

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, OCTOBER 19, 2023

JOURNAL OF THE SENATE

Thursday, October 19, 2023.

Met according to adjournment at one o'clock P.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 Guests.

There being no objection, during consideration of the Orders of the Day, the Chair (Mr. Brownsberger) handed the gavel to Mr. Rush for the purpose of an introduction. Mr. Rush then introduced, in the rear of the Chamber, the Commanding Officer of the USS Constitution, Billie J. Farrell. Commander Farrell was a 2004 Naval Academy graduate and became the first woman to command USS Constitution in 2022. Commander Farrell is the 77th Commanding Officer of the USS Constitution and has emphasized her focus on strengthening the legacy of the ship, its history, and telling the Navy story. Commander Farrell was accompanied by President and CEO of the USS Constitution Museum, Anne Grimes Rand, Chairman of the Board of Trustees of the USS Constitution, Dennis J. Langwell and Representative Daniel J. Ryan of Charlestown. They were also guests of Senator DiDomenico. The group was visiting the State House in recognition of the 248th birthday of the United States Navy, on October 13, 2023. Commander Farrell briefly addressed the Senate, was applauded for her service, signed the guestbook and withdrew from the Chamber.

USS Constitution
Commander Billie J.
Farrell.

Communications.

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

Communication from the Department of Public Health relative to its plans of correction for the Boston Pre-Release Center inspection on September 21, 2023 and MCI Norfolk inspection on April 25, 26 and 27 and May 1, 2023 (received October 17, 2023); and

DPH,-- plans of
correction.
SD2807

Communication from the Office of Medicaid (pursuant to Section 2WWW(e) of Chapter 29 of the General Laws) submitting its fiscal year 2022 and 2023 annual reports on the Non-Acute Care Hospital Reimbursement Trust Fund (received October 18, 2023).

Medicaid,-- non-
acute care TF annual
reports.
SD2809

Reports.

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

Report of the Pioneer Valley Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its financial statements and supplementary information for the year ended June 30, 2023 (received October 17, 2023);

PVTA,-- auditors'
report.
SD2805

Report of the Plymouth County Sheriff's Department (pursuant to Section 40 of Chapter 126 of the General Laws) submitting its report reflecting the aggregate data on the population of the Plymouth County Correctional Facility for the third quarter of 2023 (received October 17, 2023);

Plymouth Sheriff,--
population data
report.
SD2806

UNCORRECTED PROOF.

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 Pondville Correctional Center, Hampshire County Jail and House of Correction and Hampshire County Jail and House of Correction, Pre-Release Center (received October 17, 2023); and

DPH,-- facility inspections.
SD2808

Report of the Cannabis Control Commission (pursuant to Section 4(h) of Chapter 94G of the General Laws) submitting its sixth annual activities report (received October 18, 2023).

CCC,-- annual report.
SD2810

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Cyr, a petition (accompanied by bill) (subject to Joint Rule 12) of Julian Cyr and Dylan A. Fernandes for legislation relative to dark money in local government

Local government,-- dark money.
SD2804

By Mr. O'Connor, a petition (accompanied by bill, Senate) (subject to Joint Rule 12) of Patrick M. O'Connor for legislation to provide equity for self-directed complex caregivers; and

Complex caregivers,-- equity.
SD2802

By Mr. Tarr, a petition (accompanied by bill) (subject to Joint Rule 12) of Bruce E. Tarr, Roger E. Mercaldi, Jr., Ryan C. Fattman and Kathleen R. LaNatra for legislation to properly recognize merchant marine veterans

Merchant marine veterans.
SD2803

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

Reports of Committees.

By Mr. Cronin, for the committee on Consumer Protection and Professional Licensure, on petition, a Resolve to disclosure of radio frequency notifications (Senate, No. 155);

Cell phones,-- RF radiation.

By the same Senator, for the same committee, on Senate, Nos. 165 and 166 and House, Nos. 265 and 366, a Bill furthering fair housing in real estate (Senate, No. 166);

Fair housing,-- education.

By the same Senator, for the same committee, on petition, a Bill prohibiting inhumane feline declawing (Senate, No. 190);

Inhumane animal declawing,-- prohibit.

By the same Senator, for the same committee, on Senate, No. 2389 and House, No. 313, a Bill facilitating restitution against unfinished development (Senate, No. 2472);

FRAUD Act.

By the same Senator, for the same committee, on Senate, No. 197 and House, No. 245, a Bill protecting consumer rights in purchasing safe and habitable homes (Senate, No. 2474);

Consumer,-- habitable homes.

By the same Senator, for the same committee, on Senate, No. 158 and House, No. 271, a Bill relative to the licensure of behavior analysts (Senate, No. 2475);

Behavior analysts.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 147), a Bill providing consumers with equal protection for all real estate appraisals (Senate, No. 2476);

Appraisals,-- consumer protection.

By the same Senator, for the same committee, on Senate, No. 146 and House, Nos. 249 and 3561, a Bill to mandate domestic violence and sexual assault awareness education (Senate, No. 2477);

Domestic violence,-- education.

By the same Senator, for the same committee, on Senate, No. 142 and House, No. 360, a Bill relative to digital right to repair (Senate, No. 2478); and

Right to repair,-- digital.

By Ms. Jehlen, for the committee on Labor and Workforce Development, on Senate, No. 1166 and House, No. 1919, a Bill ensuring domestic violence victims' protections for all employees in the Commonwealth (Senate, No. 2479);

Domestic violence,-- protections.

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

UNCORRECTED PROOF.

By Mr. Cronin, for the committee on Consumer Protection and Professional Licensure, on Senate, No. 210 and House, No. 3915, a Bill expanding licensure opportunity for school counselors (Senate, No. 2473);

School counselors,--
licensure.

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

By Mr. Cronin, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 159), a Bill authorizing the city of Everett to grant 2 additional licenses for the sale of all alcoholic beverages not be drunk on the premises, and 1 additional license for the sale of wine and malt beverages not to be drunk on the premises (Senate, No. 2471) [Local approval received on Senate, No. 159];

Everett,-- liquor
licenses.

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

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4126) of Kay Khan and others (with the approval of the mayor and city council) that the city of Newton be authorized to lease the Warren Junior High School for a term of years not exceeding 99 years,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Newton,-- Warren
Junior High School
lease.

A Bill designating a portion of state highway route 28 in the town of Harwich as the Alphonso Palmer Rogers highway (House, No. 3838,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Harwich,-- Alphonso
Palmer Rogers
highway.

Recess.

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

Recess.

Resolutions.

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

Resolutions (filed by Mr. Velis) "commending the Doctor I.R. Calkins Assembly of the Society of American Magicians on their observance of October 31, 2023 as National Magic Day."

Doctor I.R. Calkins
Assembly of the
Society of American
Magicians.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (both of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Brownsberger) and laid before the Governor for her approbation, to wit:

Relative to property tax classifications in the city of Watertown (see House, No. 2910, amended); and

Bills laid before the
Governor.

Amending the Tourism Revenue Preservation Fund in the town of Yarmouth (see House, No. 3796).

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

Petition (accompanied by bill, House, No. 4142) of Kay Khan relative to mental health awareness at public higher education institutions;

Mental health,--
higher education.

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

Petition (accompanied by bill, House, No. 4143) of Brandy Fluker Oakley and Andrea Joy Campbell (Attorney General) for legislation to establish a trust fund to promote environmental justice in the Office of the Attorney General; and

Environmental
Justice Trust Fund.

Petition (accompanied by bill, House, No. 4144) of Antonio F. D. Cabral for legislation to establish a sick leave bank for Corinne Senna, an employee of the Trial Court;

Corinne Senna,-- sick
leave.

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

Petition (accompanied by bill, House, No. 4145) of Jessica Ann Giannino and others relative to pediatric cancer research;

Pediatric cancer,--
research.

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

Report of a Committee.

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill relative to enabling pharmacists to prescribe, dispense and administer PrEP (Senate, No. 1353),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2480).

Pharmacists,-- PrEP.

Order Adopted.

Mr. Rodrigues presented the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill enabling pharmacists to prescribe, dispense and administer PrEP (Senate, No. 1353) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft with the same title Senate, No. 2480) shall be placed in the Orders of the Day for a second reading on Thursday, October 26, 2023 for immediate consideration.

Procedural order.

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

The bill will be placed in the Orders of the Day for Thursday, October 26, 2023, for a second reading with the amendment pending.

Report of a Committee.

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill relative to increase access to disposable menstrual products (Senate, No. 1381),-- ought to pass with an amendment substituting a new draft with he same title (Senate, No. 2481).

Menstrual products,--
access.

Order Adopted.

Mr. Rodrigues presented the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to increase access to disposable menstrual products (Senate, No. 1381) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft with the same title Senate, No. 2481) shall be placed in the Orders of the Day for a second reading on Thursday, October 26, 2023 for immediate consideration.

Procedural order.

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

The bill will be placed in the Orders of the Day for Thursday, October 26, 2023, for a second reading with the amendment pending.

Orders of the Day.

UNCORRECTED PROOF.

The Orders of the Day were considered as follows:

Bills

Regulating certain insurance benefits for elected officials in the town of Blackstone (Senate, No. 1296);

Second reading bills.

Relative to appointing the town clerk of the town of Wenham (Senate, No. 2387);

Authorizing the city of Pittsfield to award a 1 year or multiple year contract to audit (House, No. 2045);

Relative to the Board of Health in the town of Reading (House, No. 2072);

Relative to at-large town meeting members in the town of Milford (House, No. 2089);

To amend the charter of the town of Middleborough (House, No. 2092);

Authorizing the city of Leominster to establish an age limit for original appointment to the position of police officer (House, No. 2555);

Providing for recall elections in the town of Conway (House, No. 3575);

Validating the results of the annual town election held in the town of Lancaster (House, No. 3578);

Approving the Townsend special act charter (House, No. 3728);

Changing the name of the Board of Selectmen of the town of Gosnold to Selectboard (House, No. 3842);

Authorizing the appointment of retired police officers as special police officers in the town of Freetown (House, No. 3931);

Authorizing the city of Northampton to grant 7 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3952);

Amending the act establishing a charter for the town of Wrentham (House, No. 4061);
and

Authorizing the town of Hull to lease certain property and to extend leases on certain property to promote economic development and the more effective use of town property (House, No. 4099);

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

The House Bill relative to the charter of the town of Dedham (House, No. 2081),-- was read a second time.

Dedham,-- charter.

Pending the question on ordering the bill to a third reading, Mr. Rush moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2455.

The amendment was adopted.

The bill, as amended, was then ordered to a third reading.

There being no objection, the rules were suspended, on motion of the same Senator, and the bill was read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The House Bill relative to salary range transparency (House, No. 4109),-- was read a second time.

After remarks, pending the question on adoption of the amendment previously recommended by the committee on Senate Ways and Means, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2468, and pending the question on ordering the bill to a third reading, Mr. Rodrigues moved that the proposed new text be amended in section 1, by striking out, in line 17, the word "supplement" and inserting in place thereof the following words:- "separate supplement";

In said section 1, by inserting after the word "report", in line 18, the following words:-

“ ; provided, however, that the filing of an annual report by a covered employer shall not be rejected on the basis of an incomplete or omitted wage data report”;

In section 5 by striking out, in line 111, the word “supplement” and inserting in place thereof the following words:- “separate supplement”; and

In said section 5, by striking out, in line 142, the word “annual”.

The amendment was adopted.

The Ways and Means amendment, as amended, was then 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 nineteen minutes past two o’clock P.M., on motion of Ms. Jehlen, as follows, to wit (yeas 38 to nays 1) [Yeas and Nays No. 88]:

YEAS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gomez, Adam
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.

Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Miranda, Liz
Montigny, Mark C.
Moore, Michael O.
Moran, Susan L.
O'Connor, Patrick M.
Oliveira, Jacob R.
Pacheco, Marc R.
Payano, Pavel M.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Velis, John C. – 38.

NAYS.

Fattman, Ryan C. – 1.

The yeas and nays having been completed at twenty-seven minutes past two o’clock P.M., the bill was passed to be engrossed, in concurrence with the amendment [For text of Senate amendment, printed as amended, see Senate, No. 2484] Sent to the House for concurrence in the amendment.

Message from His Excellency the Governor.

Message from Her Excellency the Governor recommending legislation to provide for competitiveness and infrastructure investment in Massachusetts (Senate, No. 2482) (received in the Office of the Clerk of the Senate on Thursday, October 19, 2023, at eleven o’clock A.M.);

Infrastructure investment.

The message was read; and, under Senate Rule 20, with the accompanying bill, was referred to the Senate Committee on Ways and Means.

Order Adopted.

On motion of Ms. Lovely,--

UNCORRECTED PROOF.

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 twenty-nine minutes past two o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.