

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, MAY 6, 2021

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JOURNAL OF THE SENATE

Thursday, May 6, 2021.

Met at twelve minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair).

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

Pledge of allegiance.

Communications.

Communication from the Honorable Charles D. Baker, Governor, announcing the appointment of Mr. John P. McGahan (under Chapter 309 of the Acts of 2020) to the Opioid Recovery and Remediation Fund advisory council (received May 4, 2021),-- was placed on file.

Opioid Recovery and Remediation Fund advisory council.

Communications from CliftonLarsonAllen LLP, on an audit of the Joint Accounts of the Massachusetts Legislature with State of available resources and expenditures – statutory basis – and additional information for the Fiscal Years ending June 30, 2018 (received in the Office of the Clerk of the Senate at eleven minutes before twelve o'clock P.M., on Tuesday, May 4, 2021);

Joint Accounts Audit for the Fiscal Year 2018.

Under the provisions of Joint Rule 34, the communication has been placed on file.

Reports.

The following reports were severally received and place on file, to wit:

Report of the Massachusetts Commission on Lesbian, Gay, Bisexual and Transgender Aging (pursuant to Section 71(e) of Chapter 3 of the General Laws) submitting its report on activities and findings for the 2019-2020 session (received May 3, 2021); and

MA LGBT,-- 2019-20 report. SD2609

Report of the Department of Unemployment Assistance (pursuant to Section 14F of Chapter 151A of the General Laws) submitting the April 2021 Unemployment Insurance Trust Fund Report (received May 4, 2021).

DUA,-- UI trust fund report. SD2610

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 2443) of Edward J. Kennedy, Thomas A. Golden, Jr., Vanna Howard and Rady Mom (with approval of the mayor and city council) for legislation to amend Section 9 of the 1921 City of Lowell Charter [Local approval received];

Lowell,-- charter.

Under Senate Rule 20, to the committee on Municipalities and Regional Government.

Sent to the House for concurrence.

By Mr. Kennedy, a petition (accompanied by bill) (subject to Joint Rule 12) of Edward J. Kennedy for legislation to require immunizations for in-person classes at certain Massachusetts public institutions of higher learning;

Community colleges,-- vaccines. SD2608

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

PAPERS FROM THE HOUSE.

Notice was received from the House of Representatives announcing the following appointments by the Speaker:

Representative Garlick of Needham had been appointed as his designee (under Section 1 of Chapter 309 of the Acts of 2020) to the Opioid Recovery and Remediation Fund Advisory Council;

Representative Cutler of Pembroke had been appointed as his designee (under Section 92 of Chapter 358 of the Acts of 2020) to chair the Commission to conduct a comprehensive study relative to the impact of automation, artificial intelligence, global trade, access to new forms of data and the internet of things on the workforce, businesses and economy;

Representative LaNatra of Kingston had been appointed as his designee (under Section 92 of Chapter 358 of the Acts of 2020) to the commission to conduct a comprehensive study relative to the impact of automation, artificial intelligence, global trade, access to new forms of data and the internet of things on the workforce, businesses and economy; and

Representative Hogan of Stow had been appointed as his designee (under Section 94 of Chapter 358 of the Acts of 2020) to co-chair the Commission on the needs of agriculture in the Commonwealth in the 21st century.

The following petitions, having been timely filed by 5 o'clock P.M. on February 19, 2021, were referred in concurrence as follows:

Petition (accompanied by bill, House, No. 3710) of Steven C. Owens and others for legislation to facilitate the unionization of the cannabis workforce;

To the committee on the Cannabis Policy.

Petition (accompanied by bill, House, No. 3711) of Tackey Chan and Michael O. Moore for legislation to establish a special commission (including members of the General Court) to investigate the potential for beneficial economic impact from minimum pricing laws;

Petition (accompanied by bill, House, No. 3712) of Tami L. Gouveia and Michael J. Barrett (by vote of the town) for legislation to grant four additional liquor licenses for the sale of wines and malt beverages to be drunk on the premises in the town of Concord;

Petition (accompanied by bill, House, No. 3713) of Nicholas Ford relative to credit card surcharges;

Petition (accompanied by bill, House, No. 3714) of David Paul Linsky and Rebecca L. Rausch (by vote of the town) relative to authorizing the town of Natick to grant an additional license for the sale of alcoholic beverages to be drunk on the premises; and

Petition (accompanied by bill, House, No. 3715) of Danillo A. Sena, Michael P. Kushmerek and John J. Cronin (by vote of the town) relative to authorizing the town of Lunenburg to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises to Jaxx Country Variety;

Severally to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3716) of James K. Hawkins, Tami L. Gouveia and others to ensure the health and safety of students, educators and communities during the 2019 novel coronavirus pandemic;

Petition (accompanied by bill, House, No. 3738) of Jon Santiago and others relative to the rapid, accessible and equitable administration of the COVID-19 vaccine; and

Petition (accompanied by bill, House, No. 3717) of Tommy Vitolo and others relative to the powers of city and town officials during public health emergencies;

Opioid Recovery and Remediation Fund Advisory Council.

Impact of data and the internet on the workforce commission.

Id.

Needs of agriculture commission.

Cannabis workforce,-- unionization.

Minimum pricing laws,-- special commission.

Concord,-- liquor licenses.

Credit card,-- surcharges.

Natick,-- liquor license.

Lunenburg,-- liquor license.

COVID-19,-- student safety.

COVID-19,-- vaccine equity.

Public health emergencies,-- city and town officials.

Severally to the committee on Covid-19 and Emergency Preparedness and Management.

Petition (accompanied by bill, House, No. 3718) of Dylan A. Fernandes, Chynah Tyler and others for legislation to establish a permanent commission on anti-racist education to develop anti-racist curriculum for the public schools;

Anti-racist education,-- special commission.

To the committee on Education.

Petition (accompanied by bill, House, No. 3719) of Tami L. Gouveia and Michael J. Barrett (by vote of the town) for legislation to authorize 17 year old citizens to vote in town elections and town meetings in the town of Concord;

Concord,-- voting age.

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3720) of Aaron Michlewitz for legislation to further regulate the authority of the Department of Public Works and the Boston Redevelopment Authority to exercise certain powers in regard to certain tidelands along the Atlantic Avenue and Commercial Street waterfront in the city of Boston;

Boston waterfront,-- tidelands.

To the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 3721) of Michelle M. DuBois relative to the stabilization of rents in cities and towns facing distress in the housing market; and

Housing market,-- rent stabilization.

Petition (accompanied by bill, House, No. 3722) of Colleen M. Garry (by vote of the town) relative to the design, development, construction and operation of a certain senior low-income and affordable housing project located in the town of Dracut;

Dracut,-- senior low income housing.

Severally to the committee on Housing.

Petition (accompanied by resolutions, House, No. 3723) of Walter F. Sorenson, Jr. for the adoption of resolutions by the General Court requesting the Governor to remove Judge Abbie L. Ross from the Essex County Family and Probate Court;

Abbie L. Ross,-- Essex County Family and Probate Court.

To the committee on the Judiciary.

Petition (accompanied by bill, House, No. 3724) of James Arciero and Edward J. Kennedy (by vote of the town) relative to authorizing the disbursement of certain funds held in escrow by the town of Westford;

Westford,-- escrow funds.

Petition (accompanied by bill, House, No. 3725) of Colleen M. Garry and Edward J. Kennedy (by vote of the town) relative to providing for the appointment of two alternate members of the conservation commission of the town of Tyngsborough;

Tyngsborough,-- conservation commission.

Petition (accompanied by bill, House, No. 3726) of Colleen M. Garry (by vote of the town) relative to authorizing the town of Dracut to pay a certain bill to White Water, Inc.; and

Dracut,-- White Water, Inc.

Petition (accompanied by bill, House, No. 3727) of Danillo A. Sena, Michael P. Kushmerek and John J. Cronin (by vote of the town) relative to authorizing the investment of town of Lunenburg library trust funds;

Lunenburg,-- library trust funds.

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3728) of Christopher Hendricks and others relative to electronic weapons and devices; and

Electronic weapons and devices.

Petition (accompanied by bill, House, No. 3729) of David Paul Linsky and others relative to universal background checks for private gun sales;

Gun sales,-- background checks.

Severally to the committee on Public Safety and Homeland Security.

Petition (accompanied by bill, House, No. 3730) of Rob Consalvo and Patrick Russell relative to the Group Insurance Commission Trust Fund;

GIC Trust Fund.

To the committee on Public Service.

Petition (accompanied by bill, House, No. 3731) of Tami L. Gouveia and Michael J. Barrett (by vote of the town) for legislation to make permanent a senior means tested property tax exemption in the town of Concord;

Concord,-- senior property tax exemption.

Petition (accompanied by bill, House, No. 3732) of Kate Lipper-Garabedian and others relative to authorizing the establishment of a means tested senior citizen property

Senior property tax exemption.

tax exemption;

Petition (accompanied by bill, House, No. 3733) of Paul McMurtry and others relative to motion pictures filmed in the Commonwealth; and

Petition (accompanied by bill, House, No. 3734) of Danillo A. Sena and James B. Eldridge (by vote of the town) relative to authorizing the town of Harvard to establish a cap on property taxes for means tested senior citizens;

Severally to the committee on Revenue.

Petition (accompanied by bill, House, No. 3735) of Nika C. Elugardo and others for the annual issuance of a proclamation by the Governor setting apart the month of September as polycystic ovary syndrome awareness month;

To the committee on State Administration and Regulatory Oversight.

Petition (accompanied by bill, House, No. 3736) of Joseph W. McGonagle, Jr., and Jessica Ann Giannino relative to mopeds and scooters operating on public ways; and

Petition (accompanied by bill, House, No. 3737) of Paul F. Tucker relative to blood testing for certain drivers;

Severally to the committee on Transportation.

A Bill making appropriations for the fiscal year 2022 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4001,-- on House, No. 1, in part),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Resolutions.

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

Resolutions (filed by Mr. Pacheco) “congratulating Jayden Theodore Revil on his elevation to the rank of Eagle Scout.”

Remarks of Barry R. Finegold.

375 years ago today, the General Court formally incorporated Andover as a town in Massachusetts. I wanted to say a few words in commemoration of Andover’s 375th anniversary:

This year’s celebration feels especially important. 2020 was dark and difficult, but there is now light at the end of the tunnel.

As more people get vaccinated, our community can begin to recover from the pandemic and return to a more normal way of life.

The Town of Andover is planning some great events over the coming year, and I’m excited to get together with friends and neighbors in person.

Thanks so much to the members of the 375th Committee for all their hard work planning the festivities. I’d now like to read an official proclamation prepared by the Committee in honor of the 375th Anniversary:

Whereas, the Town of Andover in the Commonwealth of Massachusetts was incorporated and recognized as a Town on May 6, 1646 by the General Court of Massachusetts, this Proclamation, presented to the 192nd General Court of the Commonwealth of Massachusetts on Thursday, May 6, 2021 declares May 6, 2021 through May 6, 2022 as the official town wide celebration of Andover’s 375th Anniversary.

Whereas, past anniversaries have included a series of gala public events, historic gatherings, performances, amusements, soccer tournaments, golf events and more planned by past anniversary committees, the Committee for the 375th Anniversary is highlighting

Commonwealth,-- motion pictures.

Harvard,-- senior property tax cap.

Polycystic Ovary Syndrome Awareness Month.

Mopeds, scooters,-- public ways.

Drivers,-- blood testing.

General appropriations,-- FY22.

Jayden Theodore Revil.

Senator Barry R. Finegold,-- remarks.

not only fun and enjoyment but educating our guests about our town’s rich history.

Whereas, this proclamation hereby declares that the duties assigned by the Town of Andover to the 375th Anniversary Committee, and the committee’s present course in meeting those goals, will provide for a successful kick off of the 375th Anniversary celebrations on May 6, 2021 and a most successful run over the ensuing 12-months.

On the motion of Mr. Tarr, under the provisions of Senate Rule 6, the remarks were printed in the Journal of the Senate.

Order Adopted.

Mr. Rodrigues offered the following order, to wit:

Ordered, That, pursuant to the provisions of Senate Rule 27A, all amendments to the general appropriations bill as reported by the Committee on Ways and Means shall be filed electronically in the Office of the Clerk of the Senate by 2:00 P.M., on Friday, May 14, 2021; and be it further ordered that, pursuant to the provisions of Senate Rule 38B, the general appropriations bill as reported by the Committee on Ways and Means shall be placed in the Orders of the Day for Tuesday, May 25, 2021, for its second reading, as the only item on the calendar (Senate, No. 2445).

General appropriation bill,-- procedural order.

Mr. Tarr moved to suspend the rules to consider the order forthwith; but objection was made thereto by Ms. DiZoglio and the order was placed in the Orders of the Day for the next session.

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 Bruce E. Tarr for legislation to provide a tax deduction for charitable donations of food by farmers.

Tax deduction,-- farmers charitable donations. SD2550

Senate Rule 36 was 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 Revenue.

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 (by vote of the town) for legislation to authorize the release of certain land in the town of Raynham from the operation of an agricultural preservation restriction.

Raynham,-- land. SD2557

Senate Rule 36 was 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 State Administration and Regulatory Oversight.

Severally sent to the House for concurrence.

By Mr. Finegold, for the committee on Election Laws, on petition, a Bill to validate the actions taken at the 2020 Biennial State Election held in the city known as the town of Randolph (Senate, No. 493) [Local approval received];

Randolph,-- biennial election.

The bill was read. There being no objection, the rules were suspended, on motion of Ms. DiZoglio, and the bill was read a second time and ordered to a third reading.

PAPER FROM THE HOUSE.

The House Bill financing the reconstruction of the Soldiers' Home in Holyoke (House, No. 3701),-- 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 2442, and had asked for a committee of conference on the disagreeing votes of the two branches; and that

Holyoke,-- Soldiers' Home.

UNCORRECTED PROOF.

Representatives Wagner of Chicopee, Gregoire of Marlborough and Berthiaume of Spencer had been appointed the committee on the part of the House.

On motion of Mr. Tarr, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Friedman, Feeney and Fattman were appointed on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Recess.

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

Recess.

Order.

Mr. Brownsberger offered the following order, to wit:

Ordered, That, conformably to the provisions of Article XLVIII (48), as amended by Article LXXXI (81) of the Amendments to the Constitution, a joint session of the two Houses be held on Wednesday, May 12, 2021, at one o'clock P.M., for the purpose of considering proposals for amendments to the Constitution.

Joint session.

Insofar as applicable, the special rules of procedure, in effect in the preceding General Court shall govern said joint session, and any further joint sessions called for the purpose of considering amendments to the Constitution; and be it further

Ordered, That notwithstanding any Special Rule of the Joint Session or any Senate or House Rule to the contrary, emergency rules adopted by and governing the branch in which a member serves shall apply for remote participation and voting in the joint session for members of each respective branch due to the 2019 novel coronavirus, also known as COVID-19 (Senate, No. 2446)

Under the rules, referred to the committee on Rules.

Subsequently, Ms. Lovely, for the said committee, reported, recommending that the order ought to be adopted and placed in the Orders of the Day for the next session.

Moment of Silence.

The Chair (Mr. Brownsberger), members, guests and staff stood in a moment of silence and reflection to the memory of Mabel Hamilton.

Moment of silence.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M. in a full formal session with a calendar.

Time of meeting.

Adjournment in Memory of Mabel Hamilton.

The Senator from Berkshire, Hampshire, Franklin and Hampden, Mr. Hinds, presented a motion that when the Senate adjourns today it do so in memory of Mabel Hamilton.

Mabel Hamilton of Pittsfield passed away on Monday, April 26th at age 88. A longtime community leader, she leaves behind a lasting legacy of supporting and organizing community members whose voices were silenced.

Mabel was born in Mechanicville, New York and moved to North Adams as a girl. She recalled being the only African American student in her childhood classroom at the

time. She then would move to Williamstown where she would see the Rev. Martin Luther King Jr. speak, a formative event in her life that lit a spark in her. She joined the NAACP and was honored by the organization with an award whose namesake was one of her longtime heroes, Shirley Chisholm. As an adult, she worked in Pittsfield to connect families with the local Head Start and Follow Through programs that support underserved children and their families. These programs closely aligned with Mabel's social justice work to close educational opportunity gaps. Mabel was a believer in community organizing and commanded respect through her work. The love she felt for those she met was unquestionable but she wasn't shy to speak frankly when she thought someone was headed down the wrong path. And when she spoke, everybody listened. Mabel cared deeply about, and advocated for, the needs of young people. She would go on to launch Action for Opportunity, a local employment training initiative, with the late Rev. Willard Durant of Price Memorial AME Zion Church. Mabel served as a mentor to a number of current Berkshire County community leaders, including Shirley Edgerton and Dennis Powell, both known for their leadership in supporting children and people of color in Berkshire County. Mabel and her family were longtime members of the Price Memorial AME Zion Church where she served as the congregation's Sunday school superintendent, deaconess, director of Christian outreach services, and lent her unforgettable vocals to the church choir. She will be missed by all.

Accordingly, as a mark of respect to the memory of Mabel Hamilton, at twenty-two minutes before one o'clock P.M., on motion of Mr. Tarr the Senate adjourned to meet again tomorrow at one o'clock P.M.