

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, AUGUST 6, 2020

JOURNAL OF THE SENATE

Thursday, August 6, 2020.

Met at eight minutes past eleven o'clock A.M. (Ms. Friedman 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 (Ms. Friedman), 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 Office of the Comptroller (pursuant to the pending enactment of the fiscal year 2021 General Appropriations Act) submitting its interim Fiscal Year 2021 transfer schedules for the following accounts:

1595-1068 -- Medical Assistance Trust Fund; and

1595-1070 -- Safety Net Provider Trust Fund (received July 31, 2020); and

Communication from the Office of the Comptroller (pursuant to the pending enactment of the fiscal year 2021 General Appropriations Act) submitting its interim Fiscal Year 2021 transfer schedules for the following transportation-related accounts:

1595-6368 -- Massachusetts Transportation Trust Fund;

1595-6369 -- Massachusetts Bay Transportation Authority (MBTA);

1595-6370 -- Regional Transit Authorities (RTA); and

1595-6379 -- Motor Vehicle Insurance Merit Rating Board (received July 31, 2020).

Comptroller,--
interim FY21 transfer
schedules.
SD3025

Comptroller,--
transportation
transfer schedules.
SD3026

Reports of Committees.

By Mr. Lesser, for the committee on Economic Development and Emerging Technologies, on petition (accompanied by bill, Senate, No. 218), an Order relative to authorizing the joint committee on Economic Development and Emerging Technologies to make an investigation and study of a certain current Senate document relative to early education funding (Senate, No. 2886);

By Mr. Lewis, for the committee on Education, on petition (accompanied by bill, Senate, No. 289), an Order relative to authorizing the joint committee on Education to make an investigation and study of a certain current Senate document relative to vocational education transportation for nonresident students (Senate, No. 2887);

By Mr. Cyr, for the committee on Mental Health, Substance Use and Recovery, on Senate, Nos. 1145, 1152, 1153, 1154 and 1160, an Order relative to authorizing the joint committee on Mental Health, Substance Use and Recovery to make an investigation and study of certain current Senate documents relative to mental health, substance use and recovery matters (Senate, No. 2888);

By Ms. Comerford, for the committee on Public Health, on petition (accompanied by bill, Senate, No. 1335), an Order relative to authorizing the joint committee on Public Health to make an investigation and study of a certain current Senate document relative to advancing the health of pregnant persons (Senate, No. 2889); and

By Mr. Boncore, for the committee on Transportation, on Senate, Nos. 2123 and 2536, an Order relative to authorizing the joint committee on Transportation to make an

Economic
Development and
Emerging
Technologies
committee,-- study.

Education
committee,-- study.

Mental Health,
Substance Use and
Recovery
committee,-- study.

Public Health
committee,-- study.

Transportation
committee,-- study.

investigation and study of certain current Senate documents relative to transportation matters (Senate, No. 2890);

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

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4936) of Michael J. Moran (with the approval of the mayor and city council) that the city of Boston be authorized to grant additional licenses for the sale of alcoholic beverages to be drunk on the premises in said city;

Boston,-- liquor license.

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4937) of Harold P. Naughton, Jr., (by vote of the town) relative to insurance proceeds for injured police and fire personnel in the town of Boylston;

Boylston,-- police and fire.

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4938) of Cynthia Stone Creem and Rebecca L. Rausch (by vote of the town) that the town of Wellesley be authorized to continue employment of Jeffrey Peterson, a member of the fire department of said town;

Wellesley,-- fire department employment.

To the committee on Public Service.

The Senate Bill setting next-generation climate policy (Senate, No. 2500),— came from the House passed to be engrossed, in concurrence *with an amendment* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4933.

Climate policy.

Mr. Tarr moved that the Senate NON-concur in the House amendments and asked for a committee of conference on the disagreeing votes of the two branches; and Senators Barrett, Creem and O'Connor were appointed to the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

A petition (accompanied by bill, House, No. 4940) of Danielle W. Gregoire and Hannah Kane relative to an agricultural deed restriction in the town of Westborough,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.**

Westborough,-- deed restriction.

A Bill providing for the city of Lowell municipal elections (House, No. 4350,-- on petition) [Local approval received],-- was read.

Lowell,-- municipal elections.

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.

A Bill authorizing the town of Saugus to employee Kevin Nichols, an employee of the Saugus Police Department, beyond the retirement age (House, No. 4695,-- on House, No. 4633) [Local approval received on House, No. 4633],-- was read.

Kevin Nichols,-- retirement age.

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 Bill.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land to the city of Newton (see House, No. 4892) (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 (Ms. Friedman) and laid before the Governor for his approbation.**

Bill laid before Governor.

Moment of Silence.

At the request of the Chair (Ms. Friedman), the members, guests and staff stood in a moment of silence and reflection in honor of Lee H. "Peter" Gibney.

Moment of silence.

Recess.

There being no objection, at eleven minutes before twelve o'clock noon, the Chair (Ms. Friedman) declared a recess, subject to the call of the Chair; and at twenty-two minutes past one o'clock P.M., the Senate reassembled, Ms. Friedman in the Chair.

Recess.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Charlotte Charest, an employee of the trial court of the commonwealth (see Senate, No. 2787), 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.

Charlotte Charest,-- sick leave.

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

An engrossed Bill relative to the Baker Hill Road District (see Senate, No. 2870, 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.

Baker Hill Road District.

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

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 (Ms. Friedman) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Charlotte Charest, an employee of the trial court of the commonwealth (see Senate, No. 2787);

Bills laid before the Governor.

Relative to the Baker Hill Road District (see Senate, No. 2870, amended); and

Directing the Bristol county retirement board to grant creditable service to Christopher R. Carreiro (see House, No. 3912, amended).

A petition (accompanied by bill, House, No. 4944) of John Barrett, III and others

Real property

relative to the expungement of racially restrictive covenants in recorded real property documents,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on The Judiciary.**

documents.

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.

Adjournment in Memory of Lee H. "Peter" Gibney.

The Senator from Essex, Ms. Lovely, presented a request that when the Senate adjourns today it do so in memory of Lee H. "Peter" Gibney.

Lee H. "Peter" Gibney passed away peacefully after his valiant six-month fight with cancer, with his loving and devoted girlfriend, Ellen Talkowsky, by his side.

Peter was raised in Danvers, the son of Dorothy Hunt, and was a graduate of the Essex Agriculture High School. He was the founder of Gibney Gardens in Danvers, which has been in operation for over 40 years. The farm stand is well-known for its flowers, vegetables and fall and Christmas season offerings. Gibney Gardens is a favorite stop for many at the Marblehead and Salem Farmers Markets.

Peter's commitment to and support of agriculture led him to serve on the Danvers Agriculture Commission, Essex County Farm Bureau, where he served as President for many years, and also on the Board of Directors of the Massachusetts Farm Bureau Federation.

Peter's love for flowers and his growing expertise won him many prize ribbons at the Topsfield Fair. He became the Superintendent of the Flower Building, where he enjoyed working with his dedicated group of volunteers and garden sponsors. He was later named a member of the Board of Directors of the Essex Agricultural Society, where he also served as its President.

Peter was a member of the Danvers Polish Club where he always enjoyed the annual "Ski Club" dinner and raffle. He donated Christmas trees and wreaths to the annual "Santa by the Sea" event in Danvers and was generous to many other local charities and causes. For many years, his silver queen cornstalks could be found decorating Salem during its annual Haunted Happenings celebration in October, and his beautiful hanging baskets adorned Danvers Square during the last two summer seasons. He enjoyed his numerous trips to Las Vegas and San Antonio while attending the International Association of Fairs and Expositions (IAFE), annual conventions with his fellow board members from the Topsfield Fair. He was an avid NASCAR enthusiast and he enjoyed attending races at area speedways especially when super modified divisions were featured, watching racing on television and even raced in his younger years. He also had an amazing memory and immense knowledge of the sport.

Peter leaves many dear friends, including his beloved Ellen. He will be remembered for his good nature, warm smile, and kind heart. We would like to thank the staff and medical teams at Beth Israel Deaconess Medical Center, especially Dr. Bruno Bockorny and Nurse Kelsey Trillo, for their wonderful care of Peter. He will be missed by all those who knew and loved him.

Accordingly, as a mark of respect to the memory of Lee H. "Peter" Gibney at twelve minutes before two o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.

