

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, MAY 18, 2017.

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JOURNAL OF THE SENATE.

Thursday, May 18, 2017.

Met at a quarter past eleven o'clock A.M. (Ms. Lovely in the Chair).

The Chair (Ms. Lovely), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Ms. Lovely) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the rear of the Chamber, the Gloucester High School Cheerleading Squad. Among the group was: Julia Kathleen Allen, Tara Nicole Aquipel, Juliana Marie Bolognese, Grace Assunta Brancaleone, KevynAnn Marie Chandler, Jillian Jean Gross, Julia Marie Harrison, Kylie Marie Jackson, Lexi Ann McRobb, Abbey Nichole Mitchell, Brigid Joan Newhall, Rilee Kate Newhall, Emma Catherine Powers, Vanessa Rosemary Rodolosi, Gianna Rose Sanfilippo and Talia Rose Sanfilippo. The team was recognized for finishing first place at the COA Ultimate Nationals in Orlando, Florida. They began their season by winning the Northeastern Conference Grand Championship and for finishing in the top two in the Division 3 North Regionals and Division 3 State Competitions. They were accompanied by the Director of Athletics Julie Smith and the President of the Cheer Boosters Cristina Brancaleone. Also recognized were: Head Coach Erica Mitchell, Assistant Coach Nicole Corarrao, Choreographer Eric Bichao, Principal James Cook and Assistant Athletic Director Patrick Barry. They were also guests of Representative Ferrante of Gloucester. The Senate applauded their accomplishments and they withdrew from the Chamber.

Gloucester High School Cheerleaders.

Petition.

Petitions were severally presented and referred as follows:

By Mr. Fattman (by request), a petition (accompanied by bill, Senate, No. 2069) of Kevin J. Kuros (by vote of the town) for legislation to provide for recall elections in the town of Uxbridge [Local approval received];

Uxbridge,-- recall elections.

Under Senate Rule 20, to the committee on Election Laws.

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 2068) of John F. Keenan and Mark J. Cusack (with approval of the mayor and city council) for legislation to authorize the city known as the Town of Braintree to continue the employment of Paul J. Shastany as chief of police [Local approval received];

Braintree,-- chief of police.

Under Senate Rule 20, to the committee on Public Service.

Severally sent to the House for concurrence.

By Mr. Hinds, a petition (accompanied by bill) (subject to Joint Rule 12) of Adam G. Hinds and William Smitty Pignatelli for legislation to authorize the Berkshire County Regional Housing Authority to convey a certain parcel of land in the town of Sheffield to the Great Barrington Housing Authority; and

Sheffield,-- land conveyance. SD2205

By Mr. Ross (by request), a petition (accompanied by bill) (subject to Joint

Distilled spirits,--

Rule 12) of Shawn Dooley and David Hinckley for legislation relative to the direct shipment of distilled spirits;

shipment.
SD2204

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

Reports of Committees.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill making appropriations for the fiscal year 2018 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 3601),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 3.

General
appropriation bill.

[Estimated cost --	
Direct Appropriation:	\$40,171,525,573
Retained Revenue Authorization:	\$619,816,751
Total:	\$40,791,342,324]

(having been filed in the Office of the Clerk of the Senate on Tuesday, May 16, 2017),-- was, pursuant to an order previously adopted, placed in the Orders of the Day for Tuesday, May 23, 2017, for a second reading with the amendment pending.

By Ms. Chang-Diaz, for the committee on Education, on petition, a Bill relative to dropout prevention and recovery (Senate, No. 222);

School,-- dropout
prevention.

By the same Senator, for the same committee, on petition, a Bill to improve literacy skills (Senate, No. 233);

Literacy skills,--
improvement.

By the same Senator, for the same committee, on petition, a Bill relative to the promotion of mental health education in Massachusetts high schools (Senate, No. 256);

Mental health
education,--
promotion.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 232), a Bill for language opportunity for our kids (Senate, No. 2070);

Language
opportunity,-- kids.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 234), a Bill relative to healthy youth (Senate, No. 2071); and

Sex education,--
students.

By Mr. Lewis, for the committee on Labor and Workforce Development, on petition (accompanied by bill, Senate, No. 1033), a Bill to further define standards of employee safety (Senate, No. 2072);

Employee safety,--
standards.

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

By Ms. Chang-Diaz, for the committee on Education, on petition, a Bill relative to the powers and duties of a regional school district (Senate, No. 264);

Regional school
district,-- duties.

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

Committee Discharged.

Mr. Lewis, for the committee on Public Health, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1235) of Mark C. Montigny for legislation to protect hospital and community health center patients,-- and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure;

Medical debt,--
recovery.

**Under Senate Rule 36, the report was considered forthwith and accepted.
Sent to the House for concurrence in the discharge of the joint committee.**

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3699) of Cory Atkins (by vote of the town) that the town of Carlisle be authorized to recall certain elected officials of said town; and

Carlisle,-- elected officials.

Petition (accompanied by bill, House, No. 3700) of Carmine L. Gentile and Alice Hanlon Peisch (by vote of the town) that the town of Wayland be authorized to establish voting rights for permanent resident aliens;

Wayland,-- voting rights.

Severally, to the committee on Election Laws.

Petition (accompanied by bill, House, No. 3701) of Dylan Fernandes (by vote of the town) that the town of Nantucket be authorized to designate the Nantucket Housing Authority as the agency authorized to create, administer and enforce Nantucket housing needs covenants;

Nantucket,-- affordable housing.

To the committee on Housing.

Petition (accompanied by bill, House, No. 3702) of William Smitty Pignatelli and Adam G. Hinds (by vote of the town) that the town of Great Barrington be authorized to establish an additional excise on sales of gasoline and diesel fuel;

Great Barrington,-- fuel tax.

To the committee on Revenue.

A Bill authorizing the town of Boylston to sell a portion of a certain town property (House, No. 1120,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Boylston,-- land sale.

Reports

Of the committee on Labor and Workforce Development, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3150) of Kay Khan and others relative to wages for certain human service providers,-- and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities;

Human service providers,-- wages.

Of the petition (accompanied by bill, House No. 3140) of Michelle M. DuBois and others relative to payroll deductions for voluntary contributions to not-for-profit social welfare organizations and political action committees,-- and recommending that the same be referred to the committee on Election Laws;

Payroll,-- deductions.

Of the petition (accompanied by bill, House, No. 2361) of Mike Connolly and others for legislation to repeal the prohibition on striking by public employees and public employee organizations,-- and recommending that the same be referred to the committee on Public Service; and

Public employee,-- strike.

Of the petition (accompanied by bill, House, No. 3503) of Paul McMurtry and others for legislation to require gas stations to provide air compressors for free public use and establishing a hotline at the Department of Labor and Workforce Development for consumers to report non-compliance,-- and recommending that the same be referred to the committee on Transportation.

Gas station,-- air compressor access.

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

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Resolutions.

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

Resolutions (filed by Mr. Ross) “congratulating Rian Ahern of the town of Wrentham on his elevation to the rank of Eagle Scout”;

Rian Ahern.

Resolutions (filed by Mr. Ross) “congratulating Timothy L. Bragaw of the town of Wrentham on his elevation to the rank of Eagle Scout”;

Timothy L. Bragaw.

Resolutions (filed by Mr. Ross) “congratulating Joseph B. Bukis of the town of Wrentham on his elevation to the rank of Eagle Scout”;

Joseph B. Bukis.

Resolutions (filed by Mr. Ross) “congratulating Samuel H. Colella of the town of Wrentham on his elevation to the rank of Eagle Scout”;

Samuel H. Colella.

Resolutions (filed by Mr. Ross) “congratulating Sean Patrick Coleman of the town of Wrentham on his elevation to the rank of Eagle Scout”; and

Sean Patrick Coleman.

Resolutions (filed by Mr. Ross) “congratulating Jack J. Skinner of the town of Wrentham on his elevation to the rank of Eagle Scout.”

Jack J. Skinner

Reports of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Dean Canada, an employee of the Department of Correction (Senate, No. 2048),-- ought to pass, with amendment substituting a new draft with the same title (Senate, No. 2073)

Dean Canada,-- sick leave.

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

The bill (Senate, No. 2073) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Monica Bassila, an employee of the Department of Public Health (House, No. 3462),-- ought to pass.

Monica Bassila,-- sick leave.

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

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Elizabeth C. Cox, an employee of the Department of Public Health (House, No. 3645, amended),-- ought to pass.

Elizabeth C. Cox,-- sick leave.

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

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3709) of George C. Axiotis relative to the survivor benefits of George C. Axiotis,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

George C. Axiotis,-- benefits.

A Bill relative to the conveyance of a certain parcel of land by the town of

Deerfield,-- land

Deerfield (printed in House, No. 3670,-- being a message from His Excellency the Governor),-- was read.

conveyance.

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

Order Adopted.

On motion of Mr. Tarr,--

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

Time of meeting.

Adjourn In Memory of Randall Darwall

Mr. Cyr moved that when the Senate adjourns today, it do so in memory of Randall Darwall of Harwich.

Mr. Darwall, who taught for many years at the Cambridge School of Weston before turning to weaving full time and creating museum-quality clothing, died in his Harwich home of cancer Jan. 13, a day after turning 69.

Born in Alexandria, Virginia, Mr. Darwall grew up in Texas, a son of the Reverend Robert Lester Darwall, an Episcopal minister, and the former Mary Asbury. He began high school at Texas Military Institute, an Episcopal college prep school in San Antonio, and would later tell friends about the day he and other cadets saluted John F. Kennedy's motorcade when the president visited the school in 1963, the day before he was assassinated.

After graduating from Harvard with a bachelor's degree in art history, Mr. Darwall went to the Rhode Island School of Design, from which he received a master's in education. Mr. Darwall taught for many years after graduate school, principally at the Cambridge School of Weston, and he continued to offer workshops even after leaving the classroom behind.

Mr. Darwall was a founding member of the American Crafts Council. In addition to participating in ACC national craft shows, Mr. Darwall, and his husband and creative partner Brian Murphy, attended shows and conducted workshops for International Craft and Weaving Councils. On the occasion of the Inaugural show of the New Smithsonian Museum of American Craft, Mr Darwall was selected to be the representative American Weaver.

Shawls he wove might have fit as comfortably on gallery walls as they did on the shoulders of clients, but Mr. Darwall firmly believed his art was principally meant to be worn. Mr. Darwall was much admired for his sure hand at dyeing fabrics, and combining colors. Dozens of hues danced in each scarf or shawl. In a 2002 Globe interview, he quipped: "Why use five colors when 50 will do nicely?"

Mr. Darwall met his husband, Brian Murphy, in 1986 and married in 2004. In addition to his husband, Mr. Darwall leaves his brother, Stephen of New Haven, Connecticut; his sister, Mary Santangelo of Hawaii; two stepsisters, Janna Bartlett of Kalispell, Montana, and Chris Bartlett of California; and a stepbrother, Marvin Bruce Bartlett of Kalispell.

Accordingly, as a mark of respect in memory of Randall Darwall, at twenty-

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seven minutes past eleven o'clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.
