

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



WEDNESDAY, APRIL 4, 2018.

[33]

JOURNAL OF THE SENATE.

Wednesday, April 4, 2018.

Met according to adjournment at eleven o'clock A.M.

The President, members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Communication.

Communication from the Office of the Comptroller (pursuant to Section 35T of Chapter 10 of the General Laws) submitting its April 2018 certification of MBTA dedicated sales tax revenues for Fiscal Year ending June 30, 2018 (received March 30, 2018),-- was placed on file.

Comptroller,-- MBTA sales tax revenue. SD2608

Reports.

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

Report of the Massachusetts Bay Transportation Authority (pursuant to subsection 11 of Section 151 of Chapter 127 of the acts of 1999) submitting its net operating investment per passenger mile ratio for fiscal years 2016 through 2020 (received April 2, 2018);

MBTA,-- passenger mile ratio report. SD2607

Report of the Office of the State Auditor (pursuant to Section 17 of Chapter 11 of the General Laws) submitting the Bureau of Special Investigations Annual Report FY 2017 (received April 2, 2018); and

Auditor,-- BSI FY 2017 annual report. SD2609

Report of the Division of Administrative Law Appeals (pursuant to Section 4H of Chapter 7 of the General Laws) submitting its 2017 annual report (received April 2, 2018).

DALA,-- annual report. SD2610

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Lewis (by request), a petition (accompanied by bill) (subject to Joint Rule 12) of Eliahu Mazin for legislation on wounded warrior bill for Massachusetts veterans; and

Veterans,-- wounded warrior. SD2606

By Mr. Tarr (by request), a petition (accompanied by bill) (subject to Joint Rule 12) of Debra Puccio for legislation relative to the requirement to disclose mental health issues to the registrar;

Registrar,-- disclosure. SD2605

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

Reports of Committees.

By Ms. Gobi, for the committee on Election Laws, on Senate, Nos. 365, 366, 367, 368, 370, 371, 372, 374, 375, 376, 377, 378, 380, 381, 382, 383, 384, 385, 387, 388, 389, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 2052 and 2069, an Order relative to authorizing the joint committee on Election Laws to make an investigation and study of certain current Senate documents relative to election laws issues (Senate, No. 2399) [Representatives Boldyga of Southwick

Election Laws committee,-- study.

and Lombardo of Billerica dissenting];

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Lewis, for the committee on Public Health, on petition, a Bill supporting individuals with intellectual and developmental disabilities in medical settings (Senate, No. 1222);

Medical providers,--
training.

By the same Senator, for the same committee, on petition, a Bill improving medical care for people with intellectual and developmental disabilities (Senate, No. 1223);

Medical care,--
training.

By the same Senator, for the same committee, on petition, a Bill recognizing pharmacists as healthcare providers (Senate, No. 1240);

Pharmacists,--
healthcare providers.

By the same Senator, for the same committee, on Senate, Nos. 1190 and 1242, a Bill ensuring consumer choice and equal access to eye care (Senate, No. 1242);

Eye care,-- consumer
access.

By the same Senator, for the same committee, on petition, a Bill relative to baseline concussion testing for student athletes (Senate, No. 1256);

Concussion testing,--
student athletes.

By the same Senator, for the same committee, on Senate, Nos. 1210 and 1257, a Bill to contain health care costs and improve access to value based nurse practitioner care as recommended by the IOM and FTC (Senate, No. 1257);

Nurse practitioner
care.

By the same Senator, for the same committee, on petition, a Bill relative to the definition of podiatry (Senate, No. 1260);

Podiatry,-- definition.

By the same Senator, for the same committee, on petition, a Bill relative to liability protection for disaster volunteers (Senate, No. 1266);

Disaster volunteers,--
protection.

By the same Senator, for the same committee, on petition, a Bill requiring protection for the continuous skilled care of fragile children in the Commonwealth (Senate, No. 1273);

Fragile children,--
care.

By the same Senator, for the same committee, on petition, a Bill to update postural screening requirements in schools (Senate, No. 2118); and

Postural screening,--
schools.

By the same Senator, for the same committee, on petition, a Bill to improve patient access to cancer clinical trial programs (Senate, No. 2159);

Cancer,-- clinical
trial programs.

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

By Mr. Lewis, for the committee on Public Health, on petition, a Resolve establishing an advisory committee on the accessibility of fresh food retail in communities throughout the Commonwealth (Senate, No. 1276);

Fresh food,--
accessibility.

Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

By Mr. Lewis, for the committee on Public Health, on petition, a Bill relative to radon testing (Senate, No. 1243);

Radon testing.

By the same Senator, for the same committee, on petition, a Bill to reduce exposure to BPA (Senate, No. 1249); and

BPA exposure.

By the same Senator, for the same committee, on petition, a Bill relative to food labeling (Senate, No. 1258);

Food labeling,-- fish.

Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Lewis, for the committee on Public Health, on petition, a Bill to combat V.I.P. syndrome to protect health care integrity and quality (Senate, No.

V.I.P. Syndrome,--
health care.

1230); and

By the same Senator, for the same committee, on petition, a Bill to restore integrity in the marketing of pharmaceutical products and medical devices (Senate, No. 1233);

Pharmaceutical products,-- marketing.

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

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4365) of Denise Provost and others (with the approval of the mayor and city council) that the Somerville Retirement Board be authorized to divest from fossil fuel companies,-- **was referred, in concurrence, to the committee on Public Service.**

Somerville,-- retirement board.

There being no objection, at one minute past eleven o'clock A.M., the President declared a recess subject to the call of the Chair; and, at twenty-six minutes before one o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

Resolutions.

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

Resolutions (filed by Mr. O'Connor) "congratulating Denis Barnum of the town of Norwell on his elevation to the rank of Eagle Scout"; and

Denis Barnum.

Resolutions (filed by Mr. Timilty) "congratulating Jerry Lawrence on his retirement from the West Bridgewater Board of Selectmen."

Jerry Lawrence.

Communications.

The Clerk read the following communications:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

Senator Brownsberger-- absence from Chamber.

April 2, 2018

Mr. William F. Welch
Clerk of the Senate
State House
Boston, MA 02133

Dear Mr. Clerk:

On Thursday, March 29, 2018, I was absent from the chamber for official business. I traveled to Germany with a delegation from Massachusetts to learn about the country's approach to juvenile justice. On roll call vote No. 344, Amendment 7 "Sustainable Housing," to An Act financing the production and preservation of housing for low and moderate income residents, I would have voted in the affirmative. On roll call vote No. 345, to engross the bill, I would have voted in the affirmative.

Thank you for making this communication part of the record.

Sincerely,
WILLIAM N. BROWNSBERGER.
State Senator

On motion of Ms. Chang-Díaz, the above communication was ordered printed in the Journal of the Senate.

Ordered printed.

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

Senator Sonia Chang-Díaz-- absence from Chamber.

April 1, 2018

Mr. William F. Welch
Clerk of the Senate
Room 335, State House
Boston, MA 02133

Dear Mr. Clerk:

On Thursday, March 29, 2018, I was absent from the Chamber due to a previously scheduled Judiciary Committee trip. I was unable to be present for Roll Call #344, on adoption of Amendment 7 to Senate bill 2368, and Roll Call #345, on passing Senate bill 2368 to be engrossed. Had I been present, I would have voted as follows:

Roll Call #344: Affirmative
Roll Call #345: Affirmative

I respectfully request that this letter be printed in the Senate Journal as part of the official record. Thank you for your assistance in this matter.

Saludos,
SONIA CHANG-DIAZ
Second Suffolk District

On motion of Mr. Tran, the above communication was ordered printed in the Journal of the Senate.

Ordered printed.

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

Senator Cyr-- absence from Chamber.

April 4, 2018

The Honorable Harriette L. Chandler
Senate President
State House, Room 332
Boston, MA 02133

Dear President Chandler,

I was heartened to see that the Senate passed the Housing Bond Bill last Thursday, a significant priority for our Commonwealth and for my district.

I was sorry to miss the session, and thank you for your understanding of my absence from the chamber.

It is my understanding that the Senate held two roll call votes in my absence:

Roll Call #344 on amendment #7 from Senator Tarr
Roll Call #345 on engrossment of H. 4143

On both roll calls I would have voted in the affirmative.

Respectfully,
JULIAN CYR

On motion of Mr. Lewis, the above communication was ordered printed in the Journal of the Senate.

Ordered printed.

Reports of Committees.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Cynthia Stone Creem and Lori A. Ehrlich for legislation to require public pension fund divestment from ammunition and firearms.

Pension fund,--
divestment.
SD2578

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

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Marc R. Pacheco and Keiko M. Orrall for legislation to release certain land in Berkley from the operation of an agricultural preservation restriction.

Berkley,-- land.
SD2598

The rules were suspended, on motion of Ms. Lovely, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4372) of Antonio F. D. Cabral for legislation to establish a sick leave bank for Heidi Souza, an employee of the Department of Correction;

Heidi Souza,-- sick
leave.

Under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 4373) of Paul J. Donato that the commissioner of Capital Asset Management and Maintenance be authorized to convey certain parcels of land in the city of Medford to North Shore Residential Development, Inc.;

Medford,-- land.

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

Engrossed Bills.

The following engrossed bills (both of which originated in the Senate), having

been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:

Designating a certain bridge in the town of Needham as the James J. Delaney II, USMC Veterans Memorial Bridge (Senate, No. 1985, changed and amended); and

Designating a section of state highway as Route 10 and United States Highway Route 202 in the town of Southwick as the Purple Heart Trail (Senate, No. 2105).

Bills laid before the Governor.

Committee of Conference Reports.

Mr. Brownsberger, 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 criminal justice reform (Senate, No. 2200) (*amended by the House* by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4043),-- reported, a "Bill relative to criminal justice reform." (Senate, No. 2371).

Criminal justice reform.

The rules were suspended, on motion of Mr. Boncore, 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 a twenty minutes past one o'clock P.M., on motion of Mr. Eldridge, as follows, to wit (yeas 37 - nays 0) [**Yeas and Nays No. 346**]:

YEAS.

- | | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Keenan, John F. |
| Boncore, Joseph A. | Lesser, Eric P. |
| Brownsberger, William N. | Lewis, Jason M. |
| Chandler, Harriette L. | L'Italien, Barbara A. |
| Chang-Diaz, Sonia | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cyr, Julian | O'Connor, Patrick M. |
| deMacedo, Viriato M. | O'Connor Ives, Kathleen |
| DiDomenico, Sal N. | Pacheco, Marc R. |
| Donoghue, Eileen M. | Rodrigues, Michael J. |
| Eldridge, James B. | Rosenberg, Stanley C. |
| Fattman, Ryan C. | Ross, Richard J. |
| Feeney, Paul R. | Spilka, Karen E. |
| Friedman, Cindy F. | Tarr, Bruce E. |
| Gobi, Anne M. | Timilty, Walter F. |
| Hinds, Adam G. | Tran, Dean A. |
| Humason, Donald F., Jr. | Welch, James T. – 37. |
| Jehlen, Patricia D. | |

NAYS – 0.

ABSENT OR NOT VOTING.

- | | |
|-------------------|-----------------------|
| Brady, Michael D. | Rush, Michael F. – 2. |
|-------------------|-----------------------|

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

Sent to the House for concurrence.

Mr. Brownsberger, 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 criminal justice reform (Senate, No. 2200) (amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4043),-- reports on the residue, a "Bill relative to the Garden of Peace" (Senate, No. 2372).

Garden of Peace.

The rules were suspended, on motion of Ms. Creem, and the report was considered forthwith and accepted.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill implementing the joint recommendations of the Massachusetts criminal justice review (House, No. 4012),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2391.

Criminal justice review.

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

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 nays, at a twenty-nine minutes past one o'clock P.M., on motion of Mr. Brownsberger, as follows, to wit (yeas 37 - nays 0) [**Yeas and Nays No. 347**]:

YEAS.

- | | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Keenan, John F. |
| Boncore, Joseph A. | Lesser, Eric P. |
| Brownsberger, William N. | Lewis, Jason M. |
| Chandler, Harriette L. | L'Italien, Barbara A. |
| Chang-Diaz, Sonia | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cyr, Julian | O'Connor, Patrick M. |
| deMacedo, Viriato M. | O'Connor Ives, Kathleen |
| DiDomenico, Sal N. | Pacheco, Marc R. |
| Donoghue, Eileen M. | Rodrigues, Michael J. |
| Eldridge, James B. | Rosenberg, Stanley C. |
| Fattman, Ryan C. | Ross, Richard J. |
| Feeney, Paul R. | Spilka, Karen E. |
| Friedman, Cindy F. | Tarr, Bruce E. |
| Gobi, Anne M. | Timilty, Walter F. |
| Hinds, Adam G. | Tran, Dean A. |
| Humason, Donald F., Jr. | Welch, James T. - 37. |
| Jehlen, Patricia D. | |

NAYS - 0.

ABSENT OR NOT VOTING.

- | | |
|-------------------|-----------------------|
| Brady, Michael D. | Rush, Michael F. - 2. |
|-------------------|-----------------------|

The yeas and nays having been completed at twenty-eight minutes before two o'clock P.M., the bill was 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 considered as follows:

The Senate Bill relative to the provision of group health insurance benefits in the town of Athol (Senate, No. 1418),-- **was read a second time and ordered to a third reading.**

Second reading bill.

The Senate Bill establishing a student loan bill of rights (Senate, No. 129),-- was read a second time.

Student loan,--
bill of rights.

Pending the question on ordering the bill to a third reading, on motion of Mr. Lesser, the further consideration thereof was postponed until Wednesday, April 11.

The House Bill regulating and insuring short-term rentals (House, No. 4327),-- was read a second time.

Short term rentals.

Ms. Creem in the Chair, after remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2381 and pending the main question on ordering the bill to a third reading, Mr. Eldridge, Ms. L'Italien and Mr. Barrett moved that the proposed new text be amended by inserting before the definition "Bed and breakfast establishment", the following definitions:-

1

"'Affordable housing', housing affordable to and occupied by individuals and families whose annual income is equal to or less than 60 per cent of the areawide median income as determined by the United States Department of Housing and Urban Development. Affordability shall be assured for a period of not less than 30 years through the use of an affordable housing restriction as defined in section 31 of chapter 184.

'Affordable housing programs', (i) programs that assist in the acquisition, creation, and preservation of affordable housing, or (ii) programs that provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to individuals and families who are eligible for affordable housing, or to an entity that owns, operates or manages such housing, for the purpose of making housing affordable.; and by inserting after the word "period." in line 127 the following:- Any city or town which accepts the provisions of this section shall distribute an amount equal to 50 per cent of the sums excise collected from the transfer of occupancy of a room in a transient accommodation located within that city or town and distributed, credited or paid to each such city or town pursuant to this section to affordable housing programs."

After remarks, the amendment was *rejected*.

Mr. Eldridge moved that the proposed new text be amended by inserting after section 4 the following section:-

2

"SECTION 4A. Chapter 175 of the General Laws is hereby amended by inserting after section 4E the following section:-

Section 4F. (a) As used in this section, the words 'hosting platform', 'operator' and 'transient accommodation' shall have the same meanings as under section 1 of chapter 64G unless the context clearly requires otherwise.

(b) A hosting platform shall maintain liability insurance of not less than \$1,000,000 to cover each unit offered as a transient accommodation. Such coverage shall defend and indemnify the operator and any tenants or owners in the

building for bodily injury and property damage arising from the transient accommodation.

(c) Prior to an operator offering a transient accommodation through the use of a hosting platform, the hosting platform shall provide notice to the operator that standard homeowners or renters insurance may not cover property damage or bodily injury to a third-party arising from the transient accommodation.

(d) Insurers that write homeowners and renters insurance may exclude any and all coverage afforded under the policy issued to a homeowner or lessee for any claim resulting from the rental of any accommodation under chapter 64G. Insurers that exclude the coverage described in this section shall not have a duty to defend or indemnify any claim expressly excluded by a policy. Nothing under this section shall preclude an insurer from providing coverage for transient accommodations if the insurer chooses to do so.

(e) Any policy or policy form intended to cover operators of transient accommodations from liabilities, whether they are being provided by a hosting platform or an operator itself, shall be placed on file with the division of insurance.”

After remarks, the amendment was adopted.

Mr. Tarr moved that the proposed new text be amended by striking in lines 154-155 the following:- “A room reseller shall not be required to disclose to the occupant the amount of tax charged by the operator.”

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by striking in lines 6 the following:- “at least 1 day in 5 separate months or less in the taxable year” and inserting in place thereof the following:- “at least cumulatively 7 days in 3 separate months in the taxable year” and by inserting in line 86 after the word “leases” the following:- “; and (ix) on a transient accommodation which is occupied for less than a cumulative 7 days in 3 separate months in the taxable year”.

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following section:-

“SECTION. The excise as established under section 3 of this act, shall revert half to the General Fund and one quarter to chapter 70 of the general laws, provided the majority of said funds to chapter 70 apply towards to the recommendations of the foundation budget review commission as established under sections 124 and 278 of the chapter 165 of the acts of 2014 and one quarter to unrestricted general government aid as established under line item 1233-2350 and section 35 of chapter 10 of the general laws.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at one minute past two o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 14 – nays 22) **[Yeas and Nays No. 348]:**

YEAS.

Chang-Diaz, Sonia
deMacedo, Viriato M.
Fattman, Ryan C.
Feeney, Paul R.
Gobi, Anne M.
Humason, Donald F., Jr.
Jehlen, Patricia D.

Lewis, Jason M.
O’Connor, Patrick M.
O’Connor Ives, Kathleen
Ross, Richard J.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A. – **14.**

NAYS.

| | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Keenan, John F. |
| Boncore, Joseph A. | Lesser, Eric P. |
| Brownsberger, William N. | L'Italien, Barbara A. |
| Creem, Cynthia Stone | Lovely, Joan B. |
| Crighton, Brendan P. | Montigny, Mark C. |
| Cyr, Julian | Moore, Michael O. |
| DiDomenico, Sal N. | Pacheco, Marc R. |
| Donoghue, Eileen M. | Rodrigues, Michael J. |
| Eldridge, James B. | Rosenberg, Stanley C. |
| Friedman, Cindy F. | Spilka, Karen E. |
| Hinds, Adam G. | Welch, James T. – 22. |

ABSENT OR NOT VOTING.

| | |
|-------------------|-----------------------|
| Brady, Michael D. | Rush, Michael F. – 2. |
|-------------------|-----------------------|

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

Messrs. Hinds and Cyr moved that the proposed new text be amended in section 2, by striking out, in lines 69 and 70, the words “condominium, time-share unit” and inserting in place thereof the following word:- “condominium”; and

7

In said section 2, in proposed chapter 64G of the General Laws, by inserting after section 3B the following section:-

“SECTION 3C. A time-share unit under chapter 183B that is rented to an occupant or sub-occupant who is not the holder of a time-share license or time-share estate for the unit shall be subject to any excise imposed upon the transfer of occupancy under this chapter.”

After remarks, the amendment was adopted.

Mr. Boncore and Ms. Chang-Diaz moved that the proposed new text be amended in section 2, in proposed chapter 64G of the General Laws, by adding the following section:-

9

“SECTION 6A. No person subject to this chapter shall engage in an unlawful practice under section 4 of chapter 151B.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at thirteen minutes past two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 37 – nays 0) [**Yeas and Nays No. 349**]:

YEAS.

| | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Keenan, John F. |
| Boncore, Joseph A. | Lesser, Eric P. |
| Brownsberger, William N. | Lewis, Jason M. |
| Chandler, Harriette L. | L'Italien, Barbara A. |
| Chang-Diaz, Sonia | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cyr, Julian | O'Connor, Patrick M. |
| deMacedo, Viriato M. | O'Connor Ives, Kathleen |
| DiDomenico, Sal N. | Pacheco, Marc R. |
| Donoghue, Eileen M. | Rodrigues, Michael J. |
| Eldridge, James B. | Rosenberg, Stanley C. |
| Fattman, Ryan C. | Ross, Richard J. |
| Feeney, Paul R. | Spilka, Karen E. |

UNCORRECTED PROOF.

Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.

Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 37.

NAYS – 0.

ABSENT OR NOT VOTING.

Brady, Michael D.

Rush, Michael F. – 2.

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

Messrs. Boncore and Crighton, Ms. Friedman and Ms. Chang-Diaz moved that the proposed new text be amended in section 4, by striking out, in line 182, the figure “4” and inserting in place thereof the following figure:- “5”;

In said section 4, in proposed subsection (c) of section 13 of chapter 64G of the General Laws, by striking out the last paragraph; and

In said section 4, in said proposed chapter 64G, by adding the following 2 sections:-

“Section 15. The commissioner shall annually publish a report on transient accommodations in the commonwealth. The commissioner may require a hosting platform, intermediary or operator of a transient accommodation to submit to the department of revenue, in a form approved by the commissioner, information including, but not limited to: (i) the street address and unit number, if applicable, of the transient accommodation; (ii) whether the transient accommodation provides exclusive use of an entire residential unit or is for a room in an otherwise occupied unit; (iii) the total number of days that the transient accommodation was rented to occupants; (iv) the aggregate rent paid by all occupants during the reporting period; (v) the total amount of revenue collected from the excise on the transfer of occupancy of the transient accommodation; and (vi) the total amount of revenue collected from the local excise on the transfer of occupancy of the transient accommodation.

The department shall make available any data set used pursuant to this section to a regional planning agency, municipality or other public agency requesting such information; provided, however, that the department shall utilize the practices that are necessary to prevent the public disclosure of personal information regarding hosts and occupants. The department shall annually publish summary statistics at the zip code or census tract level on its website. The department shall take all measures necessary to protect the confidentiality and security of an operator’s tax information from any disclosure pursuant to this section.

Section 16. The commissioner shall promulgate rules and regulations for assessing, reporting, collecting, remitting and enforcing the room occupancy excise pursuant to this chapter.”

After remarks, the amendment was adopted.

Mr. Humason moved that the proposed new text be amended in line 5 by striking out the words “1 day in 5 separate months or less” and inserting in place thereof the following:- “21 days” and by inserting in line 86 after the word “leases” the following:- “; and (ix) on a transient accommodation which is occupied for less than 21 days in a calendar year”.

Pending the question on adoption of the amendment, at twenty-one minutes past two 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 twenty-one minutes before

10

14

Recess.

three o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day

The Orders of the Day were further considered as follows:

The House Bill regulating and insuring short-term rentals (House, No. 4327),-
- was further considered; the main question on being on ordering to a third reading.

Short term rentals.

Mr. Humason moved that the proposed new text be amended in line 5 by striking out the words "1 day in 5 separate months or less" and inserting in place thereof the following:- "21 days" and by inserting in line 86 after the word "leases" the following:- "; and (ix) on a transient accommodation which is occupied for less than 21 days in a calendar year".

14

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at quarter before three o'clock P.M., on motion of Mr. Humason, as follows, to wit (yeas 11 – nays 26) **[Yeas and Nays No. 350]:**

YEAS.

Cyr, Julian
deMacedo, Viriato M.
Fattman, Ryan C.
Gobi, Anne M.
Humason, Donald F., Jr.
Moore, Michael O.

O'Connor, Patrick M.
O'Connor Ives, Kathleen
Ross, Richard J.
Tarr, Bruce E.
Tran, Dean A. – **11.**

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Creem, Cynthia Stone
Crighton, Brendan P.
DiDomenico, Sal N.
Donoghue, Eileen M.
Eldridge, James B.
Feeney, Paul R.
Friedman, Cindy F.
Hinds, Adam G.

Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Pacheco, Marc R.
Rodrigues, Michael J.
Rosenberg, Stanley C.
Spilka, Karen E.
Timilty, Walter F.
Welch, James T. – **26.**

ABSENT OR NOT VOTING.

Brady, Michael D.

Rush, Michael F. – **2.**

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

Messrs. Cyr and deMacedo moved that the proposed new text be amended by striking out section 1 and inserting in place thereof the following 2 sections:-

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"SECTION 1. Chapter 29C of the General Laws is hereby amended by adding the following 2 sections:-

Section 19. There shall be a separate fund to be known as the Cape Cod and Islands Water Protection Fund. The fund shall be subject to this chapter, except as otherwise provided in this section. There shall be credited to the fund revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund including, but not limited to, revenues received under the excise imposed under section 3C of chapter 94G, any

investment income earned on the fund's assets and all other sources, each source being tracked separately for accounting purposes as of June 30 of each year.

The trust shall hold the fund in an account separate from other funds of the trust. Proceeds of the fund shall not be used to offset or otherwise replace contract assistance funds or reserve funds used for pool financing. The trust shall apply and disburse amounts credited to the fund, without further appropriation, to provide subsidies and other assistance, which may include principal forgiveness, to local governmental units and other eligible borrowers in the payment of debt service costs on loans and other forms of financial assistance made by the trust for water pollution abatement projects in municipalities that are members of the fund. Each municipality within Barnstable or Nantucket counties or the county of Dukes County shall be a member of the fund if it is subject to: (i) an area wide wastewater management plan under section 208 of the Clean Water Act, 33 U.S.C. 1288; or (ii) a suitable equivalent plan determined by the department of environmental protection. Water pollution abatement projects eligible for subsidies and other assistance under this section may include the utilization of innovative strategies and alternative Title V technologies that result in nutrient reduction for marine and fresh waters.

The fund may provide subsidies and other assistance as provided in this section with respect to debt incurred prior to the establishment of the fund in the towns of Nantucket, Edgartown, Tisbury, Oak Bluffs, Falmouth, Chatham and Provincetown and the city of Barnstable for water pollution abatement projects apart from the trust.

Amounts credited to the fund shall be expended or applied only with the approval of the Cape Cod and Islands Water Protection Fund Management Board established under section 20 and in a manner determined by the board, in addition to any approvals required under this chapter. Ten per cent of the annual revenue deposited into the fund shall be transferred to the department of environmental protection for the department to contract with a regional planning agency or non-profit corporations to evaluate and report on the efficacy of adaptive management measures to reduce nitrogen pollution of coastal waterways undertaken pursuant to an area wide wastewater management plan or a suitable equivalent plan, to monitor the water quality of areas subject to the study and to support further assessment and water quality modeling to further refine area wide wastewater management plans or suitable equivalent plans in Barnstable and Nantucket counties and the county of Dukes County. Any amounts remaining in the fund at the end of a fiscal year shall be carried forward into the following fiscal year and shall remain available for application and disbursement without further appropriation.

A municipality that is a member of the fund under this section may withdraw from the fund by a two-thirds vote of its legislative body; provided, however, that a municipality shall not withdraw from the fund during the term of any financial assistance award from the fund to the municipality. A municipality that has withdrawn from the fund shall not have representation on the Cape Cod and Islands Water Protection Fund Management Board established under section 20. A municipality that has withdrawn from the fund and votes, by majority vote of its legislative body, to return to the fund shall not receive money from the fund until not less than 2 years from the date of its vote to do so.

Section 20. There shall be a Cape Cod and Islands Water Protection Fund Management Board that shall consist of 1 person to be appointed by each board of selectmen or town council in each municipality that is a member of the Cape Cod and Islands Water Protection Fund; provided, however, that an appointee by the

board of selectmen or town council shall be a member of the respective appointing authority, a town manager or administrator or other municipally employed professional staff. The executive director of the Cape Cod commission, the executive director of the Martha's Vineyard commission and the town manager of Nantucket shall serve as non-voting ex-officio members on the board.

Each member of the management board shall serve for a term of 3 years and until a successor is appointed and qualified and each member of the management board shall be eligible for reappointment. Each member of the management board appointed to fill a vacancy on the management board shall be appointed for the unexpired term of the vacant position. The members of the management board shall select a member to serve as chairperson and vice-chairperson for a term established by vote of the management board. The Cape Cod commission, in consultation with the Martha's Vineyard commission, shall provide administrative and technical support to the management board and may be compensated for its associated costs by vote of the management board. The management board's duties shall be limited to determining the method for subsidy allocation, including, but not limited to, an equitable distribution among participating municipalities consistent with revenue deposited from each municipality into the fund, and to ensuring that money from the Cape Cod and Islands Water Protection Fund is spent only for the purposes listed in section 19.

SECTION 1A. Section 16 of chapter 62C, as appearing in the 2016 Official Edition, is hereby amended by inserting after subsection (g) the following subsection:-

(g^{1/2}) Notwithstanding subsection (g), the department of revenue shall promulgate regulations to minimize the administrative burden relative to filing returns under said subsection (g) on operators who offer their accommodations to the public for at least 1 day in 5 separate months or less in the taxable year. The regulations may authorize an operator to file a return only for a month that the operator's accommodation is offered to the public.”; and in section 2, in proposed chapter 64G of the General Laws, by inserting after section 3B the following section:-

“Section 3C. In addition to the excise imposed under section 3 and any excise imposed under section 3A, an excise shall be imposed on the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, transient accommodation or motel located within a municipality that is a member of the Cape Cod and Islands Water Protection Fund established under section 19 of chapter 29C at a rate of 2.75 per cent of the total amount of rent for each such occupancy; provided, however, that all revenues received from the excise under this section shall be credited to the Cape Cod and Islands Water Protection Fund. An excise shall not be imposed if the total amount of rent is less than \$15 per day or its equivalent. An operator or room reseller shall pay the excise due to the Cape Cod and Islands Water Protection Fund to the commissioner at the same time and in the same manner as the excise due to the commonwealth.”; and

By inserting after section 4 the following 2 sections:-

“SECTION 4A. Notwithstanding section 19 of chapter 29C of the General Laws, a municipality included in the Cape Cod and Islands Water Protection Fund shall not withdraw from the fund for 1 year after the effective date of this act.

SECTION 4B. A municipality that becomes a member of the Cape Cod and Islands Water Protection Fund under section 19 of chapter 29C after December 1, 2018 shall be subject to the excise under section 3C of chapter 94G on the first day of a calendar quarter after it has joined the fund, as the municipality may

designate.”

After remarks, the amendment was adopted.

Mr. Keenan moved that the proposed new text be amended by inserting the following section:-

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“SECTION __. There shall be a commission to study the feasibility and potential for use of lodging units within the hospitality industry, including hotel, motel, bed and breakfast, and hosting platform lodging units, as resources to increase the availability of emergency shelter for individuals and families displaced during extreme weather events or other states of emergency as declared by the Governor. The commission shall study and make recommendations relating to: ways to maintain up to date inventories of units available for shelter during emergencies; networks to alert local officials about the availability of hospitality industry units as emergency shelter; platforms and protocol for communication and coordination between the hospitality industry and state and local officials during emergencies; and any other factors deemed relevant by the chair of the commission.

The commission shall consist of the director of the Massachusetts emergency management agency or their designee, who shall serve as chair, and the following eight additional members: two members appointed by the Massachusetts Lodging Association; three members appointed by the Massachusetts Municipal Association, two of whom shall have experience in local emergency planning and management, and one of whom shall have experience in municipal licensure processes; and three members appointed by the Governor, one of whom shall be a representative of the department of revenue, one of whom shall be a representative of a hosting platform, and one of whom shall be a representative of a non-profit entity with experience in national level emergency management and relief.

The commission shall report the results of its study, together with drafts of legislation if any is recommended by the commission, by filing the report with the clerks of the house of representatives and senate on or before July 31, 2019.”

The amendment was adopted.

Ms. Spilka moved that the proposed new text be amended in section 2, by inserting after the word “room,” in line 96, the following words:- “or unit”;

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In said section 2, by inserting after the word “transfer”, in line 132, the following words:- “of occupancy”; and

By striking out section 5 and inserting in place thereof the following 2 sections:-

“SECTION 5. Section 3 of chapter 64G of the General Laws shall take effect for transfers of occupancies of transient accommodations that commence on or after January 1, 2019 and for which contracts with occupants were entered into on or after November 1, 2018; provided, however, that if the transfer of occupancy is of a transient accommodation for which the commissioner has entered into a voluntary collection agreement with an intermediary under section 13 of said chapter 64G, the intermediary may collect and remit the excise before January 1, 2019.

SECTION 6. Sections 3 and 4A of chapter 64G of the General Laws shall take effect for transfers by room resellers that commence on or after January 1, 2019 and for which contracts with occupants were entered into on or after November 1, 2018.”.

The amendment was adopted.

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

UNCORRECTED PROOF.

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 nays at four minutes past three o'clock P.M., on motion of Mr. Rodrigues, as follows, to wit (yeas 31 – nays 6) [**Yeas and Nays No. 351**]:

YEAS.

| | |
|--------------------------|------------------------------|
| Barrett, Michael J. | Jehlen, Patricia D. |
| Boncore, Joseph A. | Keenan, John F. |
| Brownsberger, William N. | Lesser, Eric P. |
| Chandler, Harriette L. | Lewis, Jason M. |
| Chang-Diaz, Sonia | L'Italien, Barbara A. |
| Creem, Cynthia Stone | Lovely, Joan B. |
| Crighton, Brendan P. | Montigny, Mark C. |
| Cyr, Julian | Moore, Michael O. |
| deMacedo, Viriato M. | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rodrigues, Michael J. |
| Donoghue, Eileen M. | Rosenberg, Stanley C. |
| Eldridge, James B. | Ross, Richard J. |
| Feeney, Paul R. | Spilka, Karen E. |
| Friedman, Cindy F. | Timilty, Walter F. |
| Gobi, Anne M. | Welch, James T. – 31. |
| Hinds, Adam G. | |

NAYS.

| | |
|-------------------------|---------------------------|
| Fattman, Ryan C. | O'Connor Ives, Kathleen |
| Humason, Donald F., Jr. | Tarr, Bruce E. |
| O'Connor, Patrick M. | Tran, Dean A. – 6. |

ABSENT OR NOT VOTING.

| | |
|-------------------|------------------------------|
| Brady, Michael D. | Rush, Michael F. – 2. |
|-------------------|------------------------------|

The yeas and nays having been completed at six minutes past three 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. 2400].

Sent to the House for concurrence in the amendment.

There being no objection, during consideration of the Orders of the Day, the following matters were considered as follows:

PAPER FROM THE HOUSE

Engrossed Bill — Land Taking for Conservation Etc.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Revere (see House, No. 3995) (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 seven minutes past three o'clock P.M., as follows, to wit (yeas 37 - nays 0) [**Yeas and Nays No. 352**]:

Revere land.

YEAS.

| | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Keenan, John F. |
| Boncore, Joseph A. | Lesser, Eric P. |
| Brownsberger, William N. | Lewis, Jason M. |
| Chandler, Harriette L. | L'Italien, Barbara A. |
| Chang-Diaz, Sonia | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cyr, Julian | O'Connor, Patrick M. |
| deMacedo, Viriato M. | O'Connor Ives, Kathleen |
| DiDomenico, Sal N. | Pacheco, Marc R. |
| Donoghue, Eileen M. | Rodrigues, Michael J. |
| Eldridge, James B. | Rosenberg, Stanley C. |
| Fattman, Ryan C. | Ross, Richard J. |
| Feeney, Paul R. | Spilka, Karen E. |
| Friedman, Cindy F. | Tarr, Bruce E. |
| Gobi, Anne M. | Timilty, Walter F. |
| Hinds, Adam G. | Tran, Dean A. |
| Humason, Donald F., Jr. | Welch, James T. – 37. |
| Jehlen, Patricia D. | |

NAYS – 0.

ABSENT OR NOT VOTING.

| | |
|-------------------|-----------------------|
| Brady, Michael D. | Rush, Michael F. – 2. |
|-------------------|-----------------------|

The yeas and nays having been completed at nine minutes past three 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 President and laid before the Governor for his approbation.

Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of Rabbi Robert M. Miller

Moment of silence.

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

Mr. Brownsberger in the Chair, an engrossed Bill relative to criminal justice reform (see Senate, No. 2371), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 2 to 0.

Criminal justice reform.

The bill was signed by the Actin President (Mr. Brownsberger) (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.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Order relative to granting the committee on Public Health until May 9, 2018, within which time to make its final report on current Senate

Public Health,-- extension order.

documents numbered 142, 1165, 1166, 1169, and 1238 (Senate, No. 2370),-- was considered, the main question being on adoption.

Pending the question on the motion, previously moved by Mr. Tarr, to lay the order on the table, and pending the main question on adoption of the order, on motion of Mr. Tarr, further consideration was postponed until the next session.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on tomorrow next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Brownsberger):

Relative to criminal justice reform (Senate, No. 2371); and

Implementing the joint recommendations of the Massachusetts Criminal Justice Review (House, No. 4012, amended).

Bills laid before the Governor.

Adjourn In Memory of Rabbi Robert M. Miller

The Senator from Middlesex and Norfolk, Ms. Creem, and the Senator from Hampden and Hampshire, Mr. Lesser, moved that when the Senate adjourns today, it adjourn in memory of Rabbi Robert M. Miller.

Ms. Creem and Mr. Lesser in the Chair, Rabbi Robert M. Miller, beloved rabbi and teacher, died on March 16, 2018.

A native of Brooklyn, New York, he attended the Chaim Berlin Day School and graduated from Brooklyn College and Hebrew Union College-Jewish Institute of Religion in new York. After 25 years of service, he was awarded an honorary doctorate of divinity.

He served in the armed forces as a young chaplain and then became the spiritual leader of congregations in Cincinnati, Ohio; West Nyack, New York; Hazelton, Pennsylvania; and Brooklyn, New York.

From Brooklyn, Rabbi Miller moved to Newton, Massachusetts. There he became the rabbi at temple Beth Avodah in Newton, where he served as the Rabbi for over 25 years.

Among his many accomplishments, he organized the first HIV/AIDS Seder, formed yearly congregational trips to Israel, served as President of the Massachusetts Board of Rabbis as well as the Chaplain to the Massachusetts Correctional Facility.

He was guided by the principle of tzedakah (charitable giving), which was demonstrated by his support for Israel and for Combined Jewish Philanthropies, as well as his instrumental role in the founding of the Jewish Community Center of

Greater Boston and the Rashi School.

After retirement, Rabbi Miller moved to Newbridge on the Charles, where he assumed the role of Rabbi Emeritus and enriched the lives of the other seniors living there.

Predeceased by his wife of 54 years, Margaret (Kober) Miller, Esquire, he is survived by his children Rina Miller and her husband Joseph Hershon, Yael Miller and her husband Stuart Cole, Dr. Philip Miller and his wife Lisa Miller, and grandchildren David, Ariel, Alana, Benjamin, Geoffrey, Allison and Ethan. Rabbi Miller will be fondly remembered and missed by his family, friends, congregants, colleagues and by the community at large.

Mr. Brownsberger in the Chair, accordingly, as a mark of respect in memory of Rabbi Robert M. Miller, at a quarter past five o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.