

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, APRIL 7, 2022

JOURNAL OF THE SENATE

Thursday, April 7, 2022.

Met at sixteen minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Brownsberger), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guest.

There being no objection, during consideration of the Orders of the Day, the Chair (Mr. Brownsberger) introduced, on the Rostrum, His Eminence Shyalpa Tenzin Rinpoche. He was born in the foothills of the Himalayan Mountains and was recognized as a holy child and began training as a lama from the age of four. Rinpoche attended the Buddhist university in Sarnath, India, and later received teachings, empowerments, and transmissions from many of the greatest Tibetan Buddhist masters of his time. With great compassion and wisdom, His Eminence teaches us how to actualize the essence of our precious human lives. He was presented with Senate and House Citations, addressed the Senate from the Rostrum, signed the guestbook and withdrew from the Chamber. He was accompanied by Representative Wong of Saugus.

His Eminence Shyalpa Tenzin Rinpoche.

Communication.

Communication from the Office of the Comptroller (pursuant to Section 6B(b) of Chapter 29 of the General Laws) submitting its quarterly report on the status of federal funds applied for, received and expended in the third quarter of fiscal year 2022 (received April 6, 2022),-- was placed on file.

CTR,-- federal grants report. SD3082

Reports.

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

Report of the Division of Administrative Law Appeals (pursuant to Section 4H of Chapter 7 of the General Laws) submitting its 2021 annual report (received April 1, 2022); and

DALA,-- annual report. SD3080

Report of the Executive Office of Public Safety and Security (pursuant to Section 18Y of Chapter 6A of the General Laws, as amended by Section 2 of Chapter 35 of the Acts of 2021) submitting its quarterly Sexual Assault Evidence Collection Kit (SAECK) Summary Report (received April 1, 2022).

EOPSS,-- SAECK report. SD3083

Reports of Committees.

By Ms. Jehlen, for the committee on Labor and Workforce Development, on Senate, Nos. 1185, 1201 and 1815, an Order relative to authorizing the joint committee on Labor and Workforce Development to make an investigation and study of certain current Senate documents relative to employee benefits and rights and employer obligations (Senate, No. 2816);

Labor and Workforce Development committee,-- study.

Referred, under Joint Rule 29, to the committees on Rules of the two branches,

acting concurrently.

By Ms. Gobi, for the committee on Higher Education, on Senate, Nos. 824, 829, 842, 848, 851, 852, and 1200, a Bill to establish a Higher Education Review Commission Senate, No. 2812);

Higher Education Review,-- commission.

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

By Ms. Gobi, for the committee on Higher Education, on Senate, Nos. 822 and 847, a Bill establishing the Massachusetts Hunger-Free Campus Initiative (Senate, No. 2811);

Hunger-Free Campus Program.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 832), a Bill relative to college athlete compensation (Senate, No. 2813);

College athletes,-- compensation.

By the same Senator, for the same committee, on Senate, No. 839 and House, No. 1346, a Bill establishing a behavioral health workforce center (Senate, No. 2814);

Behavioral health workforce center.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 846), a Bill creating higher education opportunities for students with intellectual disabilities, autism, and other developmental disabilities (Senate, No. 2815);

Higher education,-- developmental disabilities.

By Ms. Jehlen, for the committee on Labor and Workforce Development, on Senate, No. 1170 and House, No. 1982, a Bill relative to social media privacy protection (Senate, No. 1170);

Social media,-- privacy.

By the same Senator, for the same committee, on Senate, Nos. 1202 and 1214 and House, Nos. 1983 and 2033, a Bill amending the unemployment insurance law for workers with fluctuating work schedules (Senate, No. 1202); and

Unemployment insurance,-- schedules.

By the same Senator, for the same committee, on Senate, No. 1191 and House, No. 2022, a Bill relative to unemployment compensation and labor disputes (Senate, No. 2817);

Labor disputes,-- unemployment compensation.

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

PAPERS FROM THE HOUSE.

Bills

Authorizing the town of Lincoln to establish a means tested senior citizen property tax exemption program (House, No. 4107,-- on petition) [Local approval received]; and

Lincoln,-- property tax exemption.

Relative to the Mashpee Select Board (House, No. 4682,-- on House, No. 4293) [Local approval received on House, No. 4293];

Mashpee Select Board.

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 severally considered forthwith and adopted, as follows:-

Resolutions (filed by Ms. DiZoglio, Mr. Brady, Ms. Creem, Mr. Eldridge, Ms. Gobi and Messrs. Gomez, Keenan, Kennedy, Lesser, Montigny, Moore, O'Connor, Pacheco, Rodrigues, Rush, and Timilty) "commending the Michael J. Fox Foundation for Parkinson's research for their recognition of April 2022 as Parkinson's Awareness Month";

Michael J. Fox Foundation.

Resolutions (filed by Mr. Feeney) "recognizing the one hundred and twenty-fifth anniversary of the National Parent Teacher Association";

National Parent Teacher Association.

Resolutions (filed by Ms. Lovely) "congratulating John 'Jack' Ogden Laffy on his elevation to the rank of Eagle Scout"; and

John "Jack" Ogden Laffy.

UNCORRECTED PROOF.

Resolutions (filed by Messrs. Timilty and Keenan) “commending the New England Donor Services, Inc., for its recognition of April 2022 as Donate Life Month.”

New England Donor Services, Inc.

Matters Taken Out of the Notice Section.

The following matters were taken out of the Notice Section of the Calendar and considered as follows:

The Senate Bill establishing a sick leave bank for Kim Souza, an employee of the Bristol superior court probation department in the superior court department of the trial court of the commonwealth (Senate, No. 2702) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

Kim Souza,-- sick leave.

Sent to the House for concurrence.

The Senate Bill amending the charter of the town of Sutton (Senate, No. 2482) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Sutton,-- charter.

Pending the question on passing the bill to be engrossed, Mr. Fattman moved that the bill be amended by substituting a new draft entitled “An Act amending the charter of the town of Sutton” (Senate, No. 2799).

The amendment was adopted.

The bill (Senate, No. 2799) was then passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill authorizing the town of Southbridge to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2509),-- was read a third time.

Southbridge,-- liquor licenses.

Pending the question on passing the bill to be engrossed, Mr. Fattman moved that the bill be amended by substituting a new draft with the same title (Senate, No. 2818).

The amendment was adopted.

The bill (Senate, No. 2818) was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill regulating polling places in the city known as the town of Braintree (House, No. 4353) (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.**

Braintree,-- polling places.

The House Bill exempting the city of Northampton from appointments to the Northampton license commission on the basis of party affiliation (House, No. 4284) (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.**

Northampton license commission.

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill amending the charter of the town of Blackstone by eliminating the town administrator residency requirement (see House, No. 3998) (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. Brownsberger) and laid before the Governor for his approbation.**

Bill laid before the Governor.

Reports of Committees.

The following reports were laid before the Senate, the time within which the said committee was required to report having expired:

Of the committee on Higher Education, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 834) of Adam Gomez and Adam J. Scanlon for legislation relative to late fees for no interest student loans.

Late fees,-- no interest student loans.

The rules were suspended, on motion of the Mr. Gomez, and, on motion of Ms. Lovely, the petition was recommitted to the Joint Committee on Higher Education.

Of the committee on Revenue, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 1814) of Sonia Chang-Diaz for legislation relative to corporate board diversity.

Massachusetts Power Sharing Trust Fund.

The rules were suspended, on motion of the Ms. Comerford, and, on motion of Mr. Keenan, the petition was recommitted to the Joint Committee on Revenue.

Of the committee on Revenue, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 1905) of Eric P. Lesser and Rebecca L. Rausch for legislation to extend the historic rehabilitation tax credit program.

Tax credit program,-- rehabilitation.

The rules were suspended, on motion of the Ms. Jehlen, and, on motion of the same Senator, the petition was recommitted to the Joint Committee on Revenue.

Of the committee on Revenue, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 1997) of Bruce E. Tarr for legislation to create a tax deduction for remote learning.

COVID-19,-- teacher tax deduction.

The rules were suspended, on motion of the Ms. Rausch, and, on motion of the same Senator, the petition was recommitted to the Joint Committee on Revenue.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Amending section 5 of chapter 270 of the Acts of 1985, as amended, to authorize delegation by general by-law of all select board licensing authority (Senate, No. 2684);

Second reading bills.

Exempting the town of Brookline from in-person quorums (Senate, No. 2685); and

Authorizing the city of Taunton to contract for the renewal of services relative to the operation and maintenance of its wastewater treatment plant, sewers and pump stations, for a term not to exceed five years (Senate, No. 2705);

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

There being no objection, the following matter was taken out of order from the Orders of the Day, for consideration , as follows:

The House Bill relative to the creation of a women's rights history trail (House, No. 4555),-- was read a second time.

Women's rights history trail.

After remarks, the amendment previously recommended by the committee on Ways and Means, (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2802) was adopted.

The bill, as 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 seven minutes before twelve o'clock noon, on motion of Ms. Lovely, as follows, to wit (yeas 40 – nays 0) **[Yeas and Nays No. 142]:**

YEAS.

Barrett, Michael J.

Gomez, Adam

Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Edwards, Lydia
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
Moran, Susan L.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Velis, John C. – 40.

NAYS – 0.

The yeas and nays having been completed at one minute before twelve o'clock noon, the bill was passed to be engrossed, in concurrence, with the amendment. Sent to the House for concurrence in the amendment.

The Senate Bill relative to social equity and host community agreements in the cannabis industry (Senate, No. 2660),-- was read a second time.

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, substituting a new draft entitled “An Act relative to equity in the cannabis industry” (Senate, No. 2801), and pending the main question on ordering the bill to a third reading, Messrs. Gomez, Eldridge and Lewis, Ms. Comerford, Ms. Moran, Ms. Rausch, Ms. Chang-Diaz, Ms. Edwards, Mr. Lesser, Ms. Jehlen and Messrs. Collins and Feeney moved that the proposed new draft be amended by inserting after section 13 the following 2 sections:-

“SECTION 13A. Section 100K of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) The court shall have the discretion to order an expungement pursuant to this section based on what is in the best interest of justice; provided, however, that if the petitioner seeks to expunge a record pursuant to this section for the possession or cultivation of an amount of marijuana decriminalized pursuant to section 32L of chapter 94C, section 13 of chapter 94G or any other law, or for possession with intent to distribute or distribution of marijuana, the court shall order the expungement of the record. Prior to entering an order of expungement pursuant to this section, the court shall hold a hearing if requested by the petitioner or the district attorney. Upon granting or denying a petition for expungement, the court shall enter written findings of fact.

Upon an order for expungement pursuant to this section and sections 100F, 100G and 100H, the trial court clerk’s office shall provide the petitioner with a certified copy of the order, the docket sheets and the criminal complaint related to the expunged charge. The commissioner of probation shall send a copy of the expungement order to the applicable police department and the department shall expunge any police record related to the

expunged charge.

SECTION 13B. Said section 100K of said chapter 276, as so appearing, is hereby further amended by adding the following subsection:-

(d) An expungement order pursuant to this section or section 100F, section 100G or section 100H shall not preclude a court from exercising its jurisdiction over any subsequently filed motion to amend the record, post-judgment relief motion or petition or any other future collateral attack on an expunged conviction.”

After remarks, the amendment was adopted.

Recess.

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

Recess.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill relative to social equity and host community agreements in the cannabis industry (Senate, No. 2660),-- was further considered, the main question being on ordering the bill to a third reading.

Cannabis industry,--
community
agreements.

Mr. Gomez, Ms. Comerford, Ms. Moran, Ms. Chang-Diaz, Ms. Rausch, Ms. Edwards, Mr. Keenan, Ms. Jehlen and Messrs. Tarr, Collins, Feeney and Lesser moved that the proposed new draft be amended in section 10, in proposed subsection (c) of section 14 of chapter 94G, by adding the following paragraph:-

2

“(4) Annually, at the end of each fiscal year, the executive office of housing and economic development, in consultation with the board, shall report on expenditures from the fund. The report shall include, but not be limited to: (i) information that identifies and describes the amount of money spent from the fund; (ii) a list of the entities that received a grant or loan from the fund; (iii) the geographic location of recipient entities; (iv) the form of funding received by each entity; (v) information indicating whether each recipient entity is a minority-owned entity; and (vi) any other information that the executive office and the board deem appropriate to ensure equity and accountability. The report shall be filed with the clerks of the house of representatives and the senate, the house and senate committees on ways and means, the joint committee on cannabis policy and the state auditor. The executive office shall make the report publicly available on its website.”

After remarks, the amendment was adopted.

Ms. Friedman in the Chair, Messrs. Brownsberger and Eldridge, Ms. Edwards, Ms. Comerford, Mr. Gomez, Ms. Jehlen and Ms. Chang-Diaz moved that the proposed new draft be amended by adding the following section:-

4

“SECTION XX. Section 4 of Chapter 94G of the general laws as appearing in the 2020 Official Edition is hereby amended in paragraph (iii) of subsection a1/2 by striking the following words:- 'employment or'; and further, by inserting at the end of paragraph the following words:- 'provided further, that a prior criminal conviction or other criminal case disposition shall not disqualify an individual or otherwise affect eligibility for employment in connection with a marijuana establishment, other than an independent testing laboratory, unless the offense involved the distribution of a controlled substance, including marijuana, to a minor;’”

After remarks, the amendment was adopted.

Ms. Jehlen and Ms. Moran moved that the proposed new draft be amended by striking in lines 203 and 204 the words “and (iv) a process by which a license is sold as a result of a licensee’s default on a loan from the fund.”, and inserting in place there of the following:-

6

“(iv) procedures and policies to ensure that applicants and grantees come from all license types; and (v) a process by which a license is sold as a result of a licensee’s default on a loan from the fund.”

After remarks, the amendment was adopted.

Mr. Moore, Ms. Moran, Ms. Gobi and Messrs. Timilty, Tarr and Feeney moved that the proposed new draft be amended in section 5, in proposed paragraph (3) of subsection (d), by adding the following sentence:- “The commission shall complete its review of an agreement required by this subsection not later than 120 days after it is received by the commission.”.

7

After remarks, the amendment was adopted.

Mr. Moore, Ms. Moran, Ms. Gobi and Messrs. Gomez, Tarr and Feeney moved that the proposed new draft be amended in section 5 by striking out the sentence “A host community agreement may be renewed following the expiration of the agreed upon term.” and inserting in place thereof the following sentence:- “A host community agreement shall be renewed, renegotiated, or waived pursuant to subsection (d)(4) following the expiration of the agreed upon term.”.

8

After remarks, the amendment was adopted.

Mr. Velis, Ms. Edwards, Ms. Comerford, Ms. Moran, Ms. Gobi, Messrs. Gomez and Moore, Ms. Rausch, Ms. Chang-Diaz and Mr. O'Connor moved that the proposed new draft be amended in section 5, in proposed paragraph (3) of subsection (d), by inserting after the first sentence the following sentence:- “If the commission determines that an agreement submitted pursuant to this section is not in compliance with this section, the commission may request additional information from, and shall provide written notice of any deficiencies to, the prospective licensee and host community.”; and

15

In section 7, by adding at the end thereof the following clause:-

“(xxxiii) develop a model host community agreement to serve as guidance for municipalities and prospective licensees.”

After remarks, the amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended by inserting in line 26 after the word, “subsection” the following:- “or on its own initiative”; and by striking lines 48-51 in its entirety.

20

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at two minutes past three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 3 – nays 36) [Yeas and Nays No. 143]:

YEAS.

Fattman, Ryan C.
O'Connor, Patrick M.

Tarr, Bruce E. – 3.

NAYS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.

Gobi, Anne M.
Gomez, Adam
Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
Moran, Susan L.

DiZoglio, Diana
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.

Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Velis, John C. – 36.

The yeas and nays having been completed at nine minutes past three o'clock P.M., the amendment was *rejected*.

Messrs. Tarr, Moore and O'Connor moved that the proposed new draft be amended by inserting after section _ the following section:-

21

“SECTION _. Notwithstanding any general or special law to the contrary there shall be established and set up on the books of the commonwealth a separate fund to be known as the host community technical assistance fund. Said fund shall be monitored and operated by the Cannabis Control Commission. The purposes of this fund shall be for aiding cities and towns in dealing with and developing ‘host community agreements’, as defined by Chapter 94G Section 1 of the General Laws, and in permitting and regulating marijuana facilities. The fund shall be funded through the revenue collected from the state marijuana tax as defined by Section 2 of chapter 64N of the General Laws at a rate of .05% per annum, and in addition any of the following included but not limited to: i) legislative appropriations; ii) gifts or grants from private or public sources; iii) any legislatively authorized transfers approved by the secretary of administration and finance. Any amounts in the fund shall not revert to the general fund. Any interest earned on the amounts in the fund shall be deposited or retained in the fund.

The cannabis control commission shall submit annually by Dec 31 a report of the activities of said fund to the clerks of the house and senate.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes past three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 8 – nays 31) **[Yeas and Nays No. 144]:**

YEAS.

Brady, Michael D.
Fattman, Ryan C.
Gobi, Anne M.
Keenan, John F.

Moore, Michael O.
O'Connor, Patrick M.
Tarr, Bruce E.
Timilty, Walter F. – 8.

NAYS.

Barrett, Michael J.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.

Friedman, Cindy F.
Gomez, Adam
Hinds, Adam G.
Jehlen, Patricia D.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moran, Susan L.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Velis, John C. – 31.

Finegold, Barry R.

The yeas and nays having been completed at twenty-three minutes before four o'clock P.M., the amendment was *rejected*.

Messrs. Tarr and Timilty moved that the proposed new draft be amended by inserting after section _ the following section:-

23

“SECTION_. Chapter 94H is hereby amended by inserting at the end thereof the following new section:-

The Cannabis Tax Review commissions purposes is to analyze and report on the competitiveness of state tax rates on marijuana every five years. The Commission shall consist of 1 member appointed by the Cannabis Control Commission; 1 member appointed by the office of Administration and Finance; 1 member appointed by the Attorney General’s Office; 1 member appointed by the Minority leader of the Massachusetts Senate; 1 member appointed by the Minority leader of the Massachusetts House of Representatives; 1 member appointed by the Speaker of the House; 1 Member appointed by the Senate President. Every 5 years the Commission shall report on the competitiveness of the Commonwealth’s tax rate on Marijuana and shall publish that report to the Office of Administration and Finance; the Ways and Means committees of the house and senate; and the clerks of the house and senate.”

The amendment was *rejected*.

Messrs. Keenan and Timilty moved that the proposed new draft be amended by striking the word “and”, in line 220, and inserting after the word “located”, in line 222, the following words:- “; (iii) prohibited from selling or allowing the use of any Tobacco Product; (iv) prohibited from selling or allowing use of electronic cigarettes, vaping pens, or other similar devices that rely on vaporization or aerosolization regardless of nicotine content, except solely for the consumption of marijuana or marijuana products as defined in section 1 of chapter 94G; (v) exclusively housed in any enclosed indoor space that comprises part of the establishment; and (vi) prohibited from selling or allowing the use of alcohol”.

24

The amendment was *rejected*.

Messrs. Keenan and Gomez, Ms. Jehlen and Mr. Feeney moved that the proposed new draft be amended in section 10, in the proposed first sentence of paragraph (3) of subsection (c), by adding the following 2 clauses:- “(v) prohibitions against the sale, transfer or pledge of any asset or interest by a social equity business to an entity or individual other than a social equity business or an individual qualified as an economic empowerment priority applicant as defined by the commission’s regulations within an initial, specified timeframe to begin on the date the business is authorized to commence operations by the commission; provided, however, that the initial, specified timeframe shall not exceed 5 years; and (vi) terms for payment of a clawback requiring the commonwealth to recover 100 per cent of the grant and loan funds should a sale, transfer or pledge of any asset or interest by a social equity business occur in violation of clause (v).”; and

25

In said section 10, in proposed subsection (c), by adding the following paragraph:-

“(4) The violation of a condition of a grant or loan made pursuant to this section or any other violation of this section shall be punished by a fine of not more than 50 per cent of the violator’s grant or loan value per violation, in addition to funds paid under clause (vi) of paragraph (3) if applicable.”.

After remarks, the amendment was adopted.

Mr. Keenan moved that the proposed new draft be amended by inserting the following section:-

26

“SECTION XX. Said Section 22 of chapter 270, as so appearing, is hereby amended

by inserting the following subsection:- (d) (1) A Smoking Bar, Retail Tobacco Store that allows smoking, or Licensed Marijuana Social Consumption Establishment shall not be located in a multiunit building that also contains a Residence, a group childcare center, school age child care center, school age day or overnight camp, or a facility licensed by the department of early education and care, or a health care related office or facility.

(2) If located in a multiunit building, a Smoking Bar, Retail Tobacco Store that allows smoking, or Licensed Marijuana Social Consumption Establishment shall prevent smoke from going into any other part of the building it does not exclusively occupy.”

After remarks, the amendment was *rejected*.

Messrs. O'Connor and Tarr moved that the proposed new draft be amended by inserting after section 13 the following section:-

27

“SECTION 13A. Section 51 of chapter 55 of the acts of 2017 is hereby amended by striking out the words ‘and (ii)’ and inserting in place thereof the following words:- ‘(ii) a campaign to educate the public on health risks associated with marijuana and tetrahydrocannabinol consumption, including, but not limited to, the risks: (A) to mental health; (B) of use during pregnancy; (C) of use of high potency products; and (D) of home extraction of marijuana concentrates; and (iii)’.”

After remarks, the amendment was adopted.

Messrs. Keenan and Tarr, Ms. Gobi and Messrs. Gomez and Timilty moved that the proposed new draft be amended by inserting after line 51 the following subsection:- “(3) The question of whether to allow the sale of marijuana and marijuana products for consumption on the premises where sold shall not be submitted to a city or town or allowed by ordinance or by-law until field sobriety tests or a chemical analysis test to determine marijuana intoxication that would cause driving impairment is developed and deemed scientifically reliable and admissible to a finder of fact in a prosecution for a violation of section 24 of chapter 90 of the General Laws.”

28

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by striking lines 61-97 in its entirety and inserting in place thereof the following section:-

31

“SECTION . Section 3 of chapter 64N as appearing in the 2020 official edition is hereby amended by striking the following:- ‘not greater than 3 per cent’ and inserting in place thereof the following:- ‘not greater than 6 per cent’.”

After debate, the amendment was *rejected*.

Ms. Moran, Mr. Gomez, Ms. Rausch, Mr. Feeney and Ms. Jehlen moved that the proposed new draft be amended by inserting after section 3 the following section:-

33

"SECTION 3A. Section 2 of said chapter 94G, as so appearing, is hereby amended by inserting after the word 'facility', in line 42, the following words:- ; provided, however, that this paragraph shall not apply to possession or consumption of medical use marijuana as defined in chapter 94I.”

The amendment was adopted.

Mr. Brownsberger in the Chair, during consideration of the Orders of the Day, there being no objection, the following matters were considered, as follows:

Report of a Committee.

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill relative to the remediation of home heating oil releases (Senate, No. 676),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2821).

Home heating,--
remediation.

Order Adopted.

Mr. Rodrigues presented the following order, to wit:

UNCORRECTED PROOF.

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to the remediation of home heating oil releases (Senate, No. 676) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft with the same title Senate, No. 2821) shall be placed in the Orders of the Day for a second reading on Thursday, April 14, 2022 for immediate consideration.

Procedural order.

The rules were suspended, on motion of Mr. Rodrigues, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, April 14, 2022, for a second reading with the amendment pending.

Report of a Committee.

By Mr. Rodrigues, for the committee on Ways and Means, that the House Bill preserving open space in the Commonwealth (House, No. 851),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2820.

Open space,--
preservation.

Order Adopted.

Mr. Rodrigues presented the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill preserving open space in the Commonwealth (House, No. 851) (the committee on Ways and Means having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2820) shall be placed in the Orders of the Day for a second reading on Thursday, April 14, 2022 for immediate consideration.

Procedural order.

The rules were suspended, on motion of Mr. Rodrigues, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, April 14, 2022, for a second reading with the amendment pending.

Report of a Committee.

By Mr. Rodrigues, for the committee on Ways and Means, that the House Bill advancing offshore wind and clean energy (House, No. 4524) (also based on Senate, Nos. 1333, 2130, 2145, 2150, 2180, 2192, 2197, 2203, 2220 and 2738),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2819.

Order Adopted.

Mr. Rodrigues presented the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill advancing offshore wind and clean energy (House, No. 4524) (the committee on Ways and Means having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2819) shall be placed in the Orders of the Day for a second reading on Thursday, April 14, 2022.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 4:00 P.M., on Monday, April 11, 2022. All such amendments shall be second reading-amendments to the Senate Ways and Means new text (Senate, No. 2819), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

The rules were suspended, on motion of Mr. Rodrigues, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, April 14, 2022, for a second reading with the amendment pending.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill relative to social equity and host community agreements in the cannabis industry (Senate, No. 2660),-- was further considered, the main question being on ordering the bill to a third reading.

Mr. Tarr, Ms. Gobi and Messrs. Keenan, O'Connor and Montigny moved that the proposed new draft be amended by inserting after section 13 the following section:-

“SECTION 13A. There shall be a special commission on drugged driving to monitor the development of technology and methods related to the reliable testing of individuals operating motor vehicles under the influence of marijuana. The commission shall study: (i) information and data on the development of scientific and medical testing; (ii) potential technological forms of testing; (iii) methods and procedures to facilitate the ability of drug recognition experts to reliably assess marijuana impairment and present evidence in judicial proceedings; (iv) the potential for bias in testing; (v) the admissibility of evidence of impaired driving in court proceedings; (vi) an assessment of the suitability of state open container laws as they pertain to marijuana and recommendations for applicability; and (vii) anything else the commission deems necessary or significant.

The commission shall consist of: the executive director of the Massachusetts cannabis control commission or a designee, who shall serve as chair; the secretary of public safety and security or a designee; the attorney general or a designee; the colonel of state police or a designee; the president of Massachusetts Chiefs of Police Association Incorporated or a designee; the president of the Massachusetts District Attorney’s Association or a designee; the president of the Massachusetts Bar Association or a designee; 2 persons appointed by the president of the American Civil Liberties Union of Massachusetts, Inc., 1 of whom shall be a formerly incarcerated or arrested individual; 1 representative of the committee for public counsel services; 2 persons appointed by Lawyers for Civil Rights, Inc.; the chief executive officer of the AAA Southern New England or a designee; the president of the NAACP New England Area Conference or a designee; 2 persons appointed by The Massachusetts Medical Society; 1 person from organized labor representing police officers; and 2 persons appointed by the executive director of the cannabis control commission who shall be members of the public with expertise in scientific research on or technological development in testing capabilities of these substances. Members of the commission shall serve without compensation.

Annually, not later than January 1, the commission shall submit a report of its findings and recommendations to the joint committee on the judiciary, the joint committee on public safety and homeland security, the joint committee on racial equity, civil rights, and inclusion, the clerks of the house of representatives and the senate, and the chief justice of the trial court of the commonwealth; provided, however, that the commission may submit additional periodic reports as it determines to be necessary. The first report of the commission shall be submitted not later than January 1, 2024. The final report of the commission shall be submitted not later than January 1, 2034.”

Cannabis industry,--
community
agreements.

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UNCORRECTED PROOF.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes past four o'clock P.M., on motion of Mr. Moore, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 145**]:

YEAS.

Barrett, Michael J.	Gomez, Adam
Brady, Michael D.	Hinds, Adam G.
Brownsberger, William N.	Jehlen, Patricia D.
Chandler, Harriette L.	Keenan, John F.
Chang-Diaz, Sonia	Kennedy, Edward J.
Collins, Nick	Lesser, Eric P.
Comerford, Joanne M.	Lewis, Jason M.
Creem, Cynthia Stone	Lovely, Joan B.
Crighton, Brendan P.	Montigny, Mark C.
Cronin, John J.	Moore, Michael O.
Cyr, Julian	Moran, Susan L.
DiDomenico, Sal N.	O'Connor, Patrick M.
DiZoglio, Diana	Pacheco, Marc R.
Edwards, Lydia	Rausch, Rebecca L.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Tarr, Bruce E.
Finegold, Barry R.	Timilty, Walter F.
Friedman, Cindy F.	Velis, John C. – 39 .
Gobi, Anne M.	

NAYS – 0.

The yeas and nays having been completed at twenty-three minutes before five o'clock P.M., the amendment was adopted.

Mr. Rodrigues moved that the proposed new draft be amended in section 10, by inserting after the word “shall”, in line 198, the following word:- “promulgate”.

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The amendment was adopted.

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

The bill (Senate, No. 2801, 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-two minutes before five o'clock P.M., on motion of Ms. Chang-Diaz, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 146**]:

YEAS.

Barrett, Michael J.	Gomez, Adam
Brady, Michael D.	Hinds, Adam G.
Brownsberger, William N.	Jehlen, Patricia D.
Chandler, Harriette L.	Keenan, John F.
Chang-Diaz, Sonia	Kennedy, Edward J.
Collins, Nick	Lesser, Eric P.
Comerford, Joanne M.	Lewis, Jason M.
Creem, Cynthia Stone	Lovely, Joan B.
Crighton, Brendan P.	Montigny, Mark C.
Cronin, John J.	Moore, Michael O.
Cyr, Julian	Moran, Susan L.
DiDomenico, Sal N.	O'Connor, Patrick M.

DiZoglio, Diana
Edwards, Lydia
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Velis, John C. – 39.

NAYS – 0.

The yeas and nays having been completed at sixteen minutes before five o'clock P.M., the bill was passed to be engrossed [For text of Senate bill, printed as amended, see Senate, No. 2823].

Sent to the House for concurrence.

Moments of Silence.

At the request of the Chair (Mr. Brownsberger), the members, guests and staff stood in a moment of silence and reflection in memory of Mark L. Jenkins.

Moment of silence.

At the request of the Chair (Mr. Cronin), the members, guests and staff stood in a moment of silence and reflection in memory of Ross Reynolds.

Id.

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 Mark L. Jenkins.

The Senator from Norfolk and Plymouth, Mr. Keenan and the Senator from Plymouth and Norfolk, Mr. O'Connor moved that when the Senate adjourns today it do so in memory of Mark L. Jenkins.

On March 11th, 2022, Mark L. Jenkins of Abington, formerly of Quincy, died suddenly at the age of 55.

Mark worked as a police officer for the Town of Cohasset Police Department and was a veteran of the U.S. Coast Guard. He will be remembered for his loyalty and generosity. He was always happiest being around other people and spending time with his family and friends. Mark would help anyone in need. In his youth, Mark enjoyed playing hockey. He enjoyed volunteering as a CCD teacher at St. Bridget's in Abington. He worked as a computer forensics expert for both the Criminal Investigation Division of the Cohasset Police Department as well as the United States Coast Guard Investigative Service. Mark's laugh was infectious and his larger than life presence will be greatly missed.

He was the son of the late Roland and Mary Jenkins. Beloved husband of Maria (Backlund) Jenkins. Loving father of Amy Greenough and her husband Alex of Rockland, Danielle Cirelli and her significant other Leo of Falmouth, Ryan Jenkins and his significant other Lori of California, and Lilly Jenkins of Abington. Proud "Bubby" of Lucas, Gabriel and Annabel. Loving brother of Peggie Gibeau of New York, Marietta Dompier of New Hampshire, and William Jenkins of Las Vegas, Nevada. Nephew of Charles and the late Rosemarie Quigley of Quincy; and Hazel and the late Michael Vecchi. Also survived by

many nieces, nephews, cousins and friends.

He will be sorely missed by all that knew him as well as his colleagues in the law enforcement and public safety community.

Adjournment in Memory of Captain Ross Reynolds.

The Senator from Worcester and Middlesex, Mr. Cronin moved that when the Senate adjourns today it do so in memory and recognition of Captain Ross Reynolds, United States Marine Corps.

On March 19, 2022, Captain Reynolds, a native of Leominster, Massachusetts was one of four marines killed in a helicopter crash during a NATO training exercise in Norway. While Captain Reynolds' time on earth was too short, his life was marked by an unwavering commitment to service and a love for his community and country. As the Mayor of Leominster said after learning of the tragedy, Ross Reynolds "always carried the flag."

A member of Troop 477 and an Eagle Scout, Captain Reynolds' dedication to his community was self-evident from an early age and his legacy is marked by the choices he made to serve others. He volunteered for Marine officer training, swore an oath to support and defend the constitution in active military service, and was selected for one of the most dangerous occupational specialties in the military: to serve as an Osprey pilot.

These choices put Captain Reynolds on the frontiers of the free world—on an overseas mission with NATO partners to deter current and future Russian aggression—at a time when no more important mission existed. Captain Reynolds embodied the spirit of "semper fidelis" remaining "always faithful" to his fellow marines and to the high ideals enshrined in our Constitution. As we adjourn, I ask the Senate to join me in a moment of silence to recognize Captain Reynolds' sacrifice and service to our Commonwealth and nation.

Accordingly, as a mark of respect to the memory of Mark L. Jenkins and Captain Ross Reynolds, at nine minutes before five o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.