

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



TUESDAY, DECEMBER 22, 2020

[127]

JOURNAL OF THE SENATE

Tuesday, December 22, 2020.

Met at nine minutes before four o'clock P.M. (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).

The Chair (Mr. Brownsberger), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Report of a Committee.

By Mr. Timilty for the committee on Veterans and Federal Affairs on the message of His Excellency the Governor a Bill relative to establishing the Massachusetts Medal of Fidelity (printed in Senate, No. 2916, changed in section 2, by striking out the words "October 11, 2020" and inserting in place thereof the following:- "January 31, 2021").

Medal of Fidelity.

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

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill providing for access to reproductive health services (see House, No. 5179), 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 1.

Reproductive health services.

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

An engrossed Bill establishing a sick leave bank for James F. King, an employee of the department of correction (see House, No. 5146), 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.

James F. King,-- sick leave.

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

Engrossed Bills.

The following engrossed bills (the first three 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. Brownsberger) and laid before the Governor for his approbation, to wit:

Designating a certain bridge in the city of Taunton as the Private First Class Aaron Cordoba-Martinez Bridge (see Senate, No. 2132);

Bills laid before the Governor.

UNCORRECTED PROOF.

Relative to the position of Deputy Chief of Police in the town of Carver (see Senate, No. 2847);

Authorizing the city known as the town of Randolph to grant 2 additional licenses for the sale of wine or malt beverages not to be drunk on the premises (see Senate, No. 2929);

Making the charter of the town of Sudbury gender neutral (see House, No. 4388);

Authorizing the town of Groton to grant additional alcoholic beverages licenses (see House, No. 4809);

To create the Leo M. Birmingham Parkway Trust Fund (see Senate, No. 4926, amended);

Relative to the authority of the town manager in the town of Upton (see House, No. 4986);

Creating in the town of Upton the office of appointed treasurer/collector (see House, No. 4987);

Authorizing the town of North Attleborough to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4990); and

Authorizing the town of Plainville to grant additional licenses for the sale of alcoholic beverages (see House, No. 5061).

Matters Taken Out of the Orders of the Day.

The following matters were taken out of the Orders of the Day and considered as follows:

The Senate Bill providing for the renaming of the board of selectmen to select board in the town of Hubbardston (Senate, No. 2919) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Hubbardston,-- select board.

Pending the question on passing the bill to be engrossed, Ms. Gobi offered an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2983.

The amendment was adopted.

The bill (Senate, No. 2983) was then passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to Article 97 of the Amendments to the Constitution of the Commonwealth to be preserved for municipal park and open space purposes located at 6 Green Street and 18A Beckford Street in the City of Gloucester (Senate, No. 2974),-- **was read a third time and passed to be engrossed.**

Gloucester,-- preserve land.

Sent to the House for concurrence.

The House Bill authorizing the town of Lenox to transfer certain park property in exchange for dedication of conservation land (House, No. 4949),-- **was read a third time and passed to be engrossed, in concurrence.**

Lenox,-- land transfer.

The House Bill establishing a sick leave bank for Debra Hill, an employee of the department of mental health (House, No. 5036) (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.**

Debra Hill,-- sick leave.

The House Bill further regulating the granting of an additional license for the sale of alcoholic beverages not to be drunk on the premises in the city of Marlborough (House, No. 5047) (its title having been changed by the committee in Bills in the third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Marlborough,-- liquor license.

The Senate Bill amending the Newbury general by-laws from board of selectmen to select board (Senate, No. 2827),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Karl Schneider, an employee of the Massachusetts Rehabilitation Commission (House, No. 5200,-- on petition),-- was read.

Karl Schneider,--
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.

Engrossed Bills Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to regional tourism council grant distribution (see House, No. 5186) [being the text contained in Section 107 of the General Appropriation Bill (see House, No. 5164)] [for message, see Attachment J of House, No. 5190],-- came from the House with endorsement that the House adopted the amendment recommended by the Governor (as approved by the committee on Bills in the Third Reading), as follows:

Regional tourism
council grant
distribution.

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

“Grants from the amounts collected pursuant to subsection (a) of section 13T of chapter 23A of the General Laws allocated to regional tourism councils pursuant to clause (ii) of subsection (d) of said section 13T of said chapter 23A for fiscal year 2021 shall be distributed not later than February 1, 2021.”

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. Rodrigues, and the Governor’s amendment was considered forthwith.

After remarks, on motion of the same Senator, the Governor’s amendment was adopted, in concurrence.

Sent to the House for re-enactment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill providing for eviction protections during the COVID-19 pandemic emergency (see House, No. 5181) [being the text contained in sections 79, 80, 88 and 103 of the General Appropriation Bill (see House, No. 5164)] [for message, see Attachment E of House, No. 5190],-- came from the House with endorsement that the House *rejected* the amendment recommended by the Governor (as approved by the committee on Bills in the Third Reading).

COVID-19,--
eviction protections.

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. Rodrigues, and the Governor’s amendment was considered forthwith.

After remarks, on motion of the same Senator, the Governor’s amendment was rejected, in concurrence.

Sent to the House for re-enactment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill establishing a federal coronavirus relief funds website (see House, No. 5187) [being the text contained in Section 104 of the General Appropriation

Coronavirus relief
funds website.

Bill (see House, No. 5164) [for message, see attachment K of House, No. 5190],— came from the House with endorsement that the House *rejected* the amendment recommended by the Governor (as approved by the committee on Bills in the Third Reading).

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.

After debate, the question on the rejection of the Governor's recommendation of amendment was determined by a call of the yeas and nays, on motion of Mr. Tarr, at twenty-seven minutes past four o'clock P.M., as follows, to wit (yeas 35 — nays 4) [**Yeas and Nays No. 313**]:

YEAS.

Barrett, Michael J.	Hinds, Adam G.
Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Kennedy, Edward J.
Chandler, Harriette L.	Lesser, Eric P.
Chang-Diaz, Sonia	Lewis, Jason M.
Collins, Nick	Lovely, Joan B.
Comerford, Joanne M.	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
Crighton, Brendan P.	Moran, Susan L.
Cyr, Julian	Pacheco, Marc R.
DiDomenico, Sal N.	Rausch, Rebecca L.
DiZoglio, Diana	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Feeney, Paul R.	Timilty, Walter F.
Finegold, Barry R.	Velis, John C.
Friedman, Cindy F.	Welch, James T. — 35.
Gobi, Anne M.	

NAYS.

Fattman, Ryan C.	Tarr, Bruce E.
O'Connor, Patrick M.	Tran, Dean A. — 4.

**The yeas and nays having been completed at twenty-two minutes before five o'clock P.M., the Governor's amendment was *rejected*, in concurrence.
Sent to the House for re-enactment.**

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill providing for a long term and congregate care coronavirus transmission reduction guidance report (see House, No. 5188) [being the text contained in Section 108 of the General Appropriation Bill (see House, No. 5164)] [for message, see attachment L [as it relates to Section 108] of House, No. 5190],-- came from the House with endorsement that the House *rejected* the amendment recommended by the Governor (as approved by the committee on Bills in the Third Reading).

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.

After debate, the question on the rejection of the Governor's recommendation of amendment was determined by a call of the yeas and nays, on motion of Mr. Tarr, at nineteen minutes before five o'clock P.M., as follows, to wit (yeas 35 — nays 4) [**Yeas and Nays No. 314**]:

Long term care
coronavirus
transmission.

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.
 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.
 Pacheco, Marc R.
 Rausch, Rebecca L.
 Rodrigues, Michael J.
 Rush, Michael F.
 Timilty, Walter F.
 Velis, John C.
 Welch, James T. – 35.

NAYS.

Fattman, Ryan C.
 O'Connor, Patrick M.

Tarr, Bruce E.
 Tran, Dean A. – 4.

The yeas and nays having been completed at fourteen minutes before five o'clock P.M., the Governor's amendment was *rejected*, in concurrence. Sent to the House for re-enactment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill providing for a department of children and families school attendance report (see House, No. 5189) [being the text contained in Section 110 of the General Appropriation Bill (see House, No. 5164)] [for message, see attachment L [as it relates to Section 110] of House, No. 5190],-- came from the House with endorsement that the House *rejected* the amendment recommended by the Governor (as approved by the committee on Bills in the Third Reading).

DCF,-- school attendance report.

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.

After debate, the question on the rejection of the Governor's recommendation of amendment was determined by a call of the yeas and nays, on motion of Mr. Tarr, at eleven minutes before five o'clock P.M., as follows, to wit (yeas 35 — nays 4) [**Yeas and Nays No. 315**]:

YEAS.

Barrett, Michael J.
 Boncore, Joseph A.
 Brady, Michael D.
 Brownsberger, William N.
 Chandler, Harriette L.
 Chang-Diaz, Sonia
 Collins, Nick
 Comerford, Joanne 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.

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Creem, Cynthia Stone
Crichton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Moore, Michael O.
Moran, Susan L.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Velis, John C.
Welch, James T. – 35.

NAYS.

Fattman, Ryan C.
O'Connor, Patrick M.

Tarr, Bruce E.
Tran, Dean A. – 4.

**The yeas and nays having been completed at six minutes before five o'clock P.M., the Governor's amendment was *rejected*, in concurrence.
Sent to the House for re-enactment.**

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill authorizing the town of Nantucket to supply itself and its inhabitants with water (see House, No. 4399) [for message, see House, No. 5205]-- came from the House with endorsement that the House adopted the amendment recommended by the Governor (as approved by the committee on Bills in the Third Reading), as follows:

Nantucket water supply.

By striking out the first sentence of subsection (f) and inserting in place thereof the following: "At the time of authorizing a loan under subsection (e), the town shall provide for the payment of said loan in accordance with said subsection (e)."

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. Rodrigues, and the Governor's amendment was considered forthwith.

On motion of the same Senator, the Governor's amendment was adopted, in concurrence.

Sent to the House for re-enactment.

Engrossed Bills.

An engrossed Bill establishing a sick leave bank for James F. King, an employee of the department of correction (see House, No. 5146) (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. Brownsberger) and laid before the Governor for his approbation.**

Bill laid before the Governor.

The President in the Chair, an engrossed Bill providing for access to reproductive health services (see House, No. 5179) (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 President and laid before the Governor for his approbation**

Ibid.

Recess.

There being no objection, at two minutes before five o'clock P.M., the President declared a recess until the hour of a half past five o'clock P.M.; and at five minutes before eight o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

UNCORRECTED PROOF.

Committee Changes.

The Chair (Mr. Brownsberger) 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 Brownsberger of Suffolk and Middlesex to fill the vacancy.

Committee changes.

Subsequently, the Chair (Mr. Brownsberger) announced the resignation of Senator Brownsberger of Suffolk and Middlesex as a member of the committee on Bills in the Third Reading and the reappointment of Senator Brady of Plymouth and Bristol thereto.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at a ten 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 four minutes before eight o'clock P.M., the Senate adjourned to meet again tomorrow at ten o'clock A.M.