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The Commonwealth of Massachusetts

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JOURNAL OF THE SENATE.



THURSDAY, JULY 15, 2021

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JOURNAL OF THE SENATE

Thursday, July 15, 2021.

Met at a quarter past eleven o'clock A.M. (Mr. Crighton in the Chair) (having been appointed by the President, under the authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Crighton), 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 Honorable Joseph A. Boncore, in compliance with Massachusetts General Laws Chapter 268A (received in the Office of the Clerk of the Senate on Tuesday, July 13, 2021 at twenty-one minutes past nine o'clock A.M.); and

Senator Joseph A. Boncore,-- Chapter 268A.

Communication from the Office of the Comptroller (pursuant to Section 6B(b) of Chapter 29 of the General Laws) submitting its revised quarterly report on the status of federal funds applied for, received and expended in the third quarter of fiscal year 2021 (received July 14, 2021).

CTR,-- revised federal grants report. SD2700

Reports.

The following reports were severally received and placed 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 inspections of Worcester County Jail and House of Correction, Suffolk County Jail and Suffolk County House of Correction (received July 9, 2021);

DPH,-- facility inspections. SD2695

Report of the Plymouth County Sheriff's Department (pursuant to Section 40 of Chapter 126 of the General Laws) submitting its Criminal Justice Report for the second quarter of 2021 (received July 12, 2021);

Plymouth Sheriff,-- criminal justice report. SD2696

Report of the Department of Elementary and Secondary Education (pursuant to Section 1J(a) of Chapter 69 of the General Laws) submitting its amended regulations as adopted by the Board 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 July 12, 2021); and

DESE,-- CMR amendment. SD2697

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

DUA,-- UI trust fund reports. SD2701

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Eldridge, a petition (accompanied by bill) (subject to Joint Rule 12) of James B. Eldridge and Lindsay N. Sabadosa for legislation relative to the disclosure of law enforcement disciplinary records; and

Disciplinary records,- disclosure. SD2699

By Mr. O'Connor, a petition (accompanied by bill) (subject to Joint Rule 12) of Patrick M. O'Connor for legislation relative to retirement buy back into the Massachusetts State Retirement system for Brian Morse;

Brian Morse,-- retirement. SD2698

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

*Reports of a Committee.*

By Mr. Cronin, for the committee on Municipalities and Regional Government, on Senate, No. 2448 and House, No. 3823, a Bill relative to amending the charter of the city of Amesbury (Senate, No. 2448) [Local approval received on Senate, No. 2448 and House, No. 3823];

Amesbury,-- charter.

By the same Senator, for the same committee, on Senate, No. 2449 and House, No. 3824, a Bill relative to amending the charter of the city of Amesbury to increase the term of the mayor to 4 years (Senate, No. 2449) [Local approval received on Senate, No. 2449 and House, No. 3824]; and

Amesbury,-- mayor.

By the same Senator, for the same committee, on Senate, No. 2450 and House, No. 3825, a Bill relative to amending the charter of the city of Amesbury relative to the position of school committee chair (Senate, No. 2450) [Local approval received on Senate, No. 2450 and House, No. 3825];

Amesbury,-- school committee.

Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

*Committee Discharged.*

Mr. Hinds, for the committee on Revenue, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1815) of Sonia Chang-Diaz, Jack Patrick Lewis, Joanne M. Comerford, Michael J. Barrett and other members of the General Court for legislation to reinvest justice and opportunity in communities affected by incarceration,-- **and recommending that the same be referred to the committee on Labor and Workforce Development.**

Communities,-- justice and opportunity.

**Under Senate Rule 36, the report was considered forthwith and accepted. Sent to the House for concurrence.**

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. 3952) of David Henry Argosky LeBoeuf, Harriette L. Chandler and others relative to internet service outages;

Internet service,-- outages.

**To the committee on Advanced Information Technology, the Internet and Cybersecurity.**

Petition (accompanied by bill, House, No. 3953) of Tami L. Gouveia, Liz Miranda and Nika C. Elugardo relative to promoting resilience and community healing to mitigate adverse childhood and community experiences; and

Community healing, - adverse childhood.

Petition (accompanied by bill, House, No. 3954) of Liz Miranda and others relative to providing for a universal basic income for youth aging out of foster care;

Foster care,-- universal income.

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

Petition (accompanied by bill, House, No. 3955) of Patrick Joseph Kearney relative to a marine special activity license program; and

Marine activity,-- license program.

Petition (accompanied by bill, House, No. 3956) of David T. Vieira relative to the environmental protection of Joint Base Cape Cod;

Joint Base Cape Cod,-- protection.

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

Petition (accompanied by bill, House, No. 3957) of Mike Connolly, Erika Uyterhoeven and others relative to compelling the president and fellows of Harvard College to divest from fossil fuel; and

Harvard College,-- fossil fuel divestment.

**UNCORRECTED PROOF.**

Petition (accompanied by bill, House, No. 3958) of Jack Patrick Lewis and others relative to providing religious accommodations for students at institutions of higher education during exams;

Higher ed exams,--  
religious  
accommodations.

**Severally to the committee on Higher Education.**

Petition (accompanied by bill, House, No. 3959) of Natalie M. Higgins and Jack Patrick Lewis for legislation to provide for analysis of MassHealth claims data in relation to homeless management information systems data related to Medicaid costs associated with persons experiencing homelessness; and

MassHealth claims,--  
homelessness.

Petition (accompanied by bill, House, No. 3960) of Chynah Tyler that senior housing facilities provide security services to ensure the safety and security of residents;

Housing facilities,--  
resident safety.

**Severally to the committee on Housing.**

Petition (accompanied by bill, House, No. 3961) of Peter J. Durant and Joseph D. McKenna relative to regulating the use of abortion-inducing drugs;

Abortion-inducing  
drugs,-- regulation.

**To the committee on The Judiciary.**

Petition (accompanied by bill, House, No. 3962) of Marjorie C. Decker and Lindsay N. Sabadosa relative to the involuntary hospitalization of individuals if no less restrictive alternatives exist to reduce the likelihood of serious harm by reason of mental illness;

Mental illness,--  
involuntary  
hospitalization.

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

Petition (accompanied by bill, House, No. 3963) of Mike Connolly, Nika C. Elugardo and Michelle M. DuBois for legislation to prohibit the construction of publicly accessible buildings or structures designed or intended to prevent unhoused individuals from sitting or lying on the building or structure at street level;

Public buildings,--  
construction.

**To the committee on State Administration and Regulatory Oversight.**

Petition (accompanied by bill, House, No. 3964) of Mike Connolly and Marcos A. Devers relative to the minimum percentage of kilowatt-hours sales to end-use customers by retail electricity suppliers;

Retail electricity  
suppliers.

**To the committee on Telecommunications, Utilities and Energy.**

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

Petition (accompanied by bill, House, No. 3939) of Marjorie C. Decker (with the approval of the city council) that the city of Cambridge be authorized to include a certain ballot question on the November 2, 2021 municipal ballot;

Cambridge,--  
municipal ballot.

Petition (accompanied by bill, House, No. 3940) of Vanna Howard (with the approval of the city council) that the city of Lowell be authorized to fill vacancies in certain elective bodies in said city; and

Lowell,-- elective  
bodies.

Petition (accompanied by bill, House, No. 3950) of Thomas A. Golden, Jr., and others (with the approval of the city council) relative to voting options for the city of Lowell for the 2021 municipal elections;

Lowell,-- municipal  
elections.

**Severally to the committee on Election Laws.**

Petition (accompanied by bill, House, No. 3948) of William M. Straus (by vote of the town) relative to the board of selectmen of the town of Fairhaven;

Fairhaven,-- board of  
selectmen.

**To the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 3941) of Jonathan D. Zlotnik and John J. Cronin (with the approval of the mayor and city council) that the city of Gardner be authorized to exempt certain positions in the police department from the provisions of civil service law;

Gardner,-- police  
department.

**To the committee on Public Service.**

Petition (accompanied by bill, House, No. 3949) of Frank A. Moran and Christina A. Minicucci (with the approval of the mayor and city council) that the city of Lawrence be authorized to re-designate a certain bridge in said city as the Joseph A. Torrisi memorial bridge;

Lawrence,-- Joseph  
A. Torrisi memorial  
bridge.

**To the committee on Transportation.**

**Bills**

Exempting all positions in the police department and fire department of the town of Swampscott from the civil service law (House, No. 93,-- on petition) [Local approval received];

Swampscott,-- police and fire positions.

Authorizing the city of Greenfield to lease a certain parcel of land (House, No. 2189, changed,-- on petition) [Local approval received];

Greenfield,-- land lease.

Changing the name of the members of the city council in the city of Woburn from alderman to city councilor (House, No. 3947,-- on House, No. 2168, changed) [Local approval received on House, No. 2168];

Woburn,-- city council members.

**Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

*Resolutions.*

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

Resolutions (filed by Mr. O'Connor) "congratulating Aiden Duffy on his elevation to the rank of Eagle Scout";

Aiden Duffy.

Resolutions (filed by Mr. O'Connor) "congratulating James Follett on his elevation to the rank of Eagle Scout";

James Follett.

Resolutions (filed by Mr. O'Connor) "congratulating Daniel Kowalski on his elevation to the rank of Eagle Scout";

Daniel Kowalski.

Resolutions (filed by Mr. O'Connor) "congratulating Matthew Lund on his elevation to the rank of Eagle Scout";

Matthew Lund.

Resolutions (filed by Mr. O'Connor) "congratulating Ryan Nardo on his elevation to the rank of Eagle Scout";

Ryan Nardo.

Resolutions (filed by Mr. O'Connor) "congratulating Cameron Tait on his elevation to the rank of Eagle Scout"; and

Cameron Tait.

Resolutions (filed by Ms. Gobi) "congratulating Miriam 'Mim' Engbertson on the occasion of her one hundredth birthday."

Miriam "Mim" Engbertson.

*Matters Taken Out of the Orders of the Day.*

The following matters were taken out of the Orders of the Day and considered as follows:

The Senate Bill authorizing the appointment of special firefighters in the city of Somerville (Senate, No. 1734),-- **was read a third time and passed to be engrossed.**

Somerville,-- special firefighters.

**Sent to the House for concurrence.**

Reorganization Plan No. 1 of 2021, reorganizing certain licensing agencies of the executive department (printed in House, No. 3774)

Licensing agencies,-- reorganization.

**The Senate approved the Reorganization Plan.**

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3968) of Sarah K. Peake that Holly Thyng be authorized to purchase creditable service from the Barnstable county retirement board;

Barnstable county,-- creditable service.

**Under suspension of Joint Rule 7A, to the committee on Public Service.**

Petition (accompanied by bill, House, No. 3967) of Joseph D. McKenna and Ryan C. Fattman (by vote of the town) for legislation to authorize the Webster Retirement Board

Webster,-- creditable service.

to grant creditable service to Chris W. Jolda and Kevin P. Adams, members of the rescue service of the town of Webster;

**Under suspension of Joint Rule 7B, to the committee on Public Service.**

Petition (accompanied by bill, House, No. 3966) of Sarah K. Peake and Julian Cyr (by vote of the town) that the town of Provincetown be authorized to impose a real estate transfer fee;

Provincetown,-- real estate fee.

**Under suspension of Joint Rule 7B, to the committee on Revenue.**

Petition (accompanied by bill, House, No. 3969) of Sarah K. Peake for legislation to designate a certain bridge in the town of Orleans as the Norman Wood Finch memorial bridge;

Orleans,-- Norman Wood Finch memorial bridge.

**Under suspension of Joint Rule 12, to the committee on Transportation.**

*Recess.*

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

Recess.

PAPERS FROM THE HOUSE.

The House Bill financing improvements to municipal roads and bridges (House, No. 3903, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2486 *with a further amendment* striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3951.

Roads and bridges.

**The rules were suspended, on motion of Mr. Tarr, and, after remarks, the further House amendment was considered forthwith and adopted, in concurrence.**

*Emergency Preamble Adopted.*

An engrossed Bill financing improvements to municipal roads and bridges (see House, No. 3903, 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.

Id.

**The bill was signed by the Acting President (Mr. Crighton) and sent to the House for enactment.**

*Engrossed Bill—State Loan.*

An engrossed Bill financing improvements to municipal roads and bridges (see House, No. 3903, amended) (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, the question on passing it to be enacted was determined by a call of the yeas and nays, at ten minutes past two o'clock P.M., as follows, to wit (yeas 40 – nays 0) [**Yeas and Nays No. 55**]:

Id.

**YEAS.**

Barrett, Michael J.  
Boncore, Joseph A.

Gomez, Adam  
Hinds, Adam G.

**UNCORRECTED PROOF.**

Brady, Michael D.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Collins, Nick  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cronin, John J.  
Cyr, Julian  
DiDomenico, Sal N.  
DiZoglio, Diana  
Eldridge, James B.  
Fattman, Ryan C.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.  
Gobi, Anne M.

Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Moore, Michael O.  
Moran, Susan L.  
O'Connor, Patrick M.  
Pacheco, Marc R.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Spilka, Karen E.  
Tarr, Bruce E.  
Timilty, Walter F.  
Velis, John C. – 40.

**NAYS – 0.**

**The yeas and nays having been completed at seventeen minutes past two 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. Crighton) and 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.

On motion of the same Senator, at eighteen minutes past two o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.