

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JUNE 18, 2020

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JOURNAL OF THE SENATE

Thursday, June 18, 2020.

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

Pledge of allegiance.

Petitions.

Petitions were severally presented and referred as follows:

By Ms. Comerford, a petition (accompanied by bill) (subject to Joint Rule 12) of Joanne M. Comerford and Christine P. Barber for legislation to address estate recovery issues due to COVID-19;

Estate recovery. SD2976

By Mr. Crighton, a petition (accompanied by bill) (subject to Joint Rule 12) of Brendan P. Crighton, Mindy Domb, Maria Duaine Robinson, Bud L. Williams and other members of the General Court for legislation to make Juneteenth Independence Day a State Holiday; and

Juneteenth Independence Day. SD2975

By Mr. Welch, a petition (accompanied by bill) (subject to Joint Rule 12) of James T. Welch for legislation relative to predatory debt collection practices during a public health emergency;

Debt collection,-- predatory. SD2974

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

Reports of Committees.

By Ms. Comerford, for the committee on Public Health, on petition, a Bill relative to safe patient handling in certain health facilities (Senate, No. 1213);

Health facilities,-- patient handling.

By the same Senator, for the same committee, on Senate, Nos. 1234 and 2206, a Bill modernizing childhood lead poisoning prevention (Senate, No. 1234);

Childhood lead poisoning prevention.

By the same Senator, for the same committee, on petition, a Bill to prevent death and disability from stroke (Senate, No. 1306);

Stroke prevention.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1276), a Bill ensuring safe patient access to emergency care (Senate No. 2767); and

Emergency care,-- access.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1312), a Bill to create a stroke system of care (Senate No. 2768);

Timely care.

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

By Ms. DiZoglio, for the committee on Community Development and Small Businesses, on petition, a Bill to support MassMakers (Senate, No. 2564) [Representative Vitolo of Brookline dissenting];

MassMakers,-- support.

By the same Senator, for the same committee, on petition, a Bill establishing a Massachusetts Paycheck Protection Program (PPP) for businesses ineligible for the comparable federal PPP (Senate, No. 2643) [Representative Vitolo of Brookline

Paycheck Protection Program.

dissenting];

By Mr. Feeney, for the committee on Consumer Protection and Professional Licensure, on Senate, No. 2652 and House, No. 4664, a Bill relative to preventing price gouging during an emergency (Senate, No. 2652);

By Ms. Comerford, for the committee on Public Health, on petition, a Bill to conduct a comprehensive study of oral injuries in school sports (Senate, No. 1224);

By the same Senator, for the same committee, on petition, a Bill relative to public safety (Senate, No. 1248);

By the same Senator, for the same committee, on Senate, Nos. 1280 and 1317, a Bill prohibiting the use of lead paint on outdoor structures (Senate, No. 1280);

By the same Senator, for the same committee, on petition, a Bill relative to protecting air quality from carbon-emitting energy generators (Senate, No. 1319); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1247), a Bill to reduce exposure to BPA (Senate No. 2766);

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 Senate, Nos. 1223 and 1326, a Bill creating a commission to study concussions that occur as a result of varsity sports in public and private middle and high schools (Senate, No. 2765);

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

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4789) of Maria Duaine Robinson and Carmine Lawrence Gentile (with the approval of the mayor and the city council) relative to authorizing the city of Framingham to amend the income qualifications for a certain tax deferral program in said city,-- **was referred, in concurrence, to the committee on Revenue.**

Bills

Relative to the Northampton Housing Authority (House, No. 3685,-- on petition) [Local approval received]; and

Relative to the Affordable Housing Trust Fund Board in the city of Chelsea (House, No. 4155,-- on petition) [Local approval received];

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Resolutions.

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

Resolutions (filed by Ms. Gobi) “commending United States Air Force Sergeant Everett S. Allen for his service and valor as a Prisoner of War during World War II and recognizing the occasion of his one hundredth birthday”; and

Resolutions (file by Mr. Tarr) “congratulating the Union Congregational Church of North Reading, Inc. on its three hundredth anniversary.”

Reports of a Committee.

Price gouging,-- prevent.

School sports,-- oral injuries.

Nuclear power plants,-- safety.

Lead paint,-- outdoor structures.

Air quality,-- carbon-emitting energy.

BPA exposure.

Concussion commission.

Framingham,-- tax deferral program.

Northampton Housing Authority.

Chelsea,-- Affordable Housing Trust Fund Board.

Everett S. Allen.

Union Congregational Church.

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Ms. Lovely, for the committee on Rules, reported that the following matters be placed in the Orders of the Day for the next session:

The House Bill authorizing the county of Dukes County to borrow funds to pay costs of acquiring land, constructing buildings and other facilities as the county shall require, making capital improvements to county facilities, acquiring items of capital equipment, and for the payment of all other costs incidental and related thereto (House, No. 4094).

Dukes county,--
improvements.

There being no objection, the rules were suspended, on motion of Mr. Rodrigues, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

The House Bill authorizing Old Rochester Regional School District to enter into renewable energy agreements (House, No. 4435).

Old Rochester
Regional SD.

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

PAPERS FROM THE HOUSE

Engrossed Bill.

An engrossed Bill providing for the appointment of retired police officers as special police officers in the town of Plymouth (see House, No. 4242) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. Boncore) and laid before the Governor for his approbation.**

Bill laid before the
Governor.

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 Transportation be granted until Thursday, July 2, 2020 within which time to make its final report on current Senate documents numbered 7, 2034, 2047, 2049, 2056, 2069, 2071, 2072, 2123, 2137, 2289 and 2536, and House documents numbered 2963, 3040, 3073, 3083, 3116, 3126, 3135, 3156, 3672, 3980, 4359 and 4701.

Transportation,--
extension order.

The rules were suspended, on motion of Mr. Timilty, and, after remarks, the order (House, No. 4764) was considered forthwith; and adopted, in concurrence.

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

Petition (accompanied by bill, House, No. 4795) of David T. Vieira and Julian Cyr for legislation to establish a sick leave bank for Paul McBrien, an employee of the Trial Court;

Paul McBrien,-- sick
leave.

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

Petition (accompanied by bill, House, No. 4796) of Paul W. Mark that the Massachusetts Teachers' Retirement Board be authorized to grant creditable service to Susan Floyd;

Susan Floyd,--
creditable service.

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

Remarks of Senator Bruce E. Tarr.

Mr. Tarr made the following statement relative to the 375th Anniversary of the Town

Remarks of Senator
Bruce E. Tarr.

of Manchester-by-the-Sea:

Whereas, the general court on May 14th, 1645 incorporated the town of Manchester; and

Whereas, by petitioning the legislature 344 years later, in 1989, the town name was changed to Manchester-by-the-Sea; and

Whereas, the land comprising Manchester-by-the-sea was formed from the settlement known as Jeffrey's creek, led by the English settler William Jeffrey; and

Whereas, the town is situated on the north shore in Essex County at the southern end of Cape Ann, approximately 30 miles northeast of Boston; and

Whereas, Manchester-by-the-Sea currently encompasses 5.5 square miles along the Massachusetts coast with a 12.8 mile tidal shoreline; and

Whereas, the seashore community has thrived on the fishing industry and building small vessels for over 300 years and the making of furniture; and

Whereas, the town has prospered to the point of having more than 5,800 residents; and

Whereas, Manchester-by-the-Sea is home to the famous singing beach, known for its fine white sands that sing when visitors walk along the shore; and

Whereas, hero Nathaniel Allen of the Revolutionary War who crossed the Delaware with general Washington's army retired to Manchester-by-the-Sea to pursue a life by the ocean; and

Whereas, chief Samuel Sumner Peabody and his son, Allen S. Peabody, first developed the original technique used to clock the speed of travelers; and

Whereas, Manchester-by-the-Sea provided a setting for a variety of movies including the proposal in 2009 with Sandra Bullock and Manchester-by-the-Sea in 2016 with Casey Affleck; and

Whereas, the town was home to Benjamin Franklin Crowell, who found his wealth during the gold rush and whose sister, Susan Crowell, instructed the building of Crowell chapel in 1903; now therefore, be it

Resolved, that the Massachusetts Senate hereby extends its congratulations to the town of Manchester-by-the-Sea, in recognition of its 375 years of growth and prosperity; and be it further

Resolved, that a copy of this resolution be transmitted forthwith by the clerk of the senate to the town of Manchester-by-the-Sea.

Under the provisions of Senate Rule 6, the above statement was printed in the Journal of the Senate.

Recess.

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

Recess.

PAPER FROM THE HOUSE.

The House Bill relative to voting options in response to COVID-19 (House, No. 4778),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2764), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Lawn of Watertown, Moran of Boston and Hill of Ipswich had been appointed the committee on the part of the House.

Voting options.

On motion of Mr. Timilty, the Senate insisted on its amendment and concurred

in the appointment of a committee of conference; and Senators Finegold, Creem and Fattman were appointed on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Order Adopted.

Mr. Rodrigues offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to advancing and expanding access to telemedicine services (Senate, No. 612) (to be reported by the committee on Ways and Means with a recommended new draft entitled “An Act Putting Patients First”, Senate, No. 2769 on Thursday, June 18, 2020) shall be considered on Thursday, June 25, 2020.

Telemedicine services,-- access.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 1:00 P.M., on Monday, June 22, 2020. All such amendments shall be second-reading amendments to the Senate Ways and Means proposed new draft (Senate, No. 2769), and shall be confined to the scope of the legislation, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

All redrafted and further amendments shall be filed in the office of the Clerk of the Senate by 5:00 P.M. on Wednesday, June 24, 2020, and all shall be confined to the scope of the underlying amendment, except for any amendment technical or perfecting amendment by the chair of the committee on Ways and Means.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

The rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, July 25, 2020, for a second reading with the amendment pending.

Resolutions.

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

The following resolutions (having been filed with the Clerk) (filed by Ms. Spilka, Messrs. Barrett, Boncore, Brady and Brownsberger, Ms. Chandler, Ms. Chang-Diaz, Mr. Collins, Ms. Comerford, Ms. Creem, Messrs. Crighton, Cyr and DiDomenico, Ms. DiZoglio, Messrs. Eldridge, Fattman, Feeney and Finegold, Ms. Friedman, Ms. Gobi, Mr. Hinds, Ms. Jehlen, Messrs. Keenan, Kennedy, Lesser and Lewis, Ms. Lovely, Messrs. Montigny, and Moore, Ms. Moran, Messrs. O’Connor and Pacheco, Ms. Rausch and Messrs. Rodrigues, Rush, Tarr, Timilty, Tran, Velis and Welch) were considered forthwith, read and adopted, as follows:— “”

Juneteenth.

Resolutions commending community groups and organizations commemorating June 19 as Juneteenth.

Whereas, many community groups and organizations are commemorating June 19, 2020, as Juneteenth; and

Whereas, on June 19, 1865, Major General Gordon Granger issued general order number 3 to inform the people of Texas that the civil war had ended and that all enslaved people were free; and

Whereas, this enforcement of President Abraham Lincoln’s emancipation proclamation marked the end of slavery in every state; and

UNCORRECTED PROOF.

Whereas, to commemorate this significant event, observances and celebrations are held on and around June 19 every year; and

Whereas, Juneteenth, as the day came to be known, is the oldest known celebration commemorating the end of slavery in the united states; and

Whereas, Juneteenth has become a day to recognize African American emancipation and to celebrate African American achievements; and

Whereas, in this national time of reckoning and reflection, all residents should use this occasion to listen, learn and celebrate African American history and heritage; now therefore be it

Resolved, that the Massachusetts Senate joins in the commemoration of Juneteenth and encourages all residents to appropriately recognize this historic day; and be it further

Resolved, that a copy of these resolutions be transmitted forthwith by the clerk of the senate to community groups and organizations commemorating Juneteenth.

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Order of the Day and considered as follows:

The Senate Bill relative to special police in the town of Weston (Senate, No. 2699),-
- was read a third time and passed to be engrossed.
Sent to the House for concurrence.

Weston,-- special police.

Order Adopted.

On motion of Mr. Tarr,--

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

Time of meeting.

On motion of the same Senator, at five minutes before one o'clock P.M., the Senate adjourned to meet again Monday next at eleven o'clock A.M.