

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, SEPTEMBER 25, 2023

JOURNAL OF THE SENATE

Monday, September 25, 2023.

Met at eight 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.

Communication.

Communication from the Executive Office of Health and Human Services (pursuant to Section 10F(g) of Chapter 118E of the General Laws) submitting its quarterly report on the Children's Medical Security Plan (CMSP) for the fourth quarter of fiscal year 2023 (received September 22, 2023),-- **was placed on file.**

EOHHS,-- FY23 Q4
CMSP report.
SD2763

Report.

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 Bristol County Jail and House of Correction, Dartmouth I.C.E. Facility, Bristol County Modular Building and Dartmouth Women's Center (received September 22, 2023),-- **was placed on file.**

DPH,-- facility
inspections.
SD2762

Reports of Committees.

By Mr. Crighton, for the committee on Transportation, on petition, a Bill designating a certain bridge in the city of Leominster as the Honorable John Walter Olver Memorial Bridge (Senate, No. 2221); and

Leominster,-- Olver
memorial bridge.

By the same Senator, for the same committee, on petition, a Bill relative to naming the Winchester center station after Governor John A. Volpe (Senate, No. 2259);

Winchester,-- Volpe
station.

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

By Mr. Oliveira, for the committee on Municipalities and Regional Government, on petition, a Bill regulating certain insurance benefits for elected officials in the town of Blackstone (Senate, No. 1296) [Local approval received] [Representative DuBois of Brockton dissenting]; and

Blackstone,-- elected
officials.

By the same Senator, for the same committee, on petition, a Bill relative to appointing the town clerk of the town of Wenham (Senate, No. 2387) [Local approval received] [Representative DuBois of Brockton dissenting];

Wenham,-- town
clerk.

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

PAPERS FROM THE HOUSE.

A Bill to designate the state highway route 9 bridge between Belchertown and Ware as the Kenneth J. Iwasinski Memorial Bridge (House, No. 4008, amended,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Belchertown/Ware,--
Kenneth J. Iwasinski
Memorial Bridge.

Bills

Relative to property tax classifications in the city of Watertown (House, No. 2910,-- on petition) [Local approval received]; and

Watertown,--
property tax
classifications.
Hull,-- land lease.

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,-- on House, No. 2083) [Local approval received on House, No. 2083];

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

A Bill establishing a sick leave bank for Paul O'Brien, an employee of the trial court of the commonwealth (House, No. 4083,-- on petition),-- was read.

Paul O'Brien,--
sick leave.

There being no objection, the rules were suspended, on motion of Mr. Fattman, and the bill was read a second time and ordered to a third reading.

A Bill establishing a sick leave bank for Matthew McRae, an employee of the department of state police (House, No. 4085,-- on House, No. 4084),-- was read.

Matthew McRae,--
sick leave.

There being no objection, the rules were suspended, on motion of Mr. Fattman, and the bill was read a second time and ordered to a third reading.

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

Petition (accompanied by bill, House, No. 4102) of Andrew Limeri relative to software legal agreements; and

Software,-- legal
agreements.

Petition (accompanied by bill, House, No. 4103) of Lindsay N. Sabadosa relative to the responsible use of certain advanced robotic technologies;

Robotics,--
responsible use.

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

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The House Bill changing the timing of preliminary elections in the city known as the town of Agawam to eight weeks preceding regular elections (House, No. 4023),-- was read a second time.

Agawam,--
preliminary elections.

Pending the question on ordering the bill to a third reading, Mr. Velis presented an amendment in section 2, by striking out, in line 20, the words "in the year 2025" and inserting in place thereof the following words:- "beginning in the year 2025, but not otherwise";

In section 3, by striking out, in line 22, the figure "60" and inserting in place thereof the following figure:- "35"; and

By adding the following section:-

"SECTION 4. This act shall take effect upon its passage."

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, its title having been changed by the committee on Bills in the Third Reading to read as follows:- "An Act changing the timing of preliminary elections in the city known as the town of Agawam to 8 weeks preceding regular elections")

Sent to the House for concurrence in the amendment.

The Senate Bill authorizing the appointment of special police officers in the town of Charlton (Senate, No. 2416),-- **was read a third time and passed to be engrossed.**

Charlton,-- special
police officers.

Sent to the House for concurrence.

The House Bill relative to the home rule charter of the city of Beverly (House, No. 4093),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows:- “An Act amending the home rule charter of the city of Beverly”.**

Beverly,-- charter.

The House Bill merging certain voting precincts in the town of Groton (House, No. 3884),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Groton,-- voting precincts.

Resolutions.

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

Resolutions (filed by Messrs. Timilty, Tarr, Brady, Collins, DiDomenico, Eldridge, Fattman, Gomez, Keenan, Lewis, Moore, O’Connor, Oliveira, Pacheco, Payano and Velis) “commending Milton Glows Gold, the Michael C. McHugh Memorial Fund, Inc. and the Reid R. Sacco Adolescent and Young Adult Cancer Alliance for recognizing September 2023 as Childhood Cancer Awareness Month.”

Childhood Cancer Awareness Month.

Moment of Silence.

At the request of the Chair (Mr. Brownsberger) the members, guests and staff stood in a moment of silence and reflection to the memory of Lawrence F. Kirby.

Moment of silence.

PAPERS FROM THE HOUSE

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. Brownsberger) and laid before the Governor for her approbation, to wit:

Merging certain voting precincts in the town of Groton (see House, No. 3884);

Bills laid before the Governor.

Changing the timing of preliminary elections in the city known as the town of Agawam to 8 weeks preceding regular elections (see House, No. 4023, amended); and

Amending the home rule charter of the city of Beverly (see House, No. 4093).

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. in a full formal session without a calendar.

Time of meeting.

Adjournment in Memory of Lawrence F. Kirby.

The Senator from Essex and Middlesex, Mr. Tarr presented a request that when the Senate adjourns today, it does so in memory of Marine Corps Veteran and author Lawrence F. Kirby of Manchester-by-the-Sea who passed away on August 13, 2023, at the age of 99, following a brief illness.

Born to Lawrence Francis “Darby” and Sarah (McCool) Kirby on June 21, 1924 and

raised with his beloved “sibs” in Brookline, Larry is survived by two of them: Eddie and Alice. He lost his sisters Mary Donnelly and Joan Sullivan in recent years.

After high school, Larry enlisted in the Marines in 1942 at the age of 18. He was trained as a scout sniper and held the rank of platoon sergeant. He served in the Pacific Theater with the 2nd Battalion, 9th Regiment, 3rd Marine Division and participated in amphibious assaults on Bougainville, Guam, and Iwo Jima. In the fierce fighting in Guam, he was awarded a Silver Star and Purple Heart. On Iwo Jima he was one of seven men out of 230 marines to survive the battle and witnessed the raising of the American flag on Mount Suribachi on Feb. 23, 1945. After recovering for some months stateside from shrapnel wounds, he gave his mother a happy surprise by arriving back home to Brookline on Christmas Eve in 1945. Larry had received a Silver Star Medal, Bronze Star Medal, Purple Heart and Navy Commendation Medal, among others.

Soon After, he met the beautiful, smart, and kind-hearted Mary Crane, who was studying at Emerson College. They eloped, married in Manhattan, started a family that grew to include Lawrence Francis II, Christine Mercer, Theodore John, and Alan Crane Kirby. They were raised on Summer Street in Manchester, in a house next to the one where Mary was born and with siblings of Mary’s living on both sides.

A beneficiary of the GI Bill, Larry took courses from 1948 to 1952 at Northeastern University, including in the Law School, while working to support his family. Later he would join Shaw-Walker, the office furniture company, where he worked for nineteen years.

Years after his service, Larry found it therapeutic to write about his memories of the war. He wrote, “Stories from the Pacific: The Island War 1942-1945,” which were a collection of remembered events, some humorous and others dealing with the horror of close combat. Larry’s gift for storytelling also served him well in gatherings of veterans where he was invited to speak, including the annual Iwo Jima Day remembrance at the Massachusetts State House on Beacon Hill. Often interviewed and featured in the Boston Globe, the Boston Herald, WBZ News, and other media, Larry was quick to remind people that “family is everything, and love is the most valuable thing”.

Larry was predeceased by his wife Mary of 76 years. He is survived by three sons and daughters, seven grandchildren, six great grandchildren and many nieces and nephews.

Accordingly, as a mark of respect to the memory of Lawrence F. Kirby, at eight minutes before twelve o’clock noon, on motion of Mr. Fattman, the Senate adjourned to meet again on Thursday next at eleven o’clock A.M.