
The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, DECEMBER 20, 2021

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JOURNAL OF THE SENATE

Monday, December 20, 2021.

Met at ten minutes past eleven o'clock A.M.

The President, members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Communication.

Communication from the Office of the Comptroller (pursuant to Section 2TT of Chapter 29 of the General Laws) submitting its fiscal year 2021 report of the activities of the Liability Management and Reduction Fund (received December 20, 2021),-- was placed on file.

CTR,-- LMRF report. SD2888

Reports.

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

Report of the Department of Public Health (pursuant to Section 2 of Chapter 384 of the Acts of 2020) submitting its report entitled "Safe Patient Access to Emergency Departments" (received December 16, 2021);

DPH,-- ED access report. SD2885

Report of the Department of Early Education and Care (pursuant to Sections 3(g), 4, 5, 10 and 13(d) of Chapter 15D of the General Laws) submitting its 2020 annual report (received December 17, 2021);

EEC,-- 2020 annual report. SD2886

Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspection of MASAC at Plymouth (received December 17, 2021); and

DPH,-- facility inspection. SD2887

Report of the Plymouth County Sheriff's Department (pursuant to Section 126(a) of Chapter 24 of the Acts of 2021) submitting its Immigration and Customs Enforcement contract and reimbursement report for fiscal years 2018 to 2022 (received December 20, 2021).

Plymouth Sheriff,-- ICE report. SD2889

Petitions.

Petitions were severally presented and referred as follows:

By Mr. DiDomenico, a petition (accompanied by bill) (subject to Joint Rule 12) of Sal N. DiDomenico for legislation to name a certain park in Cambridge the Richard McKinnon Park; and

Cambridge,-- Richard McKinnon Park. SD2890

By Mr. Kennedy, a petition (accompanied by bill) (subject to Joint Rule 12) of Edward J. Kennedy for legislation relative to education and critically low staffing levels in schools;

Schools,-- staffing. SD2891

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

Reports of Committees.

By Ms. Jehlen, for the committee on Elder Affairs, on Senate, No. 405 and House, No. 752, a Bill relative to Massachusetts home care eligibility (Senate, No. 405);

Home care eligibility.

By the same Senator, for the same committee, on Senate, No. 421 and House, No.

Assisted living,-- safety.

UNCORRECTED PROOF.

755, a Bill to ensure resident safety within assisted living facilities (Senate, No. 421); and

By the same Senator, for the same committee, on petition, a Bill relative to affordable assisted living facilities (Senate, No. 430);

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

Assisted living,--
affordability.

By Ms. Jehlen, for the committee on Elder Affairs, on petition, a Bill establishing a statewide adopt-a-senior program (Senate, No. 427); and

Adopt-a-senior,--
volunteer program.

By Mr. Velis, for the committee on Veterans and Federal Affairs, on petition, a Bill relative to the governance, structure and care of veterans at the Commonwealth's veterans' homes (Senate, No. 2582) [Representative Pease of Westfield dissenting];

Veterans' homes,--
governance.

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

By Mr. Cronin, for the committee on Municipalities and Regional Government, on petition, a Bill amending the charter of the town of Wareham (Senate, No. 2562) [Local approval received];

Wareham,-- charter.

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

Committee Discharged.

Mr. Cronin, for the committee on Municipalities and Regional Government, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 2473) of Cynthia Stone Creem and Tommy Vitolo (by vote of the town) for legislation to authorize the town of Brookline to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction; and

Brookline,--
construction
regulations.

Of the petition (accompanied by bill, Senate, No. 2515) of James B. Eldridge, Tami L. Gouveia and Danillo A. Sena (by vote of the town) for legislation to authorize the town of Acton to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction;

Acton,-- fossil fuels.

And recommending that the same severally be referred to the committee on Telecommunications, Utilities and Energy.

Severally, under Senate Rule 36, the reports were considered forthwith and accepted.

Severally sent to the House for concurrence.

Resolutions.

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

Resolutions (filed by Ms. Lovely) "commending the North Shore Music Theatre in the city of Beverly on its thirtieth anniversary production of A Christmas Carol."

North Shore Music
Theatre.

Committee of Conference Report.

Mr. Lewis, for the committee of conference, on the disagreeing votes of the two branches, with reference to the House to the Senate Bill upgrading hen welfare and establishing uniform cage-free standards (Senate, No. 2481) (*amended by the House* by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4194; by inserting an emergency preamble and striking out the title and inserting a new title),-- reported, a "Bill further regulating hen welfare and establishing

Hen welfare.

uniform cage-free standards” (Senate, No. 2603).

The rules were suspended, on motion of Mr. Lewis, and, after remarks, the report was accepted.

Matters Taken Out of the Orders of the Day.

Mr. Collins in the Chair, there being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The House Bill authorizing the town of Wellesley to grant certain licenses for the sale of alcoholic beverages (House, No. 4260),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Wellesley,-- liquor licenses.

The Senate Bill amending chapter 80 of the acts of 2002 relative to special police officers in the town of Agawam (Senate, No. 1369),-- was read a third time.

Agawam,-- police officers.

Pending the question on passing the bill to be engrossed, Mr. Velis presented an amendment substituting a new draft entitled “An Act regulating special police officers in the city known as the town of Agawam” (Senate, No. 2589).

The amendment was adopted.

The bill (Senate, No. 2589) was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill renaming the board of selectmen as the select board in the town of Hudson (House, No. 3920) (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.**

Hudson,-- select board.

Moment of Silence.

At the request of the Chair (Mr. Collins), the members, guests and staff stood in a moment of silence and reflection to the memory of Dr. Marty Nathan.

Moment of silence.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill further regulating hen welfare and establishing uniform cage-free standards (see Senate, No. 2603), 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.

Hen welfare.

The bill was signed by the Acting President (Mr. Collins) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and sent to the House for enactment.

Engrossed Bills.

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

Providing a tax exemption for certain qualifying real estate in the town of Hamilton (see Senate, No. 1362);

Bills laid before the Governor.

Further regulating hen welfare and establishing uniform cage-free standards (see Senate, No. 2603);

Providing for a gender neutral charter in the city of Attleboro (see House, No. 2169);
Classifying the death of city of Lawrence police patrolman Jacob Eyssi (see House,
No. 3910); and
Establishing the appointed office of town clerk in the town of Dunstable (see House,
No. 4101).

Order Adopted.

On motion of Mr. Fattman,--
Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday
next at eleven o'clock A.M.

Time of meeting.

Adjournment in Memory of Dr. Marty Nathan.

The Senators from Hampshire, Franklin and Worcester, Ms. Comerford; Worcester, Hampden, Hampshire and Middlesex, Ms. Gobi; Hampden, Mr. Gomez; Berkshire, Hampshire, Franklin and Hampden, Mr. Hinds; and the Senators from Hampden and Hampshire, Messrs. Lesser and Velis moved that when the Senate adjourns today, it does so in memory of Dr. Marty Nathan.

Dr. Marty Nathan, a physician, climate change activist, and social justice warrior, passed away at age 70 on November 29, 2021. She was surrounded by family.

Her eldest child, Leah Nathan, said her mother “invested everything she had” in causes that mattered to “the people and planet she loved.”

Dr. Nathan’s passionate and purposeful advocacy for social justice, which began in the 1960s when she protested against the Vietnam War, never abated. Most recently she was arrested just weeks ago in a climate protest in front of the White House organized by the Indigenous Environmental Network. Once released, she and three others continued their witness by donating to the Network.

She shared her activism with her husband Michael Nathan who, in 1979, was murdered by Ku Klux Klan and American Nazi Party members during a civil rights rally in Greensboro, North Carolina. which became known as the Greensboro Massacre. Dr. Nathan, widowed at 27 with a nine-month old daughter, sued the Klan, the Nazis, and the Greensboro police for her husband’s murder. After two unsuccessful criminal trials, a civil trial jury found members of the Greensboro Police Department, Klan, and neo-Nazis jointly liable for the wrongful death of Nathan’s husband.

Dr. Nathan shared the funds from the settlement with the surviving families of others who were murdered. With her portion of the settlement she launched the Greensboro Justice Fund which has distributed over \$500,000 in support of civil rights and social justice work in the South. In addition, Dr. Nathan played a central role in the creation of a truth and reconciliation process in Greensboro — efforts which led to a formal apology by the city in 2020.

In 2009, Nathan and fellow activist Arky Markham founded the Markham-Nathan Fund for Social Justice. This fund has awarded hundreds of thousands of dollars in grants to western Massachusetts nonprofits working to bring an end to systemic inequities.

Her work in climate change also had a significant impact. She co-founded Climate Action Now, 2degrees Northampton, and was a board member of the Springfield Climate Justice Coalition.

After more than a decade of activism by Dr. Nathan and many others, this April, the Massachusetts Department of Environmental Protection revoked the air quality permit that had been given to a planned biomass power plant in Springfield. At the time, Dr. Nathan said that her opposition to the plant was fueled by the two decades she spent as a physician

in Springfield and was rooted in the fact that it would exacerbate the already high pediatric asthma rate in the city.

In June, the Daily Hampshire Gazette and the United Way of Hampshire County honored Dr. Nathan with the Frances Crowe Award, named for the Northampton peace and anti-nuclear activist who was a friend and ally to Dr. Nathan for 25 years.

Dr. Nathan was born in Westerville, Ohio, and lived briefly in the suburbs of Chicago before attending Brown University in Providence, Rhode Island. She attended medical school at Duke University in North Carolina. In 1995, Dr. Nathan moved to Northampton, Massachusetts with her second husband, Elliot Fratkin, an anthropology professor at Smith College. In Northampton, she continued the social justice advocacy she had begun years before. She retired last year from her work as a family physician at Baystate Brightwood Health Center in Springfield. However she continued to treat patients through the La Cliniquita program, which is dedicated to serving immigrant families.

She is survived by her beloved husband and steadfast partner in the work for justice, Dr. Elliot Fratkin; their three children, Leah Nathan, Mulugetta Fratkin, and Masaye Fratkin; two grandchildren; and the legions of activists and friends she inspired.

“She was uncompromising in her beliefs, her commitment to justice, her love for her family, and doing the work that real change requires of us,” her daughter Leah Nathan said. “She was both complex and crystal clear, and the physical loss of her energy feels impossible to bear.”

Those of us who want to honor Marty in the way she would have wanted to be honored must carry the work she loved forward, in her name.

Accordingly, as a mark of respect to the memory of Dr. Marty Nathan, at one minute past twelve o’clock noon, on motion of Mr. Fattman, the Senate adjourned to meet again on Thursday next at eleven o’clock A.M.