

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, MARCH 12, 2020.

JOURNAL OF THE SENATE

Thursday, March 12, 2020.

Met at ten minutes past eleven o'clock A.M. (Mr. Boncore 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. Boncore), 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 Department of Public Health relative to plans of correction for the following correctional facilities: MCI Framingham on January 30 & 31, 2020; and MCI Concord on February 12, 2020 (received March 9, 2020); and

DPH,-- plans of correction. SD2868

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 41 of the Acts of 2019) submitting its revised fiscal year 2020 transfer schedule for the following account: 1595-1070 Safety Net Provider Trust Fund (received March 11, 2020).

Comptroller,-- revised transfer schedule. SD2869

Reports.

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

Report of the Massachusetts District Attorneys Association (pursuant to line item 0340-2100 of Chapter 41 of the Acts of 2019) submitting its FY2019 Disabled Persons Protection Commission case referrals to the district attorneys (received March 9, 2020);

MDAA,-- DPPC case referrals report. SD2862

Report of the Department of Veterans' Services (pursuant to Section 45 of Chapter 218 of the Acts of 2018) submitting its report entitled "Impediments Facing Incarcerated Veterans Seeking to Apply for Benefits" (received March 9, 2020); and

DVS,-- incarcerated veterans report. SD2864

Report of the Department of Transitional Assistance (pursuant to Section 2(B)(r) of Chapter 18 of the General Laws) submitting its annual report detailing eligible noncitizens receiving Transitional Aid to Families with Dependent Children (TAFDC) (copies having been forwarded as required to the Senate Committee on Ways and Means and Joint Committee on Children, Families and Persons with Disabilities) (received March 10, 2020).

DTA,-- noncitizen report. SD2867

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Keenan, a petition (accompanied by bill) (subject to Joint Rule 12) of John F. Keenan for legislation to establish a sick leave bank for Jessica Zamansky, an employee of the Massachusetts Department of Transitional Assistance;

Jessica Zamansky,-- sick leave. SD2866

By Mr. Moore, a petition (accompanied by bill) (subject to Joint Rule 12) of Michael O. Moore and New England Police Benevolent Association for legislation relative to emergency hazard health duty; and

Emergency hazard health duty. SD2865

By Mr. Tarr, a petition (accompanied by bill) (subject to Joint Rule 12) of Bruce E. Tarr, Ryan C. Fattman, Patrick M. O'Connor and Dean A. Tran for legislation relative to

Healthcare,-- options and efficiency. SD2863

healthcare consumer health options and increased care efficiency;

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

Reports of Committees.

By Ms. Chang-Diaz, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill increasing the personal care allowance for long term care residents (Senate, No. 69);

Long term care,--
allowance.

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

By Ms. Chang-Diaz, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill to bring child support home (Senate, No. 32);

Child support.

By Mr. Feeney, for the committee on Consumer Protection and Professional Licensure, on Senate No. 175 and House, Nos. 800 and 3828, a Bill reforming the sale of cats, dogs, and rabbits in the Commonwealth (Senate, No. 2592);

Retail pet sales.

By Mr. Lewis, for the committee on Education, on Senate No. 247 and House, No. 443, a Bill prohibiting the use of Native American mascots by public schools in the Commonwealth (Senate, No. 2593);

Native Americans,--
mascots.

By Ms. Jehlen, the committee on Elder Affairs, on petition, a Bill relative to emergency lighting in senior housing (Senate, No. 2414);

Senior housing,--
emergency lighting.

By Mr. Crighton, the committee on Housing, on petition, a Bill relative to the Massachusetts Rental Voucher Program (Senate, No. 797);

Massachusetts Rental
Voucher Program.

By the same Senator, for the same committee, on petition, a Bill relative to creating a statutory housing restriction and providing remedies related to statutory housing (Senate, No. 803);

Statutory housing,--
restriction.

By the same Senator, for the same committee, on petition, a Bill creating the Home Works Program (Senate, No. 806);

Home Works
Program,-- creation.

By the same Senator, for the same committee, on petition, a Bill relative to provide sewer and water rate relief (Senate, No. 807);

Sewer and water,--
rate relief.

By the same Senator, for the same committee, on petition, a Bill relative to manufactured housing communities (Senate, No. 815);

Manufactured
housing
communities.

By Mr. Eldridge, the committee on the Judiciary, on petition, a Bill relative to the reliability of testifying informants (Senate, No. 832);

Testifying
informant,--
reliability.

By the same Senator, for the same committee, on petition, a Bill regarding assistant court clerks (Senate, No. 840);

Plymouth County,--
clerks.

By the same Senator, for the same committee, on Senate, Nos. 846 and 898 and House, No. 3447, a Bill relative to probation violations (Senate, No. 846) [Representative Sullivan of Abington dissenting];

Probation violations.

By the same Senator, for the same committee, on petition, a Bill relative to the Uniform Child Custody Jurisdiction and Enforcement Act (Senate, No. 886);

Child custody,--
jurisdiction.

By the same Senator, for the same committee, on Senate No. 905 and House, No. 1341, a Bill to collect data on LGBTQI prisoners held in restrictive housing (Senate, No. 905);

LGBTQI prisoners,--
data.

By the same Senator, for the same committee, on Senate No. 931 and House, No. 1373, a Bill preventing unnecessary vacancies in foreclosed homes (Senate, No. 2492);

Foreclosed homes,--
vacancies.

By the same Senator, for the same committee, on Senate No. 995 and House, No. 3414, a Bill promoting safety for victims of violent crime and human trafficking (Senate, No. 2493);

Victim safety,--
human trafficking.

By the same Senator, for the same committee, on Senate No. 1037 and House, Nos. 1435 and 3772, a Bill relative to the ownership of pets by convicted animal abusers (Senate,

Animal cruelty,--
owners.

No. 2494);

By the same Senator, for the same committee, on Senate No. 1012 and House, No. 3413, a Bill making discrimination on the basis of height and weight unlawful (Senate, No. 2495); and

By Mr. Boncore, for the committee on Transportation, on petition, a Bill to authorize Massachusetts Fallen Firefighter Memorial motorcycle license plates (Senate, No. 2099);

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

By Ms. Chang-Diaz, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill relative to expanding access to adoption (Senate, No. 63);

By Mr. Eldridge, the committee on the Judiciary, on petition (accompanied by bill, Senate, No. 844), a Bill updating the definition of sexual assault counsellor to expand confidentiality protections (Senate, No. 2491); and

By Mr. Boncore, for the committee on Transportation, on petition, a Bill designating certain bridges in the town of Mashpee as the Private First Class Paul E. Conlon, Jr. Memorial Bridges (Senate, No. 2334);

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

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill expanding the sale of products by farmer distilleries and wineries (Senate, No. 2467),— ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2596) (also based on Senate, No. 461);

By the same Senator, for the same committee, that the Senate Bill establishing a student loan bill of rights (Senate, No. 160),-- ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2595); and

By the same Senator, for the same committee, that the House Bill relative to strengthening the local and regional public health system (House, No. 4503),-- ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2594 (also based on Senate, No. 1294).

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

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 Resolve establishing a task force to study racial disparities in home ownership and reducing the wealth gap (Senate, No. 800),-- and recommending that the same be referred to the committee on Rules.

Under Senate Rule 36, the report was considered forthwith and accepted.

PAPERS FROM THE HOUSE.

Bills

Relative to commonwealth automobile reinsurers (House, No. 1059,-- on petition); and

Designating a certain water spray deck park within the Melnea A. Cass Recreation Complex in the Roxbury section of the city of Boston as the “Nakieka ‘Kiki’ Taylor Water Deck” (House, No. 3867,-- on House, No. 888);

Were severally read and, under Senate Rule 26, referred to the committee on Rules.

Discrimination,-- height and weight.

Motorcycle plates,-- memorial.

Adoption,-- access.

Sexual assault counsellor,-- definition.

Mashpee,-- bridge naming.

Farmers markets,-- wine sales.

Student loan,-- bill of rights.

Public health system.

Racial disparities,-- home ownership.

Automobile reinsurers.

Roxbury,-- “Nakieka ‘Kiki’ Taylor Water Deck.

Bills

Authorizing the city of Springfield to convert the use of park land at DeBerry Park for a new DeBerry and Homer Street Elementary School and to replace it with additional park land in the city of Springfield (House, No. 4277,-- on petition) [Local approval received];

Springfield,-- park land.

Authorizing the town of Hanover to grant 13 additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 4312, amended,-- on House, No. 4060) [Local approval received on House, No. 4060]; and

Hanover,-- liquor licenses

Authorizing the city of Boston to grant an additional license for the sale of alcoholic beverages to be drunk on the premises (House, No. 4549,-- on House, No. 4335) [Local approval received on House, No. 4335];

Boston,-- Liquor license.

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

Resolutions.

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

Resolutions (filed by Mr. Pacheco) “congratulating Francis J. Gay on his retirement.”

Francis J. Gay.

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:

The Senate Bill authorizing the town of Salisbury to assume control of the Ring’s Island Water District (Senate, No. 1179),-- was read a third time.

Salisbury,-- Ring’s Island Water District.

Pending the question on passing the bill to be engrossed, Ms. DiZoglio presented an amendment substituting a new draft with the same title (Senate, No. 2597).

The amendment was adopted.

The bill (Senate, No. 2597) was then passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Order.

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

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Economic Development and Emerging Technologies be granted until Monday, June 1, 2020 within which time to make its final report on current House documents numbered 389 and 4070.

Economic Development and Emerging Technologies,-- Extension Order.

The rules were suspended, on motion of Mr. O’Connor and after remarks, the order (House, No. 4515) was considered forthwith; and, was adopted, in concurrence.

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

Petition (accompanied by bill, House, No. 4565) of Paul McMurtry, Paul J. Donato and others relative to room and board costs for au pairs under certain provisions of the domestic workers rights law;

Au pairs,-- costs.

Petition (accompanied by bill, House, No. 4567) of Michelle L. Ciccolo and others relative to the application of the domestic workers bill of rights as it pertains to au pairs;

Au pairs,-- domestic workers bill of rights.

Petition (accompanied by bill, House, No. 4564) of Michael J. Moran and others relative to au pairs and host families;

Au pairs,-- host families.

UNCORRECTED PROOF.

Petition (accompanied by bill, House, No. 4563) of Michael J. Moran and others for an investigation and study by a special commission (including members of the General Court) relative to the au pair exchange visitor program; and

Au pair exchange program,-- special commission.

Petition (accompanied by bill, House, No. 4566) of Joseph D. McKenna, Ryan C. Fattman and others relative to employment protections for domestic violence victims;

Domestic violence victims,-- protections.

Severally, under suspension of Joint Rule 12, to the committee on Labor and Workforce Development.

Petition (accompanied by bill, House, No. 4562) of Kenneth I. Gordon, Bruce E. Tarr and others relative to certain retirement benefits for Thomas W. Devlin, a trooper of the Department of State Police; and

Thomas W. Devlin,-- retirement benefits.

Petition (accompanied by bill, House, No. 4568) of Paul W. Mark relative to the salary of educators of school aged children incarcerated in county houses of correction or institutions under the control of the departments of mental health, developmental services, public health or youth services;

Educators,-- salary.

Severally, under suspension of Joint Rule 12, to the committee on Public Service.

A Bill making appropriations for the fiscal year 2020 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4561,-- 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, read a third time and, after remarks, was passed to be engrossed, in concurrence.

Engrossed Bill.

An engrossed Bill funding the town of Hanover's Other Post-Employment Benefits Liability Trust Fund (see House, No. 4061) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. Boncore) and laid before the Governor for his approbation.**

Bill laid before Governor.

Recess.

There being no objection, at twenty-nine minutes before twelve o'clock noon, the Chair (Mr. Boncore) declared a recess, subject to the call of the Chair; and at eighteen minutes past twelve o'clock noon, the Senate reassembled, Mr. Rodrigues in the Chair **having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair.**

Recess.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year 2020 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4561), 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.

Supplemental appropriations.

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

Engrossed Bills.

The following engrossed bills (the first 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. Rodrigues) and laid before the Governor for his approbation, to wit:

Authorizing the department of revenue to approve a revised tax rate for the city of Taunton for the fiscal year 2020 (see Senate, No. 2535); and

Making appropriations for the fiscal year 2020 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4561).

Bills laid before the Governor.

Recess.

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

Recess.

Order Adopted.

On motion of Mr. O'Connor,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M., and the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

On motion of the same Senator, at five minutes past four o'clock P.M., the Senate adjourned to meet again on Monday at eleven o'clock A.M.