’ve heard on many occasions when we talked with members of his family how supportive he was for his siblings, his parents and the extended family. And he got to realize part of that great American dream when he began to operate his Mobil station on Route 3A. No charge for this, they have some of the best prices for unleaded around. But he’s been doing that since 1991 and if I didn’t mention it, it’s on the Cedarville section of Plymouth; and one of the most interesting things that we’ve all gotten to know as we talked to Vinny over the years is that every morning he is at that Mobil station opening the doors, checking the volume in the tanks, making sure everything is ready for business and helping the people in the community to have an economic opportunity that’s represented by that small business. And it’s not just that, every day when Vinny deMacedo is at the gas pumps, practically at sunrise, he’s there to hear what people have to say. To hear what struggles are going on in their daily lives, what their concerns are. And to be able to say from the Mobil station on route 3A in the Cedarville section of Plymouth that we hear you. We hear you at the most basic of levels. And what is that translated into? Well, we know as we heard about his efforts just a few moments ago, about his efforts on carbon monoxide. But we also know about his efforts with regards to the opiate crisis which hit the Commonwealth with a weight that is indescribable and an urgency and a call to action. And it was Vinny deMacedo who joined our Special Commission on the Opioid

Remarks of Senate  
Minority Leader  
Bruce E. Tarr.

Epidemic to try to understand it and to try to find ways to address the human crisis represented by the opioid epidemic. And while he was at that gas station, at the pumps, Route 3A, Cedarville section, he also understood the economic plight of the people that came there to be able to put a little bit of gas in their tank; but to be able to understand that they needed a job, that they needed to be not unduly burdened by the cost of taxation, that they needed to have opportunities on the economic ladder and that drove him to be in this chamber. A champion of economic development in so many ways. And while he was there, he also clearly understood and got to talk to people that were responsible for our public safety, and that's why time and again men and women in law enforcement sought his council, his advice and his support. Because he understood and he could have a conversation with them and build a relationship about what was important to them. And all of the while this was happening and Vinny was listening to what people had to say and sharing it with us and leading us down so many positive paths he never lost sight of the importance of his family and nurturing their growth and their relationships with each other and with him.

Truly a remarkable and inspirational story. One that has been recognized in a number of different ways, he got the Presidential Medal from the Governor of Cape Verde, the Beacon of Hope Award from the Cape Cod Center for Women, he's has been named the Legislator of the Year by the Massachusetts Police Association, twice he was named Legislator of the Year by the Massachusetts Town Clerks Association; he was named Legislator of the Year by the Jewish Community Relations Council and the Council of Human Services Providers and the National Federation of Independent Business has awarded him with their Guardian of Small Business Award. All notable recognitions, but the most notable of all of them is the respect that he receives in our chamber, in this State House in State Government and the respect that he has received consistently and unceasingly and unfailingly in the communities that he represents.

Vinny deMacedo. Someone who came to this country, maximized the opportunities that it has provided, found it in his heart and in his capability to give back to make us a stronger Commonwealth; has raised an incredible family and is our friend. And so, it is a bittersweet time as he makes this transition but we know that what makes Vinny deMacedo a great leader and our friend it will not stop, it will be there for the benefit of Bridgewater State University and all of the students that he will help there and we always know that no matter what happens when somebody asks us about an example of what we need today in state government, we'll always have that example, Senator Vinny deMacedo.

I know we all wish him well; we all appreciate everything that he has done for this body, and we all look forward to his great success in the next chapters of his life.

Vinny congratulations and thank you for everything that you have done and been for all of us.

*Remarks of Senator Viriato M. deMacedo.*

Thank you Madam President. If I knew you guys liked me so much I never would have left. Just kidding.

Thank you to my good friends, the gentleman from Westport and the gentleman from Gloucester. They truly represent what is the best of this institution, this state, and public service. I'm honored by their words, and even more so by their friendship. To Senator Rodrigues, thank you for your willingness to collaborate and for always treating me as an equal, despite the color of our jersey.

I just want to share with you a simple story about who Mike Rodrigues is. And many of you probably don't know this, but it was probably three or four years back and both of our communities were effected by a change. The Department of Revenue change for

Remarks of Senator  
Viriato M.  
deMacedo.

payment in lieu of taxes, an adjustment of assessment and so our two communities got hit significantly to the tune of probably close to \$650,000 for two communities and it was pretty significant. But it really effected the entire state and a lot of other communities. So Michael kind of took the lead, and he figured out a way to try to make the case of how we can at least hold those communities harmless. But as you know three or four years ago the economy was tight and he had to go to then at the time the Senate President, but she was the Chair of Ways and Means, to make the case for those two communities. But that wasn't good enough for Michael, because the reality is do you know that it wasn't just those two communities that were effected, it was many of our communities to the tune of \$1.7 million dollars and a whole bunch of different communities were effected and you all even didn't know it happened. Michael went in and when he went he didn't just advocate for our two communities like I suggested, he advocated for \$1.7 million dollars for every community that was effected to be held harmless for that year and most of you didn't even know that he did that, except for me and my staff and his staff. But he made sure that everyone, for that year, in a difficult time, he made the case and he was successful and that's the type of person that Senator Rodrigues is, and you should all be proud that he is your Chair of Ways and Means. Let's hear it for Michael Rodrigues.

To Senator Tarr, thank you for always standing up. You've allowed the voices of the minority to have an impact far beyond our numbers because of your intellect, your commitment, and your work ethic, all of which have made you universally respected on both sides of the aisle. Just recently, it was written in State House News that I was a "fixture" at the State House. Well, if I'm a "fixture," at the State House Mr. Leader, you are a pillar. There is not a piece of legislation, and I know you all know this, that does not bare your imprint on it. You have made sure that you participated in every debate, at every level to have our imprint on legislation and I am incredibly proud of that. So, with all due respect to all of my colleagues here, there is no one that has worked harder at this job than the gentleman from Gloucester. I'm going to miss you a great deal. Thank you so much.

Madam President, it's been an honor serving under your leadership. You and I served together in the House of Representatives but it really wasn't until I had the opportunity to serve with you when you were the Chair of Ways and Means and I was a ranking member, that we really became friends and got to understand each other; our interest in automobiles, our bike riding, I'm a little better at it than you are (just kidding), I really have appreciated your calming force that you have brought here and despite the fact that when you became the Senate President and you didn't give me the position of Chair of Ways and Means, I've gotten over that; but I have really enjoyed working with you and thank you for all you do to keep order here.

And Lieutenant Governor, thank you; I know you had to rearrange your schedule to be here today and that meant a lot to me to have you here. The Governor of the Commonwealth is at the Republican Governor's Association, he wouldn't rearrange his schedule for me, I can't believe it but, Florida, come on, but you have been a great leader; and I've watched you over the years. We served as well together in the House of Representatives, and you have gone to 351 communities around the Commonwealth. You have been to every community, because you said, and your administration said, that you were going to make sure those communities understood that State government was here to help them, and you have done that. Not once, twice, three times you've been out there, and you have made a profound impact and I am proud to serve with you in your capacity, so thank you very much Lieutenant Governor.

One of the most important things about this job is working together and finding collaboration and working to make an impact. So I have this unique privilege of representing a community that's split in half by the Cape Cod Canal with the two bridges and so I serve not only in the Plymouth County Delegation as I have for many years, but

the Cape Cod Delegation and so I just want to say, thank you to my colleagues from the Cape Cod Delegation that are almost all here today, because we are a diverse group I dare say, and yet we really worked together on behalf of Cape Cod and I believe we've had a huge impact because we worked together on both sides of the aisle and so I just want to take this quick opportunity to acknowledge them; we have Senator Julian Cyr as you know, the Dean of the Senate, Sarah Peake; my good friend, Tim Whelan; Will Crocker, Senator Crocker; my good friend, Randy Hunt, who also will be retiring this year; David Vieira from the town of Falmouth and Dylan Fernandes, and of course we cannot forget our former colleague, Dan Wolf, who is not here today but was a huge part of that. So, let's give them an applause.

And obviously the Plymouth County Delegation which I had the privilege of working with for twenty-one years; is former Senate President Therese Murray, who is not here; my good friend, Representative Matt Muratore, who is here today; right next to him is my former colleague who I've learned a lot from as Representative, was Representative Tom O'Brien, still do this; and now the Plymouth County Treasurer, I'm really honored that you are here today, we have Josh Cutler, who I think I just saw Josh Cutler step in here as well, thank you Josh, it's been an honor working with you; Kathy LaNatra, and my good friend, Representative Tom Calter. So thank you guys for having the opportunity to work with all of you and making an impact for our constituents.

Today, as all of you one day will come to learn, is an emotional day.

This is one of the world's greatest jobs, and a difficult place to leave. I am able to do so with optimism and a smile because I am stepping into another wonderful institution, one that is dear to my heart, Bridgewater State University. We are joined here by the Vice President, Paul Jean; thank you for being here Paul and I am just so excited about that opportunity to serve Bridgewater State University.

Especially, it's difficult because doing so, as you all know and all can attest to based on your own schedules, will enable me to spend more time with my family. I love them, and some of them are here today. I'm going to turn over and introduce my wife Jennifer, my best friend, she has been so gracious to allow me to do this job; and my oldest daughter, who when I got here was four years old, and she has with her the two joys of my life, my granddaughter Evelyn, who is two and a half and my grandson Everest, so that's a lot of fun. My two other children aren't here today and so I'll get over it (no, I'm just kidding) My son is at Seattle, Washington and my daughter is at Emerson taking a test right now. Thank you for everything.

You know as we do this in this job, I had the privilege, and we talk about this all of the time, the Minority Crescent, and you guys have just been incredible friends to me. Every week we get together and we discuss the issues of the day. We've actually solved all the problems of the world every Wednesday, you just don't listen to us, but it's a great group of people, they're great friends and I'm going to truly miss working with each and every one of you; and of course where would we be without our staffs.

I would be remiss if I didn't get this opportunity just to mention them and I know a lot of them aren't here, but when I was first elected, for four years Laurie Klotzbach was my first assistant; Pat O'Brien served with me for 4 years after her; Bethany Toy served with me for 4 years after him and then Emily Jue who served with me for 4 years and then came over here for 2 years as my Chief of Staff and is now the Deputy Chief of Staff over at A&F; and so she's got the award for serving the longest with me, patient woman; and then of course, Brendan Dutch who is my Chief of Staff now who served with me for 5 years; next to him is Lucas Patenaude who has been with me for 2 years, his birthday is tomorrow so wish him a happy birthday; and Monica Mullin for 5 years; and Lance Lambros for 4 years. So, thank you to all of you because I know I could never have done this without my staff. They have just been phenomenal.



And I apologize that this is going long but 21 years is a long time and there is a lot of people that I have had the privilege of working with so I just want to take this opportunity to thank the Clerk's office led by Michael Hurley. You are a class act, a true professional and I can't thank you, to you and your team. They are great people to work with so I'm so grateful to all of you in the Clerk's office; also want to take this opportunity to thank the Senate Counsel led by Jen Miller, and we appreciate your professionalism and your intellect and your brilliance because you make us look good and we greatly appreciate that.

What a great group of people that are here and as I sit around and I look around this room there are so many people on both staffs that I've worked with and I'm afraid if I start naming names I'm going to get myself into a lot of trouble but I think you know who you are as I look around the room who have befriended me and really helped me. So, I just want to take this opportunity to thank the Court Officers who are our great friends. Where is Paul Dooley, is he hiding? He and I go back quite a ways and we have a great time talking; and the Court Officers that are all here have been so good to all of us. They keep us safe and I really have appreciated their friendship.

Now most importantly, I want to thank the people of the Plymouth and Barnstable Senate district for trusting me with the incredible responsibility of serving in this august body.

Many people have asked me how is it that a conservative Republican can spend 21 years in the bluest of blue Legislatures in the country, and still get along so well with my colleagues.

Well, my secret weapon is here today, and that's my brother Donaldo. Donaldo and I have traveled slightly different ideological trajectories. I became a proud member of the robust Republican caucus of the Massachusetts House and Senate; he has served in academia as a professor his entire professional life. He has two doctorate degrees and has even written a book with Noam Chomsky. It's a good thing none of my potential Republican primary opponents ever knew about that one. I joke but he makes the gentleman from Acton seem a little conservative.

Nevertheless, I have learned a lot from my brother. And I've learned a lot about him. Just recently, I had the privilege to attend a Cape Verdean economic development summit in Boston. Over those three-days, I had no less than five individuals come up to me, primarily young people of Cape Verdean descent, and say, "You're Donaldo's brother? If it were not for him, I would not have gotten the education that I received. He helped me find scholarships, he mentored me, he helped me grow, and he changed my life."

It's a wonderful thing to hear such nice things about your brother. And while he and I have not always been in lockstep ideologically, we've never doubted what is in each other's hearts. That was a life lesson for me navigating these halls over the last 21 years. You and I may differ on legislation and policy, but I've always known that your hearts have been in the right place. And I would hope you could say the same of me.

When we are at our best, that's what we do here. Helping those who need a hand up. Improving this Commonwealth one constituent at a time. Putting people before politics.

And I consider myself utterly fortunate to follow my older brother's path into higher education, in furthering the good work that we do here. What's better in public service than to help connect a student with a paid internship that can help them increase their chances of getting a good job once they graduate? Or to help local businesses and organizations strengthen their ties to one of the state's outstanding higher education system?

I'm honored by the opportunity, and I'm excited to get started. I'm leaving behind a fine group of co-workers here, but I get to join a new team with the same goals in mind. As is the case with my brother and me, our philosophies on how to get there may be different, but, ultimately, our hearts are the same, our shared desire to help people the same.

We bridge our differences on policy by learning about each other. One of the things

that I've enjoyed most about serving this Legislature is learning about each of your lives, your families, and your districts.

When I'm camping in central Mass it's comforting to know that I can get on the phone and call the gentlelady from Spencer and ask her for a good place to eat. It's nice too when I'm vacationing in western Mass. that I don't feel I'm a stranger in a strange land, because of my friendship with the gentleman from the Far West. It's nice to feel I know the area when I'm on the North Shore because of my friendships with the gentleman from Winthrop or the gentleman from Everett. When I'm on the South Coast, I know I can always get myself out of trouble because of my friendships with the gentlemen from New Bedford and the gentlemen from Taunton.

This Legislature can make the state seem small geographically, when we get to know each other outside the politics and the policy, when we see each other not just as a vote for or against, but as individual people with lives outside of this Chamber. For me, it's been the ride of my lifetime, a chance to learn about the issues that affect not just my constituents, but yours as well.

Twenty-one years ago, I was a young man who owned a gas station in South Plymouth, Cedarville section, exit 2, off... (just kidding). My parents brought me here from Cape Verde, as you said, when I was only six months old. The opportunity to serve the people of America's Hometown, Plymouth, Massachusetts and later Bourne, Falmouth, Kingston, Pembroke, and Sandwich as well ... and later to become friends with the Speaker of the House, the Senate President, the most popular Governor in the nation and the Lieutenant Governor of the Commonwealth.

To have done my own small part to contribute to the world's oldest continuing democracy is all been far beyond what I ever dreamed possible.

That's the beauty of our system. It's what makes our country great, that someone like me, born on a small island off the coast of Africa, can come and become a member of this august body. It's a profound thing, it's the American dream, and I'm honored and fortunate to have taken my turn at it.

That doesn't mean it's always easy. Democracy, as an author once wrote, is advanced citizenship. We are in the vanguard of that advance.

When we are at our best, we advance our shared values, even if our philosophies compete. We advance by striking balance, by finding consensus, by reaching compromise. Our best products advance to the Governor's desk, in the words of our fine clerk, for his approbation when we realize that "compromise" is not a dirty word.

There's too little of it in the world today and there's certainly too little of it in Washington. It would behoove, I think, some of those fine folks to come and spend a few days here under the Golden Dome and learn about how we do things here. Comity. Compromise. Compassion. More immediately, for our own purposes, let us hope that the disease that has infected our body politic at the national level not metastasize here.

To paraphrase President Eisenhower in his farewell speech, beware of the partisan industrial complex. I will no longer be a member of this body, but I am hopeful – and I am confident – that the attitude and spirit that I have tried to bring to this building over the last 21 years will endure. That all of you will recognize in each other what I've recognized in you, and what I hope you've recognized in me.

That, though we may not always vote the same way, we share the same goals. That, rather than retreating to our separate corners after one round or fifteen rounds or a budget debate or a controversy, we meet in the center of the ring and we shake hands.

That is what I've tried to do here, and I'm grateful to have worked with so many of you who have done the same. We are better together, we are stronger together, we are happier together. It has been the honor of my professional life to have worked alongside you for the people of my district and the Commonwealth of Massachusetts.

**UNCORRECTED PROOF.**

May God bless you, may he continue to bless the commonwealth of Massachusetts and the United States of America. Thank you so much.

*Remarks of Senator Anne M. Gobi.*

Madame President today is one of the saddest days of my life, losing a part of a vibrant past and facing an uncertain future –wait wrong speech, those were my wedding vows.

It is with honor and sadness that I rise to offer a few words on behalf of our friend the Senator from the 2<sup>nd</sup> Hampden & Hampshire District Don Humason.

I first met Don in 2002, when he was elected to the House a year after I was, and remember first seeing this imposing figure with the “I love Westfield” button. I soon came to realize that the imposing figure was really a Teddy bear and the Westfield button was not just something he pinned to his lapel, it was part of his very essence. Don was born in Westfield, attended Westfield schools, graduated from Westfield High where he was an accomplished athlete and then went to Westfield State College, now University, where he majored in Criminal Justice.

His sense of service to his city and others is part of his DNA. His dad was a firefighter, his mom a school nurse, and from them Don gleaned commonsense and compassion.

When Don was elected to the Senate in a special election on this date six years ago, he took his passion to assist even more people.

This time I was elected a year after him and it was wonderful to be reunited with my dear friend. Although, I was unaware of some of the Senate traditions. Soon after the election it was a time when Senators exchange gifts. I walked into my office to see a gift from Senator Humason, a gift I was unsure what to make of it –it was a whip—I was soon informed that Westfield is called “the Whip City”- which made me feel more at ease.

As a colleague and friend I value Don’s ability not to see divides, but see bridges and to truly understand the obstacles and opportunities that exist, especially in central and western Massachusetts. His counsel on issues that affect sportsmen and women have been invaluable to me. I have served on committees and commissions together – most recently Don has been an important member of the Crumbling Foundations Commission in his work to preserve people’s homes.

As our time together in this chamber comes to a close I know that, with his wife Janice and son Quinn by his side, he will continue to inspire and lead by example. As he returns to his beloved Westfield as Mayor, I won’t say farewell, but rather fare thee well- and as you love Westfield, I love Don Humason! Thank you my friend!

*Remarks of Senate Minority Leader Bruce E. Tarr.*

Thank you, Madam President and through you to the members. It is also true that I rise today with a sense of sadness but also a sense of happiness for our friend and this invaluable member of our caucus. I also am witnessing a very dangerous trend in the Minority Crescent this morning, and so I’m becoming concerned about that. But Madam President, I delight in being able to share with you the story of an incredible public servant whose life has been centered around helping other people for all of his adulthood; and Don your record of service is phenomenal, characterized always by the thought, “how can I help someone else”. And so you did that in so many different ways; as an aid to our former friend and colleague and Chief of Staff at one point to Senator Mike Knapik, as the Director of Legislative Affairs for the Executive Office of Health and Human Services, as a member of the House of Representatives and ultimately as a member of our body, where you brought that sense of service and getting the job done, because if there is one thing that perhaps characterizes Senator Don Humason as much as any of his other attributes it’s he will be there to get the job done not matter what it takes, and he has done that in so many

Remarks of Senator  
Anne M. Gobi.

Remarks of Senate  
Minority Leader  
Bruce E. Tarr.

instances. He has been a tireless advocate for the men and women who serve our nation in uniform during the time of their service and later in their lives when they become veterans. To wit he has become and has always been a vocal, steadfast and effective champion for the Soldiers Home, and for the air base and for the men and women that inhabit those places; not only in their professional lives but in their family lives so that they can be supported as they deserve to be supported. He also has understood, as has been mentioned, he's understood the importance of the particularities of Western Massachusetts; never letting Western Massachusetts be forgotten in the conversation in Boston, so that we understood what was important in Western Massachusetts; and time and again Don would gather many of us in Western Massachusetts to hear first-hand about the issues with the manufacturing sector, or the importance of the aviation sector, or the importance of having good educational and job training opportunities for the people in that part of our state. And on many of those occasions when we were there for those meetings we got to hear from the people that Don has represented. The confidence that they placed in his ability to advocate and the gratification that they had that he was one of their champions.

Don is one of those people who always seeks out opportunities no matter where you might find them so many may be surprised that Don is actually the Chair of the Boating Caucus, something my constituents find quite interesting. Don is also the chair of the Aviation Caucus and he is a member of the Library Caucus, the Parks Caucus, the Public Higher Education Caucus, and the Gateway Cities Caucus, all of the time wanting to be a part of the team that finds solutions for things that people care about. Because that is Don Humason. But there is something else about Don that's very important, he has a deeply held set of principles about what government should be and should not be in the lives of the people that it guards. And Don has never once failed to share with us his honest opinion or taken honest action that he truthfully believes in, even when on occasion it has been unpopular, or not fashionable or not reflective of the view of a majority in this chamber. You know what, our democracy depends on people like Don Humason who will bring those honest principles to the floor, to the debate, to the democracy so that we can be stronger by understanding all perspectives, not just the ones that are held by a majority on a given day. And so on many occasions I know that Don has come to this chamber in debates that have been intense and meaningful and caused us by virtue of his steadfast principled belief and expression of those beliefs to think for just a minute extra about what we are doing, and to make what we are doing a better product because Don Humason is a person that says, "Let me help to get it done" and he has done that time and again in his career in public service, which now continues on behalf of the people of Westfield. Almost seems when you look at the story of his life, that it was destiny to be able to return home to serve the people of Westfield as Mayor in perhaps a way that provides him with closer contact with them than happens here in the Senate. But it will remain true that Don's heart will be with them, his skills will be to their benefit, and the trust that they have placed in him for so many years in his career in public life will continue to the benefit of both the citizens of Westfield and Mayor Don Humason.

And there's something else, I'm very fortunate that on occasion Senator Humason and his family will come to vacation in Gloucester. I'm told that he often came seeking frozen lobster parts. But, you know, what I got to see on those opportunities was Don and Janice and Quinn and I got to see a wonderful example of a family that loves each other, that cares about each other and that supports each other, and got to see how very much Don thinks about the future when he looks at it through the eyes of Quinn. In many ways, Don, your life of service has also prepared you for the life of your family and we all wish you the very best as you continue on that journey I hope you will continue to come to Gloucester; we can not serve you lobster parts, legally, but most of all, I hope that you will continue to be the person who says, Help me to get it done. "Help me to get it done in a

practical, cost-effective, compassionate way and help me to be the person that people can count on,” because for our Caucus, for this Senate, for the people of your district and the people of Western Massachusetts you have been a person that everyone can count on and a terrific friend. Congratulations, we wish you the best, and we hope that when you are in Westfield, you will develop a new pin that will say, “I Heart the Massachusetts Senate”.

*Remarks of Senator Donald F. Humason, Jr.*

Thank you Madame President.

Thank you for the opportunity to address my colleagues, my friends in the Senate, for the last time as a member of this body.

First, I want to introduce my family. My wife Janice. Her mom Janice Tracey. And my son, the Mighty Quinn. Unfortunately, my parents Don and Alberta Humason, were not able to come today but I think they are watching at home on their computer. Hi Mom and Dad. I love you!

Some of you may remember that I before I was a Senator I served in the House of Representatives for 11 years and that I came into the Senate on a special election replacing Senator Mike Knapik.

In fact, I was sworn in 6 years ago on this very day. It has been quite an amazing ride. My words today are full of gratitude and appreciation.

Thank you Senator Gobi and Senator Tarr. Senator DeMacedo.

I want to thank you, Madame President, and your staff, for your friendship.

I'd like to thank Mr. Clerk, Mike Hurley, and all the other clerks.

Jennifer Miller and Senate Counsel.

I'd like to thank Paul and all the court officers.

I have to thank Governor Baker and Lieutenant Governor Polito.

And all of you, my colleagues, my friends, and your wonderful staff.

I also want to extend my thanks to my intrepid colleagues in Minority Crescent.

And again to the Senator from Gloucester, the Minority Leader, and to his staff for their help as well.

I have to thank my staff. Johannas Buchanan, John Moriarty. Michelle Moriarty. Rachel Purewal. Kelly Pease. And all the staff and interns and volunteers in my district and State House offices going back to the beginning.

I especially want to thank the people of my district: Agawam, Southwick, Granville, Tolland, Russell, Montgomery, Southampton, Easthampton, Chicopee, Holyoke, and Westfield.

The people of the 2nd Hampden & Hampshire District who voted for me and gave me this chance to serve. I thank them for this chance to work with all of you for the good of this Commonwealth.

I will now be transitioning from the roll of Senator to the position of Mayor.

I was honored to win in a very close and hard fought race on Election Day and I will be sworn in on January 6. My resignation from the Senate will most likely be effective that week.

Like Senator Hedlund and Senator McGee before me I will now be the Chief Executive of my city.

I will take the skills I have honed and the experiences I have had with all of you learning and debating the budgets and bills and bonds and important issues of the day. But most of all I will take with me the collegial and collaborative style that members of this body so easily employ.

“The price of success is hard work, dedication to the job at hand, and the determination that whether we win or lose, we have applied the best of ourselves to the

Remarks of Senator  
Donald F. Humason,  
Jr.

task at hand” -Vince Lombardi

“Think where man's glory most begins and ends, and say my glory was I had such friends” -William Butler Yeats.

**On motion of Mr. O’Connor, the above remarks were ordered printed in the Journal of the Senate.**

*Committee of Conference Report.*

Mr. Lewis, for the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments to the Senate Bill relative to educational opportunity for students (Senate, No. 2365) (*amended by the House* by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4145),-- reported, a “Bill relative to educational opportunity for students” (Senate, No. 2412).

Educational opportunity for students.

The President in the Chair, the rules were suspended, on motion of Mr. Lewis, and the report was considered forthwith.

After remarks, the question on acceptance of the report of the committee of conference was determined by a call of the yeas and nays, at twenty-two minutes past one o'clock P.M., on motion of Mr. Lewis, as follows, to wit (yeas 39 - nays 0) [**Yeas and Nays No. 130**]:

**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.        |
| DiDomenico, Sal N.       | Rausch, Rebecca L.      |
| DiZoglio, Diana          | Rodrigues, Michael J.   |
| Eldridge, James B.       | Rush, Michael F.        |
| Fattman, Ryan C.         | 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 – 0.**

**ABSENT OR NOT VOTING.**

deMacedo, Viriato M. – 1.

**The yeas and nays having been completed at twenty-six minutes past one o'clock P.M., the report was accepted.**

**Sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

*Engrossed Bill.*

Hands-free mobile  
telephones.

An engrossed Bill requiring the hands-free use of mobile telephones while driving (see House, No. 4203) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage. The question on passing it to be enacted was determined by a call of the yeas and nays, at two o'clock P.M., on motion of Mr. Boncore, as follows, to wit (yeas 38 - nays 1) [**Yeas and Nays No. 131**]:

**YEAS.**

- |                          |                         |
|--------------------------|-------------------------|
| Barrett, Michael J.      | Hinds, Adam G.          |
| Boncore, Joseph A.       | Humason, Donald F., Jr. |
| Brady, Michael D.        | Jehlen, Patricia D.     |
| Brownsberger, William N. | Keenan, John F.         |
| Chandler, Harriette L.   | Kennedy, Edward J.      |
| Chang-Diaz, Sonia        | Lesser, Eric P.         |
| Collins, Nick            | Lewis, Jason M.         |
| Comerford, Joanne M.     | Lovely, Joan B.         |
| Creem, Cynthia Stone     | Montigny, Mark C.       |
| Crighton, Brendan P.     | Moore, Michael O.       |
| Cyr, Julian              | O'Connor, Patrick M.    |
| DiDomenico, Sal N.       | Pacheco, Marc R.        |
| DiZoglio, Diana          | Rodrigues, Michael J.   |
| Eldridge, James B.       | Rush, Michael F.        |
| Fattman, Ryan C.         | 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. - 38.   |

**NAYS.**

Rausch, Rebecca L. - 1.

**ABSENT OR NOT VOTING.**

deMacedo, Viriato M. - 1.

**The yeas and nays having been completed at four minutes past two o'clock P.M., the bill was passed to be enacted and signed by the President and laid before the Governor for his approbation.**

*Emergency Preamble Adopted.*

Melinda Trudell,--  
sick leave.

Ms. Creem in the Chair, an engrossed Bill establishing a sick leave bank for Melinda Trudell, an employee of the Executive Office of Health and Human Services (see House, No. 4130), 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 18 to 0.

**The bill was signed by the Acting President (Ms. Creem) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and sent to the House for enactment.**

Rockland,-- park  
land.

The Senate Bill providing for the exchange of certain park land in the town of Rockland (Senate, No. 2374),-- came from the House passed to be engrossed, in

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concurrence *with an amendment* in section 2, in line 23, by inserting after the word “commissioners” the words “for park purposes”.

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

*Engrossed Bills.*

The following engrossed bills (both 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 (Ms. Creem) and laid before the Governor for his approbation, to wit:

Authorizing the Norfolk county treasurer to borrow funds for repairs to the Norfolk county agricultural school and other county buildings (see House, No. 4090); and

Establishing a sick leave bank for Melinda Trudell, an employee of the Executive Office of Health and Human Services (see House, No. 4130).

Bills laid before the Governor.

The House Bill relative to campaign finance (House, No. 4087, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2400), *with a further amendment* striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the text contained in House document numbered 4223; and by inserting before the enacting clause the following emergency preamble:

Campaign finance.

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith the updating of campaign finance, 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. Collins, and the further House amendment was adopted, in concurrence.**

*Recess.*

There being no objection, at twenty-two minutes before three o’clock P.M., the Chair (Ms. Creem) declared a recess subject to the call of the Chair; and at four minutes before four o’clock P.M., the Senate reassembled, Ms. Creem in the Chair.

Recess.

*Communication.*

The Clerk read the following communication:

**The Commonwealth of Massachusetts**  
MASSACHUSETTS SENATE

November 20, 2019

Mr. Michael D. Hurley, *Clerk*  
Massachusetts State Senate  
MA State House, Room 335  
Boston, MA, 02133

Senator Viriato M. deMacedo,-- absence from Chamber.

Dear Mr. Clerk,

I was unable to vote on two matters in the formal session of the Massachusetts Senate on November 20, 2019 due to a family commitment.

Had I been present for the roll call on Senate Bill 2412, “An Act relative to educational



opportunity for students” I would have voted in the affirmative.

Had I been present for the roll call on House Bill 4203, “An Act requiring hands-free use of mobile telephones while driving” I would have voted in the affirmative.

I respectfully request that a copy of this correspondence be printed in the journal during the next session. Thank you in advance for your assistance in this matter.

Respectfully,

**VINNY deMACEDO**

*State Senator*

*Plymouth and Barnstable District*

**On motion of Ms. Comerford, the above communication was ordered printed in the Journal of the Senate.**

Ordered printed.

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The House Bill modernizing tobacco control (House, No. 4196),-- was read a second time.

Tobacco control.

*Quorum.*

At one minute before four o'clock P.M., Mr. O'Connor doubted the presence of a quorum.

Quorum.

The Chair (Ms. Creem), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum

Subsequently, at one minute past four o'clock P.M., a quorum was declared present.

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The House Bill modernizing tobacco control (House, No. 4196),-- was further considered.

Tobacco control.

After remarks, and pending the question on adoption of the amendment, previously recommended by Mr. Keenan, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2407, and pending the main question on ordering the bill to a third reading, Mr. Eldridge, Ms. Gobi, Mr. Welch, Ms. Jehlen, Messrs. Montigny and O'Connor, Ms. Creem and Messrs. Tran and Fattman moved that the proposed new text be amended by striking out, in section 15, the text from lines 223 through 235.

1.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at four minutes before five o'clock P.M., on motion of Mr. Eldridge, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 132**]:

**YEAS.**

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  
Crichton, Brendan P.

Hinds, Adam G.  
Humason, Donald F., Jr.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Moore, Michael O.

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Cyr, Julian  
deMacedo, Viriato M.  
DiDomenico, Sal N.  
DiZoglio, Diana  
Eldridge, James B.  
Fattman, Ryan C.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.  
Gobi, Anne M.

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. – **39.**

**NAYS – 0.**

The yeas and nays having been completed at one minute before five o'clock P.M., the amendment was adopted.

Mr. O'Connor, Ms. Gobi and Messrs. Tran and Fattman move that the proposed new text be amended in Section 23, section 28 by adding at the end thereof the following clause:-

“(h) Notwithstanding the provisions of this section, a person, retailer or manufacturer may maintain sufficient reserves of favored tobacco products or tobacco product flavor enhancers to sale or distribute to any person who presents a valid United States military identification card prior to the transaction.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes past five o'clock P.M., on motion of Mr. O'Connor, as follows, to wit (yeas 9 – nays 29) [**Yeas and Nays No. 133**]:

**YEAS.**

Brady, Michael D.  
Fattman, Ryan C.  
Gobi, Anne M.  
Humason, Donald F., Jr.  
O'Connor, Patrick M.

Pacheco, Marc R.  
Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A. – **9.**

**NAYS.**

Barrett, Michael J.  
Boncore, Joseph A.  
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.  
Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Moore, Michael O.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Welch, James T. – **29.**

**ANSWERED “PRESENT”.**

deMacedo, Viriato M. (*present*) – **1.**

The yeas and nays having been completed at a half past five o'clock P.M., the amendment was adopted.

There being no objection, during consideration of the Orders of the Day, the following

item was considered, to wit:

*Report of a Committee.*

By Mr. Rodrigues, for the committee on Ways and Means, on the residue of the bill, that the House Bill making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4132),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2418.

Supplemental appropriations.

**There being no objection, the rules were suspended, on motion of Mr. Rodrigues, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.**

**The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.**

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

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The House Bill modernizing tobacco control (House, No. 4196),- was further considered.

Tobacco control.

Mr. O'Connor moved that the proposed new text be amended in section 24 by striking the words "June 1" and inserting thereof the following:- "December 31".

5

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes before six o'clock P.M., on motion of Mr. O'Connor, as follows, to wit (yeas 8 – nays 30) **[Yeas and Nays No. 134]:**

**YEAS.**

Fattman, Ryan C.  
Feeney, Paul R.  
Humason, Donald F., Jr.  
Moore, Michael O.

O'Connor, Patrick M.  
Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A. – **8.**

**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.  
Finegold, Barry R.

Friedman, Cindy F.  
Gobi, Anne M.  
Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Pacheco, Marc R.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Welch, James T. – **30.**

**ANSWERED "PRESENT".**

deMacedo, Viriato M. (*present*) – **1.**

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

Mr. Humason, Ms. Gobi and Messrs. O'Connor, Fattman and Tran moved that the

7.

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proposed new text be amended by inserting after the word “product”, in line 319, the following words:- “provided, however, that for cigarettes, ‘characterizing flavor’ shall not include menthol”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at ten minutes before six o'clock P.M., on motion of Mr. Humason, as follows, to wit (yeas 11 – nays 27) [**Yeas and Nays No. 135**]:

**YEAS.**

Brady, Michael D.	O'Connor, Patrick M.
Fattman, Ryan C.	Pacheco, Marc R.
Feeney, Paul R.	Rodrigues, Michael J.
Gobi, Anne M.	Timilty, Walter F.
Humason, Donald F., Jr.	Tran, Dean A. – <b>11.</b>
Moore, Michael O.	

**NAYS.**

Barrett, Michael J.	Friedman, Cindy F.
Boncore, Joseph A.	Hinds, Adam G.
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.	Lewis, Jason M.
Creem, Cynthia Stone	Lovely, Joan B.
Crighton, Brendan P.	Montigny, Mark C.
Cyr, Julian	Rausch, Rebecca L.
DiDomenico, Sal N.	Rush, Michael F.
DiZoglio, Diana	Tarr, Bruce E.
Eldridge, James B.	Welch, James T. – <b>27.</b>
Finegold, Barry R.	

**ANSWERED “PRESENT”.**

deMacedo, Viriato M. (*present*) – **1.**

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

Mr. O'Connor moved that the proposed new text be amended in line 325 by inserting after the word “product” the second time it appears the following:- “, other than cigarettes,”. 8.

The amendment was *rejected*.

Mr. Lewis moved that the proposed new text be amended by inserting after section 23 the following section:- 9.

"SECTION 23A. Section 4 and sections 18 to 21, inclusive, shall apply to policies, contracts and subscription certificates that are delivered, issued or renewed in the commonwealth on or after January 1, 2020."

After remarks, the amendment was adopted.

Mr. O'Connor moved that the proposed new text be amended by striking section 24 in its entirety and inserting in place thereof the following:- 12.

"SECTION 24. Sections 1, 2, 3, 5 to 16, inclusive, and 23 shall take effect on June 1, 2020, provided, however, that these sections as they apply to cigarettes and moist snuff shall take effect on June 1, 2021."

The amendment was *rejected*.

Mr. O'Connor moved that the proposed new text be amended by inserting the following:- 13.

"SECTION XX. The Senate and House Committees on Ways and Means and the Joint

**UNCORRECTED PROOF.**

Committee on Revenue shall conduct a fiscal analysis on expected loss of revenues and impact on programs currently funded by said revenues that could reasonably be expected to result from the passage of this act, provided that any findings be reported to the House and Senate no later than December 31, 2020.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at one minute past six o'clock P.M., on motion of Mr. O'Connor, as follows, to wit (yeas 9 – nays 30) [**Yeas and Nays No. 136**]:

**YEAS.**

Brady, Michael D.  
deMacedo, Viriato M.  
Fattman, Ryan C.  
Gobi, Anne M.  
Humason, Donald F., Jr.

Moore, Michael O.  
O'Connor, Patrick M.  
Tarr, Bruce E.  
Tran, Dean A. – **9**.

**NAYS.**

Barrett, Michael J.  
Boncore, Joseph A.  
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.  
Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Pacheco, Marc R.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Timilty, Walter F.  
Welch, James T. – **30**.

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

*Recess.*

At four minutes past six o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the Chair (Ms. Creem) declared a recess; and, at nineteen minutes past six o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

**PAPERS FROM THE HOUSE.**

The House Bill making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4132),— came from the House with the endorsement that the House had NON-concurred in the further Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2418), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representative Michlewitz of Boston, Garlick of Needham and Smola of Warren have been appointed the committee on the part of the House.

Supplemental appropriations.

**On motion of Ms. Comerford, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Rodrigues, Friedman and deMacedo were appointed on the part of the Senate.**

**The bill was returned to the House endorsed accordingly.**

*Emergency Preamble Adopted.*

An engrossed Bill relative to campaign finance (see House, No. 4087, 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 17 to 0.

Campaign finance.

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

*Engrossed Bill.*

An engrossed Bill relative to educational opportunity for students (see Senate, No. 2412) (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.

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The House Bill modernizing tobacco control (House, No. 4196),-- was further considered.

Tobacco control.

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting, after section \_\_, the following section:-

16.

“SECTION \_\_. Subsection (b) of section 5I of chapter 18 of the General Laws, as so appearing, is hereby amended by striking out, in line 35, the words ‘section 1 of chapter 64C’ and inserting in place thereof the following:- section 6 of chapter 270.”

After remarks, the amendment was adopted.

Ms. Comerford moved that the proposed new text be amended in section 23, in proposed section 28 of chapter 270, by adding the following subsection:-

18.

“(h) Nothing in this section shall preempt further limitation of the sale, distribution, possession or use of tobacco products, flavored tobacco products, flavored tobacco product enhancers by the commonwealth or any department, agency or political subdivision of the commonwealth”; and

In said section 23, in said proposed section 29 of said chapter 270, by adding the following subsection:-

“(d) Nothing in this section shall preempt further limitation of the sale, distribution, possession or use of electronic nicotine delivery systems by the commonwealth or any department, agency or political subdivision of the commonwealth.”

After remarks, the amendment was adopted.

Ms. Comerford moved that the proposed new text be amended in section 23, line 351, by striking out the words “or market or advertise”; and by inserting after the word “consumption.”, in line 355, the following words:- “No person, retailer or manufacturer shall market or advertise a proposed sale or distribution that is prohibited herein.”

19.

After remarks, the amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting after section \_\_ the following section:-

21.

"SECTION \_\_. Notwithstanding any general or special law to the contrary at least 10 per cent of the payments received from the Tobacco Master Settlement Agreement each fiscal year shall be distributed to the Massachusetts tobacco cessation and prevention program under the massachusetts department of public health."

Mr. Brownsberger in the Chair, after debate, the question on adoption of the

amendment was determined by a call of the yeas and nays, at twelve minutes before seven o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 10 – nays 29) [Yeas and Nays No. 137]:

**YEAS.**

Brady, Michael D.  
deMacedo, Viriato M.  
Eldridge, James B.  
Fattman, Ryan C.  
Feeney, Paul R.

Humason, Donald F., Jr.  
Moore, Michael O.  
O'Connor, Patrick M.  
Tarr, Bruce E.  
Tran, Dean A. – 10.

**NAYS.**

Barrett, Michael J.  
Boncore, Joseph A.  
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  
Finegold, Barry R.  
Friedman, Cindy F.  
Gobi, Anne M.

Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Pacheco, Marc R.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Timilty, Walter F.  
Welch, James T. – 29.

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

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting after section \_ the following new section \_:-

23.

"SECTION\_. Notwithstanding any general or special law to the contrary. The department of revenue shall submit every 6 months to the clerks of the house and senate and the senate and house committee on ways and means and estimate of foregone revenue as related to this act."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at five minutes past seven o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 8 – nays 31) [Yeas and Nays No. 138]:

**YEAS.**

Brady, Michael D.  
deMacedo, Viriato M.  
Fattman, Ryan C.  
Humason, Donald F., Jr.

Moore, Michael O.  
O'Connor, Patrick M.  
Tarr, Bruce E.  
Tran, Dean A. – 8.

**NAYS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Collins, Nick  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.

Gobi, Anne M.  
Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.

**UNCORRECTED PROOF.**

Cyr, Julian  
DiDomenico, Sal N.  
DiZoglio, Diana  
Eldridge, James B.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.

Pacheco, Marc R.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Timilty, Walter F.  
Welch, James T. – 31.

The yeas and nays having been completed at eight minutes past seven o'clock P.M., the amendment was *rejected*.

*Recess.*

There being no objection, at ten minutes past seven o'clock P.M., the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and at seven minutes before eight o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

*Suspension of Senate Rule 38A.*

Mr. Keenan moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Senate Rule 38A

*Order of the Day.*

The Orders of the Day were further considered as follows:

The House Bill modernizing tobacco control (House, No. 4196),-- was further considered.

Tobacco control.

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting after section \_ the following section:-

24.

"SECTION\_ . Notwithstanding any general or special law to the contrary the division of insurance in consultation with the group insurance commission shall conduct a study on the fiscal impact of the this act.

Said study along with any recommendations shall be submitted to the clerks of the house and senate by December 31, 2020."

After remarks, the amendment was *rejected*.

Mr. Brady moved that the proposed new text be amended in section 15, in line 160, by striking the words "state secretary" and inserting in place thereof the word "commissioner".

26.

After remarks, the amendment was *rejected*.

Mr. Brady moved that the proposed new text be amended in section 23, in line 319, by inserting after the word "product" the following words:- "municipalities would have the local option for the sale of menthol cigarettes".

27.

After remarks, the amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting after section 16 the following section:-

15.

"SECTION 16A. Chapter 111 of the General Laws is hereby amended by adding the following section:-

Section 239. The department of public health shall promulgate regulations concerning: (i) the sale of tobacco products, as defined in section 6 of chapter 270, to persons under the age of 21; (ii) the sale of electronic nicotine delivery systems as defined in section 7E of chapter 64C; (iii) the advertisement of and signage for tobacco products and electronic nicotine delivery systems; and (iv) the operation of retail tobacco stores and



smoking bars as defined in section 22 of chapter 270. The regulations may provide for penalties for violations of regulations promulgated pursuant to this section. A violation of this section may be a civil violation.

Regulations shall include, but not be limited to: (i) a requirement that tobacco stores and smoking bars conspicuously post signage as required by the department; and (ii) a prohibition of the use of fraudulent or misleading statements in the advertisement of tobacco products.

This section shall not limit the right of an appropriate authority in a city or town to adopt rules and regulations as may be necessary; provided, however, that such a rule or regulation shall not conflict with regulations promulgated by the department or state or federal law.

The commissioner of public health shall send proposed regulations drafted pursuant to this section to the house and senate committees on ways and means and the joint committee on public health not less than 90 days before filing the proposed regulations with the state secretary; provided, however, that in promulgating an emergency regulation, the commissioner shall send notice of the changes, including the emergency regulation, to the house and senate committees on ways and means and the joint committee on public health on the same day that the emergency regulation is filed with the state secretary.”.

The amendment was adopted.

Mr. Brady moved that the proposed new text be amended in section 23, in line 319, by inserting after the word "product", the following: “provided that, however, this shall not include menthol cigarettes”; in line 326, after the word “flavor”, the following “provided that, however, this shall not include menthol cigarettes”; in line 349, after the word "product", the following “provided that, however, this shall not include menthol cigarettes”; and in line 353, after the word "commonwealth", the following “provided that, however, this shall not include menthol cigarettes”.

28.

After remarks, the amendment was *rejected*.

Mr. Cyr moved that the proposed new text be amended in section 15, in line 91, by inserting after the word “separately;” the following:- “provided further, that ‘electronic nicotine delivery system’ shall not include marijuana or marijuana products as defined in section 1 of chapter 94G and medical use marijuana as defined in section 1 of chapter 94I”;

33.

In said section 15, in lines 239 to 241, inclusive, by striking out proposed subsections (m) and (n) and inserting in place thereof the following:- “(m) The commissioner may promulgate regulations to implement this section.”;

In section 23, in line 347, by inserting after the word “purpose” the following:- “; and provided further, that ‘tobacco product’ shall not include marijuana or marijuana products as defined in section 1 of chapter 94G and medical use marijuana as defined in section 1 of chapter 94I”;

In said section 23, in lines 366 to 369, inclusive, by striking out proposed subsections (f) and (g) and inserting in place thereof the following:- “(f) The department of public health may promulgate procedures, rules or regulations that it deems necessary to implement this section.”; and

In said section 23, in line 380, by inserting after the word “separately;” the words “provided further, that ‘electronic nicotine delivery system’ shall not include marijuana or marijuana products as defined in section 1 of chapter 94G and medical use marijuana as defined in section 1 of chapter 94I”.

The amendment was adopted.

Mr. Cyr moved that the proposed new text be amended by adding the following section:-

35.

“SECTION X. Notwithstanding any general or special law to the contrary, advertising which promotes the sale or use of tobacco products as defined in Section 6 of Chapter 270

of the Massachusetts General Laws, or products that simulate smoking or are modeled on tobacco products or electronic nicotine delivery systems shall not be permitted on property owned or managed by the commonwealth.”

The amendment was *rejected*.

Mr. Cyr moved that the proposed new text be amended by inserting after section 15 the following section: 37.

“SECTION X: Notwithstanding the provisions of section twenty-eight, thirty per cent of revenues received pursuant to this section, together with any penalties, forfeitures, interest, costs of suits and fines collected in connection therewith, less all amounts refunded or abated in connection therewith, all as determined by the commissioner of revenue according to his best information and belief, shall be credited to the Community Behavioral Health Promotion and Prevention Trust Fund.”

After remarks, the amendment was adopted.

Mr. Tarr moved that the proposed new text be amended by inserting after section \_ the following section:- 38.

"SECTION\_ . Notwithstanding any general or special law to the contrary the department of public health shall conduct a study on the efficacy of the use of electronic nicotine delivery system as a form of tobacco cessation.

Said study and any recommendations shall be submitted to the clerks of the house and senate and the joint committee on public health by December 31, 2020."

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by striking lines 120-125 in their entirety. 39.

After remarks, the amendment was *rejected*.

Mr. O'Connor moved that the proposed new text be amended by striking out the text and inserting in place thereof the following:- 4.

“SECTION 1. Chapter 270 of the General Laws, as so appearing, is hereby amended by inserting the following section:-

SECTION XX. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

‘Electronic nicotine delivery system’, an electronic device, whether for 1-time use or reusable, that can be used to deliver nicotine or another substance to a person inhaling from the device including, but not limited to, electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, vaping pens, hookah pens and other similar devices that rely on vaporization or aerosolization; provided, however, that ‘electronic nicotine delivery system’ shall also include any noncombustible liquid or gel that is manufactured into a finished product for use in such electronic device; provided further, that ‘electronic nicotine delivery system’ shall also include any component, part or accessory of a device used during the operation of the device even if the part or accessory was sold separately; and provided further, that ‘electronic nicotine delivery system’ shall not include a product that has been approved by the United States Food and Drug Administration for the sale of or use as a tobacco cessation product or for other medical purposes and is marketed and sold or prescribed exclusively for that approved purpose.

‘Characterizing flavor’, a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted or detectable before or during consumption of a tobacco product, including, but not limited to, a taste or aroma relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the provision of ingredient information or the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product.

(b) No person, retailer or manufacturer shall sell, distribute, cause to be sold or

distributed, offer for sale or market or advertise any electronic nicotine delivery system with a characterizing flavor in any retail establishment, online or through any other means to any consumer in the commonwealth.

SECTION 2. This act shall go into effect 30 days after its passage.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-nine minutes before nine o'clock P.M., on motion of Mr. O'Connor, as follows, to wit (yeas 7 – nays 30) [Yeas and Nays No. 139]:

**YEAS.**

Brady, Michael D.	O'Connor, Patrick M.
Feeney, Paul R.	Tarr, Bruce E.
Gobi, Anne M.	Timilty, Walter F. – 7.
Humason, Donald F., Jr.	

**NAYS.**

Barrett, Michael J.	Jehlen, Patricia D.
Boncore, Joseph A.	Keenan, John F.
Brownsberger, William N.	Kennedy, Edward J.
Chandler, Harriette L.	Lesser, Eric P.
Chang-Diaz, Sonia	Lewis, Jason M.
Comerford, Joanne M.	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, Brendan P.	Moore, Michael O.
Cyr, Julian	Pacheco, Marc R.
DiZoglio, Diana	Rausch, Rebecca L.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rush, Michael F.
Finegold, Barry R.	Tran, Dean A.
Friedman, Cindy F.	Welch, James T. – 29.
Hinds, Adam G.	

**ANSWERED “PRESENT”.**

deMacedo, Viriato M. (*present*) – 1.

**ABSENT OR NOT VOTING.**

Collins, Nick	DiDomenico, Sal N. – 2.
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The yeas and nays having been completed at twenty-four minutes before nine o'clock P.M., the amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting after section \_ the following section:-

14.

"SECTION . Section 6 of chapter 62 as appearing in the 2018 official edition is hereby amended by inserting after clause (v) the following new clause (w):- (w) A taxpayer shall be allowed a credit equal to \$500 on qualified purchases of (i) tobacco use cessation counseling and (ii) all United State Food and Drug Administration approved tobacco cessation products."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-one minutes before nine o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 7 – nays 32) [Yeas and Nays No. 140]:

**YEAS.**

Brady, Michael D.	O'Connor, Patrick M.
deMacedo, Viriato M.	Tarr, Bruce E.
Fattman, Ryan C.	Tran, Dean A. – 7.
Humason, Donald F., Jr.	

**NAYS.**

Barrett, Michael J.	Gobi, Anne M.
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Boncore, Joseph A.  
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.

Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Moore, Michael O.  
Pacheco, Marc R.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Timilty, Walter F.  
Welch, James T. – 32.

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

Mr. Tarr moved that the proposed new text be amended by inserting after section \_ the following:-

17.

"SECTION \_ Chapter 94C of the General Laws is hereby amended by inserting after section 19D the following section:-

Section 19E. (a) As used in this section, 'Over-the-counter tobacco cessation product' shall mean any product approved by the U.S. Food and Drug Administration for use as a tobacco cessation product that may be sold without a prescription.

(b) The department shall ensure that a statewide standing order is issued to authorize the dispensing of over-the-counter tobacco cessation products in the commonwealth by a licensed pharmacist. The statewide standing order shall include, but not be limited to, written, standardized procedures or protocols for the dispensing of an over-the-counter tobacco cessation product by a licensed pharmacist. Notwithstanding any general or special law to the contrary, the commissioner, or a physician who is designated by the commissioner and is registered to distribute or dispense a controlled substance in the course of professional practice under section 7, may issue a statewide standing order that may be used for a licensed pharmacist to dispense an over-the-counter tobacco cessation product under this section.

(c) Notwithstanding any general or special law to the contrary, a licensed pharmacist may dispense an over-the-counter tobacco cessation product in accordance with the statewide standing order issued under subsection (b). Except for an act of gross negligence or willful misconduct, a pharmacist who, acting in good faith, dispenses an over-the-counter tobacco cessation product shall not be subject to any criminal or civil liability or any professional disciplinary action by the board of registration in pharmacy related to the use or administration of an over-the-counter tobacco cessation product.

(d) A pharmacist who dispenses an over-the-counter tobacco cessation product shall annually report to the department the number of over-the-counter tobacco cessation products dispensed. Reports shall not identify an individual patient, shall be confidential and shall not constitute a public record as defined in clause Twenty-sixth of section 7 of chapter 4. The department shall publish an annual report that includes aggregate information about the dispensing of over-the-counter tobacco cessation products in the commonwealth."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at sixteen minutes before nine o'clock P.M., on motion of Mr. Tarr, as

follows, to wit (yeas 8 – nays 31) [Yeas and Nays No. 141]:

**YEAS.**

Brady, Michael D.  
deMacedo, Viriato M.  
Fattman, Ryan C.  
Humason, Donald F., Jr.

Moore, Michael O.  
O'Connor, Patrick M.  
Tarr, Bruce E.  
Tran, Dean A. – 8.

**NAYS.**

Barrett, Michael J.  
Boncore, Joseph A.  
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.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Pacheco, Marc R.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Timilty, Walter F.  
Welch, James T. – 31.

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

Mr. Tarr moved that the proposed new text be amended by inserting in line 353, after the word "or" the following:- "the sale or"; and in line 354, by inserting after the word "bar" the following:- "and adult-only retail stores".

20.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at ten minutes before nine o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 9 – nays 30) [Yeas and Nays No. 142]:

**YEAS.**

Brady, Michael D.  
deMacedo, Viriato M.  
Fattman, Ryan C.  
Gobi, Anne M.  
Humason, Donald F., Jr.

Moore, Michael O.  
O'Connor, Patrick M.  
Tarr, Bruce E.  
Tran, Dean A. – 9.

**NAYS.**

Barrett, Michael J.  
Boncore, Joseph A.  
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.

Friedman, Cindy F.  
Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Pacheco, Marc R.  
Rausch, Rebecca L.

DiZoglio, Diana  
Eldridge, James B.  
Feeney, Paul R.  
Finegold, Barry R.

Rodrigues, Michael J.  
Rush, Michael F.  
Timilty, Walter F.  
Welch, James T. – 30.

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

Mr. Tarr moved that the proposed new text be amended by striking in line 388-389 the following:- “with nicotine content greater than 20 milligrams per milliliter”. 32.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting the following new sections:- 36.

“SECTION \_. Section 13 of chapter 94G of the General Laws as appearing in the 2018 Official Edition is hereby amended by adding the following new clause:-

(j) A person under 21 years of age, except a qualifying patient holding a valid registration card for the medical use of marijuana, who is in possession of marijuana, marijuana products or marijuana accessories, shall be punished by a civil penalty of not more than \$100 and shall complete a drug awareness program established pursuant to section 32M of chapter 94C of the General Laws.

SECTION \_. Chapter 270 of the General Laws as appearing in the 2018 Official Edition is hereby amended by inserting after section 6A the following new section:-

Section 6B. A person under 21 years of age who is in possession of any tobacco products shall be punished by a civil penalty of not more than \$100.”

After remarks, the amendment was *rejected*.

There being no objection, during consideration of the Orders of the Day, the following item was considered, to wit:

PAPER FROM THE HOUSE.

*Engrossed Bill—Land Taking for Conservation Etc.*

An engrossed Bill providing for the exchange of certain park land in the town of Rockland (see Senate, No. 2374, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at three minutes before nine o'clock P.M., as follows, to wit (yeas 39 - nays 0) [Yeas and Nays No. 143]:

Rockland,-- land exchange.

YEAS.

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

Hinds, Adam G.  
Humason, Donald F., Jr.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Moore, Michael O.  
O'Connor, Patrick M.

**UNCORRECTED PROOF.**

deMacedo, Viriato M.  
DiDomenico, Sal N.  
DiZoglio, Diana  
Eldridge, James B.  
Fattman, Ryan C.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.  
Gobi, Anne 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. – 39.

**NAYS – 0.**

**The yeas and nays having been completed at nine o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.**

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The House Bill modernizing tobacco control (House, No. 4196),-- was further considered:

Tobacco control.

Mr. Tarr, Ms. Gobi and Messrs. O'Connor and Tran moved that the proposed new text be amended in section 15, in proposed subsection (I) of section 7E of chapter 64C, by adding the following paragraph:-

22.

"(6) Not more than 30 per cent of the amounts collected pursuant to civil penalties imposed pursuant to this section shall be appropriated to the department of public health's tobacco and cessation and prevention program."

After remarks, the amendment was adopted.

Mr. Rodrigues moved that the proposed new text be amended by striking out, in lines 396 to 399, inclusive, the words "And by inserting before the enacting clause the following emergency preamble:-

42.

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to modernize tobacco control, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health."; 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 modernize tobacco control, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health."

The amendment was adopted.

The Keenan amendment, as amended, was then adopted.

The bill, as amended, was then 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 the nays, at thirteen minutes past nine o'clock P.M., on motion of Mr. Keenan, as follows to wit (yeas 32 to nays 6) **[Yeas and Nays 144]**

**YEAS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Collins, Nick  
Comerford, Joanne M.

Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.

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.

Montigny, Mark C.  
Moore, Michael O.  
Pacheco, Marc R.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Tarr, Bruce E.  
Timilty, Walter F.  
Welch, James T. – 32.

**NAYS.**

Brady, Michael D.  
Fattman, Ryan C.  
Gobi, Anne M.

Humason, Donald F., Jr.  
O'Connor, Patrick M.  
Tran, Dean A. – 6.

**ANSWERED “PRESENT”.**

deMacedo, Viriato M. (*present*) – 1.

**The yeas and nays having been completed at sixteen minutes past nine o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment. [For text of Senate amendment, printed as amended, see Senate, No. 2420].**

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

PAPERS FROM THE HOUSE.

*Engrossed Bills.*

An engrossed Bill relative to children’s health and wellness (see House, No. 4210) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage. The question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-four minutes past nine o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 40 - nays 0) [**Yeas and Nays No. 145**]:

Children’s health and wellness.

**YEAS.**

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  
deMacedo, Viriato M.  
DiDomenico, Sal N.  
DiZoglio, Diana  
Eldridge, James B.  
Fattman, Ryan C.  
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.  
Lewis, Jason M.  
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.  
Spilka, Karen E.  
Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A.  
Welch, James T. – 40.



NAYS – 0.

The yeas and nays having been completed at twenty-seven minutes past nine o'clock P.M., the bill was passed to be enacted and signed by the President and laid before the Governor for his approbation.

An engrossed Bill relative to campaign finance (see House, No. 4087, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage. The question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-nine minutes past nine o'clock P.M., on motion of Ms. DiZoglio, as follows, to wit (yeas 39 - nays 0) [Yeas and Nays No. 146]:

Campaign finance.

YEAS.

- |                          |                         |
|--------------------------|-------------------------|
| Barrett, Michael J.      | Hinds, Adam G.          |
| Boncore, Joseph A.       | Humason, Donald F., Jr. |
| Brady, Michael D.        | Jehlen, Patricia D.     |
| Brownsberger, William N. | Keenan, John F.         |
| Chandler, Harriette L.   | Kennedy, Edward J.      |
| Chang-Diaz, Sonia        | Lesser, Eric P.         |
| Collins, Nick            | Lewis, Jason M.         |
| 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. – 39.   |
| Gobi, Anne M.            |                         |

NAYS – 0.

The yeas and nays having been completed at twenty-eight minutes before ten o'clock P.M., the bill was passed to be enacted and signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The Senate Bill relative to plastic bag reduction (Senate, No. 2410),-- was read a second time.

After remarks, and pending the main question on ordering the bill to a third reading, Mr. Rush moved to amend the bill in section 1, by striking out, in line 49, the words "Subsection (a) shall not apply to a single-use plastic bag" and inserting in place thereof the following words:- "Subsections (a) and (c) shall not apply to any type of bag"; and in said section 1, by inserting after the word "items", in line 51, the following words:- "including unwrapped items,".

4.

The amendment was adopted.

Ms. Gobi moved to amend the bill by striking the text in its entirety and inserting in place thereof the following:-

6.

“SECTION 1. The General Laws are hereby amended by inserting after chapter 210, the following chapter:

CHAPTER 21P. PLASTIC BAG REDUCTION

Section 1. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

‘Department’, the department of environmental protection.

‘Person’, an individual, partnership, trust, association, corporation, society, club, institution, organization or other entity.

‘Postconsumer recycled material’, material used in a recycled paper bag that would otherwise be destined for solid waste disposal having completed its intended end use and product life cycle, and does not comprise any material or byproduct generated from, and commonly reused within, an original manufacturing and fabrication process.

‘Recycled paper bag’, a paper bag that (i) is 100 per cent recyclable, (ii) contains a minimum of 40 per cent postconsumer recycled materials, provided, however, that an 8 pound or smaller paper bag shall contain a minimum of 20 per cent postconsumer recycled material, and (iii) displays on the outside of the bag, the words ‘100% Recyclable’ and ‘40 % postconsumer recycled content’, or such other per cent of postconsumer recycled material content as required under clause (ii), or other standard established by department regulation.

‘Retail establishment’, any store or premises, in which a person is engaged in the retail business of selling or providing merchandise, goods, groceries, prepared take-out food and beverages for consumption off-premises, or the servicing of an item, directly to customers at such store or premises, including but not limited to, grocery stores, department stores, pharmacies, convenience stores, restaurants, coffee shops, and seasonal and temporary businesses, such as farmers markets and public markets, provided the use of a food truck or other motor vehicle, mobile canteen, trailer, market pushcart, moveable roadside stand, used by a person from which to engage in such business directly with customers, shall be considered a ‘retail establishment’ for the purpose of this definition.

A non-profit organization, charity or religious institution that has a retail establishment and holds itself out to the public as engaging in retail activities that are characteristic of similar type retail businesses, whether or not for profit, shall when engaging in such activity, be considered a ‘retail establishment’.

‘Reusable carryout bag’, a bag with handles made of washable, cloth, hemp, or other fibers, fabrics or materials, or combination thereof, that is designed and manufactured specifically for multiple uses, which meets the standards established by department regulation.

‘Serviced’, or ‘Servicing’, A service performed to clean, repair, improve, refinish or alter an item of a customer by a person engaged in a retail business of customarily providing such services, including but not limited to, dry cleaning and tailoring articles of clothing, jewelry repair, and shoe and leather repair.

‘Single-use plastic carryout bag’, a plastic film-type bag with or without handles, which is 4 mils thick or less, provided by a retail establishment to customers at its business location to carry items purchased or serviced, and is not a recycled paper bag or reusable carryout bag.

Section 2. (a) Except as provided in this chapter, a retail establishment shall not provide a customer with a single-use plastic carryout bag or provide any other carryout bag that is not a recycled paper bag, or reusable carryout bag for the customer to carry away an item purchased or serviced, from the retail establishment.

(b) A retail establishment when delivering prepared food, or other food item, directly to a customer at a place other than the location of such establishment, shall be subject to the prohibition in subsection (a).

(c) The prohibition in subsection (a), shall not apply to any type of bag, used by a retail establishment, or provided to its customer for: (1) prescription medications, (2) produce, meats, poultry, fish, bread, and other food items to keep such items fresh or unsoiled, (3) preventing frozen food items, including ice cream, from thawing, (4) containing products or items that are saturated, wet, prone to leak, or need to be immersed in a liquid. (5) containing products or items that are granular, powdery, dirty or greasy, (6) protecting an item from damage or contamination, or to protect a second item when both are carried together from the retail establishment, (7) protecting articles of clothing on a hanger, (8) items that contain any herbicide, pesticide, solvent, corrosive, automotive type fluid or other chemical, that can be harmful to public health, whether or not, the item is prepackaged in a sealed container or bag, (9) protecting small items from loss, and (10) any item that requires the use of a certain type bag, under federal and state laws and regulations.

(d) A retail establishment may charge a fee for a recycled paper bag, reusable carryout bag, or other type of carryout bag approved by department regulation under section 4. The retail business establishment shall retain any collected fees.

(e) Notwithstanding the prohibition in subsection (a), a customer shall not be prohibited under said subsection, from bringing a clean personal bag, made or comprised of any material, to the retail establishment to carry out items purchased or serviced from such establishment.

(f) Notwithstanding the prohibition in subsection (a), a retail establishment shall not be prohibited under said subsection, from selling, or offering for sale, to customers:

(1) Any package containing several bags, including but not limited to, food bags, sandwich bags, yard waste bags, garbage bags, or municipal pay-as-you-throw program trash bags;

(2) Any product, merchandise, or good with a protective bag, or a bag to hold related accessories, parts, and instruction manuals, or a bag used as product packaging, that the retail establishment received with such item or product, from the manufacturer, distributor or vendor; or

(3) Any bag that is not a retail type carryout bag, which is sold, or offered for sale, as a product or merchandise, including but not limited to, sports bags, handbags, equipment bags, tent bags, or other bags specifically designed to protect or contain a particular item.

(g) Notwithstanding any provision of this chapter, a nonprofit organization, charity, or religious institution, shall be exempt from the provisions of subsection (a), when providing or distributing, prepared foods, groceries, or articles of clothing directly to those in need, including the elderly.

Section 3. (a) The department shall enforce this chapter, and a city or town, through its enforcing authority as determined under subparagraph (d), shall enforce this chapter in such city or town.

(b) A retail establishment that violates the provisions of this chapter shall be subject a warning for the first violation; a \$50 civil penalty for a second violation; and a \$100 civil penalty for a third, or subsequent violation. Each day a retail establishment is in violation of this chapter shall be considered a separate violation.

Each city or town, and the department, shall dispose of a civil violation under this subsection by the non-criminal method of disposition procedures contained in section 21D of chapter 40, without an enabling ordinance or by law, or by the equivalent of these procedures by the department under its regulations.

(c) Notwithstanding the provisions of subsection (b), a city or town may establish

increased civil penalties for violations occurring within the municipality. In a city or town having an ordinance or by-law that imposes a civil fine that is greater than the civil fine imposed for a violation under subsection (b), the ordinance or by-law shall prevail over the prescribed penalty under said subsection.

(d) A city or town shall determine the municipal board, department, or official responsible for the local enforcement of this chapter and for the collection of monies resulting from civil penalties assessed for violations of this chapter. A city or town shall retain any civil penalties it collects for such violations.

(e) The department shall enforce the provisions of this chapter and may assess additional civil administrative penalties when a retail establishment repeatedly violates the provision of this chapter or related department regulation.

Section 4. The department shall adopt regulations, and may amend such regulations, to implement, enforce, and administer this chapter, consistent with the provisions of this chapter.

The department shall establish standards for reusable carryout bags, including but not limited to, the minimum amount of weight and number of uses required of a reusable carryout bag, and the minimum amount of any recycled material required in certain types of reusable carryout bags.

To further advance the use of non-plastic type carryout bags and reduce waste, as necessary the department by regulation may, (i) increase or adjust the postconsumer recycled material percentage in a recycled paper bag, and (ii) allow a retail establishment to use other non-plastic type carryout bags, that are recyclable or compostable, including carryout bags composed of a plant material, in addition to allowed recycled paper bags and reusable carryout bags under subsection (a), provided the department by regulation, establishes standards for the allowed use of such bag.

When adopting or amending any standard for an allowed carryout bag under this chapter, the department shall consult with the department of public health relating to issues of food safety regarding the materials used in such bag.

Section 5. The provisions of this chapter when effective, shall preempt any limitation by any political subdivision of the commonwealth regarding the use, sale, or distribution of carryout bags, or other bags, by a retail establishment or other entity, to the extent such subject is regulated or covered by this chapter. Any existing municipal ordinance, by-law, or regulation, including a regulation of a board of health, that is inconsistent with the provisions of this chapter when effective, shall be null and void.

SECTION 2. Section 1 shall take effect 1 year after passage of this act.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes before ten o'clock P.M., on motion of Ms. Gobi, as follows, to wit (yeas 13 – nays 26) [Yeas and Nays No. 147]:

**YEAS.**

- |                         |                            |
|-------------------------|----------------------------|
| Brady, Michael D.       | Lesser, Eric P.            |
| deMacedo, Viriato M.    | O'Connor, Patrick M.       |
| DiZoglio, Diana         | Pacheco, Marc R.           |
| Fattman, Ryan C.        | Tarr, Bruce E.             |
| Finegold, Barry R.      | Timilty, Walter F.         |
| Gobi, Anne M.           | Tran, Dean A. – <b>13.</b> |
| Humason, Donald F., Jr. |                            |

**NAYS.**

- |                          |                     |
|--------------------------|---------------------|
| Barrett, Michael J.      | Friedman, Cindy F.  |
| Boncore, Joseph A.       | Hinds, Adam G.      |
| Brownsberger, William N. | Jehlen, Patricia D. |

Chandler, Harriette L.  
Chang-Diaz, Sonia  
Collins, Nick  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cyr, Julian  
DiDomenico, Sal N.  
Eldridge, James B.  
Feeney, Paul R.

Keenan, John F.  
Kennedy, Edward J.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Moore, Michael O.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Welch, James T. – 26.

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

Ms. Gobi moved to amend the bill by striking out section 3 and section 5 in their entirety. 7.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at four minutes before ten o'clock P.M., on motion of Ms. Gobi, as follows, to wit (yeas 12 – nays 27) [**Yeas and Nays No. 148**]:

**YEAS.**

Brady, Michael D.  
deMacedo, Viriato M.  
DiZoglio, Diana  
Fattman, Ryan C.  
Gobi, Anne M.  
Humason, Donald F., Jr.

Moore, Michael O.  
O'Connor, Patrick M.  
Pacheco, Marc R.  
Tarr, Bruce E.  
Tran, Dean A.  
Welch, James T. – 12.

**NAYS.**

Barrett, Michael J.  
Boncore, Joseph A.  
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.  
Eldridge, James B.  
Feeney, Paul R.  
Finegold, Barry R.

Friedman, Cindy F.  
Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Timilty, Walter F. – 27.

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

Ms. DiZoglio moved to amend the bill by inserting the following new section:-

“SECTION 6. The department of environmental protection shall assess the impact of eliminating single-use plastic bags and making available recycled paper bags or reusable bags for purchase on the environment and on persons with limited or fixed financial means, including, but not limited to, low-income persons and the elderly, by collecting, analyzing and evaluating data by appropriate means as determined by the department as of the date of the passage of this act and annually thereafter regarding: (i) utilization rates of single-use plastic bags, recycled paper bags and reusable bags; (ii) recycling rates of single-use

8.

plastic bags; (iii) average annual out-of-pocket costs per household to purchase recycled paper bags and reusable bags; (iv) change in sales by retail establishments of packages containing several bags, including, but not limited to, food bags, sandwich bags, yard waste bags, garbage bags or municipal pay-as-you-throw program trash bags; (v) change in volume of single-use plastic bags disposed of as solid waste; and (vi) any other data which the department deems relevant to determining such impact. Annually, not later than April 15, the department shall report on the foregoing, which reports shall be filed with the clerks of the house of representatives and senate, the joint committee on environment, natural resources and agriculture, the joint committee on revenue and the house and senate committees on ways and means.”

After remarks, the amendment was *rejected*.

Ms. Creem moved to amend the bill in section 1, by inserting after the word "reduction", in line 84, the following words:- “, composting programs”; 9.

In said section 1, by striking out, in line 129, the word “and”;

In said section 1, by inserting after the word “compostable”, in line 130, the following words:- “; and (iii) promulgate standards regulating bags authorized under subsection (b) of section 2”; and

By inserting after section 3 the following section:-

“SECTION 3A. Notwithstanding section 5 of chapter 21P, a city or town with a by-law or ordinance regulating bags authorized under subsection (b) of section 2 of chapter 21P of the General Laws may enforce the by-law or ordinance; provided, however, the by-law or ordinance shall have been approved not later than January 1, 2020.”.

After remarks, the amendment was adopted.

Ms. Gobi moved to amend the bill in section 1 by striking lines 63 to 65 inclusive and inserting in place thereof the following:- “(c) A retail establishment may charge a fee for a recycled paper bag or reusable bag.” 10.

The amendment was *rejected*.

Messrs. Tarr, Montigny, Tran and Fattman moved to amend the bill by striking in line 150, the number "2022" and inserting in place thereof the following:-"2024". 2.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at seventeen minutes past ten o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 149**]:

**YEAS.**

Barrett, Michael J.	Hinds, Adam G.
Boncore, Joseph A.	Humason, Donald F., Jr.
Brady, Michael D.	Jehlen, Patricia D.
Brownsberger, William N.	Keenan, John F.
Chandler, Harriette L.	Kennedy, Edward J.
Chang-Diaz, Sonia	Lesser, Eric P.
Collins, Nick	Lewis, Jason M.
Comerford, Joanne M.	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, 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.  
Friedman, Cindy F.  
Gobi, Anne M.

Tran, Dean A.  
Welch, James T. – 39.

**NAYS – 0.**

The yeas and nays having been completed at nineteen minutes past ten o'clock P.M., the amendment was adopted.

Mr. Tarr moved to amend the bill in section 1 by inserting after the figure “(c)”, in line 109, the following words:- "and to the extent permitted under federal and state law"; and by inserting after section 3 the following section:-

5.

“SECTION 3A. Notwithstanding any general or special law to the contrary, the department of transitional assistance shall, if necessary to implement subsection (h) of section 2 of chapter 21P of the General Laws, use reasonable efforts to seek a waiver from the federal Food and Nutrition Service to implement said subsection (h) of said section 2 of said chapter 21P.”

After remarks, the amendment was adopted.

Mr. Tarr moved to amend the bill by inserting after section \_ the following section:-

1.

“SECTION \_ . Notwithstanding any general or special law to the contrary the department of environmental protection shall inform the clerks of the house and senate in the case of a regional or national market shortage or a forecasted regional or national market shortage in the paper bag supply chain.”

After remarks, the amendment was adopted.

Mr. Rodrigues moved to amend the bill in section 1, by inserting after the word “plastic”, in line 35, the following word:- “film”;

11.

In said section 1, by striking out, in line 42, the words “plastic film-type bag” and inserting in place thereof the following words:- “bag made of plastic film”;

In said section 1, by inserting after the figure “\$0.10”, in line 65, the following words:- “; and provided further, that such a recycled paper bag or reusable bag provided to a customer to carry away an item purchased from or serviced by a retail establishment shall not be subject to tax under chapter 64H or chapter 64I”; and

In said section 1, by inserting after the word “commonwealth”, in line 78, the following words:- “and such amounts shall be administered in accordance with chapter 62C”.

The amendment was adopted.

The bill (Senate, No. 2410, amended) was then 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 the nays, at twenty-six minutes past ten o'clock P.M., on motion of Mr. Eldridge, as follows to wit (yeas 36 – nays 4) **[Yeas and Nays 150]**

**YEAS.**

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.

Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Moore, Michael O.  
O'Connor, Patrick M.

Cyr, Julian  
deMacedo, Viriato M.  
DiDomenico, Sal N.  
DiZoglio, Diana  
Eldridge, James B.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.

Pacheco, Marc R.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Spilka, Karen E.  
Tarr, Bruce E.  
Timilty, Walter F.  
Welch, James T. – 36.

**NAYS.**

Fattman, Ryan C.  
Gobi, Anne M.

Humason, Donald F., Jr.  
Tran, Dean A. – 4.

**The yeas and nays having been completed at twenty-eight minutes past ten o'clock P.M., the bill was passed to be engrossed [For text of Senate Bill, printed as amended, see Senate, No. 2422].**

**Sent to the House for concurrence.**

*Recess.*

There being no objection, at twenty-eight minutes past ten o'clock, P.M., the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and at six minutes before eleven o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

**PAPERS FROM THE HOUSE**

The Senate Bill relative to the Hampshire Council of Governments (Senate, No. 2417),-- came from the House passed to be engrossed, in concurrence, *with amendments* in line 2 by inserting after the word "Laws" the words "and the lease executed pursuant thereto,"; in line 6 by inserting after the word "was" the words: "for court house purposes"; and in line 18 by inserting after the word "may" the following: ", subject to the conservation restriction recorded in the Hampshire registry of deeds in book 12577, page 83, the preservation agreement recorded in the Hampshire registry of deeds in book 13255, page 163 and the deed restriction described in the last sentence of subsection (a)".

Hampshire Council of Governments.

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

The same Senator presented a motion that the Senate concur in the House amendment ,", in line 6 by inserting after the word "was" the word: "for court house purposes"; and in line 18 by inserting after the word "may" the following: ", subject to the conservation restriction recorded in the Hampshire registry of deeds in book 12577, page 83, the preservation agreement recorded in the Hampshire registry of deeds in book 13255, page 163 and the deed restriction described in the last sentence of subsection (a)"; and NON-concur in the House amendment in line 2 by inserting after the word "Laws" the words "and the lease executed pursuant thereto,".

**The motion was accepted.**

**Sent to the House for its action.**

A Bill authorizing the city of Lowell to transfer and have air rights over certain parcels of park and state land (House, No. 4225,-- on House, No. 4213),-- was read .

Lowell,-- land transfer.

**There being no objection, the rules were suspended, on motion of Mr. Kennedy, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

A Bill authorizing the release of certain land in the town of Cummington from the

Cummington,-- land



operation of an agricultural preservation restriction (House, No. 4224,-- on House, No. 3651),-- was read.

restriction.

**There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

*Emergency Preambles Adopted.*

An engrossed Bill relative to the Hampshire Council of Governments (see Senate, No. 2417, 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 16 to 0.

Hampshire Council of Governments.

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

An engrossed Bill authorizing the release of certain land in the town of Cummington from the operation of an agricultural preservation restriction (see House, No. 4224), 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 12 to 0.

Cummington,-- land release.

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

*Suspension of Senate Rule 38A1/2*

Mr. Tarr moved that Senate Rule 38A1/2 be suspended to allow the Senate to meet beyond the hour of 12:00 midnight until a half past twelve o'clock midnight; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Suspension of Senate Rule 38A1/2.

PAPER FROM THE HOUSE.

*Engrossed Bill—Land Taking for Conservation Etc.*

An engrossed Bill authorizing the city of Lowell to transfer and have air rights over certain parcels of park and state land (see House, No. 4225) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at two minutes before twelve o'clock midnight, as follows, to wit (yeas 39 - nays 0) [**Yeas and Nays No. 151**]:

Lowell,-- air rights.

**YEAS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brady, Michael D.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia

Hinds, Adam G.  
Humason, Donald F., Jr.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.

**UNCORRECTED PROOF.**

Collins, Nick  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cyr, Julian  
deMacedo, Viriato M.  
DiDomenico, Sal N.  
DiZoglio, Diana  
Eldridge, James B.  
Fattman, Ryan C.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.  
Gobi, Anne M.

Lewis, Jason M.  
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. – 39.

**NAYS – 0.**

**The yeas and nays having been completed at one minute past twelve o'clock midnight, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.**

*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 Worcester Firefighter Jason Menard and former State Senator Susan Fargo.

Moment of silence.

**PAPERS FROM THE HOUSE.**

*Engrossed Bills—Land Takings for Conservation Etc.*

The President in the Chair, an engrossed Bill authorizing the release of certain land in the town of Cummington from the operation of an agricultural preservation restriction (see House, No. 4224) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at thirteen minutes past twelve o'clock midnight, as follows, to wit (yeas 39 - nays 0) [**Yeas and Nays No. 152**]:

Cummington,-- land release.

**YEAS.**

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

Hinds, Adam G.  
Humason, Donald F., Jr.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Moore, Michael O.  
O'Connor, Patrick M.

**UNCORRECTED PROOF.**

deMacedo, Viriato M.  
DiDomenico, Sal N.  
DiZoglio, Diana  
Eldridge, James B.  
Fattman, Ryan C.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.  
Gobi, Anne 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. – 39.

**NAYS – 0.**

**The yeas and nays having been completed at sixteen minutes past twelve o'clock midnight, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.**

An engrossed Bill relative to the Hampshire Council of Governments (see Senate, No. 2417, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at seventeen minutes past twelve o'clock midnight, as follows, to wit (yeas 39 - nays 0) [**Yeas and Nays No. 153**]:

Hampshire Council  
of Governments.

**YEAS.**

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  
deMacedo, Viriato M.  
DiDomenico, Sal N.  
DiZoglio, Diana  
Eldridge, James B.  
Fattman, Ryan C.  
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.  
Lewis, Jason M.  
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. – 39.

**NAYS – 0.**

**The yeas and nays having been completed at eighteen minutes past twelve o'clock midnight, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.**

The House Bill modernizing tobacco control (House, No. 4196, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2420, and by inserting the inserting before the enacting clause the following emergency preamble:-

Tobacco control.

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to modernize tobacco control, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health”) *with a further amendment* striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place hereof the text of House, No. 4226.

**The rules were suspended, on motion of Mr. Keenan, and, after remarks, the further House amendment was adopted, in concurrence.**

*Suspension of Senate Rule 38A1/2*

Mr. Tarr moved that Senate Rule 38A1/2 be suspended to allow the Senate to meet beyond the hour of 12:00 midnight until a quarter before one o'clock A.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Suspension of Senate Rule 38A1/2.

PAPER FROM THE HOUSE.

*Emergency Preamble Adopted.*

An engrossed Bill modernizing tobacco control (see House, No. 4196, 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 14 to 0.

Tobacco control.

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

*Suspension of Senate Rule 38A1/2*

Mr. Tarr moved that Senate Rule 38A1/2 be suspended to allow the Senate to meet beyond the hour of 12:00 midnight until ten minutes before one o'clock A.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Suspension of Senate Rule 38A1/2.

PAPER FROM THE HOUSE.

*Engrossed Bill.*

An engrossed Bill modernizing tobacco control (see House, No. 4196, 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 enacted and signed by the President 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 adjourns to meet again later today at eleven o'clock A.M.

Time of meeting.

*Statement of Senator Michael J. Barrett.*

Mr. Barrett of Middlesex submitted the following statement:

Susan C. Fargo

Former Senator Susan C. Fargo died last Friday (November 15, 2019). She was my predecessor as State Senator for the Third Middlesex District here in Massachusetts and a colleague of many people in this room for eight consecutive terms.

Susan was a Midwesterner, born and bred; birth place Peoria, Illinois, grew up in the Midwest; very bright student, very ambitious, graduated from Northwestern University, Summa Cum Laude; came East, attended the Harvard Graduate School of Education and got her master's degree; met her husband-to-be, soon himself to be a graduate of the Harvard Business School. They married, settled in Newton; Susan taught in the Newton Public Schools. They then began a family and moved to Lincoln, Massachusetts. Susan became editor of the Lincoln Journal, the weekly for the town; she was elected to three terms on the Board of Selectmen and then ran and was elected the first Democrat from her district to serve in the State Senate, whereas I mentioned she served successfully for sixteen years.

Susan was a very early defender of a woman's right to choose. Her activism took the form of advocacy for a bill that passed to create a buffer zone to protect those wishing to exercise their right to choice. That statute, passed here in Massachusetts as a pioneering act, was challenged and went all the way to the U.S. Supreme Court. Issues of the right of privacy countered by issues of First Amendment rights on the parts of protesters brought that case to the Supreme Court and resulted in new law for this country. Susan was also very active, and this is evocative of action we've taken tonight, very active as Chair of the Joint Committee on Public Health in seeking early smoking bans. In those days, the issue had to do with banning smoking in restaurants and bars. Susan advocated for that for years patiently, eloquently, firmly with an enormous grasp of the research involved and saw that ban passed into law as well.

She was universally loved by her staff. Don Siriani, now Communications Director to Senator Tarr was her Chief of Staff; she was greatly admired by her constituents and she accomplished a great deal. She lost her husband nine months ago, her own health deteriorated rather quickly after that and her daughter feels that there was some connection there and so we lost her last week.

**Under the provisions of Senate Rule 6, the above statement was printed in the Journal of the Senate.**

*Adjournment in Memory of  
Worcester Fire Lieutenant Jason J. Menard*

The Senators from Worcester, Mr. Moore and Ms. Chandler, moved that when the Senate adjourns today, it adjourn in memory of Worcester Fire Lieutenant Jason M. Menard.

Today, we adjourn in memory of Fire Lieutenant Jason J. Menard of the Worcester Fire Department – where he served for more than nine years.

On Wednesday, November 13th, Lieutenant Menard responded to a four-alarm fire in Worcester. After helping his Ladder crew escape to safety, he became trapped and fell victim to injuries sustained during the fire.

He will be remembered as a hero and a courageous first responder who put the lives of his fellow firefighters before his own, and who made the ultimate sacrifice to ensure the

safety of his colleagues and the community at-large.

Our hearts go out to his wife, Tina, and their three children—Joshua, Hailee and Morgan.

Each day, firefighters wake up, put on their uniform and are faced with the uncertainty of not knowing what each day will bring.

Both on and off duty, they answer the call.

The outpouring of support for the Menard family and the Worcester Fire Department makes it clear how important our Firefighting community is to residents in Worcester and across our Commonwealth.

The Massachusetts Senate stands side-by-side with members of the Worcester Fire Department and the local community to honor Lieutenant Menard and our departed brothers and sisters, and to thank those who still serve today or who have retired from service.

We will never forget their commitment to public safety, or the families they leave behind.

Thank you.

Accordingly, as a mark of respect to the memory of Jason J. Menard and Susan C. Fargo, at eleven minutes before one o'clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again today at eleven o'clock A.M