

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, AUGUST 17, 2023

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JOURNAL OF THE SENATE

Thursday, August 17, 2023.

Met at ten minutes past eleven o'clock A.M. (Mr. Timilty 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. 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) handed the gavel to Mr. Pacheco for the purpose of an introduction. Mr. Pacheco then introduced, in the rear of the Chamber 2 of Taunton high school's championship teams. The first team introduced was girls softball team, who are the 2023 MIAA Division I Softball State Champions. The team finished with an impressive record of 24-1 and won their third straight state championship title and eighth state title overall. Members of the team in attendance were: Brooke Aldrich, Aniyah Bailey, Bella Bourque, Victoria Corrao, Abigail Doherty, Hayley Krockta (Sr. Captain), Meghan Krockta, Catheribe Larson, Alaney Murphy, Gracie Oliveira, Mia Torres and Coach Michelle Raposa.

Taunton high School,-- MIAA Championship teams.

Mr. Pacheco then introduced the boys 2023 MIAA Division I Baseball State Champions. The team finished with an impressive record of 21-4 and won their second straight state championship title and third in the last four years. Members of the team in attendance were: Sean Murphy, Dwayne Burgo, Aidan Mulhern, Caden Lindskog, Brady Morin, Chris Wallace and Coach Blair Bourque.

Communications.

The following communications were severally received and placed on file, to wit: Communication from the Department of Public Health submitting its Arbovirus Weekly Report for the week of August 14, 2023 (received August 15, 2023); and

DPH,-- arbovirus report. SD2721 BSI,-- FY23 Q4 report. SD2726

Communication from the Bureau of Special Investigations in the Office of the State Auditor (pursuant to item 0710-0200 of Section 2 of Chapter 24 of the Acts of 2021) submitting its quarterly report detailing and summarizing its activity during the fourth quarter of fiscal year 2023 (received August 16, 2023).

Reports.

The following reports were severally received and placed on file, to wit: Report of the Executive Office of the Trial Court (pursuant to Section 15 of Chapter 239 of the General Laws) submitting a report summarizing the filings, actions, and dispositions of summary process cases relative to rental protections from January 2023 through July 2023 (received August 16, 2023);

EOTC,-- rental protections report. SD2602

Report of the Rural Policy Advisory Commission (pursuant to Section 66(g) of Chapter 23A of the General Laws) submitting its fiscal year 2023 annual report (received August 14, 2023);

RPAC,-- FY23 annual report. SD2722

UNCORRECTED PROOF.

Report of the Department of Unemployment Assistance (pursuant to Section 14F of Chapter 151A of the General Laws) submitting the August 2023 Unemployment Insurance Trust Fund report and quarterly outlook report (received August 15, 2023);

DUA,-- UI trust fund quarterly report. SD2723

Report of the Plymouth County Sheriff (pursuant to Section 84 of Chapter 69 of the Acts of 2018) submitting its report reflecting the aggregate data population of the Plymouth County Correctional Facility for the second quarter of 2023 (received August 14, 2023); and

Plymouth Sheriff,-- data population report. SD2724

Report of the Executive Office of Public Safety and Security (pursuant to Section 2(c) of Chapter 35 of the Acts of 2021) submitting its Sexual Assault Evidence Collection Kit (SAECK) quarterly report (received August 15, 2023).

EOPSS,-- SAECK quarterly report. SD2725

Petition.

Mr. Tarr, presented a petition (accompanied by bill, Senate, No. 2441) of Bruce E. Tarr, Sally P. Kerans and Kristin E. Kassner (by vote of the town) for legislation relative to the sale of all alcoholic beverages to be drunk on the premises in the town of Topsfield;

Topsfield,-- liquor licenses.

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

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

A message from Her Excellency the Governor recommending legislation relative to providing for the terms of certain bonds to be issued by the Commonwealth (House, No. 4057),-- **was referred, in concurrence, to the committee on Bonding, Capital Resources and State Assets.**

Bonds and notes,-- terms.

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

Petition (accompanied by bill, House, No. 4045) of James C. Arena-DeRosa (by vote of the town) for legislation to authorize the town of Hopkinton to acquire certain land in the town of Milford by eminent domain for the repair and maintenance of the Lake Maspenock dam.

Hopkinton/Milford,-- land.

To the committee on the Judiciary.

Petition (accompanied by bill, House, No. 4059) of Marcus S. Vaughn and Rebecca L. Rausch (by vote of the town) that the town of Wrentham be authorized to remove certain positions of the fire department of said town from the civil service law.

Wrentham,-- fire department.

To the committee on Public Service.

Bills

Validating the annual town meeting for the town of Blandford (House, No. 661,-- on petition) [Local approval received];

Blandford,-- town meeting.

Validating the results of the annual town election held in the town of Lancaster (House, No. 3578,-- on petition) [Local approval received]; and

Lancaster,-- elections.

Exempting Joanne Ricardelli from the maximum age requirements for firefighters in the town of Wilmington (House, No. 3964,-- on petition) [Local approval receive];

Wilmington,-- Joanne Ricardelli.

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

Emergency Preamble Adopted.

An engrossed bill establishing a sick leave bank for Tanya Pizzi, an employee of the Massachusetts Department of Transportation (see House, No. 3836, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and

Tanya Pizzi,-- sick leave.

containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 3 to 0.

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

Reports of Committees.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Julian Cyr for legislation relative to free expression.

Free expression.
SD2673

The rules were suspended, on motion of Mr. Pacheco, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Joanne M. Comerford for legislation to provide for an investigation and study by a special commission relative to long COVID related needs in the Commonwealth of Massachusetts.

Long COVID,--
commission.
SD2492

The rules were suspended, on motion of Mr. Pacheco, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Health.

Severally sent to the House for concurrence.

Order Adopted.

Ms. Lovely offered the following order, to wit:

Ordered, That members of the General Court may co-sponsor legislation filed by former Senator Anne M. Gobi of the Worcester and Hampshire district without approval from the original sponsor. All requests for co-sponsorship shall comply with the provisions of the applicable Senate Rule and should be emailed to the Senate Clerk at senate.clerk@masenate.gov.

Anne M. Gobi,--
cosponsors.

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

PAPERS FROM THE HOUSE.

The Senate petition of Michael J. Rodrigues for legislation relative to the conveyance of a certain parcel of land in the city of Fall River (Senate, No. 2439),-- came from the House with the endorsement that said branch had concurred in the suspension of Joint Rule 12; and had NON-concurred in the reference to the committee State Administration and Regulatory Oversight. The petition bore the further endorsement that the House had referred the matter to the committee on Municipalities and Regional Government.

Fall River,-- land
conveyance.

On motion of Mr. Pacheco, the Senate insisted on its reference to the committee on State Administration and Regulatory Oversight.

The petition was returned to the House endorsed accordingly .

A Bill establishing a sick leave bank for Paul Verdini, an employee of the Department of Correction (House, No. 4031,-- on petition),-- was read.

Paul Verdini,-- sick
leave.

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

A petition (accompanied by bill, House, No. 4063) of Marjorie C. Decker for legislation to authorize the city of Cambridge to impose a real estate transfer fee,-- was

Cambridge,-- real
estate transfer fee.

referred in concurrence, under suspension of Joint Rule 7B, to the committee on Revenue.

Engrossed Bills.

The following engrossed bills (both 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. Timilty) and laid before the Governor for her approbation, to wit:

Bills laid before the Governor.

Establishing a sick leave bank for Tanya Pizzi, an employee of the Massachusetts Department of Transportation (see House, No. 3836, amended); and

Authorizing the town of Shrewsbury to grant abatement of real estate taxes for the daughter of fallen firefighter Christopher Roy (see House, No. 3906).

Moment of Silence.

At the request of the Chair, Mr. Timilty,, the members, guests and staff stood in a moment of silene and reflection to the memory of John F. “Jack” Hurley.

Moment of silence.

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 John F. “Jack” Hurley.

The Senator from Norfolk, Plymouth and Bristol, Mr. Timilty, moved that when the Senate adjourns today it do so in memory of John F. “Jack” Hurley.

John F. “Jack” Hurley, a World War II Navy veteran and a resident of Easton for the past 55 years, passed away peacefully surrounded by his loving family on November 16, 2022, following a brief illness. Jack was 6 days shy of celebrating his 100th birthday.

Born in Boston in 1922 to Charles V. and Elizabeth (Gitto) Hurley, he was raised and educated in Stoughton, and attended Bridgewater State College. Prior to enlisting in the United States Navy, he was the manager and operator of the family farm, Hurley’s Dairy, for several years.

Jack entered World War II, serving as Motor Machinist Mate Second Class aboard the USS Landing Craft Support (L)(3)63, a landing craft support ship based in the Asiatic Pacific.

On April 17, 1945, Jack and his 60 crewmates arrived at Okinawa Island of Japan. There, he participated in the Battle of Okinawa - codenamed Operation Iceberg. Although the joint Army-Marine Corps landings on Okinawa were initially unopposed, the well dug-in Japanese defenders soon put-up fierce resistance. The battle involved 60,000 American servicemen and lasted three months and included some of the worst kamikaze attacks of the war.

According to Naval records, his ship, though assigned to create a large smoke screen around our US ships to hide them from the Japanese, managed to sink three enemy boats and bring down one kamikaze plane while on patrol.

The ship remained at Okinawa until July 21, when the smoke machine finally broke, Jack told the Boston Globe.

In 2017, Jack told his story to Congressmen Joseph Kennedy III as part of the “Library

of Congress Veteran History Project,” an ongoing initiative to preserve the stories of veterans by recording a video of them. He joined the Navy in 1944 because he “felt like helping out,” he told Kennedy, as reported in the Boston Globe. “I just loved the water,” Jack is quoted as saying. “That’s why I picked the Navy; I was always around the water.”

Jack came home from his tour in the Pacific in January 1946.

After being honorably discharged, he enrolled in an engineering program at Wentworth Institute of Technology, earning a certificate.

Jack was employed by the Commonwealth of Massachusetts for 36 years as an Assistant Chief Engineer for the State Highway Division.

His work history included construction on Defense projects, performing highway surveys, highway construction supervision, and traffic engineering. His skills in high-demand, he went on to be a consultant for several private highway engineering firms before fully retiring.

A life member of both the American Legion Post 7 and the Knights of Columbus Council 238, both in Easton, Jack was also a member of the St. Vincent de Paul Society. He was an avid fisherman, and expert cribbage player. Moreover, Jack will always be remembered for his engaging smile, positive outlook, and outgoing personality. Nothing made him happier than spending time with his family and friends.

He was the husband of the late Katharine (Mahoney) Hurley and Anne (Kelley) Hurley.

Jack is survived by his children, John C. Hurley and his wife Carol of Easton, Timothy V. Hurley and his partner Lori of Easton, Eileen M. Hurley and her partner Glenn of Gardner, Paul D. Hurley and his wife Kelley of Easton, and Maureen A. Willard and her husband John of Easton; a sister, Virginia Nolan of West Bridgewater; 15 grandchildren (Jane, Mark, Michael, Brian, Sean, Katie, Allie, Clover, Brad, Rob, Jack, Sarah, Meghan, Shannon, and Jake), 17 great-grandchildren (John, Catherine, Charles, Mary, Eva, Lucy, Jack, Francesca, Frankie, Brian, Timothy, Greg, Connor, Colton, Eoghan, Olivia, and Grant); a son-in-law Joe Peters; several nieces, nephews, and cousins. He was the father of the late Katharine F. Peters and brother of the late Mary Maloney and Charles L. Hurley. Jack also leaves behind many dear friends at the Residence, where he enjoyed the last 7 years of his life.

He is truly missed by those who knew and loved him.

Accordingly, as a mark of respect to the memory of John F. “Jack” Hurley, at twenty-one 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.