

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**FRIDAY, MARCH 9, 2018.**

[25]

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**JOURNAL OF THE SENATE.**

Friday, March 9, 2018.

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 recited the pledge of allegiance to the flag.

Pledge of allegiance.

*Communication.*

The following communication was received by the Senate Clerk:  
THE COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE

March 8, 2018

Senate Rule 5A.

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

Dear Mr. Clerk:

Pursuant to Senate Rule 5A, I have cancelled the formal session schedules for Thursday, March 8, 2018. The Senate will convene on Friday, March 9, 2018 in an informal session.

Sincerely,  
HARRIETTE L. CHANDLER  
*President of the Senate.*

*Qualification of a Senator.*

The Honorable Brendan P. Crighton at six minutes before twelve o'clock noon, on Wednesday, March 7, 2018 before His Excellency the Governor, Lieutenant-Governor and Council, did take and subscribe the oath of office as State Senator from the Third Essex district.

Senator-Elect  
Brendan P. Crighton-  
- swearing in.

*Communications.*

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

Communication from the Department of Public Health relative to plans of correction for the following correctional facilities:

DPH, -- plans of  
correction.  
SD2556

- MCI Concord
- Worcester County House of Corrections and Jail
- South Middlesex Correctional Center
- Massachusetts Treatment Center

**UNCORRECTED PROOF.**

Souza-Baranowski Correctional Center  
Western Massachusetts Recovery and Wellness Center  
Berkshire County Jail and House of Corrections ( received March 5 2018);  
Communication from the Office of the Comptroller (pursuant to Section 35T of Chapter 10 of the General Laws) submitting its March 2018 certification of MBTA base sales tax and dedicated sales tax revenues for FY2019 (received March 6, 2018); and  
Communication from the Office of the Comptroller (pursuant to Sections 1A and 1B of Chapter 47 of the Acts of 2017) submitting its report on the comparison of Actual Revenue Collections to Budget for the 1st and 2nd quarters of FY2018 (received March 6, 2018).

Comptroller,--  
MBTA sales tax  
revenue.  
SD2561

Comptroller,-- nontax  
revenue.  
SD2562

*Reports.*

The following reports were severally received and placed on file, to wit:  
Report of the Department of Telecommunications and Cable (pursuant to Section 6 of Chapter 25C of the General Laws) submitting its Fiscal Year 2017 Annual Report (received March 5, 2018);  
Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspections of the following correctional facilities:  
Western MA Women's Correctional Center  
Plymouth County Correctional Facility(received March 5, 2018);  
Report of the Norfolk County Registry of Deeds (pursuant to Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received March 5, 2018);  
Report of the Executive Office of Public Safety and Security (pursuant to Section 18 3/4 of Chapter 6A of the General Laws) submitting its biannual report on firearm related activity in the Commonwealth (received March 2, 2018); and  
Report of the Dukes County Registry of Deeds (pursuant to Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight (received March 9, 2018).

DTC,-- annual report.  
SD2555

DPH,-- facility  
inspections.  
SD2557

Norfolk Registry of  
Deeds.  
SD2558

EOPSS,-- firearm  
activity.  
SD2559

Dukes County  
Registry of Deeds.  
SD2564

*Petition.*

Mr. Lewis (by request) presented a petition (accompanied by bill) (subject to Joint Rule 12) of Eliahu Mazin for legislation to exempt all disabled and handicapped drivers in Massachusetts from displaying decals or plates of being disabled;

Handicapped  
drivers,-- license  
plates.  
SD2560

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

*Reports of Committees.*

By Mr. Boncore, for the committee on Housing, on petition (accompanied by bill, Senate, No. 716), an Order relative to authorizing the joint committee on Housing to make an investigation and study of a certain current Senate document relative to expiring use (Senate, No. 2333);

Housing committee,--  
study.

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

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on petition, a Resolve providing for an investigation and study by a special commission relative to mattress recycling (Senate, No. 2174);

Mattress recycling,--  
special commission.

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

By Ms. Chang-Diaz, for the committee on Education, on Senate, Nos. 217, 223, 224, 225, 235, 241, 268 and 284 and House, Nos. 252, 264, 269, 282, 283, 299, 312, 313, 2040, 2063 and 2841, a Bill modernizing the foundation budget for the 21st century (Senate, No. 2325);

Foundation budget,--  
modernization.

By Mr. Lewis, for the committee on Labor and Workforce Development, on petition, a Bill relative to enhanced enforcement of civil penalties (Senate, No. 997);

Civil penalties,--  
enforcement.

By the same Senator, for the same committee, on Senate, No. 999 and House, No. 1033, a Bill to prevent wage theft and promote employer accountability (Senate, No. 2327); and

Wage theft,--  
prevention.

By Mr. Rush, for the committee on Veterans and Federal Affairs, on Senate, Nos. 2026, 2027, 2029 and 2030 and House, Nos. 1212, 1921, 1941, 1942, 1943 and 2765, a Bill relative to veterans' benefits, rights, appreciation, validation and enforcement (Senate, No. 2326);

Veterans,-- benefits.

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

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill relative to agricultural composting programs (Senate, No. 407) [Representative Berthiaume of Spencer dissenting];

Agriculture,--  
composting  
programs.

By the same Senator, for the same committee, on petition, a Bill relative to hunting near a dwelling (Senate, No. 435); and

Hunting,-- dwelling.

By the same Senator, for the same committee, on petition, a Bill relative to inspections of sewage treatment systems (Senate, No. 466);

Sewage systems,--  
inspections.

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

By Ms. Gobi, for the committee on Election Laws, on petition, a Bill providing for recall elections in the town of East Bridgewater (Senate, No. 402) [Local approval received]; and

East Bridgewater,--  
recall elections.

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill prohibiting the use of mobile gear in certain waters off the coast of the town of Nantucket (Senate, No. 411) [Local approval received];

Nantucket waters,--  
mobile gear.

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

*Committee Discharged.*

Mr. Lewis, for the committee on Labor and Workforce Development, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1007) of Eileen M. Donoghue, James R. Miceli, John F. Keenan, Rady Mom and other members of the General Court for

Employment,--  
vocational education.

**UNCORRECTED PROOF.**

legislation to raise employment and combating opioids through vocational education and rehabilitation (RECOVER),-- and recommending that the same be referred to the committee on Mental Health, Substance Use and Recovery;

**Under Senate Rule 36, the report was considered forthwith and accepted.  
Sent to the House for concurrence.**

PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 4288) of Byron Rushing (with the approval of the mayor and city council) relative to certain affordable housing in the Roxbury section of the city of Boston,-- **was referred, in concurrence, to the committee on Housing.**

Roxbury,--  
affordable housing.

A Bill establishing a sick leave bank for Essie Page, an employee of the Parole Board (House, No. 4245, on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Essie Page,-- sick  
leave.

A Bill increasing the maximum age to be eligible for appointment as a special police officer in the city of Somerville (House, No. 4085,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the day for the next session.**

Somerville,-  
maximum age for  
appointment.

*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 Thomas Joseph Coffey of the town of Cohasset on his elevation to the rank of Eagle Scout";

Thomas Joseph  
Coffey.

Resolutions (filed by Mr. O'Connor) "congratulating Brent Charles Landquist of the town of Cohasset on his elevation to the rank of Eagle Scout";

Brent Charles  
Landquist.

Resolutions (filed by Mr. O'Connor) "congratulating Sullivan James Mulhern of the town of Cohasset on his elevation to the rank of Eagle Scout";

Sullivan James  
Mulhern.

Resolutions (filed by Mr. O'Connor) "congratulating Joshua Raymond Rosen of the town of Cohasset on his elevation to the rank of Eagle Scout"; and

Joshua Raymond  
Rosen.

Resolutions (filed by Mr. O'Connor) "congratulating David Ambrose Tierney of the town of Cohasset on his elevation to the rank of Eagle Scout."

David Ambrose  
Tierney.

*Reports of Committees.*

By Ms. Spilka, for the committee on Ways and Means, that the House Bill authorizing the division of capital asset management and maintenance to convey certain parcels of land in the city of Gardner (House, No. 4037),-- ought to pass, with an amendment substituting a new text with the same title (Senate, No. 2329).

Gardner,-- land.

**There being no objection, the rules were suspended, on motion of Mr. Crighton, 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, its title having been changed the committee on Bills in the Third Reading as follows: "An Act authorizing the city of Gardner and the division of capital asset management and maintenance to exchange certain parcels of land".**

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

**UNCORRECTED PROOF.**

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to education collaboratives (Senate, No. 290),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2330).

Education  
collaboratives.

*Order Adopted.*

Ms. Spilka offered the following order, to wit:

*Ordered*, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to education collaboratives (Senate, No. 290) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2330) shall be placed in the Orders of the Day for a second reading on Thursday, March 15, 2018.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon, on Tuesday, March 13, 2018. All such amendments shall be second reading-amendments to the Senate Ways and Means new draft (Senate, No. 2330), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

**Under the rules, referred to the committee on Rules.**

**Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.**

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

**The bill will be placed in the Orders of the Day for Thursday, March 15, 2018, for a second reading with the amendment pending.**

PAPERS FROM THE HOUSE

*Emergency Preamble Adopted*

An engrossed Bill establishing a sick leave bank for Deirdre Dacey, an employee of the Parole Board (see House, No. 4059, 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 3 to 0.

Deirdre Dacey,--  
emergency preamble.

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

*Report of a Committee.*

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill to protect animals during pet sales (Senate, No. 1155),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2331).

Animal sales,--  
protection.

*Order Adopted.*

Ms. Spilka offered the following order, to wit:

**UNCORRECTED PROOF.**

*Ordered,* That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to protecting puppies and kittens (Senate, No. 1155) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2331) shall be placed in the Orders of the Day for a second reading on Thursday, March 15, 2018.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon, on Tuesday, March 13, 2018. All such amendments shall be second reading-amendments to the Senate Ways and Means new draft (Senate, No. 2331), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

**Under the rules, referred to the committee on Rules.**

**Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.**

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

**The bill will be placed in the Orders of the Day for Thursday, March 15, 2018, for a second reading with the amendment pending.**

*Reports of Committees.*

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill relative to the Lafayette Trail (Senate, No. 2265).

Lafayette Trail.

**There being no objection, the rules were suspended, on motion of Mr. Ross, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act relative to the General Lafayette Trail".**

**Sent to the House for concurrence.**

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill designating a certain bridge in the town of Lee as the Lou DiGigoli Memorial Bridge (House, No. 4156).

Lee,-- Lou. DiGigoli  
Memorial Bridge.

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

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill to protect animal welfare and safety in cities and towns (Senate, No. 1159) (the committee on Rules having recommended that the bill be amended by substituting a new draft with the same title (Senate, No. 2332).

Animal welfare and  
safety.

*Order Adopted.*

Mr. Montigny offered the following order, to wit:

*Ordered,* That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to protect animal welfare and safety in cities and towns (Senate, No. 1159) (the committee on Rules having recommended that the bill be amended by substituting a new draft, Senate, No. 2332) shall be placed in the Orders of the Day for a second reading on Thursday, March 15, 2018.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon, on Tuesday, March 13, 2018. All such amendments shall be second reading-amendments to the Senate Rules committee new draft (Senate, No. 2332), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

**Under the rules, referred to the committee on Rules.**

**Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.**

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

**The bill will be placed in the Orders of the Day for Thursday, March 15, 2018, for a second reading with the amendment pending.**

*Orders of the Day.*

The Orders of the Day were considered as follows:

Bills

Amending Chapter 268 of the Acts of 2000 (Senate, No. 2189);

Second reading bills.

Amending the charter of the town of Oxford to elect 3 members of the housing authority (House, No. 3746);

Relative to the ownership and occupancy deadline for residential property exemptions in the city of Boston (House, No. 4073);

Relative to the town manager of the town of Upton (House, No. 4121);

Amending the charter of the town of Chelmsford (House, No. 4243); and

Authorizing the sale of certain property located at 616 Towne Street in the town of North Attleborough (House, No. 4248).

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

The Senate Bill relative to social media privacy protection (Senate, No. 991),-  
- was read a second time.

Social media,--  
privacy protection.

**Pending the question on adoption of the amendment recommended by the committee on Ways and Means, on motion of Mr. Crighton, the further consideration thereof was postponed until Thursday, March 15th.**



PAPERS FROM THE HOUSE

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

Bills laid before the Governor.

Authorizing the board of selectmen of Hardwick to appoint the town collector (Senate, No. 2114); and

Authorizing the board of selectmen of Hardwick to appoint the town treasurer (Senate, No. 2115).

*Order Adopted.*

On motion of Mr. Crighton,--

*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.

*Moment of Silence.*

At the request of the President (Mr. Brownsberger), the members, guests and staff stood in a moment of silence and reflection to the memory of Tracy Harrington Barbas.

Moment of silence.

*Adjourn In Memory of Tracy Harrington Barbas*

The Senator from the Plymouth and Bristol, Mr. Brady, moves that when the Senate adjourns today, it do so in memory Brockton Police Sergeant Tracy Harrington Barbas, 42. Tracy passed away on January 15th at the Good Samaritan Medical Center in Brockton.

Tracy was a lifelong resident of Brockton, attending schools in Brockton throughout her education before going on to obtain a Bachelor's of Science in Criminal Justice. From an early age Tracy knew she wanted to be a police officer and serve the community that had given her so much. Known for her great compassion and strength, Tracy went on to be the first ever female patrol officer in the history of Brockton in 1999. Upon being sworn in Tracy was quoted saying "I hope I can make the rest of the female officers proud, I'm going to do my best to pave the way for all the girls who come after me" and Tracy did just that, serving as a patrol officer until 2012 when she was promoted to sergeant and again achieved a rank no female in the city of Brockton had previously held. Her determined and respectful work ethic embodied all that the city of champions has come to be so proud of. Although her life was cut short, Tracy's accomplishments, her trailblazing career, and her compassion for others will long be remembered by those who knew her best in the city she served so proudly, The City of Champions.

Tracy is survived by her loving husband Chris Barbas, her loving parents James and Karen Harrington of Brockton; her siblings, James E. Harrington, Jr. and his wife Ann of West Bridgewater, Patrick J. Harrington and his wife Diane of Bridgewater and Shannon M. Harrington of Freetown, her mother-in-law, Heidi Barbas and her brother-in-law, George Barbas.

**UNCORRECTED PROOF.**

Accordingly, as a mark of respect in memory of Tracy Harrington Barbas, at twenty-seven minutes past eleven o'clock A.M., on motion of Mr. Ross, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.