

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, FEBRUARY 27, 2020.

JOURNAL OF THE SENATE

Thursday, February 27, 2020.

Met at fourteen minutes past eleven o'clock A.M. (Mr. Crighton 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. Crighton), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, in the rear of the Chamber, the West Bridgewater Middle-Senior High School Women's Cross Country Team who was recognized for winning the 2019 MIAA Eastern Massachusetts Division 6 Championship and the West Bridgewater Middle-Senior High School Football Team who was recognized for winning the 2019 Division 8 South Sectional Championship. The Senate applauded their accomplishments and they withdrew from the Chamber. The teams were accompanied by Cross Country Head Coach Jayson Sylvai, Football Coach Justin Kogler, Football Team Manager James Piesco, Principal Mark Bodwell, and Athletic Director Jennifer Hammel. They were also guests of Representative Dubois of Brockton.

West Bridgewater Middle-Senior High School Women's Cross Country and Football Teams.

Communications.

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

Communication from the Massachusetts Department of Transportation submitting a copy of its Transportation Asset Management Plan (received December 4, 2019);

MassDOT,-- TAMP. SD2835

Communication from the Department of Public Health submitting notice of its intent on filing its report annual report required (pursuant to Section 25A of Chapter 112 of the General Laws) of investigatory or disciplinary actions conducted by the board of registration in pharmacy (received February 25, 2020); and

DPH,-- 2019 Bd. of Reg in Pharmacy report. SD2844

Communication from the Department of Public Health acknowledging receipt of the various plans of correction relative to inspections of the following facilities: MCI Shirley on December 4, 5, 6, and 9, 2019; Bridgewater Complex Food Service on December 11, 2019; MCI Concord on December 11 and 12, 2019; Essex County Correctional Alternative Center in Lawrence on January 6, 2020; Western Massachusetts Recovery and Wellness Center in Springfield on January 7, 2020; Worcester County House of Correction and Jail in West Boylston on January 10, 2020; and MCI Shirley on January 13, 2020 (received January 27, 2020).

DPH,-- plans of correction. SD2845

Reports.

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

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 Massachusetts Recovery and Wellness Center, Western MA Women's Correctional Center and Middlesex County Jail and House of Correction (received January

DPH,-- facility inspections. SD2836

30, 2020);

Report of the Secretary of the Commonwealth (pursuant to Section 6A of Chapter 66 of the General Laws) submitting its report of public records requests received by agencies in the year 2019 (received February 25, 2020);

Public records requests. SD2839

Report of the Criminal Justice Task Force on Juvenile Age (pursuant to Section 221 of Chapter 69 of the Acts of 2018, as amended by Section 24 of Chapter 34 of the Acts of 2019) submitting its findings and recommendations (received February 26, 2020); and

Task Force on Emerging Adults. SD2840

Report of MassDevelopment (pursuant to Chapter 75, Section 45C of the General Laws) submitting its annual report of the Collaborative Workspace Program (received February 26, 2020).

MassDev,-- Collaborative Workspace Program. SD2843

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Brady, a petition (accompanied by bill) (subject to Joint Rule 12) of Michael D. Brady and Kathleen R. LaNatra for legislation to authorize the commissioner of the Division of Capital Asset Management and Maintenance to convey and acquire certain parcels of land in the town of Halifax; and

Halifax,-- land. SD2841

By Mr. DiDomenico, a petition (accompanied by bill) (subject to Joint Rule 12) of Sal N. DiDomenico for legislation to authorize the lease of the former Lee Pool Complex located in the city of Boston;

Boston,-- Lee Pool Complex. SD2838

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

Reports of Committees.

By Mr. Moore, for the committee on Public Safety and Homeland Security, on Senate, Nos. 1358, 1360, 1362, 1363, 1366, 1369, 1370, 1375, 1377, 1378, 1380, 1384, 1387, 1389, 1390, 1393, 1395, 1396, 1398, 1399, 1402, 1404, 1407, 1412, 1413, 1414, 1415, 1417, 1419, 1420, 1421, 1422, 1423, 1424, 1426, 1429, 1434, 1449, 1451, 1454, 1457, 1458, 1464, 2346 and 2396, an Order relative to authorizing the joint committee on Public Safety and Homeland Security to make an investigation and study of certain current Senate documents relative to public safety matters (Senate, No. 2565); and

Public Safety and Homeland Security committee,-- study.

By Mr. Pacheco, for the committee on State Administration and Regulatory Oversight, Senate, Nos. 1798, 1800, 1802, 1803, 1808, 1815, 1819, 1820, 1822, 1825, 1829, 1830, 1831, 1832, 1833, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1846, 1847, 1849, 1851, 1853, 1857, 1864, 1865, 1867, 1870, 1874, 1875, 1882, 1883, 1886, 1889, 1890, 1891, 1892, 1898, 1900, 1901, 1902, 1906, 1907, 1908, 1909, 1910, 1912, 1913, 1916, 1921, 2224, 2304, 2320 and 2339, an Order relative to authorizing the joint committee State Administration and Regulatory Oversight to make an investigation and study of certain current Senate documents relative to state administration and regulatory oversight issues (Senate, No. 2569) [Senator Rausch and Representative Robinson of Framingham dissent inasmuch as relates to Senate, No. 1898];

State Administration and Regulatory Oversight committee,-- study.

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

Committees Discharged.

Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Order relative to authorizing the joint committee on Transportation to make an investigation and study of certain current Senate documents relative to transportation matters (Senate, No. 2558);

Transportation committee,-- study.

UNCORRECTED PROOF.

Of the Senate Order relative to authorizing the joint committee on Transportation to make an investigation and study of certain current Senate documents relative to transportation matters II (Senate, No. 2559); and

Id.

Of the Senate Order relative to authorizing the joint committee on Transportation to make an investigation and study of certain current Senate documents relative to transportation issues (Senate, No. 2560);

Id.

And recommending that the same severally be referred to the committee on Rules.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Mr. Pacheco, for the committee on State Administration and Regulatory Oversight, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2672) of David Biele and others for an investigation by a special commission (including members of the General Court) relative to the 250th anniversary of the American Revolution; and

American Revolution,-- 250th anniversary..

Of the petition (accompanied by bill, House, No. 4260) of Marjorie C. Decker for the issuance of an annual proclamation by the Governor to designate September 14 as plastic pollution action day;

Plastic pollution action day.

And recommending that the same severally be referred to the committee on Rules.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Sent to the House for concurrence in the discharge of the joint committee.

PAPERS FROM THE HOUSE.

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

Representative William L. Cocker, Jr. (pursuant to Section 10 of Chapter 124 of the Acts of 2019) to the special legislative commission on Pediatric Workforce.

Pediatric Workforce Commission.

A Bill relative to strengthening the local and regional public health system (House, No. 4503,-- on House, No. 1935), -- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Public health system.

A Bill designating a foot bridge in Lynn Heritage State Park, in the city of Lynn as the Gold Star Families Bridge (House, No. 4478,-- on House, No. 3743),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Lynn,-- Gold Star Families Bridge.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Paul A. Wilson, an employee of the department of developmental services (see House, No. 3900), 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 A. Wilson,-- sick leave.

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

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

UNCORRECTED PROOF.

severally passed to be enacted and were signed by the Acting President (Mr. Crighton) and laid before the Governor for his approbation, to wit:

Establishing an economic development special revenue account for the town of Ashland (see House, No. 3953, amended); and

Authorizing the town of Holliston to convert a certain liquor license (see House, No. 4118).

Bills laid before the Governor.

Recess.

There being no objection, at a quarter past eleven o'clock A.M., the Chair (Mr. Crighton) declared a recess subject to the call of the Chair; and at one minute past two o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

Reports of Committees.

By Mr. DiDomenico, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by His Excellency the Governor to the engrossed Bill authorizing the appointment of special police officers in the town of West Bridgewater (see Senate, No. 2361) [for message see Senate, No. 2542],-- reported, that the amendment recommended by the Governor be considered in the following form:

West Bridgewater,--
police officers.

By striking out the third sentence of Section 4 of the bill and inserting in place thereof the following sentence:- "A special police officer appointed pursuant to this act shall be considered a reserve or intermittent police officer and subject to the third paragraph of section 96B of chapter 41 of the General Laws and shall not be considered a full-time police officer."

The report was accepted.

The President stated that under the provisions of Article LVI of the Amendments to the Constitution the bill was before the Senate subject to amendment and re-enactment.

On motion of Mr. Lesser, the Senate then adopted the Governor's amendment in the form recommended by the committee on Bills in the Third Reading.

Sent to the House for its action.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Patrick M. O'Connor for legislation to exempt active duty military personnel from state income tax while based out of state.

Active military,--
exempt income tax.
SD2675

Senate Rule 36 was suspended, on motion of Ms. Lovely, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Patrick M. O'Connor for legislation relative to competition for specification of alternative types of culvert pipes.

Culvert pipes.
SD2676

Senate Rule 36 was suspended, on motion of Ms. Lovely, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Patrick M. O'Connor and James M. Murphy for legislation relative to billboard permitting.

Billboard,--
permitting.
SD2815

Senate Rule 36 was suspended, on motion of Ms. Lovely, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied

by bill) was referred to the committee on Transportation.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Patrick M. O'Connor for legislation relative to ending failure-to-pay license suspensions.

License suspensions.
SD2816

Senate Rule 36 was suspended, on motion of Ms. Lovely, 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.

Ms. Lovely, 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 authorizing the Department of Conservation and Recreation to grant easements to the town of Hubbardston for the reconstruction of the Evergreen Road bridge over Mason Brook (Senate, No. 1855) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft entitled "An Act authorizing the Division of Capital Asset Management and Maintenance to grant easements to the town of Hubbardston for the reconstruction of the Evergreen Road bridge over Mason Brook", Senate, No. 2370).

Hubbardston,--
land easements.

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

The bill (Senate, No. 2370) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

Matter Taken Out of the Notice Section.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows:

The House Bill establishing a sick leave bank for Susan Edwards, an employee of the department of developmental services (House, No. 4315) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Susan Edwards,--
sick leave.

Pending the question on passing the bill to be engrossed, Mr. Crighton moved that the bill be amended by inserting after the word "Edwards", in line 5, the following words:- "to care for her immediate family member".

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

The House Bill authorizing the conveyance of an interest in a certain parcel of park land in the town of Fairhaven (House, No. 4009, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2486, *with a further amendment* in section 1, in line 4, by striking out the following: "chapter 30" and inserting in place thereof the following:- "sections 20 to 23, inclusive, of chapter 40B of the General Laws".

Fairhaven,-- land
conveyance.

The rules were suspended, on motion of Mr. Montigny, and the further House amendment was adopted, in concurrence.

UNCORRECTED PROOF.

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

Petition (accompanied by bill, House, No. 4514) of Kevin G. Honan and others (with the approval of the mayor and city council) that the city of Boston be authorized to fund affordable housing through a fee on certain real estate transfers;

Boston,--
affordable housing
fee.

Under suspension of Joint Rule 12, to the committee on Revenue.

Petition (accompanied by bill, House, No. 4512) of John C. Velis and others relative to the federal Open Burn Pit Registry and exposure of veterans and service members to certain airborne hazards;

Veterans,--
airborne hazards.

Petition (accompanied by bill, House, No. 4513) of David F. DeCoste and others for legislation to establish a Massachusetts Cold War victory medal;

Massachusetts Cold
War victory medal.

Severally, under suspension of Joint Rule 12, to the committee on Veterans and Federal Affairs.

Orders of the Day.

Ms. Lovely in the Chair, the Orders of the Day were considered as follows:

Bills

Relative to the Burncoat Pond Watershed District (Senate, No. 1186);

Second reading bills.

Authorizing the town of Westport to convey a non-exclusive access easement in a portion of town property at 493 Old County Road to benefit 497 Old County Road (Senate, No. 1199);

Amending the charter for the town of Walpole (Senate, No. 2458);

Revoking the town of Longmeadow's acceptance of a certain general law establishing a board of election commissioners (Senate, No. 2468);

Relative to recall elections in the town of Charlton (House, No. 4034);

Providing for alternate members of the conservation commission of the town of Clinton (House, No. 4167);

Amending the charter of the town of Chelmsford to change the name of the board of selectmen to select board (House, No. 4222);

Providing for certain tax assessments and pilot agreements for solar and wind systems in the town of Mattapoisett (House, No. 4244); and

Authorizing the town of Mashpee to convey certain town owned conservation land to Mark and Donna Lopez (House, No. 4346);

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

The Senate Bill further regulating appointments to city offices in the city of Gloucester (Senate, No. 2411) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

Gloucester,--
city offices.

Sent to the House for concurrence.

The House Bill establishing a sick leave bank for Jodi DiMaggio, an employee of the trial court of the Commonwealth (House, No. 4600),-- **was read a third time and passed to be engrossed, in concurrence.**

Jodi DiMaggio,--
sick leave.

Moment of Silence.

The Chair (Ms. Lovely), members, guests and staff stood in a moment of silence and reflection to the memory of Albert "Albie" Sherman.

Moment of silence.

Orders of the Day.

The Orders of the Day were further considered as follows:

UNCORRECTED PROOF.

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

The Senate Bill to provide identification to homeless youth and families (Senate, No. 2043),-- was read a second time.

Homeless,--
identification.

2.

After remarks, and pending the question on adoption on the amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2555), and pending the main question on ordering the bill to a third reading, Messrs. Tarr and O'Connor moved that the proposed new draft be amended by inserting the following:-

“SECTION_. The registrar of motor vehicles shall annually by December 31 submit to the clerks of the house and senate and the joint committee on transportation the number of homeless or an unaccompanied homeless youth that have received a Massachusetts identification card as established in this act.

SECTION_. The secretary of state shall annually by December 31 submit to the clerks of the house and senate and the joint committee on election laws the number of homeless or an unaccompanied homeless youth that meet the provisions of chapter 51 of the general laws and have been enrolled to vote or have opted out of voter registration.”

The amendment was *rejected*.

3.

Mr. Rodrigues moved that the proposed new draft be amended in section 1, in the proposed tenth paragraph of section 8E of chapter 90, by adding the following sentence:- “The registrar and the state secretary shall enter into a memorandum of understanding under section 42G ½ of chapter 51 to implement this paragraph, as appropriate.”

The amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The bill (Senate, No. 2555, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at three o'clock P.M., on motion of Ms. Chandler, as follows to wit (yeas 37 – nays 0) [**Yeas and Nays No. 182**]:

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Hinds, Adam G. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Edward J. |
| Chandler, Harriette L. | Lesser, Eric P. |
| Chang-Diaz, Sonia | Lewis, Jason M. |
| Collins, Nick | Lovely, Joan B. |
| Comerford, Joanne M. | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| Crighton, Brendan P. | O'Connor, Patrick M. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Eldridge, James B. | Rush, Michael F. |
| Fattman, Ryan C. | Tarr, Bruce E. |
| Feeney, Paul R. | Timilty, Walter F. |
| Finegold, Barry R. | Tran, Dean A. |
| Friedman, Cindy F. | Welch, James T. – 37. |
| Gobi, Anne M. | |

NAYS – 0.

The yeas and nays having been completed at two minutes past three o'clock P.M.,

the bill was passed to be engrossed [For text of bill, printed as amended, see Senate, No. 2576].

Sent to the House for concurrence.

Ms. Friedman in the Chair, the Senate Bill updating terminology and investigative practices related to the protection of persons with disabilities (Senate, No. 2427),-- was read a second time.

Pending the question on adoption on the amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2554), and pending the main question on ordering the bill to a third reading, Messrs. Timilty and O'Connor moved that the proposed new draft be amended by inserting the following new sections:-

“SECTION XX. Subsection (a) of section 7 of chapter 15D of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following paragraphs:-

(iv) As part of the department’s licensing and background record check process, the department shall enter into an interagency service agreement with the disabled persons protection commission established by section 2 of chapter 19C to allow for the sharing of information resulting from investigations of allegations of abuse or neglect pursuant to section 5 of said chapter for present or prospective employees or other persons providing child care or support services with the potential for unsupervised contact with children in any program or facility licensed, approved or funded by the department. The disabled persons protection commission shall be responsible for notifying the department of any complaints or serious incidents that may impact the health and safety of any resident at facilities licensed by the department pursuant to 606 CMR 3.03 and 606 CMR 7.03.

(v) As part of the department’s licensing and background check process, the department shall maintain an interagency service agreement with the department of children and families established by section 1 of chapter 18B to allow for the sharing of information resulting from investigations of abuse or neglect pursuant to sections 51A and 51B of chapter 119 for current or prospective employees or other persons providing child care or support services with the potential for unsupervised contact with children in any program funded, operated, approved or licensed by the department.

SECTION XX. Section 38R of chapter 71 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the first paragraph the following paragraphs:-

The department shall enter into an interagency service agreement with the disabled persons protection commission established by section 2 of chapter 19C to allow for the sharing of information resulting from investigations of allegations of abuse or neglect pursuant to section 5 of said chapter for any current or prospective employee within the school district or any program or facility approved or funded by the department who may have direct and unmonitored contact with children. The disabled persons protection commission shall be responsible for notifying the department of any complaints or serious incidents that may impact the health and safety of any student at schools licensed by the department pursuant to 603 CMR 28.09 or public school districts.

The department shall enter into an interagency service agreement with the department of children and families established by section 1 of chapter 18B to allow for the sharing of information resulting from investigations of abuse or neglect pursuant to sections 51A and 51B of chapter 119 for current or prospective employees or other persons who may have direct and unmonitored contact with children in a school district or any program or facility approved or funded by the department.”

Persons with disabilities,-- updating terminology.
2.

UNCORRECTED PROOF.

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended in section 13, by striking out, in lines 87 to 89, inclusive, the words “all confidential or personally identifiable information that is created, collected, used, maintained or disseminated pursuant to this chapter” and inserting in place thereof the following words:- “information that is created, collected, used, maintained or disseminated pursuant to this chapter and that is confidential or personally identifiable information pursuant to federal or state law”.

4.

After remarks, the amendment was adopted.

Mr. Rodrigues moved that the proposed new draft be amended in section 4, by striking out, in line 35, the words "or other services"; and in said section 4, by striking out, in lines 45 and 46 the words "who are the subject of the report".

5.

The amendment was adopted.

The pending Ways and Means amendment, as amended, was then adopted.

The bill (Senate, No. 2554, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-four minutes past three o'clock P.M., on motion of Mr. Keenan, as follows to wit (yeas 37 – nays 0) [**Yeas and Nays No. 183**]:

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Hinds, Adam G. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Edward J. |
| Chandler, Harriette L. | Lesser, Eric P. |
| Chang-Diaz, Sonia | Lewis, Jason M. |
| Collins, Nick | Lovely, Joan B. |
| Comerford, Joanne M. | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| Crighton, Brendan P. | O'Connor, Patrick M. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Eldridge, James B. | Rush, Michael F. |
| Fattman, Ryan C. | Tarr, Bruce E. |
| Feeney, Paul R. | Timilty, Walter F. |
| Finegold, Barry R. | Tran, Dean A. |
| Friedman, Cindy F. | Welch, James T. – 37. |
| Gobi, Anne M. | |

NAYS – 0.

The yeas and nays having been completed at twenty-six minutes past three o'clock P.M., the bill was passed to be engrossed [For bill, printed as amended, see Senate, No. 2577].

Sent to the House for concurrence.

The Senate Bill relative to automated enforcement (Senate, No. 1376),-- was read a second time.

Automated enforcement,-- road safety.

After remarks, and pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2553), and pending the main question on ordering the bill to a third

1.

reading, Ms. DiZoglio and Mr. O’Connor moved that the proposed new draft be amended by inserting the text of Senate document numbered 2573, relative to School Bus Safety.

After remarks, the amendment was *rejected*.

Messrs. Tarr and Montigny moved that the proposed new draft be amended by striking in line 241 the following:- “To the extent practicable, additional efforts shall be made to ensure that photographs produced by an automated road safety camera system do not identify the vehicle operator, the passengers or the contents of the vehicle” and inserting in place thereof the following:- “Photographs produced by an automated road safety camera which identify the vehicle operator, the passengers or the contents of the vehicle shall be destroyed unless preserved pursuant to a court order”.

19.

After remarks, the amendment was *rejected*.

Mr. Fattman moved that the proposed new draft be amended by striking out the wording “annually”, in line 218, and inserting in its place thereof the following word:- “monthly.”

22.

The amendment was *rejected*.

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows:

Order Adopted.

Mr. Eldridge presented an Order relative to granting the committee on the Judiciary until May 12, 2020 within which time to make its final report on current Senate document numbered 2480, relative to Judiciary (Senate, No. 2568).

The Judiciary,--
extension order.

There being no objection, the rules were suspended, on motion of Mr. Eldridge, and, after remarks, the order was considered forthwith and adopted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on the Judiciary be granted until Tuesday, May 12, 2020 within which time to make its final report on current House document numbered 4599.

The Judiciary,--
extension order.

The rules were suspended, on motion of Mr. Eldridge, and the order (House, No. 4501) was considered forthwith; and adopted, in concurrence.

A Bill making appropriations for fiscal year 2020 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4502,-- on House, No. 4354, in part),-- was read.

Supplemental
appropriations.

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at ten minutes before five o’clock P.M., on motion of Mr. Rodrigues, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 184]:**

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia

Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.

Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 37.

NAYS – 0.

The yeas and nays having been completed at seven minutes before five o’ clock P.M., the bill was passed to be engrossed, in concurrence.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill relative to automated enforcement (Senate, No. 1376),-- was further considered, the main question being on ordering the bill to a third reading.

Automated enforcement,-- road safety.

Ms. Jehlen moved that the proposed new draft be amended by striking, in line 18, the words “or section 18” and inserting in place thereof: - “ , section 18, or section 18B”.

3.

After remarks, the amendment was adopted.

Mr. Boncore moved that the proposed new draft be amended in section 2, by striking out, in line 41, the figure “2,500” and inserting in place thereof the following figure: - “20,000”.

4.

After remarks, the amendment was adopted.

Mr. Keenan moved that the proposed new draft be amended in section 2, by inserting after the word “Plan”, in line 25, the following words: - “D or”;

5.

In said section 2, by striking out, in lines 45 and 46, the words “manager in a city with a Plan E form of government, the mayor in all other cities” and inserting in place thereof the following words: - “ council with the approval of the mayor in a city”;

In said section 2, in proposed subsection (c) of section 2 of chapter 90J, by adding the following clause: - “; and (iv) records of the maintenance and calibration of each location’s automated road safety camera system”;

In said section 2, by striking out, in lines 198 and 199, the words “5 miles per hour” and inserting in place thereof the following words: - “10 miles per hour where the posted speed limit is 45 miles per hour or greater and not less than 5 miles per hour where the posted speed limit is less than 45 miles per hour”; and by inserting after section 2 the following section:-

“SECTION 2A. Not later than 90 days from the effective date of this act, the Massachusetts Department of Transportation shall promulgate regulations to implement chapter 90J of the General Laws. The regulations shall include, but not be limited to: (i) establishing standardized forms for notices of violations and written warnings; (ii) developing uniform signage requirements for the purpose of complying with subsection (a) of section 6 of said chapter 90J; and (iii) establishing standards for the calibration of automated road safety camera systems under subsection (b) of section 7 of said chapter 90J.”

After remarks, the amendment was adopted.

Ms. DiZoglio and Messrs. O'Connor and Fattman moved that the proposed new draft be amended by inserting in line 44 after the words "city or town" the following words: - " , provided further, automated road safety camera systems that are attached to school buses shall not be subject to limitations related to population or other demographic qualifications";

By adding in line 57 after the words "\$25 per violation" the following: " ; provided further, that violations involving an automated road safety camera mounted on a school bus shall be subject to the fines established in section 14 of chapter 90";

By inserting in line 221 the following section: -

"SECTION XX. (C) In the case of automated road safety camera systems that are to be deployed solely for use upon a school bus, a city or town may enter into an agreement with a private vendor or manufacturer to provide a school bus violation detection monitoring system on each bus within its fleet whether owned or leased, up to and including the installation, operation and maintenance of such systems. Compensation paid to the manufacturer or vendor of the school bus violation detection monitoring system as authorized by this section shall not be based upon the revenue generated by the use of such systems. The compensation paid to the manufacturer or vendor of the equipment shall be based upon the value of the equipment installed and the recurring services provided in support of the school bus violation detection monitoring systems including processing of evidence files, cost of the technology provided and maintenance of such technology. Said agreement shall only become effective after consent by the affected local or regional school department, by vote of a majority of its governing school committee.";

By adding in line 237 after the words "camera enforceable violation" the following words: - " , except as otherwise provided in this section";

By adding in line 244 the following subsection: -

"(e) In the case of automated road safety camera systems that are to be deployed solely for use upon a school bus, recorded video images and still photographic images must record the rear of the motor vehicle, with at least 1 photographic image and one recorded video image clearly recording the motor vehicle immediately before the violation of the stop arm traffic control sign and at least 1 photographic image and one recorded video image recording the motor vehicle passing the stopped school bus with the stop arm traffic control sign deployed in violation of the stop arm traffic control sign. Additionally, at least 1 photographic image and 1 recorded video image must clearly identify the license plate of the motor vehicle.

To the extent practicable, any automated road safety camera in use on a school bus shall use necessary technologies to ensure that photographs or recorded video images produced by the automated road safety camera system shall not include a frontal view photograph or video image of the motor vehicle that is in violation of the stop arm traffic control sign or images that identify the operator, the passengers, or the contents of the vehicle, but no notice of liability issued under this section shall be dismissed solely because a photograph or recorded video image allow for the identification of the operator, passengers, or contents of a vehicle as long as a reasonable effort has been made to comply with this paragraph"; and

By inserting in line 255 the following section:-

"SECTION XX. Notwithstanding the provisions of section 9, in the case of automated road safety camera systems that are to be deployed solely for use upon a school bus, a city or town may enter an agreement that allows for alternative financing arrangements that may provide reimbursement of expenses to the private vendor or manufacturer for the installation, operation and maintenance of the school bus violation detection monitoring systems in operation and acknowledged by an agreement between the private vendor and the school department that has adopted this section. Unless modified by an agreement with

a city or town, reimbursement shall be made from ticket revenue proceeds incurred under this section only if received as currently allocated under the laws of the Commonwealth for said citations so as to eliminate any cost to the city or town for installation, operation and maintenance of the school bus violation detection monitoring systems in its municipality.”

After remarks, the question on adoption of the amendment, was determined by a call of the yeas and nays, at ten minutes past five o’clock P.M., on motion of Ms. DiZoglio, as follows, to wit (yeas 13 – nays 24) **[Yeas and Nays 185]:**

YEAS.

Brady, Michael D.
Comerford, Joanne M.
DiZoglio, Diana
Fattman, Ryan C.
Feeney, Paul R.
Gobi, Anne M.
Kennedy, Edward J.

Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Tarr, Bruce E.
Tran, Dean A.
Welch, James T. – **13.**

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
Eldridge, James B.
Finegold, Barry R.

Friedman, Cindy F.
Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F. – **24.**

The yeas and nays having been completed at thirteen minutes past five o’clock P.M., the amendment was *rejected*.

Mr. Boncore, Ms. Chang-Diaz, Ms. Rausch, Messrs. Brady and O'Connor and Ms. Lovely moved that the proposed new draft be amended in section 2, by inserting after the word “system”, in line 47, the following words:- “; provided, however, that the city or town shall present the past 3 years of available crash data at the proposed location of an automated road safety camera system at the public hearing”;

7.

In said section 2, in proposed subsection (c) of section 2 of chapter 90J, by adding the following clause:- “; and (iv) crash data at each separate location of an automated road safety camera system”; and

In said section 2, in proposed chapter 90J, by inserting after section 10 the following section:-

“SECTION 10A. A city or town shall not implement this chapter unless the city or town has submitted a plan for the implementation of automated road safety camera systems to the Massachusetts Department of Transportation and the department has approved the plan. The review of the plan by the department shall include, but shall not be limited to, consideration of the social and racial equity impacts of the plan. There shall not be more than 10 approved plans in effect at any given time.”

After remarks, the amendment was adopted.

Mr. Barrett moved that the proposed new draft be amended in section 3, by inserting

16.

after the word “safety”, in line 262, the following words:- “, traffic congestion,”.

The amendment was adopted.

Messrs. Tarr, Montigny, Tran and O'Connor moved that the proposed new draft be amended by striking all after the enacting clause and inserting in place thereof the text of Senate, No. 2574, relative to Pilot Program.

17.

After debate, the question on adoption of the amendment, was determined by a call of the yeas and nays, at twenty minutes before six o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 18 – nays 19) [**Yeas and Nays No. 186**]:

YEAS.

Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
DiZoglio, Diana
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Gobi, Anne M.

Lesser, Eric P.
Montigny, Mark C.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **18.**

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
Finegold, Barry R.
Friedman, Cindy F.

Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lewis, Jason M.
Lovely, Joan B.
Moore, Michael O.
Rodrigues, Michael J.
Rush, Michael F. – **19.**

The yeas and nays having been completed at eighteen minutes before six o'clock P.M., the amendment was *rejected*.

Recess.

At sixteen minutes before six o'clock P.M, at the request of Mr. Tarr, for the purpose of a minority caucus, the Chair (Ms. Friedman) declared a recess; and, at eight minutes past six o'clock P.M., the Senate reassembled, Ms. Friedman in the Chair.

Recess.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill relative to automated enforcement (Senate, No. 1376),-- was further considered, the main question being on ordering the bill to a third reading.

Automated enforcement,-- road safety.

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, and pending the main question on ordering the bill to a third reading, Mr. Fattman moved that the bill be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

Order Adopted.

Mr. Moore presented an Order relative to granting the committee on Public Safety and Homeland Security until May 1, 2020 within which time to make its final report on current Senate document numbered 2469, relative to advancing reform within the Massachusetts State Police (Senate, No. 2572).

Public Safety and Homeland Security,-- extension order.

There being no objection, the rules were suspended, on motion of Mr. Moore, and, after remarks, the order was considered forthwith and adopted.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be granted until Monday, March 23, 2020 within which time to make its final report on current Senate documents numbered 114 and 1204, and House documents numbered 1757, 1758, 1773, 1774, 1822 and 1823.

Municipalities and Regional Government,-- extension order.

The rules were suspended, on motion of Ms. Rausch, and, after remarks, the order (House, No. 4482) was considered forthwith; and adopted, in concurrence.

Order Adopted.

Mr. Timilty presented an Order relative to granting the committee on Veterans and Federal Affairs until June 15, 2020 within which time to make its final report on current Senate documents numbered 2464 and 2502, and House document numbered 4407, relative to Veterans and Federal Affairs (Senate, No. 2566).

Veterans and Federal Affairs,-- extension order.

There being no objection, the rules were suspended, on motion of Mr. Timilty, and, after remarks, the order was considered forthwith and adopted.

Sent to the House for concurrence.

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.

Adjournment in Memory of Albert "Albie" Sherman.

The Senator from Middlesex and Norfolk, Ms. Creem, moved that when the Senate adjourns today, it adjourn in memory of Albert "Albie" Sherman of Newton and Brookline, who passed away on February 17, 2020 at the age of 81.

The son of Benjamin Sherman and Gertrude Karass, Albie was born in 1938 and originally lived in Roxbury and Dorchester, and then in Brookline, where he was a long-term resident, before moving to Newton. After graduating from English High School and Massachusetts College of Pharmacy in 1960, he served in the Army Reserve. In 1963 he married Linda H. Gross of Hull.

Albie began his career as a pharmacist and later worked for hospitals and universities. First, he worked in Operation and Materials Management for Saint Elizabeth's Hospital in Brighton, then served as Director for Special Services at Boston University Medical Center, and Associate Vice President for Development at Boston University. In 1989, he

became Vice Chancellor for University Relations at UMass Medical School where he remained until his retirement in 2009. The Albert Sherman Center, a Worcester research facility at the University, was named in his honor in 2013.

Mr. Sherman served on numerous boards, including the Board of Combined Jewish Philanthropies of Greater Boston, the Anti-Defamation League, the New England-Israel Chamber of Commerce, and the Massachusetts Society for Medical Research. In 2007, the Jewish Community Relations Council for Greater Boston honored him with its first Lifetime Achievement Award.

Bringing people together was very important to Albie. He led delegations of Massachusetts politicians and officials from universities and businesses on visits to Israel and was co-chair of the annual Irish-Jewish Seder. Former President of Combined Jewish Philanthropies Barry Shrage said that “(t)here was no one like Albie, a unique personality uniquely able to relate to every ethnic group and to government at every level. We won’t be able to replace him, and we’ll miss him.”

Albie is survived by his wife of 56 years, Linda Sherman; children Risa Sherman and Daniel Katcher of Needham; Matthew Sherman of Los Angeles; Peter and Tali Sherman of Newton; grandchildren Will, Nolan and Lucy Katcher; and sister and brother-in-law Susan and Frank Levey. He was predeceased by his brother and sister-in-law Judge Arthur Sherman and Norma Sherman. Albie will be fondly remembered by the Brookline, Newton and Worcester communities and all those who knew him.

Accordingly, as a mark of respect to the memory of Albert “Albie” Sherman, at twenty-seven minutes past six o’clock P.M., on motion of Ms. Creem, the Senate adjourned to meet again on Monday next at eleven o’clock A.M.