

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



TUESDAY, JUNE 1, 2021

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JOURNAL OF THE SENATE

Tuesday, June 1, 2021.

Met at five 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.

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

Communication from His Excellency the Governor, Charles D. Baker relative to the appointment of Oswald Mondejar (under Section 1 of Chapter 253 of the Acts of 2020) to the Commission on the Status of Persons with Disabilities (received May 28, 2021);

Commission on the Status of Persons with Disabilities.

Communication from the Office of the State Auditor (pursuant to Section 12 of Chapter 11 of the General Laws) submitting its performance audit of the Massachusetts Commission on Judicial Conduct (CJC) for the period January 1, 2018 through December 31, 2019 (received May 28, 2021); and

OSA,-- CJC audit. SD2636

Communication from Elizabeth Matoes, Executive Director, Prisoners' Legal Services of Massachusetts, announcing the following designees:

Structural racism commissions,-- appointments.

LaToya Whiteside, Esq. to the Commission on Structural Racism in Correctional Facilities (pursuant to Section 110 of Chapter 253 of the Acts of 2020); and

Kristyn J.E. Henry, Esq. to the Commission on Structural Racism in the Parole Process (pursuant to Section 111 of Chapter 253 of the Acts of 2020) (received June 1, 2021).

Reports.

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

Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspection of Souza-Baranowski Correctional Center (received May 27, 2021); and

DPH,-- facility inspection. SD2637

Report of The Property and Casualty Initiative, LLC (pursuant to Section 3(e) of Chapter 259 of the Acts of 1998) submitting its 2020 annual report (copies having been forwarded as required to the Senate Committee on Ways and Means and the Joint Committees on Financial Services and Revenue) (received May 28, 2021).

PCI,-- 2020 annual report. SD2639

PAPERS FROM THE HOUSE.

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. 3829) of John Barrett, III and others relative to the oversight of cable contracts; and

Cable contracts.

Petition (accompanied by bill, House, No. 3830) of David F. DeCoste, Steven G. Xiarhos and Marcos A. Devers relative to prohibiting social media platforms from removing political candidates for public office in response to political statements made by candidates;

Social media,-- political candidates.

Severally to the committee on Advanced Information Technology, the Internet and Cybersecurity.

UNCORRECTED PROOF.

Petition (accompanied by bill, House, No. 3831) of Dylan A. Fernandes and Julian Cyr (by vote of the town) that the town of Tisbury be authorized to convert licenses for the sale of alcoholic beverages to be drunk on the premises to licenses for the sale of all alcoholic beverages or wines and malt beverages to be drunk on the premises;

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3832) of Lindsay N. Sabadosa relative to sports wagering;

To the committee on Economic Development and Emerging Technologies.

Petition (accompanied by bill, House, No. 3833) of Shawn Dooley and others for legislation to further regulate elections and voting;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3834) of David F. DeCoste and others relative to scenic rivers;

Petition (accompanied by bill, House, No. 3835) of Dylan A. Fernandes and others relative to coastal and environmental acidification and nutrient pollution;

Petition (accompanied by bill, House, No. 3836) of Thomas A. Golden, Jr., relative to prohibiting disposal by incineration of certain aqueous film-forming foam; and

Petition (accompanied by bill, House, No. 3837) of Sheila C. Harrington relative to liability for release of hazardous materials;

Severally to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 3838) of Joan Meschino for legislation to create and implement a flexible housing subsidy pool program to address the medically complex needs of disabled men, women and children experiencing homelessness;

To the committee on Housing.

Petition (accompanied by bill, House, No. 3839) of Dylan A. Fernandes relative to protecting buyers from unknowingly purchasing property in flood zones;

Petition (accompanied by proposal, House, No. 3840) of Orlando Ramos, Carlos González and others for a legislative amendment to the Constitution to require reappointment of judges every five years;

Petition (accompanied by bill, House, No. 3841) of Alyson M. Sullivan and others for legislation to establish a permanent commission (including members of the General Court) to study the service standards for sexual assault and domestic violence service providers; and

Petition (accompanied by bill, House, No. 3842) of Alyson M. Sullivan and others for an investigation by a special commission (including members of the General Court) relative to statewide standards for sexual assault and domestic violence service providers;

Severally to the committee The Judiciary.

Petition (accompanied by bill, House, No. 3843) of Jack Patrick Lewis and others relative to workplace bullying, mobbing and harassment;

To the committee on Labor and Workforce Development.

Petition (accompanied by bill, House, No. 3844) of Carole A. Fiola for legislation to update subdivision laws;

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3845) of Kathleen R. LaNatra and others relative to the well-being of law enforcement officers after involvement in critical incidents;

Petition (accompanied by bill, House, No. 3846) of Lindsay N. Sabadosa relative to establishing a voluntary do not sell firearms list; and

Petition (accompanied by bill, House, No. 3847) of Chynah Tyler relative to prohibiting interstate trafficking of illegal firearms;

Severally to the committee Public Safety and Homeland Security.

Tisbury,-- liquor license.

Sports wagering.

Elections,-- regulations.

Scenic rivers.

Coastal pollution.

Aqueous film-forming foam.

Hazardous materials.

Homelessness,-- disabled persons.

Property buyer,-- protections.

Judges,-- reappointment.

Sexual assault,-- service standards commission.

Sexual assault,-- statewide standards commission.

Workplace,-- harassment.

Subdivision laws.

Law enforcement officers,-- well-being.

Firearms list.

Illegal firearms,-- trafficking.

UNCORRECTED PROOF.

Petition (accompanied by bill, House, No. 3848) of Claire D. Cronin and Mathew J. Muratore for legislation to further regulate the retirement rights of certain employees of Plymouth County;

Plymouth county,--
retirement rights.

To the committee on Public Service.

Petition (accompanied by bill, House, No. 3849) of Sheila C. Harrington relative to contractor liability for unpermitted construction;

Contractor liability,--
unpermitted
construction.

To the committee on State Administration and Regulatory Oversight.

Petition (accompanied by bill, House, No. 3850) of Tami L. Gouveia, Kate Lipper-Garabedian and Michelle L. Ciccolo relative to providing a net zero pathway for both residential and commercial new construction and major renovations to be designed to ensure that buildings are highly energy efficient;

Net zero pathway,--
new construction.

To the committee on Telecommunications, Utilities and Energy.

Petition (accompanied by bill, House, No. 3851) of Josh S. Cutler and Kathleen R. LaNatra relative to inspection station licenses;

Inspection station
licenses.

To the committee on Transportation.

Matter Taken Out of the Orders of the Day.

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

The House Bill addressing city council vacancies in the city of Brockton (House, No. 3709) (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.

Brockton,-- city
council vacancies.

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 relative to local opt-in for permanent outdoor dining.

Outdoor dining,--
local opt-in.
SD2629

Senate Rule 36 was suspended, on motion of Mr. O'Connor, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government.

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 Diane Turco, Executive Director of the Cape Downwinders for legislation to improve public health and safety standards in communities around aging nuclear power plants and high level nuclear waste dump site.

Nuclear waste,--
public safety.
SD2622

Senate Rule 36 was suspended, on motion of Mr. O'Connor, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Safety and Homeland Security.

Severally sent to the House for concurrence.

Message from His Excellency the Governor.

Message from His Excellency the Governor recommending legislation to establish the Massachusetts Medal of Fidelity (Senate, No. 2462) (received in the Office of the Clerk of the Senate on Friday, May 28, 2021, at two minutes before four o'clock P.M.);

Medal of Fidelity.

The message was read; and, under Senate Rule 20, with the accompanying bill, was referred to the committee on Veterans and Federal Affairs.

Sent to the House for concurrence.

Moment of Silence.

UNCORRECTED PROOF.

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

Moment of silence.

Order Adopted.

On motion of Mr. O'Connor,--

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

Time of meeting.

PAPER FROM THE HOUSE.

House Order.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and adopted in concurrence, as follows, to wit:

Ordered, That the clerks of the House of Representatives and the Senate be authorized to receive the final report of the joint oversight committee (established under House order No. 4835 of the 191st General Court) to make an investigation and study of the Soldiers' Home in Holyoke COVID-19 outbreak, said report having been due on March 31, 2021.

Soldiers' Home in Holyoke,-- oversight committee report.

The rules were suspended, on motion of Mr. O'Connor, and the order was considered forthwith and adopted, in concurrence.

Adjournment in Memory of Virginia Valiela.

The Senator from Plymouth and Barnstable, Ms. Moran, presented a request that when the Senate adjourns today it do so in memory of Virginia Valiela.

Ms. Virginia Valiela was a resident of Falmouth, environmental activist, and leader in local government who passed away on May 15, 2021 at the age of 79.

Ms. Virginia Valiela was married to her husband Ivan and was mother to three daughters.

Ms. Virginia Valiela was a leader in Falmouth's local government and in organizations that worked in the community and a mentor to individuals volunteering for public service. Starting in 1981, she served as commissioner of the Falmouth Department of Public Works, overseeing the construction of Falmouth's municipal sewer system. From 1986-2007, she served on the Falmouth Board of Selectmen, and afterwards she served both on the board of The 300 Committee's Land Trust and as a member of the Falmouth Water Quality Management Committee, leading the implementation of improved, cost-efficient means of nitrogen mitigation to the benefit of Falmouth and the Upper Cape.

Ms. Virginia Valiela worked throughout her life as an environmental activist. Her work included organizing Falmouth's first paper drive in 1970, reforming the water management of the Massachusetts Military Reservation, and advocating for the construction of the regional transfer station. Her efforts have touched every aspect of the environmental conservation and stewardship effort that exists today in Falmouth and the Upper Cape.

Ms. Virginia Valiela will forever be remembered in Falmouth as a visionary and leader who saw the urgency and importance of protecting our environment, and her legacy will continue to impact Falmouth's development towards a sustainable future for decades to come.

Accordingly, as a mark of respect to the memory of Virginia Valiela, at twenty-four minutes past eleven o'clock A.M., on motion of Mr. O'Connor, the Senate adjourned to

meet again on Thursday next at eleven o'clock A.M.
