

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, OCTOBER 5, 2020

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JOURNAL OF THE SENATE

Monday, October 5, 2020.

Met at eight 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.

Communications.

The following communications were severally received and placed on file, to wit:
Communication from the Cannabis Control Commission (pursuant to Section 4(h) of Chapter 94G of the General Laws) submitting a status update on its Third Annual Activities Report (received October 1, 2020); and
Communication from the Office of the Comptroller (pursuant to Section 2TT of Chapter 29 of the General Laws) submitting its FY2021 financial plan for the Liability Management and Reduction Fund (received October 1, 2020).

CCC,-- annual report status. SD3064
Comptroller,-- LMRF plan. SD3067

Reports.

The following reports were severally received and placed on file, to wit:
Report of the Massachusetts Port Authority (pursuant to line item 6720-1340 of Section 2C of Chapter 219 of the Acts of 2016) submitting its 2020 annual report on the Paul W. Conley Terminal in South Boston (received October 1, 2020); and
Report of the Department of Children and Families (pursuant to Section 7(e) of Chapter 18B of the General Laws) submitting its Fiscal Year 2020 Annual Report (received October 1, 2020).

Massport,-- Conley Terminal report. SD3065
DCF,-- annual report. SD3066

Petition.

Ms. Gobi presented a petition (accompanied by bill, Senate, No. 2919) of Anne M. Gobi and Donald R. Berthiaume, Jr. (by vote of the town) for legislation to provide for the renaming of the Board of Selectmen to Select Board in the town of Hubbardston [Local approval received];

Hubbardston,-- select board.

Referred, under Senate Rule 20, to the committee on Municipalities and Regional Government.
Sent to the House for concurrence.

Report of a Committee.

By Mr. Crighton, for the committee on Housing, on petition (accompanied by bill, Senate, No. 2831), a Bill to guarantee housing stability during the COVID-19 emergency and recovery (Senate, No. 2918) [Representatives DeCoste of Norwell and Crocker of Barnstable dissenting];

Housing stability,-- COVID-19.

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

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 5015) of Harold P. Naughton, Jr. (by vote of the town) that the town of Clinton be authorized to grant six additional licenses for the sale of all alcoholic beverages to be drunk on the premises;

Clinton,-- liquor license.

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 5016) of Harold P. Naughton, Jr. (by vote of the town) that the town of Clinton be authorized to change the name of the board of selectmen in said town to the select board;

Clinton,-- board of selectmen.

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 5017) of Harold P. Naughton, Jr. (by vote of the town) that the town of Clinton be authorized to continue the employment of police chief Mark R. Laverdure;

Mark R. Laverdure,-- employment.

To the committee on Public Service.

Resolutions.

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

Resolutions (filed by Mr. Montigny) “commending Kate Fentress on her dedication to the towns of Dartmouth and Westport”;

Kate Fentress.

Resolutions (filed by Messrs. O’Connor, Boncore and Brady, Ms. Chandler, Mr. Collins, Ms. Creem, Messrs. Crighton, Cyr and DiDomenico, Ms. DiZoglio, Messrs. Eldridge, Fattman, Feeney and Finegold, Ms. Friedman, Ms. Gobi, Mr. Hinds, Ms. Jehlen, Messrs. Lesser, Montigny, and Moore, Ms. Moran and Messrs. Pacheco, Rodrigues, Rush, Tarr, Timilty, Tran, Velis and Welch) “imploing the President of the United States of America to designate a state funeral for the last surviving World War II Medal of Honor recipient”; and

World War II Medal of Honor recipient,-- state funeral

Resolutions (filed by Mr. Timilty and Ms. Friedman) “commending Donna Kelly-Williams, Registered Nurse, Direct Care Nurse and President of the Massachusetts Nurses Association, for her many years of service to the nurses of the Commonwealth.”

Donna Kelly-Williams.

Moment of Silence.

The Chair (Mr. Timilty), members, guests and staff stood in a moment of silence and reflection to the memory of Dorothy Marie (Morrissey) MacGillvray.

Moment of silence.

Recess.

There being no objection, at nineteen minutes past eleven o’clock A.M., the Chair (Mr. Timilty) declared a recess, subject to the call of the Chair; and at eleven minutes past one o’clock P.M., the Senate reassembled, Mr. Timilty in the Chair.

Recess.

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 relative to the charter of the town of Winchendon (Senate, No. 2249),- **was read a third time and passed to be engrossed.**

Winchendon,-- charter.

Sent to the House for concurrence.

The House Bill authorizing the town of Webster to grant an additional license for the

Webster,-- liquor license.

sale of all alcoholic beverages to be drunk on the premises (House, No. 4993),-- **was read a third time and passed to be engrossed, in concurrence.**

Reports of a Committee.

By Ms. Rausch, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the town of Middleborough to lease to the town of Plympton land owned by Middleborough and located in Plympton (Senate, No. 2907) [Local approval received];

Middleborough,-- land.

The bill was read. 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.

By Ms. Rausch, for the committee on Municipalities and Regional Government, on petition, a Bill relative to the appointing of an Acting Town Manager in the town of Ipswich (Senate, No. 2908) [Local approval received];

Ipswich,-- town manager.

The bill was read. 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.

By Ms. Rausch, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the investment of trust funds benefiting the town of Sherborn library (Senate, No. 2909) [Local approval received];

Sherborn library,-- trust funds.

The bill was read. 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.

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Felix Cruz, an employee of the Department of Youth Services (House, No. 4977,-- on petition),-- was read.

Felix Cruz,-- sick leave.

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.

Bill Returned with Recommendation of Amendment.

Message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill establishing an economic development special revenue account for the town of Ashland (see House, No. 3953) [for message, see House, No. 4543],-- came from the House with endorsement that the House adopted the amendment recommended by the Governor (as approved by committee on Bills in the Third Reading), as follows:

Ashland,-- special revenue account.

By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. (a) Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Ashland shall establish in the town treasury a special revenue account to be known as the Economic Development Special Revenue Fund, into which shall be deposited certain receipts comprised of the total local meals tax received annually by the town under subsections (b) and (c) of section 2 of chapter 64L of the General Laws. The funds shall be used to support economic development activities, operations and administration in the town of Ashland, including, but not limited to, the Ashland Economic Development Program Fund for the town of Ashland established under chapter 420 of the acts of 2018. (b) Notwithstanding any general or special law to the contrary, the amount of the local meals tax collected under said section 2 of said chapter 64L by the town for the fiscal year beginning July 1, 2019 and each fiscal

year thereafter shall be credited to the Economic Development Special Revenue Fund and shall be subject to further appropriation by a majority vote of the town meeting. (c) Notwithstanding any general or special law to the contrary, any interest accruing on any amount on deposit in the Economic Development Special Revenue Fund shall be credited to the general fund of the town of Ashland. (d) Nothing in this act shall affect amounts distributed in any fiscal year to the town from the Local Aid Fund. (e) If, by a majority vote of the town meeting pursuant to section 4B of chapter 4 of the General Laws, the town revokes its acceptance of the local meals tax collected under said section 2 of said chapter 64L, the town shall decide by a 2/3 vote of the town meeting whether the Economic Development Special Revenue Fund shall cease to have effect. If 2/3 of the town meeting votes that the Economic Development Special Revenue Fund shall cease to have effect, all unexpended and uncommitted amounts on deposit in the Economic Development Special Revenue Fund as of the date of the vote to revoke the local meals tax shall be credited to the general fund of the town on the first day of the calendar quarter following 30 days after the date of the revocatory vote; provided, however, that if 2/3 of the town meeting does not vote that the Economic Development Special Revenue Fund shall cease to have effect, the Economic Development Special Revenue Fund shall continue to have effect and all unexpended and uncommitted amounts on deposit in the Economic Development Special Revenue Fund as of the date of the vote to revoke the local meals tax collected under said section 2 of said chapter 64L shall be subject to further appropriation by a majority vote of the town meeting. Ashland,— fund. 6 (f) The town may close the Economic Development Special Revenue Fund by a 2/3 vote of the town meeting. The vote to close the Economic Development Special Revenue Fund shall designate: (i) that the Economic Development Special Revenue Fund shall cease to have effect; (ii) that all unexpended and uncommitted amounts on deposit in the Economic Development Special Revenue Fund as of the date of the vote shall immediately be credited to the general fund of the town; and (iii) that the local meals tax that is received annually by the town under said section 2 of said chapter 64L and credited to the Economic Development Special Revenue Fund as set forth in subsections (b) and (c) shall be credited to the general fund of the town.

SECTION 2. The treasurer of the town of Ashland shall, until such time as the Economic Development Special Revenue Fund ceases to exist, provide an annual financial report to the town, which shall be publicly posted on or before October 1 of each year. The annual financial report shall specifically include: (i) fund revenues; (ii) fund receipts; (iii) the amount of grants made from the fund; (iv) the specific amounts of loans made by the fund and to whom such loans were made; and (v) the balance of money in the fund at the end of each fiscal year.

SECTION 3. This act shall take effect upon its passage.”.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

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

Sent to the House for re-enactment.

Engrossed Bills.

The following engrossed bills (both of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Timilty) and laid before the Governor for his approbation, to wit:

Authorizing the city of Chelsea to transfer property to the affordable housing trust fund board in the city of Chelsea (House, No. 4155); and

Bills laid before the
Governor

UNCORRECTED PROOF.

Authorizing the city of Framingham to amend the income qualifications for a certain tax deferral program (House, No. 4789).

Order Adopted.

On motion of Mr. Tarr,--

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

Time of meeting.

Adjournment in Memory of Dorothy Marie (Morrissey) MacGillivray

The Senator from Essex, Ms. Lovely, presented a request that when the Senate adjourns today it do so in memory of Dorothy Marie (Morrissey) MacGillivray of Danvers.

Dorothy MacGillivray was an active and long-standing member of the Danvers community. Born in Charlestown, she was the daughter of Thomas and Johanna Morrissey and was the last surviving member of a close-knit family of 11 siblings.

A graduate of the Teacher's College of the City of Boston, class of 1946, she taught first grade. Dorothy and Dougald C. MacGillivray married in 1953 and together raised 12 children. Always gracious and hospitable, Dorothy created a vibrant and welcoming home that served as the center for countless gatherings for extended family and their wide circle of friends.

Dorothy devoted her life to raising her family. She cherished her community and her close group of friends. A devout Catholic, she was a communicant of St. Mary's of the Annunciation Church, where she served as a Eucharistic minister. She was a life-long learner and a prolific reader. Always a competitor, Dorothy never passed up an opportunity to play a board game, was the household Jeopardy champion, a formidable Scrabble opponent, and a reliable doubles tennis partner.

Dorothy was kind, optimistic, generous, had a great sense of humor, and loved a good story. She had an exceptional, almost encyclopedic memory. Dorothy had a positive influence on those she encountered and will be dearly missed.

Dorothy is preceded in death by her husband of 59 years, Dougald C MacGillivray, M.D.; and their infant daughter, Teresa. She is survived by her children: Mary, Dougald, Johanna, Anne, Joseph, Karen, Thomas, Susan, James, Dorothy, and Elizabeth; 20 grandchildren; and six great-grandchildren.

Accordingly, as a mark of respect to the memory of Dorothy Marie MacGillivray, at seventeen minutes past one o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.