

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, APRIL 19, 2018.

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JOURNAL OF THE SENATE.

Thursday, April 19, 2018.

Met at four minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

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

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. O'Connor for the purpose of an introduction. Mr. O'Connor then introduced, in the rear of the Chamber, the Weymouth High School Theater Company which is comprised of 84 students. The group was recognized for winning the annual Massachusetts Educational Theater Guild State Championship by performing "The Future is in Eggs, or It Takes All Sorts to Make a World". The Senate applauded their accomplishments and they withdrew from the Chamber.

Weymouth High School Theater Company.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the rear of the Chamber, Rosalie, Allie and Myley Nicastro from Gloucester. They were on a tour of the State House learning about the different aspects of state government. The Senate welcomed them with applause and they withdrew from the Chamber. They were accompanied by Representative Ferrante of Gloucester.

Rosalie, Allie and Myley Nicastro.

Petition.

Mr. Tarr (by request) presented a petition (accompanied by bill) (subject to Joint Rule 12) of Jenne Sindoni for legislation relative to emotional support dogs for witnesses in court;

Witnesses,-- support dogs. SD2628

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

Reports of Committees.

Mr. Montigny, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on the Public Health to make an investigation and study of certain current Senate documents relative to public health matters (Senate, No. 2422), reported, in part, a "Resolve relative to sexual assault counselor task force" (Senate, No. 1241).

Sexual assault counselor,-- task force.

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

By Ms. Friedman, for the committee on Mental Health, Substance Use and Recovery, on Senate, No. 1093 and House, No. 1070, a Bill to further define medical necessity determinations (Senate, No. 2453);

Medical necessity,-- define.

By Mr. Lewis, for the committee on Public Health, on petition (accompanied by bill, Senate, No. 1186), a Bill relative to HIV screening and prevention (Senate,

HIV,-- screening and prevention.

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No. 2445); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1207), a Bill relative to volunteer ambulance service (Senate, No. 2446);

Department of Public Health,-- ambulance services.

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

By Ms. Chang-Diaz, for the committee on Education, on Senate, No. 242 and House, No. 327, a Bill regarding breakfast after the bell (Senate, No. 2441);

Classrooms,-- breakfast.

By the same Senator, for the same committee, on Senate, Nos. 279 and 323, a Bill relative to Innovation Partnership Zones (Senate, No. 2442);

Schools,-- innovation partnership zones.

By the same Senator, for the same committee, on Senate, Nos. 294 and 313, a Bill relative to students with dyslexia (Senate, No. 2443);

Special education needs,-- dyslexia.

By Mr. Lewis, for the committee on Labor and Workforce Development, on petition (accompanied by bill, Senate, No. 1008), a Bill protecting employees who receive wages by payroll debit cards (Senate, No. 2447);

Payroll debit cards,-- wages.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1013), a Bill addressing workplace bullying, mobbing and harassment, without regard to protected class status (Senate, No. 2448);

Workplace bullying.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1038), a Bill establishing a Commonwealth citizen service initiative (Senate, No. 2449);

MA Service Alliance,-- creation.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2078), a Bill to modernize the Commonwealth's administration of unemployment insurance (Senate, No. 2450);

Unemployment insurance,-- modernization.

By Ms. Friedman, for the committee on Mental Health, Substance Use and Recovery, on petition (accompanied by bill, Senate, No. 1090), a Bill to establish a center of excellence in community policing and behavioral health (Senate, No. 2452);

Behavioral health,-- center of excellence.

By Mr. Boncore, for the committee on Transportation, on petition (accompanied by bill, Senate, No. 1917), a Bill relative to temporary registration plates (Senate, No. 2456);

Registration plates,-- temporary.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1928), a Bill relative to school bus driver licensing (Senate, No. 2457); and

School bus driver,-- licensing.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1935), a Bill to study the feasibility of high-speed rail access between Springfield and Boston (Senate, No. 2458);

Springfield,-- rail access.

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

PAPERS FROM THE HOUSE.

A Message from His Excellency the Governor recommending legislation relative to building on criminal justice reform (printed in House, No. 4426,-- being a message from His Excellency the Governor),-- **was referred, in concurrence, to the committee on the Judiciary.**

Criminal Justice reform.

A Bill establishing a sick leave bank for Sara Parmenter, an employee of the Department of Correction (House, No. 4354, amended,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Sara Parmenter,-- sick leave.

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

Frank Cousins, Jr., President of the Greater Newburyport Chamber of Commerce & Industry to the special commission established (under Chapter 1 of the Resolves of 2016) to consider the viability of establishing a designed space or facility on the Esplanade, Madison Park high school or another location in the city of Boston to commemorate the visit of Nelson Mandela to the city of Boston; and

Nelson Mandela.

Teresita Ramos of Wellesley to the special commission established (under Section 65 of Chapter 138 of the Acts of 2017 and pursuant to section 2A of chapter 4 of the General Laws) to investigate and study the current collection and dissemination of school district and statewide data relative to school-age English learners.

English learners.

Resolutions.

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

Resolutions (filed by Mr. Brady) “congratulating Hunter Shields of the town of Hanover on his elevation to the rank of Eagle Scout”;

Hunter Shields.

Resolutions (filed by Mr. Pacheco) “congratulating Kathleen M. Tunney on her retirement”; and

Kathleen M. Tunney.

Resolutions (filed by Ms. Spilka) “congratulating Calvin Corrigan of the city of Framingham on his elevation to the rank of Eagle Scout.”

Calvin Corrigan.

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

Senator Stanley C. Rosenberg,—absence from Chamber.

April 11, 2018

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

Dear Mr. Clerk:

I was unable to vote on several matters before the Senate on Thursday, March 15, 2018. Had I been present I would have voted on the following:

I would have voted in the affirmative on roll call #330 relative to education collaboratives.

I would have voted in the affirmative on roll call #332 and #333 relative to protecting puppies and kittens.

I would have voted in the affirmative on roll call #331 relative to social media privacy.

I would have voted in the affirmative on roll call #334 relative to the taking of land in Agawam.

I would have voted in the affirmative on roll call #336 and in the affirmative

on roll call #337 relative to the protection of animal welfare.

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

Sincerely,
STAN ROSENBERG
Hampshire, Franklin, and Worcester

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

Ordered printed.

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 validating certain proceedings of the town of Hull (printed in Senate, No. 2157).

Hull,-- annual town meeting.

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.

Sent to the House for concurrence.

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 Richard Tomczyk for legislation relative to the photocopying, scanning or retaining of identification by private establishments.

Identification cards,-- protect. SD2602

The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Consumer Protection and Professional Licensure.

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 Debra Puccio for legislation relative to the requirement to disclose mental health issues to the registrar.

Registrar,-- disclosure. SD2605

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

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

The following House Orders (approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on the Judiciary be granted until Wednesday, May 2, 2018 within which time to make its final report on current House documents numbered 47, 707, 795, 869, 873, 933, 948, 980, 2263, 2274, 2277, 2307, 2330, 2348, 2354, 3027, 3083, 3093, 3584, 3655, 3729, 3835, 3904, 3928 and 4142.

The Judiciary,-- extension order.

The rules were suspended, on motion of Mr. Tarr, and, after remarks, the order (House, No. 4317) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee

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on The Judiciary be granted until Wednesday, May 2, 2018 within which time to make its final report on current House documents numbered 4310, 4322, 4323 and 4338.

The rules were suspended, on motion of Mr. Tarr, and after remarks, the order (House, No. 4413) 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 (Mr. Brownsberger) and laid before the Governor for his approbation, to wit:

Establishing a private road maintenance revolving fund in the town of Westminster (House, No. 3905); and

Bills laid before the Governor.

Establishing the position of town manager in the town of Ayer (House, No. 4080, amended).

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 former Senator Charles E. Shannon, Jr.

Moment of silence.

Recess.

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

Recess.

Reports of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Dawn Parmenter, an employee of the Department of Correction (House, No. 4090, amended),-- ought to pass.

Dawn Parmenter,-- 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 Senate Bill relative to veterans' benefits, rights, appreciation, validation and enforcement (Senate, No. 2326),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2454) [This legislation will have an estimated fiscal impact to the Commonwealth of \$800,000 in fiscal year 2019].

Veterans,-- benefits.

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 veterans' benefits, rights, appreciation, validation and enforcement (Senate, No. 2326) (the committee on Ways and

Procedural order.

Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2454) shall be placed in the Orders of the Day for a second reading on Thursday, April 26, 2018.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon, on Tuesday, April 24, 2018. All such amendments shall be second-reading amendments to Senate, No. 2454, 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. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, April 26, 2018, for a second reading with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill removing fees for security freezes and disclosures of consumer credit reports (House, No. 4241) (also based on Senate, No. 2304),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2455; 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 enhance forthwith the ability of consumers to protect their credit reports, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and by striking out the title and inserting in place thereof the following title:- “An Act relative to consumer protection from security breaches”.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That, notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill removing fees for security freezes and disclosures of consumer credit reports (House, No. 4241) (also based on Senate, No. 2304) (the committee on Ways and Means having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2455) shall be placed in the Orders of the Day for a second reading on Thursday, April 26, 2018.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M. on Monday, April 23, 2018. All such amendments shall be second-reading amendments to Senate, No. 2455, 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

Credit reports,--
consumer protection.

Procedural order.

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. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, April 26, 2018, for a second reading with the amendment pending.

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 Charles E. Shannon, Jr.

The Senator from Middlesex, Ms. Jehlen, moved that when the Senate adjourns today, it adjourn in memory of former Senator Charles E. Shannon, Jr. who died thirteen years ago after a long battle with cancer.

Charlie Shannon represented the Second Middlesex District for over fourteen years.

Shannon first became involved in government when he was appointed to the Winchester Board of Assessors in 1987 and was later elected to the post in 1989. He served as its Chairman from 1989-1990.

During this time, he was also a town meeting member.

Also, during his 20 years of service with the Lexington Police Department, he had received two commendations for bravery.

During his State House service, he served as the Chairman of Ethics and Rules, as well as Vice Chairman of Bills in Third Reading. He had also served as the Vice Chairman for Municipalities and Regional Government, as well as State Administration and Regulatory Oversight.

Senator Shannon's commitment to public safety and young people is memorialized in the Shannon Grants which promote youth development and combat violence.

His commitments to the environment and to recreation are memorialized at the Shannon Beach on the Mystic Lakes.

His service and his friendship live on in the memories of colleagues and the people he served.

Accordingly, as a mark of respect in memory of Charles E. Shannon, at twenty minutes past one o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.