

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**MONDAY, DECEMBER 10, 2018.**

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JOURNAL OF THE SENATE.

Monday, December 10, 2018.

Met at eight 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.

Communications.

The following communications were severally received and placed on file, to wit: Communications from the Honorable Karen E. Spilka, President of the Senate, announcing the following appointments:

Senator Nick Collins (pursuant to Section 136 of Chapter 113 of the Acts of 2018) to the Special Commission to make an investigation and study on the feasibility of establishing a Cape Verdean cultural center in the city of Boston; and

Commission on Cape Verdean cultural center in Boston.

Senator Michael O. Moore (pursuant to Section 44 of Chapter 218 of the Acts of 2018) to the Special Commission to make an investigation and study of the cost and feasibility of exempting veterans of the Commonwealth from tuition, fees and associated costs of attending public colleges and universities in the Commonwealth.

Commission on veterans' exemption from public higher institution charges.

PAPERS FROM THE HOUSE

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

Representative Randy Hunt (under Chapter 207 of the Acts of 2018) to the Tax Expenditure Commission to examine, evaluate and report on the administration, effectiveness and fiscal impact of tax expenditures.

Tax Expenditure Commission.

A petition (accompanied by bill, House, No. 4990) of David T. Viera, Viriato M. deMacedo and Randy Hunt (by vote of the town) relative to the Bourne Recreation Authority,--was referred, in concurrence, to the committee on Municipalities and Regional Government

Bourne Recreation Authority.

A Bill protecting locked out employees (House, No. 4988, amended,-- on House, No. 3133),-- was read and, under Senate Rule 27, referred to the committee on Ways and Means.

Locked out employees.

Matters Taken Out of the Orders of the Day.

There being no objection, the follows matters were taken out of the Orders of the Day and considered as follows:

The House Bill changing the composition of the Boston Art Commission (House, No. 3460) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time and passed to be engrossed, in concurrence.

Boston Art Commission.

**UNCORRECTED PROOF.**

The House Bill authorizing the town of Hatfield to grant an additional off-premises license for the sale of all alcoholic beverages (House, No. 4878),-- **was read a third time and passed to be engrossed, in concurrence.**

Hatfield liquor license.

The House Bill authorizing the town of Ayer to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4907),-- **was read a third time and passed to be engrossed, in concurrence.**

Ayer liquor license.

*Reports of Committees.*

By Ms. Lovely, for the committee on Senate Ways and Means, that the Senate Bill providing for provisional licensure for speech-language pathologists (Senate, No. 137),-- ought to pass, with an amendment by inserting after the word “for”, in line 10, the following words:- “a provisional”.

Speech-language pathologists.

**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. 137, amended) was then ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

By Ms. Lovely, for the committee on Senate Ways and Means, that the Senate Bill improving juror service (Senate, No. 771),-- ought to pass.

Juror Service.

**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. Feeney, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Tyra Jackson, an employee of the Department of Mental Health (Senate, No. 2677).

Tyra Jackson,-- sick leave.

**The bill was read. 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.**

PAPERS FROM THE HOUSE

The House Bill authorizing the Massachusetts Water Resources Authority to supply water to the town of Burlington (House, No. 4801, changed,-- on petition) [Local approval received],-- was read.

Burlington,-- water supply.

**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.**

The House Bill establishing a sick leave bank for Peter Hayes, an employee of the Department of Children and Families (House, No. 4968,-- on petition),-- was read.

Peter Hayes,-- sick leave.

**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.**

The House Bill establishing a sick leave bank for William P. Kearny, Jr., an employee of the Massachusetts Department of Transportation (House, No. 4974,-- on petition),-- was read.

William P. Kearny, Jr.,-- sick leave.

**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.**

*Emergency Preambles Adopted.*

An engrossed Bill establishing a sick leave bank for Laurie Wendover, an employee of the Department of Correction (see Senate, No. 2083, 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 2 to 0.

Laurie Wendover,--  
sick leave.

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

An engrossed Bill establishing a sick leave bank for Rachael Purnell, an employee of the Trial Court (see House, No. 4980), 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.

Rachael Purnell,--  
sick leave.

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

*Engrossed Bills.*

The following engrossed bills (the first three 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:

Establishing a sick leave bank for Laurie Wendover, an employee of the Department of Correction (see Senate, No. 2083, amended);

Bills laid before the  
Governor.

Authorizing the town of Berkley to grant an additional license for the sale of alcoholic beverages not to be drunk on the premises (Senate, No. 2596, amended);

Authorizing the town of Wenham to make permanent improvements to certain private ways and assess betterments (Senate, No. 2678);

Authorizing the town of Foxborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4768); and

Establishing a sick leave bank for Rachael Purnell, an employee of the Trial Court (House, No. 4980).

*Order Adopted.*

On motion of Mr. Tarr--

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M.

Time of meeting.

*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 Francis James Kane.

Moment of silence.



*Adjournment in Memory of Francis James Kane*

The Senator from Middlesex and Worcester, Mr. Eldridge, moved that when the Senate adjourns today, it adjourn in memory of Francis James Kane.

Francis James Kane, 78, a lifelong resident of Marlborough, passed away after a two and a half-year battle with cancer on Friday, Nov. 30, 2018. Fran, as he was known by family and friends, is survived by his high school sweetheart and loving wife of 55 years, Judith M. (Foisy) Kane, his son James Francis Kane and his wife State Representative Hannah Kane of Shrewsbury, and his three grandchildren, Madison, Caitlin, and Patrick. Fran was predeceased by his granddaughter Caroline Libby Kane.

Fran, one of eight children of Francis J. and Susan C. Kane, was born and raised in Marlborough. He is predeceased by four of his siblings, brothers Alden Kane and Roger Kane, and sisters Millicent Morin and Lucille Stevens. Fran is survived by two of his sisters, Susan Scott and her husband Raymond, Sandra Kane, and his brother John Kane and his wife Barbara, all of Marlborough.

Fran was a member of the Marlborough High School Class of 1957, a 1961 graduate of Fitchburg State College, and he received his master's degree in education from Worcester State College in 1966. Beginning his career in education as a teacher in Hudson, Fran went on to serve as a teacher and a principal and he capped his twenty years in the Marlborough Public Schools as superintendent. He also served his community in Marlborough as a member of the Planning Board, the Democratic Town Committee, Rotary and the Jaycees. Fran retired in 2002 as Associate Commissioner at the Massachusetts Department of Elementary and Secondary Education.

Accordingly, as a mark of respect in memory of Francis James Kane, at fourteen minutes before twelve o'clock noon, on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.