

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, MAY 21, 2020

JOURNAL OF THE SENATE

Thursday, May 21, 2020

Met at nineteen minutes past eleven o'clock A.M. (Mr. Collins 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. Collins), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Order.

Mr. Moore presented an Order relative to granting the committee on Public Safety and Homeland Security until July 1, 2020, within which time to make its final report on current Senate document numbered 2658, relative to public safety (Senate, No. 2715).

Public Safety and
Homeland Security,--
extension order.

Referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Cyr, for the committee on Mental Health, Substance Use and Recovery, on petition (accompanied by bill, Senate, No. 1134), a Bill relative to preventing overdose deaths and increasing access to treatment (Senate No. 2717) [Representatives Scaccia of Boston, Whipps of Athol, Crocker of Barnstable and Sullivan of Abington dissenting];

Supervised injection
sites.

By Ms. Comerford, for the committee on Public Health, on petition, a Bill creating Autism teams in hospitals (Senate, No. 1287);

Autism,-- provider
knowledge.

By the same Senator, for the same committee, on petition, a Bill supporting individuals with intellectual and developmental disabilities (Senate, No. 1288);

Persons with
disabilities,--
training.

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Ms. Jehlen, for the committee on Labor and Workforce Development on petition (accompanied by bill, Senate, No. 1095), a Bill creating a special legislative commission to study barriers to job retention for low-income workers (Senate No. 2710) [Representative Crocker of Barnstable dissenting];

Job retention,--
commission.

By Ms. Comerford, for the committee on Public Health, on petition, a Bill relative to the practice of acupuncture (Senate, No. 1283);

Acupuncture,--
practice.

By Mr. Pacheco, for the committee on State Administration and Regulatory Oversight, on petition, a Bill establishing a special commission to identify opportunities to improve the efficiency and effectiveness of state agencies, programs, and services (Senate, No. 1873); and

State government,--
efficiency.

By the same Senator, for the same committee, on Senate, No. 1877 and House, No. 2776, a Resolve providing for the creation of a special commission relative to the seal and motto of the Commonwealth (Senate, No. 1877);

Seal and motto,--
commission.

Severally read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

UNCORRECTED PROOF.

By Ms. Jehlen, for the committee on Labor and Workforce Development, on petition (accompanied by bill, Senate, No. 1113), a Bill regarding protections extended to lay teachers in parochial schools (Senate No. 2711) [Representative McKenna of Webster dissenting];

Parochial schools,--
lay teachers.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1044), a Bill relative to apprenticeship programs (Senate No. 2712);

Apprenticeship
training,-- programs.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1051), a Bill to provide bereavement leave to employees in Massachusetts (Senate No. 2713) [Representative McKenna of Webster dissenting];

Employees,--
bereavement leave.

By the same Senator, for the same committee, on Senate, Nos. 1054 and 1081, a Bill identifying corporate irresponsibility (Senate, No. 2714) [Representative Crocker of Barnstable dissenting];

Corporations,--
government benefits.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1065), a Bill relative to nondiscrimination (Senate No. 2716) [Representative McKenna of Webster dissenting];

Nondiscrimination
plans.

By Ms. Comerford, for the committee on Public Health, on petition, a Bill relative to color coded patient wristbands (Senate, No. 1285);

Patients,--
wristbands.

By Mr. Moore, for the committee on Public Safety and Homeland Security, on petition, a Bill establishing an institute within the Department of Public Health (Senate, No. 1368);

DPH,-- firearm
violence institute.

By the same Senator, for the same committee, on petition, a Bill updating criminal justice reform (Senate, No. 1371);

Criminal justice
reform,-- updates.

By the same Senator, for the same committee, on petition, a Bill relative to inmate telephone calls (Senate, No. 1372);

Inmate,-- telephone
calls.

By the same Senator, for the same committee, on petition, a Bill relative to community works programs (Senate, No. 1373);

Community works,--
programs.

By the same Senator, for the same committee, on petition, a Bill improving juvenile justice data collection (Senate, No. 1386);

Juvenile justice,--
data.

By the same Senator, for the same committee, on petition, a Bill establishing the Correctional Officers' Procedural Bill of Rights (Senate, No. 1437);

Procedural Bill of
Rights,-- correctional
officers.

By the same Senator, for the same committee, on petition, a Bill relative to elevator certification fees (Senate, No. 1440);

Elevator
certification,-- fees.

By the same Senator, for the same committee, on petition, a Bill establishing local emergency management agencies (Senate, No. 1444);

Disasters,-- local
services.

By the same Senator, for the same committee, on petition, a Bill relative to the safety of children in school buses (Senate, No. 1448);

School buses,-- child
safety.

By the same Senator, for the same committee, on petition, a Bill relative to emergency response in an active shooter or hostile event situation (Senate, No. 1450);

Active shooter,--
emergency response.

By Mr. Hinds, for the committee on Revenue, on petition, a Bill establishing the Massachusetts rural jobs act (Senate, No. 1673);

Rural jobs act.

By the same Senator, for the same committee, on petition, a Bill addressing challenges of rural zip codes and state revenue calculations (Senate, No. 1676); and

City boundaries,-- tax
collections.

By Mr. Pacheco, for the committee on State Administration and Regulatory Oversight, on petition, a Bill to promote safety, efficiency and accountability in transportation projects through public inspections (Senate, No. 1884)

Transportation
projects,-- inspection.

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

By Ms. Comerford, for the committee on Public Health, on petition, a Bill granting

Birth certificates,--

UNCORRECTED PROOF.

equal access to original birth certificates to all persons born in Massachusetts (Senate, No. 1267);

equal access.

By the same Senator, for the same committee, on petition, a Bill to require the disclosure of lead in water pipes (Senate, No. 1284);

Water pipes,--
disclosure of lead.

By Mr. Moore, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to requirements for public safety departments (Senate, No. 1383); and

Public safety
departments.

By Mr. Hinds, for the committee on Revenue, on petition, a Bill relative to application deadlines for agricultural, horticultural, or recreational land (Senate, No. 1760);

Land,--
application deadlines.

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

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4725) of Kate Lipper-Garabedian and Jason M. Lewis (with the approval of the mayor and city council) that the city of Melrose be authorized to convert up to three licenses for the sale of wine and malt beverages to be drunk off the premises to licenses for the sale of all alcoholic beverages to be drunk off the premises,-- **was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.**

Melrose,--
liquor license.

A Bill financing the general governmental infrastructure of the Commonwealth (House, No. 4733,-- on House, No. 3687), -- **was read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.**

Infrastructure
improvements.

A Bill authorizing the city of Woburn to use certain land for fire station purposes (House, No. 4636,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Woburn,-- fire
station.

A Bill designating a certain bridge in the city of Woburn as the Vietnam Veterans Memorial Bridge (House, No. 4206,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Woburn,-- Vietnam
Veterans Memorial
Bridge.

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),--

DOR,-- regulations.

Resolutions.

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

Resolutions (filed by Ms. Spilka) “congratulating Lillian Dorothy Savage on her one hundredth birthday.”

Lillian Dorothy
Savage.

Matters Taken Out of the Orders of the Day.

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

The House Bill authorizing the town of Leicester to continue the employment of Paul S. Doray (House, No. 4240),-- **was read a third time and passed to be engrossed, in concurrence.**

Leicester,--
Paul S. Doray.

The House Bill authorizing the licensing authority of the city of Woburn to grant

Woburn,-- liquor

additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 4338),-- **was read a third time and passed to be engrossed, in concurrence.**

license.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4737) of John J. Lawn, Jr., Michael J. Moran and others relative to safety and participation in the 2020 state elections in response to COVID-19;

COVID-19,-- 2020 state elections.

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

Petition (accompanied by bill, House, No. 4744) of Paul W. Mark and others for legislation to provide liability protections for contractors, sub-contractors and unions during the COVID-19 pandemic;

COVID-19,--liability protections.

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

Petition (accompanied by bill, House, No. 4745) of Maria Duaine Robinson and others for legislation to provide hazard pay for essential workers in the COVID-19 emergency;

COVID-19,-- essential workers hazard pay.

Petition (accompanied by bill, House, No. 4739) of Kenneth I. Gordon, David M. Rogers and others for legislation to create a presumption of relatedness for essential workers suffering from COVID-19;

COVID-19,-- essential workers.

Petition (accompanied by bill, House, No. 4738) of Peter Capano and others relative to manufacturing and factory worker protection from the COVID-19 pandemic;

COVID-19,-- factory worker protection.

Petition (accompanied by bill, House, No. 4743) of Paul McMurtry, Nika C. Elugardo and others relative to assisting non-profit organizations to provide for COVID-19 unemployment benefits;

COVID-19,-- non-profits.

Petition (accompanied by bill, House, No. 4742) of Patrick Joseph Kearney relative to providing protection for municipal police and fire workers during the COVID-19 emergency;

COVID-19,-- police and fire.

Petition (accompanied by bill, House, No. 4747) of Smitty Pignatelli that the Executive Office of Labor and Workforce Development be authorized to administer a \$75,000,000 COVID-19 food service and hospitality worker relief fund;

COVID-19,-- relief fund.

Petition (accompanied by bill, House, No. 4749) of Christopher Hendricks and others relative to workers' compensation benefits for certain emergency response and medical personnel related to COVID-19 infection;

COVID-19,-- workers' compensation.

Petition (accompanied by bill, House, No. 4740) of Tami L. Gouveia and others relative to emergency hazard health benefits for essential employees;

Essential employees, - emergency benefits.

Petition (accompanied by bill, House, No. 4748) of David M. Rogers, Patricia D. Jehlen and others for legislation to further regulate unemployment assistance during public health or public safety emergencies;

Unemployment assistance.

Petition (accompanied by bill, House, No. 4746) of Jay D. Livingstone, David M. Rogers and others relative to unemployment insurance for the gig economy, so-called;

Unemployment insurance.

Petition (accompanied by bill, House, No. 4736) of Jay D. Livingstone and others relative to employment under the unemployment insurance program;

Unemployment insurance program.

Severally, under suspension of Joint Rule 12, to the committee on Labor and Workforce Development.

Petition (accompanied by bill, House, No. 4741) of Denise C. Garlick and Rebecca L. Rausch for legislation to establish a sick leave bank for Thomas Hartley, an employee of the Department of Correction;

Thomas Hartley,-- sick leave.

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

The Senate Bill authorizing the town of Boxford to grant 2 additional licenses for the

Boxford,-- liquor licenses.

sale of alcoholic beverages to be drunk on the premises (Senate, No. 2366),-- came from the House passed to be engrossed, in concurrence *with an amendment*, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4716.

The rules were suspended, on motion of Mr. Tarr, and the House amendment was considered forthwith and adopted, in concurrence.

Reports of Committees.

By Ms. Lovely, for the committee on Rules of the two branches, acting concurrently, that the Senate Order, granting the committee on Consumer Protection and Professional Licensure until June 30, 2020, within which time to make its final report on all matters referred to them, relative to Consumer Protection and Professional Licensure (Senate, No. 2706),-- ought to be adopted.

Consumer Protection and Professional Licensure,-- extension order.

After remarks, the rules were suspended on motion of Mr. Tarr and the order was considered forthwith an adopted Sent to the House for concurrence.

By Ms. Lovely, for the committee on Rules of the two branches, acting concurrently, that the Senate Order, granting the committee Mental Health, Substance Use and Recovery until July 15, 2020, within which time to make its final report on certain current Senate documents numbered 1144, 1145, 1152, 1153, 1154 and 1160, relative to Mental Health, Substance Use and Recovery matters (Senate, No. 2707),-- ought to be adopted.

Mental Health, Substance Use and Recovery,-- extension order.

After remarks, the rules were suspended on motion of Mr. Rodrigues and the order was considered forthwith an adopted Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (the first two of which originated in the Senate), 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. Collins) and laid before the Governor for his approbation, to wit:

Authorizing the city of Gloucester to designate certain property for conservation and recreation purposes (see Senate, No. 2330);

Bills laid before the Governor.

Establishing a sick leave bank for Jessica Zamansky, an employee of the department of transitional assistance (see Senate, No. 2603); and

Amending the charter of the town of Westwood (see House, No. 4166).

Recess.

There being no objection, at twenty minutes before twelve o'clock noon, the Chair (Mr. Collins) declared a recess, subject to the call of the Chair; and at fourteen minutes before five o'clock P.M., the Senate reassembled, Mr. Collins in the Chair.

Recess.

PAPERS FROM THE HOUSE

Order.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on

Financial Services,-- extension order.

Financial Services be granted until Monday, June 15, 2020 within which time to make its final report on current Senate documents numbered 102, 111, 576, 611, 625 and 655, and House documents numbered 943, 944, 956, 966, 975, 1013, 1041, 1045, 1055, 1061, 1066, 1067, 1068, 1073, 1087, 1104, 3805, 4044 and 4406.

The rules were suspended, on motion of Mr. Tarr, and, after remarks, the order (House, No. 4686) was considered forthwith; and adopted, in concurrence.

The Senate Bill providing additional support to those affected by the novel coronavirus through the unemployment insurance system (Senate, No. 2618, amended), came from the House with the endorsement that the House had concurred in the further Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate No. 2651 with a *still further amendment*, striking out all after the enacting clause inserted by amendment by the Senate and inserting in place thereof the text contained in House document numbered 4734.

COVID-19,--
unemployment
insurance.

The rules were suspended, on motion of Mr. Tarr, and, after remarks, the House still further amendment was considered forthwith and adopted, in concurrence.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday next at eleven o'clock A.M., and the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

Moment of Silence.

At the request of the Chair (Mr. Collins), the members, guests and staff stood in a moment of silence and reflection to the memory of Robert Richardson.

Moment of silence.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill providing additional support to those affected by the novel coronavirus through the unemployment insurance system (see Senate, No. 2618, amended), 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 2 to 0.

COVID-19,--
unemployment
insurance.

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

Engrossed Bills.

The following engrossed bills (the first 2 of which originated in the Senate), 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. Petrucci) and laid before the Governor for his approbation, to wit:

Bills laid before the
Governor.

Providing additional support to those affected by the novel coronavirus through the unemployment insurance system (see Senate, No. 2618, amended);

Authorizing the town of Boxford to grant 2 additional licenses for the sale of alcoholic beverages to be drunk on the premises (see Senate, No. 2366);

Authorizing the town of Leicester to continue the employment of Paul S. Doray (see

House, No. 4240);

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 (see House, No. 4338).

Adjournment in Memory of Robert G. Richardson.

The Senator from Essex, Ms. Lovely, moved that when the Senate adjourns today, it do so in memory of Robert G. Richardson, 82, of Beverly, who died on April 29th at Beverly Hospital after a short illness. Robert was the husband of the late Christine M. (Esty) Richardson, with whom he shared 45 years of marriage.

Born in Salem, Massachusetts on February 13, 1938, he was the son of the late Gordon T. Richardson and Gertrude I. (Black) Richardson.

Robert was a graduate of Beverly High School, Burdett College and attended Northeastern University and Merrimack College. He was employed by the South Essex Sewerage District for 22 years; the last 5 years as WWTF Superintendent. He was also employed by Camp Dresser & McKee for 20 years as an Operations Specialist/Construction Inspector, retiring from that position in 2000.

Robert was proudly involved in his community as a David S. Lynch Fund Trustee for 14 years and a Lynch Park Advisory Committee member, as well as a member of the Dane Street Congregational Church, having served as a Deacon and Christian Senior Youth Group Advisor. He served as the treasurer of the Cub Scout Pack 2 and Scoutmaster of Boy Scout Troop 2. He was a member of the Beverly Youth Soccer Program and, with his late wife, were co-founders of the Beverly High School Soccer Boosters Club. He was a Life Member of Liberty Lodge of Masons in Beverly.

Robert spent summers on Long Lake in Naples, Maine and winters in Bonita Springs, Florida. He was a jazz/swing music enthusiast and loved reading novels.

He is survived by a devoted companion and longtime friend, Joan Fairbank of Beverly; daughters, Deborah of Massachusetts and Julia of Vermont; sons, Scott of Colorado, William of Vermont, David of Massachusetts and Marc of Indiana; fourteen grandchildren and eighteen great-grandchildren. He was predeceased by a grandson, David R. Richardson, and a brother, David G. Richardson.

Accordingly, as a mark of respect in memory of Robert G. Richardson, at eighteen minutes past five o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to again on Tuesday next at eleven o'clock A.M.