

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**MONDAY, JUNE 26, 2017.**

[60]

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JOURNAL OF THE SENATE.

Monday, June 26, 2017.

Met at three 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.

Report.

Report of the Ellen Story Commission on Postpartum Depression (under the provision of Chapter 313 of the Acts of 2010) submitting its annual report (copies having been forward as required to the joint committee on public health and the joint committee on financial services) (received Friday, June 23, 2017),-- **was placed on file.**

Ellen Story Commission on Postpartum Depression. SD2243

Reports of a Committee.

By Mr. Moore, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to emergency first responder notification (Senate, No. 1367);

Massachusetts Emergency Information Program.

**Referred, under Joint Rule 1E, to the committee on Health Care Financing.**

By Mr. Moore, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to voluntary towing reform (Senate, No. 1342);

Towing,-- reform.

By the same Senator, for the same committee, on petition, a Bill relative to reasonable notice and cure standards to protect small businesses (Senate, No. 1346);

Small businesses,-- protections.

By the same Senator, for the same committee, on petition, a Bill regulating the closure of state correctional facilities (Senate, No. 1368); and

Correctional facilities,-- closures.

By the same Senator, for the same committee, on petition, a Bill relative to critical incident intervention by emergency service providers (Senate, No. 1373);

Emergency services,- critical incident.

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

PAPERS FROM THE HOUSE

Bills.

Establishing a sick leave bank for Richard Capone, an employee of the Massachusetts Department of Transportation (House, No. 3722, amended,-- on petition);

Richard Capone,-- sick leave.

Establishing a sick leave bank for Philippe Fauche, an employee of the Department of Mental Health (House, No. 3723, amended,-- on petition); and

Philippe Fauche,-- sick leave.

Established a sick leave bank for David Senatillaka, an employee of the

David Senatillaka,-- sick leave.

Department of Correction (House, No. 3734, amended,-- on petition);

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

Report of the committee on Revenue asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1626) of Jeffrey Sánchez and others relative to the tax credit for the containment or abatement of lead paint and further protecting children from lead paint contamination,-- and recommending that the same be referred to the committee on Health Care Financing,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Lead paint.

*Communication.*

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE

June 26, 2017

Senator Viriato M. deMacedo,-- resignation from committee of conference.

The Honorable Stanley C. Rosenberg  
Room 332  
Massachusetts State House  
Boston, MA 02133

Dear Senate President Rosenberg:

I write to you today to express my regrets that due to scheduling conflicts I will not be able to serve on the conference committee to reconcile S2090 and H3776. I am honored to have been chosen for this important responsibility and sincerely regret that I will not be able to serve in this capacity.

As you are no doubt aware, the Legislature is currently working to meet a June 30 deadline to reconcile both the marijuana policy legislation and the FY18 budget. I am fortunate enough to have been nominated to serve on the conference committee for both. Unfortunately the time requirements for both of these committees would not allow me to give either one the attention it deserves. On a personal note, my youngest daughter is getting married this weekend placing even more constraints on my time. Because of this happy occasion, I will be unavailable both June 30 and July 1.

With these concerns in mind and my sincere apology, I ask that I please be removed from the conference committee for S2090 and H3776. Thank you for your consideration.

Sincerely,  
SENATOR VINNY M. deMACEDO  
*Plymouth and Barnstable*

**The resignation was accepted. The Chair (Mr. Brownsberger) then appointed the Senator from Norfolk, Bristol and Middlesex, Mr. Ross, to the vacant position on the committee of conference.**

*Resolutions.*

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

Resolutions (filed by Mr. Brady) “congratulating Andrew Morgan of the town of Easton on his elevation to the rank of Eagle Scout”;

Andrew Morgan.

Resolutions (filed by Mr. Pacheco) “congratulating William J. ‘Bill’ Corbett on his retirement from Cooperative Production, Inc.”; and

William J. "Bill" Corbett.

Resolutions (filed by Mr. Rush) “commemorating the observance of June 27, 2017 as National Post-Traumatic Stress Disorder Awareness Day.”

National Post-Traumatic Stress Disorder Awareness Day.

*Communication.*

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE

Senator Jennifer L. Flanagan,-- absence from Chamber.

June 23, 2017

Mr. William Welch, *Clerk*  
Massachusetts State Senate  
State House, Room 335  
Boston, MA 02133

Dear Mr. Clerk,

I was unable to vote on three matters in the formal session of the Senate on June 22, 2017, as I left to attend a regional conference for Women in Government.

Had I been present for roll call #50, I would have voted in the affirmative.

Had I been present for roll call #51, I would have voted in the affirmative.

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

Respectfully,  
JENNIFER L. FLANAGAN  
*State Senator*

*Worcester & Middlesex District.*

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

*Matter Taken Out of the Orders of the Day.*

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

Reorganization Plan No. 2 to reorganize the information technology function of the Commonwealth to improve data security, safeguard privacy, and promote better service delivery (House, No. 3731),-- was read.

Reorganization Plan No. 2 of 2017.

**Pending the question on “Shall this Reorganization Plan be Approved?”, on motion of Mr. Timilty, the matter was referred to the committee on Bills in the Third Reading.**

PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 3783) of William J. Driscoll for legislation to establish a sick leave bank for David Banks, an employee of the Trial Court,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

David Banks,-- sick leave.

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Paul Geraghty, an employee of the Trial Court of the Commonwealth (see House, No. 905, 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.

Paul Geraghty,-- sick leave.

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

*Recess.*

There being no objection, at ten minutes past eleven o'clock A.M., the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and, at a half past twelve o'clock noon, the Senate reassembled, the Mr. Brownsberger in the Chair.

Recess.

PAPER FROM THE HOUSE

A Bill making certain appropriations for fiscal year 2018 before final action on the General Appropriation Bill (printed in House, No. 3775,-- being a message from his Excellency the Governor),-- was read.

Interim budget.

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

*Report 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 Walter F. Timilty for legislation to establish a sick leave bank for David Banks of 17 Turner Drive of Randolph, a court officer of the West Roxbury District Court.

David Banks,-- sick leave. SD2241

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

**Sent to the House for concurrence.**

PAPERS FROM THE HOUSE

*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 sick leave bank for Paul Geraghty, an employee of the Trial Court of the Commonwealth (see House, No. 905, amended); and

Making certain appropriations for fiscal year 2018 before final action on the General Appropriations Bill (see House Bill printed in House, No. 3775).

Bills laid before the Governor.

*Order Adopted.*

On motion of Mr. Ross,--

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M., in a full formal session with a calendar.

Time of meeting.

On motion of the same Senator, at thirteen minutes before one o'clock P.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.