The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, MAY 20, 2021

JOURNAL OF THE SENATE

Thursday, May 20, 2021.

Met at a quarter past eleven o'clock A.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.

Communications.

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

Communication from the Honorable Bruce E. Tarr, Minority Leader, announcing the appointment of Michael Smolak (pursuant to Section 94 of Chapter 358 of the Acts of 2020) to the special commission established to study the needs of agriculture in the commonwealth in the 21st century (received May 17, 2021);

Communication from UTEC, Inc. (pursuant to Section 111 of Chapter 253 of the Acts of 2020) appointing Francisco Santos Silva as their designee to the special legislative commission on Structural Racism in the Massachusetts Parole Service (received May 19, 2021);

Communication from UTEC, Inc. (pursuant to Section 112 of Chapter 253 of the Acts of 2020) appointing Nichelle Sadler as their designee to the special legislative commission on Structural Racism in the Massachusetts Probation Service (received May 19, 2021);

Communication from the Office of the Comptroller (pursuant to Sections 1A and 1B of Chapter 227 of the Acts of 2020) submitting its report on the comparison of Actual Revenue Collections to Budget for the 3rd quarter of FY2021 (received May 19, 2021); and

Communication from the Aviation Caucus relative to the creation of said caucus (received May 20, 2021).

Reports.

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

Report of the Department of Elementary and Secondary Education (pursuant to Section 1J(a) of Chapter 69 of the General Laws) submitting its proposed amendment to 603 CMR 2.03: Accountability and assistance for all districts and schools (copy having been forwarded as required to the joint committee on Education) (received May 17, 2021); and

Report of the Executive Office of the Trial Court (pursuant to Section 2(c) of Chapter 257 of the Acts of 2020) submitting its report on filings, actions, and dispositions of summary process (eviction) cases for April 2021 (received May 17, 2021).

Petitions.

Petitions were severally presented and referred as follows:

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 2448) of Diana DiZoglio (with approval of the mayor and city council) for legislation to amend the charter of the city of Amesbury [Local approval received];

Agriculture in the commonwealth commission.

Structural Racism in the MA Parole Service.

Structural Racism in the MA Probation Service.

CTR,-- quarterly revenue report. SD2630

Aviation caucus,-- creation.

DESE,-- CMR amendment. SD2623

EOTC,-- summary process report. SD2624

Amesbury,-- charter.

By the same Senator, a petition (accompanied by bill, Senate, No. 2449) of Diana DiZoglio (with approval of the mayor and city council) for legislation to amend the charter of the city of Amesbury to increase the term of the mayor to 4 years [Local approval received]; and

Amesbury,-- mayor.

By the same Senator, a petition (accompanied by bill, Senate, No. 2450) of Diana DiZoglio (with approval of the mayor and city council) for legislation to amend the charter of the city of Amesbury relative to the position of school committee chair [Local approval received];

Amesbury,-- school committee.

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

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 2447) of Diana DiZoglio (with approval of the mayor and city council) for legislation to authorize Brigette Hamel to take the civil service examination for the position of police officer in the city of Haverhill notwithstanding the maximum age requirement [Local approval received];

Haverhill,-- civil service exam.

Under Senate Rule 20, to the committee on the Public Service. Severally sent to the House for concurrence.

Mr. Tarr presented a petition (accompanied by bill) (subject to Joint Rule 12) of Bruce E. Tarr for legislation relative to local opt-in for permanent outdoor dining,-- and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Outdoor dining,--local opt-in. SD2629

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. 3776) of Joan Meschino relative to basing dispositional orders on the best interests of children;

Petition (accompanied by bill, House, No. 3777) of Joan Meschino relative to parenting time plans for certain foster children; and

Petition (accompanied by bill, House, No. 3778) of Joan Meschino for an investigation by a special commission (including members of the General Court) relative to ending family, child, and individual homelessness;

Foster children,-parenting plans.

Children .-- best

interests.

homelessness,-special commission.

Severally to the committee on Children, Families and Persons with Disabilities.

Petition (accompanied by bill, House, No. 3779) of Danielle W. Gregoire and Susan Williams Gifford relative to credit card processors;

Credit card processors.

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3780) of Tami L. Gouveia and others for legislation to establish a statewide COVID-19 rapid testing program within the Department of Public Health;

COVID-19,-- rapid testing program.

To the committee on Covid-19 and Emergency Preparedness and Management.

Petition (accompanied by bill, House, No. 3781) of Nika C. Elugardo and Elizabeth A. Malia for an investigation by a special commission (including members of the General Court) relative to health insurance coverage for medically necessary treatment in public schools; and

Health insurance coverage,-- special commission.

Petition (accompanied by bill, House, No. 3782) of Ethan Kerr relative to mental health sick days for public school students;

Students,-- mental health days.

Severally to the committee on Education.

Petition (accompanied by bill, House, No. 3783) of Shawn Dooley and others for an investigation by a special commission relative to election integrity;

Election integrity,--special commission.

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3784) of Richard M. Haggerty relative to further defining an environmental justice population; and

Petition (accompanied by bill, House, No. 3785) of Kathleen R. LaNatra and others relative to boater safety;

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

Petition (accompanied by bill, House, No. 3786) of Andres X. Vargas and others relative to insurance coverage for Narcan and certain rehabilitation services;

To the committee on Financial Services.

Petition (accompanied by bill, House, No. 3787) of Alyson M. Sullivan, Michael J. Soter and David Allen Robertson relative to pharmacy benefit managers reimbursements to pharmacies in the Commonwealth;

To the committee on Health Care Financing.

Petition (accompanied by bill, House, No. 3788) of Shawn Dooley relative to penalties for aiding, supporting, or enticing children to runaway;

Petition (accompanied by bill, House, No. 3789) of Alyson M. Sullivan and others relative to prohibiting child sex dolls; and

Petition (accompanied by bill, House, No. 3790) of Steven G. Xiarhos relative to diversion program eligibility for first offenses of juveniles;

Severally to the committee on The Judiciary.

Petition (accompanied by bill, House, No. 3791) of Chynah Tyler for an investigation by a special commission (including members of the General Court) relative to the use of roommate houses as sober homes or halfway houses;

To the committee on Mental Health, Substance Use and Recovery.

Petition (accompanied by bill, House, No. 3792) of Dylan A. Fernandes and Julian Cyr (by vote of the town) relative to amending the charter of the town of Nantucket;

Petition (accompanied by bill, House, No. 3793) of Paul K. Frost and Michael O. Moore (by vote of the town) relative to authorizing the town of Millbury to enter into certain contracts for events held at the Asa Waters Mansion; and

Petition (accompanied by bill, House, No. 3794) of Sarah K. Peake and Julian Cyr (by vote of the town) relative to the charter of the town of Eastham;

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3795) of Marjorie C. Decker for legislation to improve access to breastfeeding care;

Petition (accompanied by bill, House, No. 3796) of Carole A. Fiola and others relative to patient assessment and notification prior to prescribing certain medications; and

Petition (accompanied by bill, House, No. 3797) of John Leckey relative to sole emergency medical services providers;

Severally to the committee on Public Health.

Petition (accompanied by bill, House, No. 3798) of Lindsay N. Sabadosa relative to security guard licensing;

To the committee on Public Safety and Homeland Security.

Petition (accompanied by bill, House, No. 3799) of Natalie M. Blais and Joanne M. Comerford (by vote of the town) relative to authorizing the town of Deerfield to continue the employment of police department members Robert Warger, Joseph Mieczkowski, and Raymond Burniske, notwithstanding the maximum age requirement; and

Petition (accompanied by bill, House, No. 3800) of Alyson M. Sullivan and others relative to the retirement benefits of certain public safety employees;

Severally to the committee on Public Service.

Petition (accompanied by bill, House, No. 3801) of David F. DeCoste relative to the estate tax;

Petition (accompanied by bill, House, No. 3802) of Sarah K. Peake and Julian Cyr

Environmental justice population.

Boater safety.

Narcan,-- insurance coverage.

Pharmacies,-reimbursements.

Aiding runaway children,-- penalties.

Child sex dolls,--prohibit.

Juveniles,-- first offenses.

Sober homes.

Nantucket,-- charter.

Millbury,-- event contracts.

Eastham,-- charter.

Breastfeeding care,--access.

Patient assessment,--prescriptions.

EMS providers.

Security guard,--licensing.

Deerfiled police,-maximum age requirement..

Public safety employees,-- retirement.

Estate tax.

Harwich,-- property

(by vote of the town) that the town of Harwich be authorized to establish a hardship exemption for real property tax obligations for persons under the age of 60 in said town; and

tax exemption.

Petition (accompanied by bill, House, No. 3803) of Maria Duaime Robinson and others that the Department of Revenue study the annual loss of municipal tax revenue resulting from tax exemptions on real property assessed at a value of one million dollars or more;

DOR,-- millionaires tax study.

Severally to the committee on Revenue.

Petition (accompanied by bill, House, No. 3804) of John Barrett, III and others for an investigation by a special commission relative to the operation and layout of the Executive Office of Health and Human Services;

EOHHS,-- special commission study.

To the committee on State Administration and Regulatory Oversight.

Petition (accompanied by bill, House, No. 3805) of John Barrett, III and David Allen Robertson relative to liens upon real estate for nonpayment by municipal lighting plants;

Municipal lighting plants,-- liens.

To the committee on Telecommunications, Utilities and Energy.

Petition (accompanied by bill, House, No. 3806) of John Barrett, III relative to further regulating out-of-state motor vehicle moving violations;

Motor vehicle moving violations.

Petition (accompanied by bill, House, No. 3807) of Carole A. Fiola and others relative to distinctive registration plates for veterans' spouses; and

Veterans' spouses,--registration plates.

Petition (accompanied by bill, House, No. 3808) of Todd M. Smola relative to reinstatement fees for driver's licenses;

Driver's licenses,--reinstatement fees.

Severally to the committee on Transportation.

Recess.

There being no objection, at sixteen minutes past eleven o'clock A.M., the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and at twenty-seven minutes past one o'clock P.M., the Senate reassembled, Mr. Brownsberger n the Chair.

Recess.

PAPER FROM THE HOUSE

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill providing for Massachusetts Covid-19 emergency paid sick leave (see House, No. 3702) [being the text contained in Sections 13 to 17, inclusive, and also sections 22 and 29 of the engrossed Bill financing a program for improvements to the Unemployment Insurance Trust Fund and providing relief to employers and workers in the Commonwealth [for message, see House, No. 3703],-- came from the House with the endorsement that the House had *rejected* the amendment recommended by the Governor, and had adopted the following amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3771.

Covid-19,-emergency paid sick leave.

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

After remarks, the Governor's amendment was considered and it was rejected.

Pending the question on adoption of the House amendment, Ms. DiZoglio offered a further amendment by inserting after section 7 the following sections:-

"SECTION XX. Section 13 of chapter 53 of the acts of 2020, as amended by section 1 of chapter 118 of said acts of 2020, is hereby amended by striking out the words 'during the governor's March 10, 2020 declaration of a state of emergency or until February 28, 2021, whichever is later' and inserting in place thereof the following words:- 'until the date

1.

which is 2 years after the date of termination of the governor's March 10, 2020 declaration of a state of emergency'.

SECTION XXX. Subsection (b) of section 2 of said chapter 118 of said acts of 2020 is hereby amended by striking out the words 'during the March 10, 2020 state of emergency or until February 28, 2021, whichever is later' and inserting in place thereof the following words:- 'until the date which is 2 years after the date of termination of the governor's March 10, 2020 declaration of a state of emergency'.

SECTION XXXX. Sections XX and XXX shall take effect immediately."

Pending the question on adoption of the amendment, Ms. Lovely rose to a point of order, which, being stated, was that the amendment was beyond the scope of the bill.

The President ruled that the point of order was WELL taken.

The amendment was laid aside.

Ms. DiZoglio offered an amendment inserting after section 7 the following sections:"SECTION XX. Subsection (b) of section 98 of chapter 358 of the acts of 2020 is
hereby amended by inserting after the words "until the" the following words:- 'date which
is 2 years after the date of'.

SECTION XXX. Section XX shall take effect immediately."

After remarks, the amendment was rejected.

Mr. Tarr offered an amendment by inserting after section 7 the following section:-

"SECTION 8. Notwithstanding any general or special law to the contrary the comptroller of the commonwealth shall deposit not more than \$3,500,000,000 into the COVID-19 employer relief account as established under this act from federal sources including but not limited to the American rescue Plan Pub.L. 117-2, to the extent allowed under Federal Laws, Rules, and Regulations."

After remarks, the amendment was rejected.

After further remarks, the question on the adoption of the House amendment was determined by a call of the yeas and nays, on motion of Mr. Lewis, at sixteen minutes before three o'clock P.M., as follows, to wit (yeas 40 — nays 0) [Yeas and Nays No. 29]:

YEAS.

Barrett, Michael J. Gomez, Adam Boncore, Joseph A. Hinds, Adam G. Brady, Michael D. Jehlen, Patricia D. Brownsberger, William N. Keenan, John F. Kennedy, Edward J. Chandler, Harriette L. Chang-Diaz, Sonia Lesser, Eric P. Collins, Nick Lewis, Jason M. Comerford, Joanne M. Lovely, Joan B. Creem, Cynthia Stone Montigny, Mark C. Crighton, Brendan P. Moore, Michael O. Cronin, John J. Moran, Susan L. Cyr, Julian O'Connor, Patrick M. DiDomenico, Sal N. Pacheco, Marc R. DiZoglio, Diana Rausch, Rebecca L. Eldridge, James B. Rodrigues, Michael J. Fattman, Ryan C. Rush, Michael F. Feeney, Paul R. Spilka, Karen E. Finegold, Barry R. Tarr, Bruce E. Friedman, Cindy F. Timilty, Walter F. Velis, John C. – **40**. Gobi, Anne M.

NAYS - 0.

Point of Order.

Ruling, WELL taken.

2.

3.

The yeas and nays having been completed at nine minutes before three o'clock P.M., the House amendment was adopted, in concurrence.

Sent to the House for re-enactment.

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 William N. Brownsberger for legislation relative to the addition of sex as a protected class category for hate crime prosecutions.

Hate crime prosecutions. SD2553

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 The Judiciary.

Fentanyl arrests. SD2578

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 Ryan C. Fattman for legislation relative to fentanyl arrests.

Public health,--rights.
SD2514

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 The Judiciary.

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 Marie Yolette Winfield for

legislation to protect public health, promote accountability and prevent the violation of

individual rights through the misuse, abuse and the violation of law.

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 Mental Health, Substance Use and

Tobacco,-- harm-reduction. SD2592

Recovery.

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 Patrick M. O'Connor for legislation relative to tobacco harm-reduction.

Third party settlements. SD2602

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 Public Health.

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 Patrick M. O'Connor for legislation relative to third party settlement organizations.

Overdose Awareness Day. SD2569

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 Ryan C. Fattman for legislation to establish August 31st as Overdose Awareness Day in the Commonwealth.

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.

PAPER FROM THE HOUSE

Engrossed Bill—State Loan.

An engrossed Bill financing the reconstruction of the Soldiers' Home in Holyoke (see House, No. 3770) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, after remarks, the question on passing it to be enacted was determined by a call of the yeas and nays, at nineteen minutes past three o'clock P.M., as follows, to wit (yeas 40 - nays 0) [Yeas and Nays No. 30]:

Holyoke Soldiers' Home.

YEAS.

Gomez, Adam Barrett, Michael J. Boncore, Joseph A. Hinds, Adam G. Brady, Michael D. Jehlen, Patricia D. Brownsberger, William N. Keenan, John F. Chandler, Harriette L. Kennedy, Edward J. Chang-Diaz, Sonia Lesser, Eric P. Collins, Nick Lewis, Jason M. Comerford, Joanne M. Lovely, Joan B. Montigny, Mark C. Creem, Cynthia Stone Crighton, Brendan P. Moore, Michael O. Cronin, John J. Moran, Susan L. Cyr, Julian O'Connor, Patrick M. DiDomenico, Sal N. Pacheco, Marc R. DiZoglio, Diana Rausch, Rebecca L. Eldridge, James B. Rodrigues, Michael J. Fattman, Ryan C. Rush, Michael F. Feeney, Paul R. Spilka, Karen E. Finegold, Barry R. Tarr, Bruce E. Friedman, Cindy F. Timilty, Walter F. Gobi, Anne M. Velis, John C. – **40.**

NAYS - 0.

The yeas and nays having been completed at twenty-seven minutes past three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.

Moment of Silence.

There being no objection, the Chair (Mr. Brownsberger), members, guests and staff stood in a moment of silence and reflection to the memory of Dr. Barbara Rockett.

Moment of silence.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted; Engrossed Bill Re-Enacted.

An engrossed Bill providing for Massachusetts COVID-19 emergency paid sick leave (see House, No. 3702, 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.

Covid-19,-emergency paid sick leave.

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

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been re-enacted in that branch.

The Senate then passed the bill to be re-enacted; and it was signed by the Acting President (Mr. Brownsberger) and again laid before the Governor for his approbation.

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 Dr. Barbara Rockett.

The Senator from Middlesex and Norfolk, Ms. Creem, moved that when the Senate adjourns today, it adjourn in memory of Dr. Barbara Rockett of Brookline and Newton, who passed away at age 89 on April 13, 2021.

Born on March 10, 1932, as the only child to John Payne and Julie Cluff, Barbara grew up in Newton and graduated from Mount Alvernia Academy, Wellesley College and Tufts University School of Medicine. She was the first female surgical resident at Boston City Hospital, where she met her future husband Francis X. Rockett, M.D. Theirs was a special marriage, and Barbara operated alongside her husband for 50 years.

In conjunction with her busy surgical practice, Barbara participated in organized medicine at the local, state and national levels and dedicated herself to physicians and patients. She was an active member of the Massachusetts Medical Society for over 40 years and its first female president. In that role, which she held for an unprecedented two terms, she led the effort to reform medical malpractice legislation and chaired, among other committees, the legislation and judicial committees. She also worked for many years as school physician at a dozen colleges, high school and other entities, including Emmanuel College, Simmons College and Mount Alvernia Academy. At Tufts University, her alma mater, she served as an Alumni Trustee Emerita and a faculty advisor.

Dr. Rockett's awards were numerous. At the Norfolk District Medical Society, she was the recipient of the Norfolk District Lifetime Achievement Award, Presidential Citation for Outstanding Leadership, Distinguished Service Award, the Lifetime Achievement Award and the Norfolk District Medical Society's Clinician of the Year Award. Outside of the Medical Society, she was awarded, among others, the AMA Young Physicians' "Young at Heart" Award, United Nations-USA Distinguished Service Award, St. Francis Medal of Peace & Achievement, and Tufts University Distinguished Service Award. She was particularly pleased that the Massachusetts Medical Society named the Barbara A. Rockett, M.D. Early Career Physician Leadership Award in her honor.

In addition to medicine, Dr. Rockett enjoyed cheering on her beloved Boston sports teams, traveling, wearing bright, beautiful colors and flowers, and especially spending time with her husband, children and grandchildren. She was a champion equestrian and loved ice cream, Pepsi, chocolate and anything "raspberry".

Dr. Barbara Rockett is survived by her husband Francis X. Rockett, M.D., to whom she was married for 63 years; Francis X., Jr. and his wife Marianne of Hingham; Peter S. and his wife Amy of Needham; William E. and his wife Maureen Bernsee of Sherborn; Sean E. and his wife Ronda of Wellesley; Julie Rockett-Paulick and her husband Patrick

Dr. Rockett was the consummate patient's advocate and worked tirelessly for her family, her patients and her community. She was a role model and mentor for women at a time when few women were physicians. She will be missed by the medical community, the communities of Brookline and Newton and by all those who knew her and all those now just learning about her impressive history.

Accordingly, as a mark of respect to the memory of Dr. Barbara Rockett, at twenty-one minutes before four o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.