

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, MAY 28, 2020

[51]

JOURNAL OF THE SENATE

Thursday, May 28, 2020

Met at thirteen minutes past eleven o'clock A.M.

The President, members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Qualification of Senators.

The Honorable John C. Velis and the Honorable Susan Lynn Moran at twenty-one minutes past ten o'clock A.M., on Thursday, May 28, 2020 before His Excellency the Governor, Lieutenant Governor and members of the Council did take and subscribe the oath of office as State Senator from the Second Hampden and Hampshire and Plymouth and Barnstable districts.

Senators-elect, swearing in.

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Brady (by request), a petition (accompanied by bill) (subject to Joint Rule 12) of Bishop Filipe Cupertino Teixeira for legislation relative to certain tobacco products;

Community protection. SD2953

By Mr. Cyr, a petition (accompanied by bill) (subject to Joint Rule 12) of Julian Cyr and William L. Crocker, Jr. for legislation to establish a sick leave bank for William Marzilli, an employee of the Massachusetts Department of Transportation; and

William Marzilli,-- sick leave. SD2951

By Mr. DiZoglio, a petition (accompanied by bill) (subject to Joint Rule 12) of Diana DiZoglio, Lenny Mirra, Patrick M. O'Connor, David F. DeCoste and others for legislation to temporarily expand take-out and delivery options for local establishments licensed to sell alcoholic beverages;

Take-out options,-- COVID-19. SD2952

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

Reports of Committees.

By Mr. Pacheco, for the committee on State Administration and Regulatory Oversight, on petition, a Bill establishing a Cybersecurity Control and Review Commission (Senate, No. 1887);

Cybersecurity Control and Review Commission.

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

By Ms. Chang-Diaz, for the committee on Children, Families and Persons with Disabilities, on petition (accompanied by bill, Senate, No. 33), a Bill relative to families impacted by substance misuse (Senate, No. 2721);

Substance misuse.

By Ms. Comerford, for the committee on Public Health, on petition, a Bill to protect youth from the health risks of sugary drinks (Senate, No. 1291);

Sugary drinks,-- marketing in schools.

By Mr. Moore, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to education and programming for the incarcerated (Senate, No. 1391);

Prisoners,-- education opportunities.

By the same Senator, for the same committee, on petition, a Bill to promote business

Business recovery,--

continuity and recovery after a disaster (Senate, No. 1455);

By Mr. Pacheco, for the committee on State Administration and Regulatory Oversight, on petition, a Bill relative to notification of landowners impacted by state transportation projects (Senate, No. 1888); and

By the same Senator, for the same committee, on petition, a Bill relative to the creation of the Massachusetts Board of Public Safety Building Authority (Senate, No. 1917);

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

By Mr. Hinds, for the committee on Revenue, on petition, a Bill relative to clarifying property tax exemptions for solar and wind systems (Senate, No. 1763); and

By the same Senator, for the same committee, on petition, a Bill relative to the curatorship program (Senate, No. 1769);

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

PAPERS FROM THE HOUSE.

The House Bill addressing COVID-19 data collection and disparities in treatment (House, No. 4672, amended),-- came from the House with the endorsement that the House had concurred in the Senate still further amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2708, *with a still still further amendment* striking all after the enacting clause and inserting in place thereof the text of House document numbered 4735.

The rules were suspended, on motion of Mr. Brownsberger, and the still still further House amendment was considered forthwith.

After remarks, Mr. Rodrigues moved that the Senate concur with the further House amendment with a *still still still further amendment* in section 1, by striking out, in line 50, the words “compile and report daily the data from all boards of health or elder care facilities” and inserting in place thereof the following words:- “publish a daily report on the data compiled, including data from elder care facilities and local boards of health.”

In section 2, by striking out, in line 143, the figure “1” and inserting in place thereof the following figure:- “30”.

In said section 2, by striking out, in line 145, the first time it appears, the figure “1” and inserting in place thereof the following figure:- “30”.

**The still still still further amendment was adopted.
The House further amendment, as amended, was adopted.
Sent to the House for concurrence in the still still still further amendment.**

Engrossed Bills—Land Taking for Conservation Etc.

An engrossed Bill requiring the city of Lowell to transfer certain parcels of land between the park department and the school department (see Senate, No. 2636) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, 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, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-three minutes before twelve o’clock noon, as follows, to wit (yeas 39 - nays 0) **[Yeas and Nays No. 188]:**

YEAS.

- | | |
|---------------------|---------------------|
| Barrett, Michael J. | Jehlen, Patricia D. |
| Boncore, Joseph A. | Keenan, John F. |
| Brady, Michael D. | Kennedy, Edward J. |

disaster.
Landowners,--
transportation
projects.

MA Board of Public
Safety Building
Authority.

Solar and wind,-- tax
exemptions.
Curatorship program.

COVID-19,--
data collection.

Lowell,-- land
transfer.

Brownsberger, William N.
 Chandler, Harriette L.
 Chang-Diaz, Sonia
 Collins, Nick
 Comerford, Joanne M.
 Creem, Cynthia Stone
 Crighton, Brendan P.
 Cyr, Julian
 DiDomenico, Sal N.
 DiZoglio, Diana
 Eldridge, James B.
 Fattman, Ryan C.
 Feeney, Paul R.
 Finegold, Barry R.
 Friedman, Cindy F.
 Gobi, Anne M.
 Hinds, Adam G.

Lesser, Eric P.
 Lewis, Jason M.
 Lovely, Joan B.
 Montigny, Mark C.
 Moore, Michael O.
 Moran, Susan L.
 O'Connor, Patrick M.
 Pacheco, Marc R.
 Rausch, Rebecca L.
 Rodrigues, Michael J.
 Rush, Michael F.
 Tarr, Bruce E.
 Timilty, Walter F.
 Tran, Dean A.
 Velis, John C.
 Welch, James T. – 39.

NAYS – 0.

The yeas and nays having been completed at seventeen minutes before twelve o'clock noon, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill authorizing the conveyance of an interest in a certain parcel of park land in the town of Fairhaven (see House, No. 4009, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, 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, the question on passing it to be enacted was determined by a call of the yeas and nays, at a quarter before twelve o'clock noon, as follows, to wit (yeas 39 - nays 0) [**Yeas and Nays No. 189**]:

Fairhaven,-- land.

YEAS.

Barrett, Michael J.
 Boncore, Joseph A.
 Brady, Michael D.
 Brownsberger, William N.
 Chandler, Harriette L.
 Chang-Diaz, Sonia
 Collins, Nick
 Comerford, Joanne M.
 Creem, Cynthia Stone
 Crighton, Brendan P.
 Cyr, Julian
 DiDomenico, Sal N.
 DiZoglio, Diana
 Eldridge, James B.
 Fattman, Ryan C.
 Feeney, Paul R.
 Finegold, Barry R.
 Friedman, Cindy F.

Jehlen, Patricia D.
 Keenan, John F.
 Kennedy, Edward J.
 Lesser, Eric P.
 Lewis, Jason M.
 Lovely, Joan B.
 Montigny, Mark C.
 Moore, Michael O.
 Moran, Susan L.
 O'Connor, Patrick M.
 Pacheco, Marc R.
 Rausch, Rebecca L.
 Rodrigues, Michael J.
 Rush, Michael F.
 Tarr, Bruce E.
 Timilty, Walter F.
 Tran, Dean A.
 Velis, John C.

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Gobi, Anne M.
Hinds, Adam G.

Welch, James T. – 39.

NAYS – 0.

The yeas and nays having been completed at nine minutes before twelve o'clock noon, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill authorizing the commissioner of capital asset management and maintenance to grant an easement upon certain land in the town of Princeton (see House, No. 4184) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, 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, the question on passing it to be enacted was determined by a call of the yeas and nays, at five minutes before twelve o'clock noon, as follows, to wit (yeas 39 - nays 0) [**Yeas and Nays No. 190**]:

Princeton,-- land.

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
Moran, Susan L.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Velis, John C.
Welch, James T. – 39.

NAYS – 0.

The yeas and nays having been completed at one minute past twelve o'clock noon, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill authorizing the city of Springfield to convert the use of park land at DeBerry park for a new elementary school and to replace it with additional park land in the city of Springfield (see House, No. 4277) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, 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

Springfield,-- land.

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Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at three minutes past twelve o'clock noon, as follows, to wit (yeas 39 - nays 0) [**Yeas and Nays No. 191**]:

YEAS.

Barrett, Michael J.	Jehlen, Patricia D.
Boncore, Joseph A.	Keenan, John F.
Brady, Michael D.	Kennedy, Edward J.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	Lovely, Joan B.
Collins, Nick	Montigny, Mark C.
Comerford, Joanne M.	Moore, Michael O.
Creem, Cynthia Stone	Moran, Susan L.
Crighton, Brendan P.	O'Connor, Patrick M.
Cyr, Julian	Pacheco, Marc R.
DiDomenico, Sal N.	Rausch, Rebecca L.
DiZoglio, Diana	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Fattman, Ryan C.	Tarr, Bruce E.
Feeney, Paul R.	Timilty, Walter F.
Finegold, Barry R.	Tran, Dean A.
Friedman, Cindy F.	Velis, John C.
Gobi, Anne M.	Welch, James T. – 39.
Hinds, Adam G.	

NAYS – 0.

The yeas and nays having been completed at nine minutes past twelve o'clock noon, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Resolutions.

Mr. Brownsberger in the Chair, the following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-

Resolutions (filed by Messrs. Crighton, Boncore, Brady and Brown, Ms. Chandler, Mr. Collins, Ms. Comerford, Messrs. Cyr and DiDomenico, Ms. DiZoglio, Messrs. Eldridge, Fattman and Finegold, Ms. Gobi, Mr. Hinds, Ms. Jehlen, Messrs. Kennedy, Lesser and Lewis, Ms. Lovely, Messrs. Moore, O'Connor and Pacheco, Ms. Rausch, Messrs. Rodrigues, Rush, Tarr, Timilty and Welch) "commending the National Brain Tumor Society for its recognition of May 2020 as Brain Tumor Awareness Month"; and

Resolutions (filed by Mr. Timilty) "congratulating William H. Struck III and Lynn K. Struck on the occasion of their fiftieth wedding anniversary."

National Brain
Tumor Society.

William and Lynn
Struck.

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 Paul R. Feeney and Elizabeth A. Poirier for legislation to address challenges faced by restaurants and other establishments due to COVID-19.

Restaurants,--
COVID 19.
SD2944

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 Consumer Protection and Professional Licensure.

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 Marc R. Pacheco, Paul R. Feeney, Brendan P. Crighton, Diana DiZoglio and other members of the Senate for legislation relative to a COVID-19 presumption for public employees.

COVID-19,--
public employees.
SD2924

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 Public Service.

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. 4758) of Sarah K. Peake and Julian Cyr for legislation to authorize the Nauset Regional School District to enter into renewable energy agreements;

Nauset Regional
School District,--
renewable energy.

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

Petition (accompanied by bill, House, No. 4759) of John J. Lawn, Jr., and Thomas M. Stanley that the University of Massachusetts be authorized to convey a certain parcel of land and buildings to the city of Waltham;

Waltham,-- land.

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

Petition (accompanied by bill, House, No. 4760) of Josh S. Cutler and others relative to a sales tax exemption for protective facial coverings;

Facial coverings,--
tax exemption.

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

Petition (accompanied by bill, House, No. 4761) of Sarah K. Peake and Timothy R. Whelan for legislation to designate a certain bridge on state highway Route 137 in the town of Harwich as the hidden wounds memorial bridge;

Harwich,-- hidden
wounds memorial
bridge.

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

Recess.

There being no objection, at fourteen minutes past twelve o'clock noon, the Chair (Mr. Brownsberger) declared a recess, subject to the call of the Chair; and at eight minutes past two o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair, having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair.

Recess.

PAPER FROM THE HOUSE

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill addressing COVID-19 data collection and disparities in treatment (see House, No. 4672, 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 3 to 0.

COVID-19,--
data collection.

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

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.

Communications.

The following communications, together with the return of votes and schedules therein referred to, were received from the Secretary of the Commonwealth, to wit:

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE SECRETARY OF STATE
STATE HOUSE, BOSTON 02133

May 27, 2020.

To the Honorable Senate and House of Representatives:

I have the honor to lay before you the returns of votes cast at the election held in this Commonwealth on the nineteenth day of May, 2020 for Senators in the General Court Second Hampden and Hampshire district, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

Return of votes for the Second Hampden and Hampshire Senatorial District.

These returns have been duly canvassed by the Lieutenant Governor and Council, and are now transmitted for examination by the Senate, as required by the Constitution and General Laws

Very Truly Yours,
WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

FOR STATE SENATOR IN GENERAL COURT
SECOND HAMPDEN AND HAMPSHIRE SENATORIAL DISTRICT
(to fill vacancy)

John Francis Cain of Southwick (Republican).....	5,620
John C. Velis of Westfield (Democrat).....	10,089
All Others.....	10
Blanks.....	22
Total Votes Cast.....	15,741

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE SECRETARY OF STATE
STATE HOUSE, BOSTON 02133

May 27, 2020.

To the Honorable Senate and House of Representatives:

I have the honor to lay before you the returns of votes cast at the election held in this Commonwealth on the nineteenth day of May, 2020 for Senators in the General Court Plymouth and Barnstable district, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

Return of votes for the Plymouth and Barnstable Senatorial District.

These returns have been duly canvassed by the Lieutenant Governor and Council, and are now transmitted for examination by the Senate, as required by the Constitution and General Laws

Very Truly Yours,
WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

FOR STATE SENATOR IN GENERAL COURT
PLYMOUTH AND BARNSTABLE SENATORIAL DISTRICT
(to fill vacancy)

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James R. McMahon, III of Bourne (Republican).....	9,010
Susan Lynn Moran of Falmouth (Democrat).....	11,587
All Others.....	35
Blanks.....	19
Total Votes Cast.....	20,651

Order Adopted.

On motion of Mr. Timilty,--

Canvassing the votes

Ordered, That a special committee of the Senate to be appointed for the purpose of canvassing the votes for Senators in the several districts.

Senators Tarr of Essex and Middlesex and Timilty of Norfolk, Bristol and Plymouth were appointed the committee.

Subsequently, Mr. Tarr, for the said special committee, reported, that from an examination of the returns, it appears the Honorable Susan Lynn Moran had been duly elected to the Plymouth and Barnstable District and the Honorable John C. Velis had been duly elected to the Second Hampden and Hampshire District.

The report was read and accepted.

Order Adopted.

On motion of Mr. Tarr,--

Time of meeting.

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

On motion of the same Senator, at twenty-four minutes past two o'clock P.M, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.