

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, MAY 13, 2021

JOURNAL OF THE SENATE

Thursday, May 13, 2021.

Met at twenty-six 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.

Communication.

Communication from the Massachusetts Coalition for the Homeless (pursuant to Section 112 of Chapter 253 of the Acts of 2020) appointing Robyn Frost as their designee to the special legislative commission on Structural Racism in the Massachusetts Probation Service (received May 12, 2021),-- was placed on file.

Structural Racism in the Parole Process Commission.

Reports.

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

Report of the Massachusetts District Attorneys Association (pursuant to Section 20D of Chapter 12 of the General Laws) submitting its report relative to child abuse and neglect cases that have been referred for criminal prosecution during FY2019 and FY2020 (received May 10, 2021); and

MDAA,-- child abuse report. SD2620

Report of the Division of Green Communities (pursuant to Section 10(f) of Chapter 25A of the General Laws) submitting its 2020 Annual Report (received May 10, 2021).

DOGC,-- 2020 report. SD2621

Petition.

Mr. Cyr (by request) presented a petition (accompanied by bill) (subject to Joint Rule 12) of Cape Downwinders for legislation to improve public health and safety standards in communities around aging nuclear power plants and high level nuclear waste dump sites,-- and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Nuclear waste,-- public safety. SD2622

Report of a Committee.

By Mr. Rodrigues, for the committee on Ways and Means, that the House 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),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 3.

General appropriations bill.

[Estimated cost –

Direct Appropriation:	\$46,921,720,077
Retained Revenue Authorization:	\$737,648,949
Total:.....	\$47,659,369,026

Pursuant to an order previously adopted, the bill was placed in the Orders of the Day for Tuesday, May 25, 2021, for a second reading with the amendment pending.

PAPERS FROM THE HOUSE.

Notice was received from the House of Representatives announcing the following appointments by the Minority Leader

Representative Kane of Shrewsbury had been appointed as his designee (under Section 42 of Chapter 19A of the General Laws) to the Commission on Malnutrition Prevention Among Older Adults;

Malnutrition
Prevention
Commission.

Representative Pease of Westfield had been appointed as his designee (under Section 98 of Chapter 227 of the Acts of 2020) to the interagency task force to review and investigate water and ground contamination of per- and polyfluoroalkyl substances across the Commonwealth;

Water and ground
contamination Task
Force.

Dyana Boutwell of North Reading had been appointed as his designee (under Section 79(b) of Chapter 253 of the Acts of 2020) to the model school resource officer memorandum of understanding review commission;

Model School
Resource Officer
Commission.

Representative Mirra of Georgetown had been appointed as his designee (under Section 92 of Chapter 358 of the Acts of 2020) to the special 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;

Impact of data and
the internet on the
workforce
commission.

Massachusetts High Technology Council, Inc. President Christopher R. Anderson had been appointed as his designee (under Section 25 of Chapter 9 of the Acts of 2021) to the special commission to study and develop recommendations on the solvency of the unemployment trust fund; and

Unemployment Trust
Fund Commission.

Jaclyn Corriveau had been appointed as his designee (under Section 5 of Chapter 227 of the Acts of 2020) to the Permanent Commission on the Status of Citizens of Asian Descent (Massachusetts Asian American Commission).

Commission on
Status of Citizens of
Asian Descent.

The following petitions were referred in concurrence as follows:

Petition (accompanied by bill, House, No. 3739) of Carmine Lawrence Gentile, James B. Eldridge and Michael J. Barrett (by vote of the town) that the town of Sudbury be authorized to grant an additional license for the sale of alcoholic beverages to be drunk on the premises in said town;

Sudbury,--
liquor license.

Petition (accompanied by bill, House, No. 3740) of Meghan Kilcoyne and John J. Cronin (by vote of the town) that the town of Clinton be authorized to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises in said town;

Clinton,-- liquor
license.

Petition (accompanied by bill, House, No. 3741) of John H. Rogers and Michael F. Rush (by vote of the town) that the town of Norwood be authorized to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises in said town; and

Norwood,-- liquor
license.

Petition (accompanied by bill, House, No. 3742) of John H. Rogers and Michael F. Rush (by vote of the town) relative to licenses for the sale of wines and malt beverages to be drunk on the premises in the South Norwood General Business District in the town of Norwood;

Id.

Severally to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3743) of Paul J. Donato, Sean Garballey and Patricia D. Jehlen (with the approval of the mayor and city council) relative to authorizing the election of a charter commission in the city of Medford;

Medford,-- charter
commission.

Petition (accompanied by bill, House, No. 3744) of Patricia A. Duffy (with the approval of the mayor and city council) relative to the office of mayor in the city of Holyoke;

Holyoke,-- office of
the mayor.

UNCORRECTED PROOF.

Petition (accompanied by bill, House, No. 3745) of Sean Garballey and Cindy F. Friedman (by vote of the town) relative to the election of town meeting members in the town of Arlington;

Arlington,-- town meeting members.

Petition (accompanied by bill, House, No. 3746) of Bradford Hill and Bruce E. Tarr (by vote of the town) relative to recall of elected officers in the town of Wenham; and

Wenham,-- recall of elected officers.

Petition (accompanied by bill, House, No. 3747) of Christina A. Minicucci and Tram T. Nguyen (by vote of the town) for legislation to amend the charter of the town of North Andover relative to town meeting warrant postings;

North Andover,-- town charter.

Severally to the committee on Election Laws.

Petition (accompanied by bill, House, No. 3748) of Josh S. Cutler and Kathleen R. LaNatra (by vote of the town) that the town of Duxbury be authorized to establish a Regional Old Colony Communications Center enterprise fund;

Duxbury,-- Communications Center fund.

Petition (accompanied by bill, House, No. 3749) of Sean Garballey, Cindy F. Friedman and David M. Rogers (by vote of the town) that the town of Arlington be authorized to establish senior water and sewer discounts in said town;

Arlington,-- senior discounts.

Petition (accompanied by bill, House, No. 3750) of Sean Garballey and Cindy F. Friedman (by vote of the town) that the town of Arlington be authorized to regulate new construction or major renovation projects that do not qualify as fossil fuel-free buildings;

Arlington,-- construction projects.

Petition (accompanied by bill, House, No. 3751) of Sally P. Kerans and Joan B. Lovely (by vote of the town) that the town of Danvers be authorized to convey and acquire certain parcels of land in said town; and

Danvers,-- land conveyance.

Petition (accompanied by bill, House, No. 3752) of Angelo J. Puppolo, Jr. (with the approval of the mayor and city council) relative to outstanding fines, fees, penalties, or costs related to the use of fireworks or pyrotechnics in the city of Springfield;

Springfield,-- outstanding fireworks costs.

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3753) of Brandy Fluker Oakley (with the approval of the mayor and city council) relative to preference for Boston high school graduates for the position of police officer in the city of Boston;

Boston,-- police officers.

Petition (accompanied by bill, House, No. 3754) of Sean Garballey, Cindy F. Friedman and David M. Rogers (by vote of the town) relative to the appointment of retired police officers as special police officers in the town of Arlington;

Arlington,-- retired police officers.

Petition (accompanied by bill, House, No. 3755) of Sean Garballey, Cindy F. Friedman and David M. Rogers (by vote of the town) that Justin Brown be authorized to take the civil service examination for the position of firefighter in the town of Arlington, notwithstanding the maximum age requirement;

Arlington,-- civil service exam.

Petition (accompanied by bill, House, No. 3756) of Natalie M. Higgins and John J. Cronin (with the approval of the mayor and city council) that the city of Leominster be authorized to exempt the positions of police and police captain from the civil service law;

Leominster,-- police exemptions.

Petition (accompanied by bill, House, No. 3757) of Daniel J. Hunt (with the approval of the mayor and city council) that the Boston Retirement Board be authorized to increase the accidental disability retirement allowance payable to Harry Jean, a retired police officer of the city of Boston;

Boston,-- retired police officer.

Petition (accompanied by bill, House, No. 3758) of Daniel J. Hunt (with the approval of the mayor and city council) that the Boston Retirement Board be authorized to increase the accidental disability retirement allowance payable to Ryan Lenane, a retired police officer of the city of Boston;

Id.

Petition (accompanied by bill, House, No. 3759) of Daniel J. Hunt (with the approval of the mayor and city council) that the Boston Retirement Board be authorized to increase the accidental disability retirement allowance payable to Terry Cotton, a retired police officer of the city of Boston;

Id.

Petition (accompanied by bill, House, No. 3760) of Meghan Kilcoyne and John J.

Lancaster,--

UNCORRECTED PROOF.

Cronin (by vote of the town) that the town of Lancaster be authorized to continue the employment of Maurice Bateman, a firefighter/EMT of the fire department of said town;

firefighter/EMT employment.

Petition (accompanied by bill, House, No. 3761) of Meghan Kilcoyne and John J. Cronin (by vote of the town) that the town of Lancaster be authorized to continue the employment of Kevin Lamb as deputy chief of the fire department of said town;

Lancaster,-- deputy fire chief.

Petition (accompanied by bill, House, No. 3762) of David Paul Linsky and Rebecca L. Rausch (by vote of the town) relative to authorizing special police officers in the town of Natick to serve until the age of 70;

Natick,-- special police officers.

Petition (accompanied by bill, House, No. 3763) of David Paul Linsky and Rebecca L. Rausch (by vote of the town) that the town of Natick be authorized to appoint Rita Silva Martins as a police officer in said town, notwithstanding the maximum age requirement;

Natick,-- police officer.

Petition (accompanied by bill, House, No. 3764) of James M. Murphy, Ronald Mariano and John E. Nelson (with the approval of the mayor and town council) that the retirement board of the city known as the town of Weymouth be authorized to retire Sean Murphy, a police officer in the Weymouth police department; and

Weymouth,-- police officer.

Petition (accompanied by bill, House, No. 3765) of Andres X. Vargas (with the approval of the mayor and city council) that Eric M. Cyr be authorized to take the civil service examination for the position of firefighter in the city of Haverhill;

Haverhill,-- firefighter.

Severally to the committee on Public Service.

Petition (accompanied by bill, House, No. 3766) of Kate Lipper-Garabedian and Jason M. Lewis (with the approval of the mayor and city council) that the city of Melrose be authorized to establish a means tested senior citizen property tax exemption; and

Melrose,-- senior property tax exemption.

Petition (accompanied by bill, House, No. 3767) of Kate Lipper-Garabedian and Jason M. Lewis (with the approval of the mayor and city council) that the city of Melrose be authorized to regulate certain property tax exemption eligibility requirements for the elderly in said city;

Melrose,-- tax exemption regulation.

Severally to the committee on Revenue.

Petition (accompanied by bill, House, No. 3768) of Marjorie C. Decker and Sal N. DiDomenico (with the approval of the city council) that the city of Cambridge be authorized to utilize certain land for the installation of subsurface geothermal wells;

Cambridge,-- subsurface geothermal wells.

To the committee on Telecommunications, Utilities and Energy.

Resolutions.

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

Resolutions (filed by Ms. DiZoglio and Mr. Tarr) “commending H. Michael Smolak, Jr. of the town of North Andover for his lifetime of dedication to farming and agriculture in the Commonwealth.”

H. Michael Smolak, Jr.

Moment of Silence.

There being no objection, the Chair (Mr. Boncore), members, guests and staff stood in a moment of silence and reflection to the memory of John Flynn.

Moment of silence.

Recess.

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

Recess.

PAPER FROM THE HOUSE

Engrossed Bill.

Bill laid before the Governor.

An engrossed Bill amending the charter of the city of Everett (see Senate, No. 41, amended) (which originated in the Senate), **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.**

Order Adopted.

Time of meeting.

On motion of Mr. O'Connor,--

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.

Adjournment in Memory of John Flynn.

The Senator from Plymouth and Norfolk, Mr. O'Connor, moved that when the Senate adjourns today, it adjourn in memory of John Flynn.

On May 7, 2021, John Flynn, known to his friends as Jack, of Watertown, Massachusetts, passed away peacefully at the age of 63, only a few weeks after his retirement from the position of Town Clerk and Chief Election Officer of Watertown.

For 26 years, John served Watertown with respect and compassion, carrying out his duties with professionalism, and serving as a direct link between residents and their local government. Prior to this role, Jack was the Deputy City Clerk and Principal Budget Analyst for the City of Cambridge, bringing his career of dedicated public service to a total of 41 years.

As Town Clerk, John played an important role in the lives of many. When issuing licenses and certificates – whether for births or deaths, John treated each resident with respect, offering sincere congratulations or words of comfort. He administered the oath of office for all appointed and elected officials, watching as generations of public servants took their first steps to protect and serve the community. John also took on the management of the ever-popular Faire on the Square for 10 years, helping to improve the quality of life and spirit of Watertown.

John was a beloved member of the Watertown community and local government, and his contributions will continue to bear fruit for years to come.

John was born and raised in Cambridge, surrounded by many loving relatives and friends. He attended Malden Catholic High School and went on to graduate from Merrimack College.

John cherished his close relationships with his extended family of cousins, nieces, and nephews, as well as his lifelong friendships with Kevin O'Connor and David Kale. John treasured his time spent in Marshfield with friends in the summer months.

As John built his career in public service, he not only collected statistics and records for his town, but he also collected friends. Many in the community who crossed paths with John would end up as his friend, thanks to his personality and good humor.

John had a great knack for politics and enjoyed following and discussing local and national campaigns, always eager to engage in political banter.

A devoted Red Sox fan, John held season tickets for many years and always looked forward to his annual Red Sox road trips, excited to return with souvenirs for the children in his life. Many will remember John for his profound loyalty to his baseball team.

John's ability to successfully navigate Watertown through the pandemic was

considered by many to be the crowning achievement of his long, distinguished career. But despite the high-stakes work, he was always known for what he called his “Irish sense of humor”.

John was the beloved son of the late John and Theresa Flynn and the devoted nephew of the late Thomas J. Begley and his surviving wife Ruth Begley of Arlington. He was the loving cousin of Mary Gerardin of Stoneham, Carolyn Blair and her husband Paul of Wilmington, Thomas Begley and his wife Jill of Breckenridge, Colorado, Luke Begley and his wife Rachelle of Cambridge and Joanna Anderson and her late husband Michael of Bedford. John is also survived by many adoring cousins, especially Timmy and Sean Norton, as well as his many friends and colleagues who will miss him greatly.

Accordingly, as a mark of respect to the memory of John Flynn, at fourteen minutes before two o'clock P.M., on motion of Mr. O'Connor, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.