The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, APRIL 27, 2023

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JOURNAL OF THE SENATE

Thursday, April 27, 2023.

Met at eighteen minutes past eleven o'clock A.M. (Mr. Timilty in the Chair).

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

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Mr. Timilty) introduced, in the rear of the Chamber, the 5th grade class from the Glover Elementary School in Milton. The students were on a field trip to the State House learning about the different aspects of state government. They were led by teachers and chaperones Mrs. Maliel, Ms. Mazzotta, Ms. Gardner, Mrs. Ryan, Mr. McMurray, Ms. Donahue, Ms. Callahan and Mrs. Good. The Senate welcomed them with applause, and they withdrew from the Chamber.

Glover Elementary School,-- 5th grade.

Communications.

The following communications were severally received and placed on file, to wit: Communication from the Department of Public Health relative to its plan of correction for the MASAC at Plymouth inspection on March 13, 2023 (received April 24, 2023); and

DPH,-- plan of correction. SD2580

Communication from the Office of the Inspector General (pursuant to Section 12 of Chapter 12A of the General Laws) submitting its 2022 annual report (received April 27, 2023).

OIG,-- annual report. SD2585

Reports.

The following reports were severally received and placed 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 inspection of Western Massachusetts Recovery and Wellness Center (received April 24, 2023); and

DPH,-- facility inspection. SD2579

Report of the Peace Officer Standards and Training Commission (pursuant to Section 16 of Chapter 6E of the General Laws and item 0800-0000 of Section 2 of Chapter 126 of the Acts of 2022) submitting its 2022 annual report (received April 25, 2023).

POST Commission,-annual report. SD2584

Petition.

Ms. Creem presented a petition (accompanied by bill, Senate, No. 2384) of Cynthia Stone Creem, John J. Lawn, Jr., Ruth B. Balser and Kay Khan (with approval of the mayor and city council) for legislation relative to the appointment of special police officers in the city of Newton [Local approval received];

Newton,-- police officers.

Referred, under Senate Rule 20, to the committee on Public Service. Sent to the House for concurrence.

Reports of Committees on Proposals for

Legislative Amendments to the Constitution.

By Mr. Keenan, for the committee on Election Laws, on the petition (accompanied by proposal, Senate, No. 8) of Liz Miranda, Adam Gomez and Lindsay N. Sabadosa for a legislative amendment to the Constitution relative to voting rights,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 8), ought to pass;

Voting rights,-felons.

Voting rights.

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 26) of Erika Uyterhoeven and others for a legislative amendment to the Constitution relative to voting rights of certain persons incarcerated in correctional facilities due to felony convictions, -- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 26), ought to pass;

Public office,-- oaths and affirmations.

By Mr. Eldridge, for the committee on the Judiciary, on the petition (accompanied by proposal, House, No. 33) of Mindy Domb and Jack Patrick Lewis for a legislative amendment to the Constitution relative to the oaths and affirmations of public office,-reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 33), ought to pass;

> Constitution,-- select boards.

By Mr. Oliveira, for the committee on Municipalities and Regional Government, on the petition (accompanied by proposal, Senate, No. 12) of William N. Brownsberger for a legislative amendment to the Constitution relative to select boards,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 12), ought to pass;

> Agricultural and horticultural lands.

By Ms. Moran, for the committee on Revenue, on the petition (accompanied by proposal, Senate, No. 13) of Joanne M. Comerford, Susannah M. Whipps, Susan Williams Gifford, Hannah Kane and other members of the General Court for a legislative amendment to the Constitution relative to agricultural and horticultural lands,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 13), ought to pass; and

Id.

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 41) of Paul A. Schmid, III and others for a legislative amendment to the Constitution relative to agricultural and horticultural lands,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 41), ought to pass;

The reports were severally read and placed on file, in accordance with the requirements of said rule.

By Ms. Edwards, for the committee on Housing, on the petition (accompanied by proposal, House, No. 29) of Vincent L. Dixon for a legislative amendment to the Constitution relative to the right to housing,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 29), ought NOT to pass (Representative Connolly of Cambridge dissenting);

Governor and Lt. Governor,-- "His or Her".

Housing rights.

By Mr. Eldridge, for the committee on the Judiciary, on the petition (accompanied by proposal, Senate, No. 10) of William N. Brownsberger for a legislative amendment to the Constitution relative to the Governor and Lieutenant Governor,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 10), ought NOT to pass;

Judges,-- term

By the same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 11) of Vincent Lawrence Dixon for a legislative amendment to the Constitution for term renewal process,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 11), ought NOT to pass;

renewal.

By the same Senator, for the same committee, on the petition (accompanied by

Governor,-- title.

proposal, House, No. 30) of Jennifer Balinsky Armini and Andres X. Vargas for a legislative amendment to the Constitution relative to the title of the Governor,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 30), ought NOT to pass;

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 31) of Jennifer Balinsky Armini for a legislative amendment to the Constitution relative to the title of the Lieutenant-Governor,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 31), ought NOT to pass;

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 32) of Mindy Domb and Lindsay N. Sabadosa for a legislative amendment to the Constitution relative to use of gender in the Constitution of the Commonwealth,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 32), ought NOT to pass;

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 34) of Vanna Howard for a legislative amendment to the Constitution relative to the term of office of judicial officers,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 34), ought NOT to pass;

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 35) of Bradley H. Jones, Jr. and others for a legislative amendment to the Constitution relative to prohibiting eminent domain takings,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 35), ought NOT to pass;

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 36) of Paul McMurtry for a legislative amendment to the Constitution relative to changing the mandatory age of retirement for judges,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 36), ought NOT to pass;

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 37) of Orlando Ramos and Carlos González for a legislative amendment to the Constitution to require reappointment of judges every five years, reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 37), ought NOT to pass;

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 38) of Susannah M. Whipps, Paul W. Mark and others for a legislative amendment to the Constitution relative to a succession plan for a vacancy in the office of Lieutenant-Governor,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 38), ought NOT to pass;

By Ms. Jehlen, for the committee on Labor and Workforce Development, on the petition (accompanied by proposal, House, No. 39) of Vincent L. Dixon for a legislative amendment to the Constitution relative to a Constitutional right to employable skills training,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 39), ought NOT to pass;

By Ms. Moran, for the committee on Revenue, on the petition (accompanied by proposal, Senate, No. 14) of Bruce E. Tarr for a legislative amendment to the Constitution to require a supermajority vote for the utilization of rainy day funds,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 14), ought NOT to pass (Senator Fattman and

Lieutenant Governor,-- title.

Constitution,--gender.

Judicial officers,--term.

Eminent domain takings.

Judges,-- retirement age.

Judges,-reappointment.

Lieutenant Governor,-- vacancy.

Employable skills training.

Rainy day funds,--supermajority vote.

Representative Soter of Bellingham dissenting);

By the same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 15) of Bruce E. Tarr for a legislative amendment to the Constitution to cap the state income tax,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 15), ought NOT to pass (Senator Fattman and Representative Soter of Bellingham dissenting); and

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 40) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution relative to ensuring appropriate expenditure of fair share funds received from persons reporting incomes in excess of one million dollars,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 40), ought NOT to pass (Senator Fattman and Representative Soter of Bellingham dissenting);

The reports were severally read and placed on file, in accordance with the requirements of said rule.

Under the provisions of Joint Rule 23, the following proposals were placed on file, the time within which the said committees were required to report having expired:

Of the committee on Election Laws, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, Senate, No. 7) of James B. Eldridge for a legislative amendment to the Constitution to establish an independent redistricting commission;

Of the committee on Election Laws, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, Senate, No. 9) of Paul W. Mark for a legislative amendment to the Constitution relative to campaign finance reform; and

Of the committee on Health Care Financing, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, House, No. 27) of Vincent L. Dixon for a legislative amendment to the Constitution to establish a right to health care.

Committees Discharged.

Ms. Gobi, for the committee on Agriculture, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 478) of James B. Eldridge, Adam Scanlon, Michael J. Barrett, Paul W. Mark and other members of the General Court for legislation to expand the sale of products by farmer breweries,-- and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure.

Mr. Eldridge, for the committee on the Judiciary, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1112) of Rebecca L. Rausch, Adam Gomez and James B. Eldridge for legislation to establish a bill of rights for people experiencing homelessness,-- and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities.

Of the petition (accompanied by bill, Senate, No. 910) of Michael D. Brady for legislation relative to the financial statement review and financial statement audit thresholds for Massachusetts public charities,-- and recommending that the same be referred to the committee on Financial Services.

Of the petition (accompanied by bill, Senate, No. 1106) of Pavel M. Payano for legislation to specify an electronic system to ensure that sales of certain products containing pseudoephedrine (PSE) do not exceed limits established under federal law,-and recommending that the same be referred to the committee on Health Care Financing.

Of the petition (accompanied by bill, Senate, No. 970) of Paul R. Feeney for

Income tax,-- cap.

Fair share funds,--expenditure.

Redistricting,--commission.

Campaign finance,--reform.

Health care, -- right.

Farmer breweries,--sales.

Homelessness,-- bill of rights.

Public charities,-financial statement review.

Pseudoephedrine,--regulations.

Suicide,-- prevention.

legislation relative to suicide prevention signage at certain facilities,-- and recommending that the same be referred to the committee on Mental Health, Substance Use and Recovery.

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

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

The following petitions (having been filed in the office of the Clerk of the House prior to five o'clock P.M., on Friday, January 20, 2023, and having been transmitted to the Secretary of the Commonwealth under the provisions of Section 5 of Chapter 3 of the General Laws, and returned by him with memorandum relative thereto on Friday, March 22, 2023) were referred, in concurrence, as follows, to wit:-

A petition (accompanied by bill, House, No. 3808) (subject to Joint Rule 9) of Bradley H. Jones, Jr., and Brendan P. Crighton for legislation to further regulate the Lynnfield Center Water District; and

A petition (accompanied by bill, House, No. 3809) (subject to Joint Rule 9) of Adrian C. Madaro relative to modernizing the governance of port authority parks in the East Boston section of the city of Boston;

Severally to the committee on Environment and Natural Resources.

A petition (accompanied by bill, House, No. 3810) (subject to Joint Rule 9) of Lindsay N. Sabadosa and Paul W. Mark relative to dissolving the Hampshire County Regional Housing Authority and incorporating its functions into the Northampton Housing Authority;

To the committee on Housing.

A petition (accompanied by bill, House, No. 3801) (subject to Joint Rule 9) of Margaret R. Scarsdale for legislation to establish a municipal building assistance program and building authority;

To the committee on Municipalities and Regional Government.

A petition (accompanied by bill, House, No. 3802) (subject to Joint Rule 9) of Natalie M. Blais and others relative to creating a municipal and public safety building authority; and

A petition (accompanied by bill, House, No. 3803) (subject to Joint Rule 9) of Margaret R. Scarsdale and Colleen M. Garry for legislation to establish a public safety building authority and assistance program;

Severally to the committee on Public Safety and Homeland Security.

A petition (accompanied by bill, House, No. 3804) (subject to Joint Rule 9) of Dylan A. Fernandes for legislation to establish the Martha's Vineyard housing bank funded by a fee upon the transfer of any real property in member towns;

To the committee on Revenue.

A petition (accompanied by bill, House, No. 3805) (subject to Joint Rule 9) of Dylan A. Fernandes and others for legislation to establish a body politic and corporate to be known as the Massachusetts clean energy technology center; and

A petition (accompanied by bill, House, No. 3806) (subject to Joint Rule 9) of Sally P. Kerans, Joan B. Lovely and Jennifer Balinsky Armini for legislation to further regulate the Massachusetts Municipal Wholesale Electric Company board of directors;

Severally to the committee on Telecommunications, Utilities and Energy.

A petition (accompanied by bill, House, No. 3807) of Donald H. Wong and Kate Lipper-Garabedian (by vote of the town) that the town of Wakefield be authorized to establish a means tested senior citizen property tax exemption in said town,-- was referred, in concurrence, to the committee on Revenue.

Lynnfield,-- Center Water District.

East Boston,-- port authority parks.

Hampshire County Regional Housing Authority.

MA Municipal Building Authority.

MA Municipal and Public Safety Building Authority.

Public safety,-building authority.

Martha's Vineyard,--housing bank.

Massachusetts Green Bank.

MA Municipal Wholesale Electric Company.

Wakefield,-- senior property tax exemption.

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A report of the committee on Telecommunications, Utilities and Energy, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3167) of Denise C. Garlick relative to closed captioning on public-facing televisions,-- and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities,-- was considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Public TV,-- closed captioning.

Matter Taken Out of the Orders of the Day.

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

The House Bill authorizing the town of Leicester to continue the employment of Kenneth M. Antanavica (House, No. 2579) (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.

Leicester,-- police chief.

Resolutions.

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

Resolutions (filed by Ms. Jehlen and Mr. Brownsberger) "commending Respond, Inc. on their efforts to prevent dating and domestic violence in the commonwealth";

Resolutions (filed by Mr. O'Connor) "congratulating Alexandra Hauber on his elevation to the rank of Eagle Scout"; and

Resolutions (filed by Mr. O'Connor) "congratulating Nadia Sovick on his elevation to the rank of Eagle Scout."

Respond, Inc.

Alexandra Hauber.

Nadia Sovick.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3811) of Antonio F. D. Cabral and others relative to requiring school attendance up to age 18 or until graduation;

School attendance,--requirement.

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

Petition (accompanied by bill, House, No. 3812) of Antonio F. D. Cabral, Christopher Hendricks and Mark C. Montigny for legislation to authorize the Massachusetts Teachers' Retirement System to grant credible service to Kellie Martin; and

Wendell,-- Joseph Cuneo employment.

Kellie Martin,-creditable service.

Petition (accompanied by bill, House, No. 3813) of Aaron L. Saunders and Joanne M. Comerford (by vote of the towns) that Joseph J. Cuneo be authorized to continue employment as fire chief of the towns of Wendell and New Salem, notwithstanding the maximum age requirement;

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

Engrossed Bill.

The President in the Chair, an engrossed Bill authorizing the town of Leicester to continue the employment of Kenneth M. Antanavica (see House, No. 2579) (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 President and laid before the Governor for her approbation.

Bill laid before the Governor.

Remarks of Senator Bruce E. Tarr.

Madam President, on Friday, April 28th, the Ipswich Historical Commission, the

Remarks of Senator Bruce E. Tarr.

Ipswich Poetry Group, and others will commemorate the life, literary legacy, and residence in Ipswich of the renowned author John Updike author John Updike - one of the greatest American writers of the 20th Century.

To celebrate and honor his contributions, the Ipswich Historical Commission will unveil a plaque that will be placed on the Caldwell Building in Ipswich. This building, recorded on the National Registry of Historic Places, was where Updike took an office, Suite number 5, from 1960 to 1974 and where he wrote some of his most acclaimed works.

Updike was a prolific writer, publishing over 60 books during his lifetime. His work included novels, short stories, poetry, and essays. He was a two-time winner of the Pulitzer Prize for Fiction and was also a member of the American Academy of Arts and Letters.

Born in Pennsylvania in 1932, he attended Harvard University, studied English and wrote for the humor magazine The Harvard Lampoon. In 1953, Updike married Mary Pennington and after graduating from Harvard in 1954, they moved to New York City where he worked for The New Yorker magazine.

In 1957, John and Mary moved to Ipswich, Massachusetts, the place where they had honeymooned four years earlier. The Updikes raised four children together there - Elizabeth, David, Michael, and Miranda. Known for its wit, realism, and exploration of the human condition Updike was a master of the short story, and his novels often featured characters who were struggling to find their place in the world.

Updike was a member of the Ipswich Historical Commission and even helped write a book on Ipswich for the commission, Something to Preserve: A Report on Historic Preservation in America's best-preserved Puritan town, Ipswich, Massachusetts.

Updike's work had a profound impact on the writing community in Massachusetts and beyond. He was an inspiration for many young writers, and he helped to raise the profile of Massachusetts as a literary center.

His works have been translated into dozens of languages, and they have been adapted into films and television shows.

John Updike was a master of language, weaving words together with the skill of a weaver to create characters, places, and stories that form the fabric of our communities and enrich our lives.

Although he died of lung cancer in 2009 at the age of 76 he is today remembered as one of the greatest American writers of the 20th Century.

Massachusetts residents have a lot to be proud of in recognizing the literary contributions of John Updike. His work has enriched the lives of readers all over the world, and he is remembered as a giant of American literature. He was a true artist, and his work will continue to be read and enjoyed for generations to come.

Under the provisions of Senate Rule 6A, the remarks were printed in the Journal of the Senate.

Ordered printed.

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.

Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of John Reed.

Moment of silence.

Adjournment in Memory of John Reed.

The Senator from Cape and Islands, Mr. Cyr, presented a request that when the Senate adjourns today it do so in memory of John Reed of West Yarmouth.

John Reed, a civil and human rights champion, a lifelong mentor, and dedicated educator, passed away on February 10, 2023.

Born in Boston on September 28, 1950, John found his passion for mentorship and education at a young age when tutoring classmates in junior high. After graduating from Dorchester High School, John studied at Boston State College before receiving his bachelor's degree from the University of Massachusetts Amherst.

In 1973, John moved to Cape Cod to work as a history teacher at Barnstable High School where used his love of teaching to serve the community for decades. He taught history and social studies and offered a course on African American History – ensuring students had access to an enriching and diverse education. At Barnstable High School John founded the Imani Club to celebrate and empower students of color.

John's passion and dedication to support students stretched across Cape Cod. In 2005, He established the Barnstable County Human Rights Advisory Commission. Serving as a commission chair for many years, John helped create the Human Rights Academy for Cape Cod students, which helped students conceive, develop, and complete human rights projects. His efforts to support young people of color on Cape Cod has inspired new generations to continue his meaningful work, and in 2021 he received the Commission's Rosenthall Community Champion award.

John's commitment to education was also a commitment to his fellow educators and school employees. He proudly served his colleagues as President of the Barnstable Teachers Association. He also represented teachers across the Commonwealth as a Massachusetts Teachers Association Board member and as the Massachusetts Director of the National Education Association. In 1993, John was awarded the Massachusetts Teachers Association's Human and Civil Rights Award in recognition of his efforts to advance the rights of People of Color in his community. He also received the prestigious National Education Association's H. Councill Trenholm Memorial Award in 2008 for his contributions to addressing racial and ethnic biases in the education profession.

John dedicated his life to equity and justice and is described by Human Rights Advisory Commission as a "force of conscience and strength on Cape Cod". He served as President of the Cape Cod Chapter of the NAACP for seventeen years. He was also a founder, board member, and longtime Executive Director of the Zion Union Heritage Museum – an entity dedicated to celebrating the robust histories and heritages of Black, Cape Verdean, Brazilian, Caribbean, and Wampanoag Cape Codders. John held an enduring commitment to honoring and lifting up the voices of Black, Indigenous, and People of Color in our community and schools.

Friends and loved ones will always remember John for his sweet and gentle nature, his warm smile, and his genuine interest in and desire to engage with the lives of those he held close. John was always there for those who needed him, and his relaxed and easygoing demeanor belied his fierce commitment to his lived values.

John is survived by his wife and high school sweetheart Karen, his brother George, his stepfather Willoughby and hosts of nieces, nephews, and cousins. John was an indispensable member of our Cape Cod Community, and his unyielding drive to better the lives of others benefited generations of Cape Codders past, present, and those yet to come.

Accordingly, as a mark of respect to the memory of John Reed, at twelve minutes before twelve o'clock noon, on motion of Mr. Tarr, the Senate adjourned to meet again on

Monday next at eleven o'clock A.M.