
The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, APRIL 16, 2020

JOURNAL OF THE SENATE

Thursday, April 16, 2020

Met at five 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.

Communication.

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 31 of the Acts of 2020) submitting a Fiscal Year 2020 transfer schedule for the following account: 1595-0035 - Twenty-First Century Education Trust Fund (received April 15, 2020),-- **was placed on file.**

Comptroller,--
transfer schedule.
SD2915

Petitions.

Petitions were severally presented and referred as follows:

By Ms. Creem, a petition (accompanied by bill) (subject to Joint Rule 12) of Cynthia Stone Creem for legislation relative to early voting for the 2020 state primary;

2020 state primary,--
early voting.
SD2910

By the same Senator, a petition (accompanied by bill) (subject to Joint Rule 12) of Cynthia Stone Creem for legislation relative to voting by mail and early voting;

Early voting,--
by mail.
SD2911

By Mr. Eldridge, a petition (accompanied by bill) (subject to Joint Rule 12) of James B. Eldridge and James Arciero for legislation relative to patient safety in nursing homes;

Nursing homes,--
patient safety.
SD2914

By the same Senator, a petition (accompanied by bill) (subject to Joint Rule 12) of James B. Eldridge, Ruth B. Balser, Liz Miranda, Maria Duaine Robinson and other members of the General Court for legislation to provide equal stimulus checks to immigrant taxpayers;

Immigrant
taxpayers,--
stimulus checks.
SD2916

By Mr. Lesser (accompanied a bill) (subject to Joint Rule 12) of Eric P. Lesser and José F. Tosado for legislation to establish a sick leave bank for Tamerisa Sanchez, an employee of the Department of Developmental Services; and

Tamerisa Sanchez,--
sick leave.
SD2913

By Ms. Rausch (accompanied a bill) (subject to Joint Rule 12) of Rebecca L. Rausch and Adrian C. Madaro for legislation to establish vote by mail in 2020;

Vote by mail.
SD2912

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

Reports of Committees.

By Mr. Welch, for the committee on Financial Services, on the message from His Excellency the Governor (accompanied by bill, Senate, No. 2630), a Bill to provide liability protections for health care workers and facilities during the COVID-19 Pandemic (printed in Senate, No. 2635) (referred to the committee on Ways and Means on Wednesday, April 15, 2020);

COVID-19,--
liability protections.

By Ms. Comerford, for the committee on Public Health, on petition (accompanied by bill, Senate, No. 665), a Bill providing for consumer access to and the right to practice

Alternative health
care,-- access.

complementary and alternative health care services (Senate No. 2634);

By Mr. Moore, for the committee on Public Safety and Homeland Security, on petition, a Bill further regulating certain light frame residential construction (Senate, No. 1799);

By Mr. Barrett, for the committee on Telecommunications, Utilities and Energy, on Senate, Nos. 1930 and 1996, a Bill to promote the production of renewable power through agricultural anaerobic digestion facilities (Senate, No. 1930);

By the same Senator, for the same committee, on Senate, No. 1937 and House, No. 2858, a Bill improving outdoor lighting and increasing dark-sky visibility (Senate, No. 1937);

By the same Senator, for the same committee, on petition, a Bill relative to responsible emergency planning (Senate, No. 1943);

By the same Senator, for the same committee, on petition, a Bill for community empowerment (Senate, No. 1945);

By the same Senator, for the same committee, on petition, a Bill relative to natural gas safety and responsibility (Senate, No. 1967);

By the same Senator, for the same committee, on petition, a Bill relative to home energy efficiency (Senate, No. 1983);

By Mr. Kennedy, for the committee on Tourism, Arts and Cultural Development, on petition, a Resolve to evaluate existing funding for the promotion of, and workforce development in, tourism, arts and culture (Senate, No. 2021);

By the same Senator, for the same committee, on petition, a Bill relative to tourism collaboration (Senate, No. 2027); and

By Mr. Boncore, for the committee on Transportation, on petition, a Bill to update the Massachusetts rideshare program (Senate, No. 2341);

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

By Ms. DiZoglio, for the committee on Community Development and Small Businesses, on petition (accompanied by bill, Senate, No. 89), a Bill relative to PEG access and cable-related funds (Senate No. 2633);

By Mr. Barrett, for the committee on Telecommunications, Utilities and Energy, on petition, a Bill relative to municipal net metering facilities (Senate, No. 1974);

By Mr. Kennedy, for the committee on Tourism, Arts and Cultural Development, on petition, a Bill to foster artist businesses in cultural districts (Senate, No. 2024); and

By the same Senator, for the same committee, on petition, a Bill to create the title of musician laureate of the Commonwealth of Massachusetts (Senate, No. 2026);

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

PAPERS FROM THE HOUSE.

The communication (accompanied by bill, House, No. 4581) from the Division of Energy Resources of the Executive Office of Energy and Environmental Affairs (under the provisions of section 12 of Chapter 25A of the General Laws) submitting regulations to 225 CMR 21, Clean Peak Energy Portfolio Standard (CPS),-- **was referred, in concurrence, to the committee on Telecommunications, Utilities and Energy.**

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

Petition (accompanied by bill, House, No. 4633) of Donald H. Wong and Brendan P. Crighton (by vote of the town) that the town of Saugus be authorized to continue the employment of Kevin Nichols, an employee of the Saugus Police Department,

Building code,--
non-combustible
materials.

Renewable power,--
digestion facilities.

Energy efficient,--
outdoor lighting.

Emergency planning.

Renewable energy,--
community
empowerment.
Natural gas,-- safety.

Energy assessments,-
- residential.

Tourism,-- funding
and promoting.

Tourism,-- kiosks.

Rideshare program.

PEG access,--
cable funds.

Net metering,--
municipal.

Artists,--
cultural districts.

Musician laureate,--
create.

DOER,-- Clean Peak
Energy Portfolio
Standard.

Kevin Nichols,--
employment.

notwithstanding the maximum age requirement;

To the committee on Public Service.

Petition (accompanied by bill, House, No. 4636) of Richard M. Haggerty and Michelle L. Ciccolo (with the approval of the mayor and city council) that the city of Woburn be authorized to use certain land in said city for fire station purposes;

Woburn,-- fire station.

Petition (accompanied by bill, House, No. 4637) of Joseph D. McKenna and Ryan C. Fattman (by vote of the town) that the town of Webster be authorized to make permanent improvements to private ways and assess betterments in said town

Webster,-- private ways.

Severally to the committee on Municipalities and Regional Government.

Committee Changes.

The Chair (Mr. Timilty) announced the resignation of Senator Brady of Plymouth and Bristol as a member of the committee on Bills in the Third Reading and the appointment of Senator Friedman of Fourth Middlesex to fill the vacancy.

Committee on Bills in the Third Reading, - changes

Subsequently, the Chair (Mr. Timilty) announced the resignation of Senator Friedman of Fourth Middlesex as a member of the said committee and the reappointment of Senator Brady of Plymouth and Bristol thereto.

Reports of a Committee.

By Mr. Rodrigues, for the committee on Ways and Means, on Senate, No. 2635, reported, in part, a “Bill to provide liability protections for health care workers and facilities during the COVID-19 Pandemic” (Senate, No. 2640).

COVID-19,-- health care liability protection..

The bill was read. There being no objection, the rules were suspended, on motion of Mr. Rodrigues and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Ms. Chang-Diaz presented an amendment inserting after SECTION 4 the following section:

“SECTION 5. The Department of Public Health shall consult with the Massachusetts affiliates of the National Medical Association and the Hispanic Medical Association, the NAACP New England Area Council, the Disability Law Center, and the Massachusetts Coalition for Health Equity, and, not later than April 24, issue revised guidance on Crisis Standards of Care for the COVID-19 pandemic that consider the social determinants of health and documented racial and ethnic health disparities in comorbidities such as, but not limited, to heart disease, diabetes, and asthma.

The amendment was rejected.

The bill was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill providing for a moratorium on evictions and foreclosures during the COVID-19 Emergency (House, No. 4615) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2631),-- reported, a “Bill providing for a moratorium on evictions and foreclosures during the COVID-19 Emergency” (House, No. 4647),-- came from the House, and was read.

COVID-19,-- evictions and foreclosures.

The rules were suspended, on motion of Ms. Friedman, and, after remarks, the report was accepted in concurrence.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Karyn Buckley, an employee of the trial court of the commonwealth (see House, No. 4251),-- having been certified by the Senate Clerk to be rightly and truly prepared for final passage and 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 9 to 0.

Karyn Buckley,--
sick leave.

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

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 Senate Bill relative to nomination signatures (Senate, No. 2632),-- was read a second time.

Nomination
signatures.

Pending the question on ordering the bill to a third reading, Messrs. Fattman, Tarr, Tran and O'Connor moved to amend the bill by striking all after the enacting clause and inserting in place thereof the following:-

“Notwithstanding chapter 53 of the General Laws or any other general or special law to the contrary, nomination papers for candidates for an office to be filled at the 2020 state election or for nomination at a state primary in 2020 shall be signed in the aggregate by not less than:

- (i) for United States senator in congress, 5,000 voters;
- (ii) for representative in congress, 1,000 voters;
- (iii) for governor’s councillor and county offices, 500 voters; provided, however, that in the counties of Nantucket and Dukes county, nomination papers for county offices shall be signed by 25 voters as required under said chapter 53;
- (iv) for state senator, 150 voters; and
- (v) for representatives in the general court, 75 voters

Nothing in this act shall change any other filing requirement under said chapter 53.”

After remarks, the question on adoption of the amendment was determined by a standing vote, on motion of Mr. Tarr, and it was *rejected* by a vote of 5 to 4.

The bill (Senate, No. 2632) was then ordered to a third reading, read a third time and, after remarks was passed to be engrossed.

Sent to the House for concurrence.

Resolutions.

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

Resolutions (filed by Mr. Collins, Ms. Friedman, Messrs. Pacheco, Feeney, Boncore and Crighton, Ms. Dizoglio, Mr. Finegold, Ms. Gobi, Messrs. O’Connor, Brady, Eldridge and Montigny, Ms. Jehlen, Ms. Creem, Mr. Timilty, Ms. Comerford, Ms. Chandler, Messrs. Moore and Brownsberger and Ms. Chang-Díaz) “calling on the Trump administration and the United States Secretary of Agriculture to authorize the use of supplemental nutrition assistance program electronic benefits transfer cards for online grocery purchases in the commonwealth.”

Supplemental
Nutrition Assistance
Program.

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 Senate Bill authorizing the town of Raynham to suspend the collection of boat excise (Senate, No. 1758),-- **was read a third time and passed to be engrossed.**

Raynham,-- boat excise.

Sent to the House for concurrence.

The Senate Bill repealing Chapter 46 of the Acts of Two Thousand and Seventeen, wherein certain parcels of land in the city of Lowell were transferred for the construction of a high school (Senate, No. 2445),-- was read a third time.

Lowell,-- land transfer.

Pending the question on passing the bill to be engrossed, Mr. Kennedy presented an amendment substituting a new draft entitled "An Act requiring the city of Lowell to transfer certain parcels of land between the park department and the school department (Senate, No. 2636).

The amendment was adopted.

The bill (Senate, No. 2636), was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill exempting the police chief of the town of Plainville from the civil service law (House, No. 4053),-- **was read a third time and passed to be engrossed, in concurrence.**

Plainville,-- police chief.

The House Bill exempting certain positions in the police department of the town of Plainville from the civil service law (House, No. 4054),-- **was read a third time and passed to be engrossed, in concurrence.**

Plainville,-- civil service.

The House Bill establishing a sick leave bank for Victoria Deschamps, an employee of the Massachusetts rehabilitation commission (House, No. 4575) (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.**

Victoria Deschamps,-- sick leave.

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 Diana DiZoglio, Lenny Mirra, Patricia D. Jehlen, Adam G. Hinds and other members of the General Court for legislation to establish a Massachusetts Paycheck Protection Program (PPP) for businesses ineligible for the comparable federal PPP (Senate, No. 2904).

Paycheck Protection Program.

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

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 Walter F. Timilty, John C. Velis, Anne M. Gobi, Diana DiZoglio and other members of the General Court for legislation to protect institutions of higher education that provide emergency aid in response to COVID-19 (Senate, No. 2905).

COVID-19,-- Higher education protections.

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

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4652) of Lindsay N. Sabadosa and others relative to pretrial services during the COVID-19 declaration of emergency;

COVID-19,-- pretrial services.

Petition (accompanied by bill, House, No. 4658) of Frank A. Moran and others relative to remote notarization during the COVID-19 state of emergency;

COVID-19,-- remote notarization.

Petition (accompanied by bill, House, No. 4659) of Jeffrey N. Roy and others that certain institutions of higher education offering emergency aid be immune from suit and liability;

Higher education,-- immunity.

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

Petition (accompanied by bill, House, No. 4653) of Bud L. Williams for legislation to establish a sick leave bank for Kimberly Brantley, an employee of Department of Developmental Services;

Kimberly Brantley,-- sick leave.

Petition (accompanied by bill, House, No. 4656) of José F. Tosado and others for legislation to establish a sick leave bank for Jennifer Brown, an employee of Department of Children and Families;

Jennifer Brown,-- sick leave.

Petition (accompanied by bill, House, No. 4657) of Kimberly N. Ferguson and Harriette L. Chandler for legislation to establish a sick leave bank for Amanda Caruso, an employee of the Department of Correction;

Amanda Caruso,-- sick leave.

Petition (accompanied by bill, House, No. 4651) of Angelo J. Puppola, Jr., for legislation to establish a sick leave bank for Paula Euber, an employee of the Massachusetts Rehabilitation Commission;

Paula Euber,-- sick leave.

Petition (accompanied by bill, House, No. 4655) of Angelo M. Scaccia for legislation to establish a sick leave bank for Jennifer Logan, an employee of the Office of the Chief Medical Examiner;

Jennifer Logan,-- sick leave.

Petition (accompanied by bill, House, No. 4654) of Bud L. Williams for legislation to establish a sick leave bank for Jessica Ocasio, an employee of Department of Transitional Assistance;

Jessica Ocasio,-- sick leave.

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

Bill authorizing the licensing authority of the city of Woburn to grant additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 4338,-- on House, No. 4220),-- was read.

Woburn,-- liquor license.

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

Moment of Silence.

The Chair (Mr. Timilty), the members, guests and staff stood in a moment of silence and reflection to the memory of Jose V. Fontanez.

Moment of silence.

Recess.

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

Recess.

PAPERS FROM THE HOUSE.

Bill authorizing David Mottor to purchase creditable service from the Easthampton Contributory Retirement Board (House, No. 4205,-- on petition),-- was read.

David Mottor,-- creditable service.

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

A petition (accompanied by bill, House, No. 4660) of Daniel Cahill and Peter Capano

City/town,--

relative to city and town committee reorganization dates,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

reorganization dates.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at two o'clock P.M., and the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

Adjournment in Memory of Officer Jose V. Fontanez.

The Senator from Suffolk, Mr. Collins, the Senator from Norfolk, Bristol, and Plymouth, Mr. Timilty, moved that when the Senate adjourns today, it do so in memory of Officer Jose V. Fontanez.

Boston Police Officer Jose V. Fontanez passed away on April 14, 2020 following a courageous battle with COVID-19. He was 53.

Officer Fontanez was assigned to District E-13, serving the Jamaica Plain community. He was first appointed to the Boston Police Department on January 14, 1991. Officer Fontanez's first assignment upon graduation was Area D in 1991, followed by District B-2 (Roxbury) in 1993 and District E-18 (Hyde Park) in 1994.

On October 2, 1996, E-13 in Jamaica Plain opened and Officer Fontanez was immediately assigned to that district. He has served the Jamaica Plain community with honor and distinction since then.

Officer Fontanez received numerous commendations for his dedicated service during his 29 year career as a Boston Police Officer. He is held in the highest regard by his fellow officers, supervisors and all that knew him.

Officer Fontanez is the first Boston Police Officer to succumb to COVID-19. As he did throughout his career, Officer Fontanez prioritized the safety and well-being of those he served above his own, especially during this pandemic.

Officer Fontanez is survived by his wife Kigi, his sons Keaton and Ethan, a Private First Class in the Massachusetts National Guard; his daughters Charis and Kerstin; and his one-year-old granddaughter Aria.

Accordingly, as a mark of respect in memory of Officer Jose V. Fontanez, at nine minutes past five o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again tomorrow at two o'clock P.M.