
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, JANUARY 19, 2022.

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JOURNAL OF THE HOUSE.

Wednesday, January 19, 2022.

Met at nineteen minutes after eleven o'clock A.M., under emergency rules, with Mr. Garballey of Arlington in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Garballey), the members and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Resignation of Representative Cronin of Easton.

The Speaker being in the Chair,— the following communication was read; and spread upon the records of the House, as follows:

January 18, 2022.

Mr. Steven T James
Clerk of the House of Representatives
State House, Room
Boston, MA 02133

Dear Mr. Clerk,

On Saturday December 18, 2021 the United States Senate confirmed President Biden's nomination of me to serve as the Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ireland. As such, I write to inform you that I intend to resign as both a Member and Majority Leader of the House of Representatives effective January 18, 2022 at 11:59 P.M.

Resignation of
Representative
Claire D. Cronin
of Easton.

I wish to thank the citizens of the 11th Plymouth District for having the confidence to elect me five times to the House of Representatives. I also want to thank my distinguished colleagues in the House for the honor of having served with them and having been entrusted by them to serve as their Majority Leader. I especially want to thank Speaker Mariano for his leadership of this institution and for his confidence in my abilities.

I want to take this opportunity to thank both my staff that have served with me over my five terms as well as all the staff of the House of Representatives who diligently serve this institution and, more importantly, the citizens of this Commonwealth.

And most especially, I wish to thank my family. Those of us who serve in elected office know full well the sacrifices that are expected of us when we sign up to serve. Our families also make sacrifices, both large and small, that allow us to discharge the duties of our offices. I could not have been elected to, much less become an effective Member of the House of Representatives without the constant support of my husband Ray and our daughters.

It is not easy to voluntarily leave a position you love. And I have loved every day I have served as a Member of the House of Representatives. So, it is with a sense

of wistfulness that I respectfully submit this letter of resignation from the House of Representatives. My sense of wistfulness, however, is tempered by both a sense of enthusiasm and humility as I prepare to assume my duties as the Ambassador Extraordinary and Plenipotentiary of the United States of America to my ancestral homeland, the Republic of Ireland.

Sincerely,
CLAIRE D. CRONIN,
State Representative.

Oath of Office of Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ireland; and Valedictory Address.

The Speaker then introduced Attorney William Bonaccorso for the purpose of administering the oath of office to President Biden's nominee for Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ireland and former Representative and Majority Leader Claire D. Cronin of Easton.

Oath of office
and valedictory
address.

Ambassador Cronin then addressed the House regarding her departure from service in the House of Representatives.

Present in the House Chamber for this auspicious occasion were several distinguished guests including Lieutenant Governor Karen E. Polito, Secretary of State William F. Galvin, Executive Councillor Marilyn Petitto Devaney, Executive Councillor Eileen R. Duff, Senator Michael D. Brady, Senator Walter F. Timilty, former state Representative James M. Cantwell; and Ambassador Cronin's husband Ray and their two daughters Kerry and Kara.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Straus of Mattapoisett, a petition (accompanied by bill, House, No. 4342) of William M. Straus (by vote of the town) that the town of Rochester be authorized to grant an additional license for the sale of alcoholic beverages not to be drunk on the premises in said town. To the committee on Consumer Protection and Professional Licensure.

Rochester,—
liquor
license.

By Representative Meschino of Hull and Senator O'Connor, a joint petition (accompanied by bill, House, No. 4343) of Joan Meschino and Patrick M. O'Connor (by vote of the town) that the town of Hingham be authorized to postpone the municipal election of said town; and

Hingham,—
election.

By the same members, a joint petition (accompanied by bill, House, No. 4344) of Joan Meschino and Patrick M. O'Connor (by vote of the town) relative to establishing a voting precinct in the town of Hingham.

Hingham,—
voting
precinct.

Severally to the committee on Election Laws.

Severally sent to the Senate for concurrence.

Representatives Cutler of Pembroke and LaNatra of Kingston presented a petition (subject to Joint Rule 12) of Josh S. Cutler relative to motor vehicle safety glass standards established by the registrar of motor vehicles; and the same was referred, under Rule 24, to the committee on Rules.

Glass,—
safety
standards.

Reports of Committees.

By Ms. Ehrlich of Marblehead, for the committee on Municipalities and Regional Government, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4331) of Jacob R. Oliveira and Natalie M. Blais relative to zoning ordinances for the regulation of the installation of solar energy systems,— and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Zoning,—
solar energy
systems.

By Mr. Gordon of Bedford, for the committee on Public Service, on Senate, No. 1721 and House Nos. 19, 2594 and 4111 and on a part of House, No. 18, a Bill relative to the Massachusetts teachers' retirement system (House, No. 19).

Teachers,—
retirement.

By the same member, for the same committee, on a petition, a Bill relative to retirement benefits for Mary Donna Nodurf (House, No. 2553).

Mary Donna
Nodurf.

By the same member, for the same committee, on a petition, a Bill relative to the amendment of M.G.L. c.32, section 4(2)(b) and 4(2)(c), solely as they relate to the calculation of Walter L. Guertin's pension (House, No. 2671).

Walter
Guertin.

By the same member, for the same committee, on a petition, a Bill relative to employment benefits for Patricia Kannler (House, No. 2715).

Patricia
Kannler.

By the same member, for the same committee, on Senate, No. 1794 and House, No. 2749, a Bill relative to the veteran allowance for public retirees (House, No. 2749).

Retirees,—
veteran
allowance.

By the same member, for the same committee, on Senate, No. 1782 and House, No. 2794, a Bill providing the next of kin of a police officer or firefighter killed in the line of duty with the flags of the Commonwealth and the United States (House, No. 2794).

Public safety
officers,—
death
benefits.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Gordon of Bedford, for the committee on Public Service, on Senate, No. 1752 and House, No. 2568, a Bill relative to the timely and consistent payment of law enforcement personnel (House, No. 2568).

Law
enforcement,—
payment.

By the same member, for the same committee, on a petition, a Bill relative to civil service resident preference (House, No. 2663).

Civil service,—
residency.

By the same member, for the same committee, on a petition, a Bill providing for the appointment and removal authority of the town administrator of the town of Wilbraham for officers and employees of the town other than those employees of the Wilbraham Police Department, Wilbraham Fire Department, and Wilbraham Department of Public Works (House, No. 3997) [Local Approval Received].

Wilbraham,—
employees.

By the same member, for the same committee, on a petition, a Bill directing the city of Boston Police Department to waive the maximum age requirement for police officers for Daniel Flores (House, No. 4233) [Local Approval Received].

Boston,—
Daniel
Flores.

By the same member, for the same committee, on House, No. 4193, a Bill relative to a petition for a special law re: fire cadet program for the city of Cambridge fire department (House, No. 4337) [Local Approval Received].

Cambridge,—
fire cadets.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Quorum.

Mr. Garballey of Arlington being in the Chair,— as required under the provision of Emergency Rule 2(4), a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 159 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 122.

[See [Yea and Nay No. 122](#) in Supplement.]

Therefore a quorum was present.

Emergency Measure.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain easement in the town of Savoy (see House, No. 4251), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Savoy,—
land.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 28 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Authorizing the city of Westfield to convert a seasonal license for the sale of all alcoholic beverages not to be drunk on the premises (see Senate, No. 2566) (which originated in the Senate); and

Bills
enacted.

Authorizing alternate members for the Tyngsborough conservation commission (see House, No. 3725) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted, there being no objection; and they were signed by the acting Speaker and sent to the Senate.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the city of New Bedford to convey certain land acquired for open space and play ground [sic] purposes (see Senate, No. 29) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

New
Bedford,—
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 159 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 123.

[See [Yea and Nay No. 123](#) in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the town of Middleborough to lease a certain parcel of land to the town of Plympton (see Senate, No. 1353) (which originated in

Middleborough
and Plympton,—
land.

the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 159 members voted in the affirmative and 0 in the negative.

[See [Yea and Nay No. 124](#) in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted
(land taking),—
yea and nay
No. 124.

The engrossed Bill authorizing the town of Andover to transfer conservation land (see House, No. 2193) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Andover,—
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 159 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 125.

[See [Yea and Nay No. 125](#) in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the city of Cambridge to use certain land for general municipal purposes and the installation of subsurface geothermal wells (see House, No. 3996, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Cambridge,—
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 159 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 126.

[See [Yea and Nay No. 126](#) in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Speaker being the Chair,—

The House Bill making appropriations for the fiscal year 2022 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4340), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Supplemental
appropriations.

After debate on the question on passing the bill to be engrossed, at seven minutes after one o'clock P.M., on motion of Mr. Jones of North Reading, the House recessed until a quarter before two o'clock; and at two minutes after three o'clock, the House was called to order with Mr. Garballey of Arlington in the Chair.

Recess.

The Speaker being in the Chair,— Mr. Michlewitz of Boston and other members of the House moved to amend the bill in section 2A, in item 1599-0080, in line 18,

Consolidated
amendments.

by inserting after the word “coronavirus” the words “rapid antigen”; and in line 22, by inserting after the figures: “11” the following: “; provided further, that reserve funds shall be expended to the COVID-19 Vaccine Equity Initiative for efforts to increase the rate of vaccination and booster shots in communities disproportionately impacted by the COVID-19 pandemic”;

In item 1599-0767, in line 28, by striking out the words “children and faculty in elementary and secondary public school districts” and inserting in place thereof the following: “children, staff and faculty in elementary and secondary public school districts and educational collaboratives approved pursuant to section 4E of chapter 40”;

By inserting after section 7 the following section:

“SECTION 7A. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

‘COVID-19’, the outbreak of the novel coronavirus, also known as COVID-19, and subsequent variants.

‘COVID-19 rule’, an executive order, order of the commissioner of public health, declaration, directive or other state or federal authorization, policy, statement, guidance, rule-making, regulation, or otherwise applicable law that waives, suspends or modifies otherwise applicable state or federal law, regulations or standards regarding either: (i) scope of practice or conditions of licensure, including modifications authorizing health care professionals licensed in another state to practice in the commonwealth; or (ii) the delivery of care, including those regarding the standard of care, the site at which care is delivered or the equipment used to deliver care, during the outbreak of COVID-19.

‘Health care services’, services provided by a health care facility or health care professional, regardless of location, that involve the: (i) treatment, diagnosis, prevention or mitigation of COVID-19; (ii) assessment or care of an individual with a confirmed or suspected case of COVID-19; or (iii) care of any other individual who presents at a health care facility or to a health care professional during the outbreak of COVID-19.

‘Damages’, injury or loss of property or personal injury or death, including economic or non-economic losses.

‘Good faith’, shall, without limitation, include acts or omissions undertaken consistent with the guidelines for crisis standards of care during the COVID-19, issued by the department of public health, and exclude, without limitation: (i) acts or omissions based on race, ethnicity, national origin, religion, disability, sexual orientation or gender identity; (ii) deceptive acts or practices; and (iii) fraud.

‘Health care facility’, (i) hospitals, including acute and chronic disease rehabilitation hospitals, as licensed under section 51 of chapter 111 of the General Laws; (ii) state hospitals, mental health centers and other mental health facilities under the control of the department of mental health pursuant to section 7 of chapter 19 of the General Laws; (iii) hospitals operated by the department of public health pursuant to section 62I of chapter 111 of the General Laws, section 69E of said chapter 111 and chapter 122 of the General Laws; (iv) psychiatric hospitals, as licensed under section 19 of said chapter 19; (v) skilled nursing facilities, as licensed under section 71 of said chapter 111; (vi) assisted living residences, as defined in section 1 of chapter 19D of the General Laws; (vii) rest homes, as referenced in said section 71 of said chapter 111; (viii) community health centers, as defined in 130 CMR 405.000 and mental health centers, as defined in 130 CMR 429.000; (ix) home health agencies that participate in Medicare; (x) clinics, as licensed under said section 51 of said chapter 111; or (xi) sites designated by the commissioner of public health

to provide COVID-19 health care services, including, but not limited to, step-down skilled nursing facilities, field hospitals and hotels.

‘Health care professional’, an individual, whether acting as an agent, volunteer, contractor, employee or otherwise, who is: (i) authorized to provide health care services pursuant to licensure or certification by the board of registration in medicine, the board of registration in nursing, the board of respiratory care, the board of registration of nursing home administrators, the board of registration in pharmacy, the board of registration of physician assistants, the board of allied health professionals, the board of allied mental health and human services professions, the board of registration of social workers or the board of registration of psychologists; (ii) a student or trainee in their approved medical professional services academic training program; (iii) a nursing attendant or certified nursing aide, including an individual who is providing care as part of the individual’s approved nursing attendant or certified nurse aide training program; (iv) certified, accredited or approved under chapter 111C of the General Laws to provide emergency medical services; (v) a nurse or home health aide employed by home health agency that participates in Medicare; (vi) providing health care services within the scope of authority or license permitted by a COVID-19 rule; or (vii) a health care facility administrator, executive, supervisor, board member, trustee or other person responsible for directing, supervising or managing a health care facility or its personnel.

‘Volunteer organization’, an organization, company or institution that makes its facility available to support the commonwealth’s response and activities during the outbreak of COVID-19.

(b) Notwithstanding any general or special law to the contrary, except as provided in subsection (c), health care professionals and health care facilities shall be immune from suit and civil liability for any damages alleged to have been sustained by an act or omission by the health care professional or health care facility in the course of providing health care services during the outbreak of COVID-19; provided, however, that: (i) the health care facility or health care professional is arranging for or providing health care services pursuant to a COVID-19 rule and in accordance with otherwise applicable law; (ii) arranging for or providing care or treatment of the individual was impacted by the health care facility’s or health care professional’s decisions or activities in response to treatment conditions resulting from the outbreak of COVID-19 or COVID-19 rules; and (iii) the health care facility or health care professional is arranging for or providing health care services in good faith.

(c) The immunity provided in subsection (b) shall not apply: (i) if the damage was caused by an act or omission constituting gross negligence, recklessness or conduct with an intent to harm or to discriminate based on race, ethnicity, national origin, religion, disability, sexual orientation or gender identity by a health care facility or health care professional providing health care services; (ii) to consumer protection actions brought by the attorney general; or (iii) to false claims actions brought by or on behalf of the commonwealth.

(d) Notwithstanding any general or special law to the contrary, a volunteer organization shall be immune from suit and civil liability for any damages occurring in or at the volunteer organization’s facility where the damage arises from use of the facility for the commonwealth’s response and activities related to the outbreak of COVID-19, unless it is established that the damages were caused by the volunteer organization’s gross negligence, recklessness or conduct with an intent to harm.”;

By inserting after section 8 the following two sections:

“SECTION 8A. (a) Notwithstanding section 13 of chapter 39 of the General Laws or any other general or special law, charter provision or by-law to the contrary,

a town may act by vote of its select board or board of selectmen, in consultation and with the approval of the town moderator, to prescribe the number of voters necessary to constitute a quorum at any town meeting held during the outbreak of the 2019 novel coronavirus, also known as COVID-19, and subsequent variants, at a number that is less than the number that would otherwise be required by law, town by-law or town charter; provided, however, that the number of voters necessary to constitute a quorum shall not be less than 10 per cent of the number that would otherwise be required.

(b) The select board or board of selectmen shall publish notice of its intention to consider an adjustment of town meeting quorum requirements under this section not less than 7 days before the vote of the select board or board of selectmen. The select board or board of selectmen shall provide for adequate means of public access that will allow interested members of the public to clearly follow the deliberations of the select board or board of selectmen on making a quorum adjustment as those deliberations are occurring.

(c) Not less than 10 days after a vote of the select board or board of selectmen to adjust the quorum requirement under this section, the town clerk shall notify the attorney general of the adjusted quorum requirement.

(d) All actions taken pursuant to this section are hereby ratified, validated and confirmed to the same extent as if the town meeting had been conducted in accordance with all other applicable laws, charter provisions, ordinances and by-laws.

SECTION 8B. (a) Notwithstanding any general or special law, charter provision, ordinance or by-law to the contrary, during the outbreak of the 2019 novel coronavirus, also known as COVID-19, and subsequent variants, if the moderator in a town having a representative town meeting form of government determines that it is not possible to safely assemble the town meeting members and interested members of the public in a common location while complying with any applicable state or local orders, directives or guidance concerning public assemblies, the moderator may request that the select board or board of selectmen of the town call for a representative town meeting to be held through remote participation, including, but not limited to, by means of a video or telephone conferencing platform. Such a request by the moderator to the select board or board of selectmen shall be in writing and shall include, but shall not be limited to: (i) the moderator's determination and request to hold a town meeting through remote participation in accordance with this section; (ii) the video or telephone conferencing platform the moderator has determined to use to hold the town meeting; (iii) confirmation that the moderator has consulted with the local disability commission or coordinator for federal Americans with Disabilities Act compliance; and (iv) a certification by the moderator that: (A) the moderator has tested the video or telephone conferencing platform; and (B) the platform satisfactorily enables the town meeting to be conducted in substantially the same manner as if the meeting occurred in person at a physical location and in accordance with the operational and functional requirements set forth in this section.

A video or telephone conference platform used by a town meeting for remote participation under this section shall, at minimum, provide for the ability for: (i) the moderator, town meeting members, town officials and any other interested members of the public to identify and hear the moderator and each town meeting member who attends and participates in the remotely-held town meeting, as well as any other individuals who participate in the remotely-held town meeting; (ii) the ability to determine whether a quorum is present; (iii) a town meeting member, town official or other individual to request recognition by the moderator without prior authorization; provided, however, that to the extent technologically feasible, the

request is visible or audible to the public in real time and upon review of the recording of the town meeting proceedings, preserved according to subsection (h); (iv) the moderator to determine when a town meeting member wishes to be recognized to speak, make a motion, raise a point of order or object to a request for unanimous consent; (v) the moderator to recognize a town meeting member, town official or other individual to speak and to enable that person to speak; (vi) the ability to conduct a roll call vote; (vii) any interested members of the public to access the meeting remotely for purposes of witnessing the deliberations and actions taken at the town meeting; and (viii) the town meeting to be recorded. Registered voters residing in the town wishing to participate in a remote town meeting conducted pursuant to this section shall submit a request to participate to the town clerk not less than 48 hours in advance of the town meeting. Upon receipt of the request and verification of the requester's voter registration status, the clerk shall provide to the requester instructions for participating in the remote town meeting.

(b) Not later than 10 business days following receipt of a written request by the moderator for remote participation at a town meeting pursuant to subsection (a), the select board or board of selectmen shall vote to determine if the town meeting shall be held remotely by means of the video or telephone conferencing platform requested by the moderator.

(c) If the select board or board of selectmen votes to approve the request of the moderator for remote participation at a town meeting and the select board or board of selectmen has already issued a warrant pursuant to section 10 of chapter 39 of the General Laws calling a town meeting to be held not later than July 15, 2022, the select board or board of selectmen shall, at the same meeting of the board, approve and issue, in consultation with the moderator, a notice that expressly states: (i) that the town meeting shall be held remotely by means of the video or telephone conferencing platform requested by the moderator; (ii) the date and time of the meeting; and (iii) any information necessary for the moderator, town meeting members, town officials and interested members of the public to access and witness the deliberations and actions taken at the town meeting remotely.

The notice issued by the select board or board of selectmen shall be: (i) accompanied by the written request of the moderator submitted to the select board or board of selectmen under subsection (a); (ii) filed and posted in accordance with the requirements of subsection (b) of section 10A of chapter 39 of the General Laws; (iii) distributed to each town meeting member; and (iv) publicly posted not less than 10 days before the scheduled date of the remote town meeting. The notice may include a date, time and place for the town meeting to be resumed if the town meeting does not vote to continue the town meeting remotely pursuant to subsection (f).

(d) If the select board or board of selectmen votes to approve the request of the moderator for remote participation at a town meeting and the select board or board of selectmen has not yet issued a warrant for a town meeting, the select board or board of selectmen shall approve and issue a warrant pursuant to section 10 of said chapter 39 for the town meeting that expressly states: (i) that the town meeting shall be held remotely by means of the video or telephone conferencing platform requested by the moderator; (ii) the date and time of the meeting; and (iii) any information necessary for the moderator, town meeting members, town officials and interested members of the public to access and witness the deliberations and actions taken at the town meeting remotely.

The warrant issued by the select board or board of selectmen shall be: (i) accompanied by the written request of the moderator submitted to the select board or board of selectmen under subsection (a); and (ii) filed in accordance with said section

10 of said chapter 39, all other applicable laws and any relevant provisions of the town charter or by-laws. The warrant may include a date, time and place for the town meeting to be resumed if the town meeting does not vote to continue the town meeting remotely pursuant to subsection (f).

(e) Not later than 5 business days after a vote of the select board or board of selectmen to approve the request of the moderator to hold a town meeting remotely pursuant to subsection (c) or (d), the town clerk shall submit certified copies of the vote of the select board or board of selectmen and the written request of the moderator to the attorney general.

(f) Prior to taking up any business at a representative town meeting held through remote participation under this section, the town meeting members present and voting at the meeting shall vote on whether or not to commence business at the town meeting remotely by means of the chosen video or telephone conferencing platform. If the town meeting votes to continue conducting the town meeting remotely, then the town meeting shall proceed by remote participation to address the articles included in the warrant. If the town meeting does not vote to continue conducting the town meeting remotely, then the town meeting shall be adjourned to the date, time and place specified in the notice or warrant under subsection (c) or (d). If no date, time and place has been specified in the notice or warrant, the town meeting shall immediately be dissolved without taking any votes on any other matters and the select board or board of selectmen may call the town meeting pursuant to a new warrant that provides for the town meeting to be held in person at a physical location in accordance with said section 10 of said chapter 39, all other applicable laws and provisions of the town charter and by-laws.

(g) Any roll call vote taken at a representative town meeting held through remote participation pursuant to this section shall be taken by any means that the moderator determines accurately and securely records the votes of those entitled to vote at the meeting, including, but not limited to, roll call vote, electronic voting, voting by ballot, voting by phone or any combination thereof. The vote of each town meeting member on a roll call vote shall be recorded and kept with the minutes of the town meeting.

(h) A representative town meeting held remotely pursuant to this section shall be recorded and the recording shall be preserved and made publicly available on the town's website for not less than 90 days after the conclusion of the remote town meeting.

(i) All actions taken during a remote town meeting held pursuant to this section are hereby ratified, validated and confirmed to the same extent as if the town meeting had been conducted in person and such actions are in accordance with all other applicable laws, charter provisions, ordinances and by-laws.”;

By inserting after section 15 the following two sections:

“SECTION 15A. Notwithstanding section 7.08 of chapter 156D of the General Laws or any other general or special law to the contrary, as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19 and subsequent variants, a public corporation, as referenced in said section 7.08 of said chapter 156D and otherwise consistent with the other provisions of said section or a corporation as defined in section 2 of chapter 180 of the General Laws, may conduct an annual or special meeting of the shareholders solely by means of remote communication.

SECTION 15B. Notwithstanding any general or special law or any bylaw of the corporation to the contrary, as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19, and subsequent variants, and unless the articles of organization provide otherwise, the board of directors of a corporation defined in

section 2 of chapter 180 of the General Laws may: (i) provide notice of a meeting of the board of directors: (A) only to those directors it is practicable to reach; and (B) in any practicable manner; (ii) cancel a meeting of the members, as defined in section 2 of said chapter 180, with notice of cancellation given in any practicable manner; (iii) allow a director or officer to continue to serve during the outbreak of COVID-19 and subsequent variants and until the director's or officer's successor is elected, appointed or designated; provided, that directors and officers whose term is extended pursuant to this section shall continue to serve until the director's or officer's successor takes office, despite the expiration of a director's or officer's term; (iv) allow a director to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating are able to simultaneously communicate with each other during the meeting; (v) allow members at a meeting of the members to vote in person or by proxy; provided that any member voting by proxy shall be considered present at the meeting for purposes of any quorum requirement; (vi) appoint successors to any of the officers, directors, employees or agents; (vii) relocate the principal office or designate alternative offices; and (viii) allow members to participate in any meeting of members by remote participation, even if not physically present at the meeting. Participation by remote communication at any meeting of the members shall constitute presence at such meeting only if: (i) reasonable measures are implemented to verify that each person deemed present and permitted to vote at the meeting by means of remote communication is a member or proxyholder; (ii) reasonable measures are implemented to provide such members and proxyholders a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to read or hear to the proceedings of the meeting substantially concurrently with such proceedings, pose questions and make comments, regardless of whether the members can simultaneously communicate with each other during the meeting; and (iii) if any member or proxyholder votes or takes other action at the meeting by means of remote communication, a record of such vote or other action shall be maintained by the corporation.

Directors who participate in a meeting of the board of directors pursuant to this section shall constitute a quorum. In a corporation with members, the corporation shall notify the members, as soon as reasonably practicable, of any action taken by the board of directors pursuant to this section.”;

By inserting after section 18 the following section:

“SECTION 18A. The special legislative commission established by section 106 of chapter 227 of the acts of 2020, as amended by section 93 of chapter 24 of the acts of 2021, is hereby revived and continued to March 1, 2022. The special commission shall file its report pursuant to said section 106 of said chapter 227 with the clerks of the house of representatives and the senate, the house and senate committees on ways and means, the joint committee on education and the joint committee on economic development not later than March 1, 2022.”;

By inserting after section 19 the following three sections:

“SECTION 19A. Section 7A shall take effect as of November 22, 2021 and shall apply to claims based on acts or omissions that occur or have occurred during the outbreak of COVID-19 and shall terminate on February 28th, 2022.

SECTION 19B. If sections 8A and 8B are not in effect at least 15 days prior to the date of a scheduled representative town meeting to be held during the outbreak of COVID-19 the actions of a town moderator, select board and town meeting that are substantially consistent with the requirements hereof shall be ratified, validated and confirmed in all respects as if this act had been in place prior thereto.

SECTION 19C. Sections 15A and 15B shall take effect as of December 15, 2021. Actions taken at meetings of shareholders and boards of directors on or after December 15, 2021 and until the effective date of this act shall be deemed valid; provided, that meetings of shareholders and boards of directors are consistent with sections 15A and 15B.”; and

By striking out section 20 and inserting in place thereof the following section:
“SECTION 20. Sections 7, 8A, 8B, 15A, 15B and 16 are hereby repealed.”.

On the question on adoption of the amendments, the sense of the House was taken by yeas and nays, as required under the provisions of House Rule 33F; and on the roll call 158 members voted in the affirmative and 1 in the negative.

[See [Yea and Nay No. 127](#) in Supplement.]

Therefore the consolidated amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request Mr. Michlewitz of Boston; and on the roll call 159 members voted in the affirmative and 0 in the negative.

[See [Yea and Nay No. 128](#) in Supplement.]

Therefore the bill (House, No. 4345, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Consolidated amendments adopted,—
yea and nay
No. 127.

Bill passed to be engrossed,—
yea and nay
No. 128.

Order.

On motion of Mr. O’Day of West Boylston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o’clock A.M.

Next sitting.

Representatives Muratore of Plymouth, Gifford of Wareham, Meschino of Hull, Kearney of Scituate, Decoste of Norwell, Cutler of Duxbury, Sullivan of Abington, D’Emilia of Bridgewater, Cassidy of Brockton, DuBois of Brockton and LaNatra of Kingston then moved that when the House adjourns today, it do so in respect to the memory of Robert E. McCarthy, a member of the House from East Bridgewater from 1971 to 1974, inclusive, a state Senator from 1975 to 1981, inclusive, and Register of Probate for Plymouth County from 2001 to 2015, inclusive; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at six minutes before four o’clock P.M., on motion of Mr. Jones of North Reading (the Speaker being in the Chair), the House adjourned, to meet the following day at eleven o’clock A.M., in an Informal Session.