

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, OCTOBER 14, 2021.

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JOURNAL OF THE SENATE

Thursday, October 14, 2021.

Met at a quarter 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.

Communication.

Communication from the Honorable Karen E. Spilka, President of the Senate, announcing the appointment of Shivang Patel (under Section 26 of Chapter 260 of the Acts of 2020) to the Rare Disease Advisory Council (received October 12, 2021),-- was placed on file.

Rare Disease Advisory Council.

Reports.

The following reports were severally received and place 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 Plymouth County Correctional Facility and NCCI Gardner (received October 12, 2021);

DPH,-- facility inspections. SD2795

Report of the Plymouth County Sheriff's Department (pursuant to Section 40 of Chapter 126 of the General Laws) submitting its criminal justice report for the third quarter of 2021 (received October 7, 2021); and

Plymouth Sheriff,-- criminal justice report. SD2796

Report of the Department of Early Education and Care (pursuant to Section 2IIIII(e) of Chapter 29 of the General Laws) submitting its report on the Early Education and Care Public-Private Trust Fund (received October 13, 2021).

EEC,-- public-private trust fund report. SD2797

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 2556) of Ryan C. Fattman and Peter J. Durant (by vote of the town) for legislation to authorize the town of Dudley to grant additional licenses for the sale of all alcoholic beverages to be drunk off the premises;

Dudley,-- liquor licenses.

Under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.

Sent to the House for concurrence.

By Mr. Feeney, a petition (accompanied by bill) (subject to Joint Rule 12) of Paul R. Feeney for legislation relative to court officers injured on duty; and

Court officers,-- injured. SD2791

By Mr. Tarr, a petition (accompanied by bill) (subject to Joint Rule 12) of Bruce E. Tarr for legislation relative to personal health information portability and accessibility;

Health information,-- accessibility. SD2789

Severally, under Senate Rule 20, to the committees on Rules of the two

branches, acting concurrently.

Reports of Committees.

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill concerning genocide education (Senate, No. 2525),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2557); and

Genocide education.

By the same Senator, for the same committee, that the Senate Bill relative to military spouse-licensure portability, education and enrollment of dependents (Senate, No. 2502),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2558);

Military dependents,-
- education.

Severally read and, under Senate Rule 26, referred to the committee on Rules with the several amendments pending.

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to fire safety education in schools and colleges (Senate, No. 1570);

Fire safety education.

By the same Senator, for the same committee, on petition, a Bill allowing humane transportation of K9 partners aka Nero's law (Senate, No. 1606); and

Injured police dogs,--
transport.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1554), a Bill implementing the recommendations of the Walsh-Kennedy Commission Report (Senate, No. 2555);

Hot works,-- safety
regulations.

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

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4196) of James Arciero (by vote of the town) that the town of Westford be authorized to issue one additional license for sale of alcoholic beverages not to be drunk on the premises in said town;

Westford,-- liquor
license.

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4197) of Patricia A. Haddad, Michael J. Rodrigues and Steven S. Howitt (by vote of the town) that the town of Swansea be authorized to enter into a lease agreement for Medeiros Farm;

Swansea,--
Medeiros Farm.

Petition (accompanied by bill, House, No. 4198) of Kate Hogan and John J. Cronin (by vote of the town) relative to establishing a select board in the town of Bolton; and

Bolton,-- select
board.

Petition (accompanied by bill, House, No. 4199) of Norman J. Orrall (by vote of the town) for legislation to amend the charter of the town of Middleborough;

Middleborough,--
charter.

Severally to the committee on Municipalities and Regional Government.

A Bill authorizing the Hampshire County Regional Housing Authority to convey a certain parcel of land in the town of South Hadley to the South Hadley Housing Authority (House, No. 2144,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

South Hadley,-- land.

Bills

Authorizing the town of Sandisfield to continue the employment of employees subject to mandatory retirement (House, No. 3856,-- on House, No. 2758) [Local approval received on House, No. 2758]; and

Sandisfield,--
continued
employment.

UNCORRECTED PROOF.

Establishing a cell tower receipts special account for the town of North Reading (House, No. 4020,-- on petition) [Local approval received];

North Reading,-- cell tower account.

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

Reports

Of the committee on Financial Services, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 675) of Cindy F. Friedman, Julian Cyr, Susannah M. Whipps, Sal N. DiDomenico and others for legislation relative to mental health parity implementation;

Mental health parity,-
- implementation.

Of the petition (accompanied by bill, House, No. 1041) of Ruth B. Balsler and others relative to mental health or substance use disorder insurance benefits;

Mental health,--
insurance benefits.

And recommending that the same severally be referred to the committee on Mental Health, Substance Use and Recovery.

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Engrossed Bill.

An engrossed Bill regulating the terms of members of the zoning board of appeals in the city of Somerville (see Senate, No. 1340) (which originated in the Senate), **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. Crighton) and laid before the Governor for his approbation.**

Bill laid before the Governor.

Resolutions.

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

Resolutions (filed by Mr. Crighton) “commending PTC Therapeutics, Inc., for its recognition of October 23, 2021 as Aromatic L-Amino Acid Decarboxylase Deficiency Awareness Day”; and

PTC Therapeutics, Inc.

Resolutions (filed by Mr. Pacheco) “congratulating the Scotland Trinitarian Congregational Church of Bridgewater on the two hundredth anniversary of its establishment.”

Scotland Trinitarian Congregational Church.

Matters Taken Out of the Orders of the Day.

The following matters were taken out of the Orders of the Day and considered as follows:

The House Bill exempting all positions in the police department and fire department of the town of Swampscott from the civil service law (House, No. 93),- **was read a third time and passed to be engrossed, in concurrence.**

Swampscott,-- civil service law.

The House Bill changing the name of the board of selectmen in the town of Burlington to select board (House, No. 2166) (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.**

Burlington,-- select board.

Reports of Committees.

By Ms. Lovely, for the committee on Rules of the two branches, acting

Towing protections. SD2775

concurrently, that Joint Rule 12 be suspended on the Senate petition of William N. Brownsberger for legislation relative to towing protections;

Senate Rule 36 was suspended, on motion of Mr. Tarr, and the report was considered forthwith, Joint Rule 12 was suspended; the petition (accompanied by bill) was referred to the committee on Telecommunications, Utilities and Energy.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4205) of Nika C. Elugardo and Liz Miranda (with the approval of the mayor and city council) relative to the redevelopment of the Amory Street public housing project in the Jamaica Plain section of the city of Boston,-- **was referred, in concurrence, under suspension of Joint Rule 7B, to the committee on Housing.**

Jamaica Plain,--
Armory Street
housing project.

Recess.

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

Recess.

PAPER FROM THE HOUSE.

A Bill making appropriations for the fiscal year 2021 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4200,-- on House, No. 4078, in part),-- was read.

Supplemental
appropriations.

There being no objection, the rules were suspended on the motion, of Ms. Friedman, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Rodrigues presented an amendment in item 1599-4448 by striking out the figure "220,959,369" and inserting in place thereof the following figure:- "251,500,000";

By inserting after section 4, the following 2 sections:-

"SECTION 4A. Section 32 of chapter 124 of the acts of 2020 is hereby amended by striking out the figure '2021' and inserting in place thereof the following figure:- '2022'.

SECTION 4B. Section 41 of chapter 124 of the acts of 2020 is hereby amended by striking out the figure '2021' and inserting in place thereof the following figure:- '2022'.";

By striking out section 9;

By inserting after section 14, the following section:-

"SECTION 14A. Item 2810-0122 of said section 2 of said chapter 24 is hereby amended by striking the words 'provided further, that not less than \$50,000 shall be expended for the preservation, protection, signage and maintenance of historic prison camp structures in the town of Rutland', and inserting in place thereof the following words:- 'provided further, that not less than \$50,000 shall be expended to the Rutland Historical Commission for the preservation, protection, signage and maintenance of historic prison camp structures in the town of Rutland'";

By inserting after section 20, the following section:-

"SECTION 20A. Notwithstanding any general or special law to the contrary, the special legislative commission established in section 111 of chapter 253 of the acts of 2020 is hereby revived and continued to December 31, 2021. The special legislative commission shall file its report pursuant to subsection (d) of said section

111 of said chapter 253 with the clerks of the house of representatives and the senate not later than December 31, 2021.”; and

In section 23, by striking out clauses 38 to 41, inclusive, and inserting in place thereof the following clauses:-

38. “between the University of Massachusetts and the Service Employees International Union, Local 888, Lowell Campus, Unit L95;

39. between the University of Massachusetts and the Teamsters Local 25, Lowell Campus, Unit L94;

40. between the Massachusetts Department of Transportation and the National Association of Government Employees, Local R1-292, Unit A;

41. between the Massachusetts Department of Transportation and the Coalition of MassDOT Unions, Unit D;

42. between the Massachusetts State Lottery Commission and the Service Employees International Union, Local 888;

43. between the Court Administrator of the Trial Court of the Commonwealth of Massachusetts and the Office and Professional Employees International Union, Local 6, AFL-CIO; and

44. between the Court Administrator of the Trial Court of the Commonwealth of Massachusetts and the National Association of Government Employees International Union, Local 5000.”

After remarks, the amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Recess.

There being no objection, at seven minutes past twelve o’clock noon, the Chair (Mr. Crighton) declared a recess subject to the call of the Chair; and at six minutes past three o’clock P.M., the Senate reassembled, Mr. Collins 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 2021 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4200, 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.

Supplemental appropriations.

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

Engrossed Bills.

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

UNCORRECTED PROOF.

Exempting all positions in the police department and fire department of the town of Swampscott from the civil service law (see House, No. 93);

Bills laid before the Governor.

Changing the name of the board of selectmen in the town of Burlington to select board (see House, No. 2166); and

Making appropriations for the fiscal year 2021 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4200, amended).

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.

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