

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, OCTOBER 21, 2021.

JOURNAL OF THE SENATE

Thursday, October 21, 2021.

Met at seven minutes 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 placed on file, to wit:

Communication from the Office of the Comptroller (pursuant to item 1599-2040 of Section 2B of Chapter 24 of the Acts of 2021) submitting its Paid Prior Year Deficiency Report through the first quarter of FY2022 (received October 19, 2021);

CTR,-- prior year deficiency report. SD2808

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 24 of the Acts of 2021) submitting fiscal year 2022 transfer schedules for the following accounts: 1595-6368 Massachusetts Transportation Trust Fund (MTTF), 1595-6369 Massachusetts Bay Transportation Authority (MBTA), 1595-6370 Regional Transit Authority (RTA) and 1595-6379 Motor Vehicle Insurance Merit Rating Board (MRB) (received October 19, 2021); and

CTR,-- transfer schedules. SD2809

Communication from the Office of the Comptroller (pursuant to item 1599-3384 of Section 2 of Chapter 24 of the Acts of 2021) submitting its report on payments made from the settlements and judgments reserve through the first quarter of FY22 (received October 19, 2021).

CTR,-- settlements and judgments report. SD2810

Reports.

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

Report of MassVentures (pursuant to Section 6 of Chapter 40G of the General Laws) submitting its annual report and audited financial statements for the fiscal year ended June 30, 2021 (received October 19, 2021); and

MassVentures,-- annual report. SD2812

Report of the Cannabis Control Commission (pursuant to Section 4(h) of Chapter 94G of the General Laws) submitting its Fourth Annual Activities Report (received October 18, 2021).

CCC,-- annual activities report. SD2814

Petitions.

Petitions were severally presented and referred as follows:

By Mr. O'Connor, a petition (accompanied by bill) (subject to Joint Rule 12) of Patrick M. O'Connor for legislation to establish a sick leave bank for Joseph Filardi, an employee of the Department of Revenue;

Joseph Filardi,-- sick leave. SD2805

By the same Senator (by request), a petition (accompanied by bill) (subject to Joint Rule 12) of Freya Schlegel for legislation to ban single use plastic applicator;

Plastic applicators,-- ban. SD2806

By the same Senator (by request), a petition (accompanied by bill) (subject to

Personal property,-- damage.

Joint Rule 12) of Irving Murstein for legislation relative to required minimum limits for damage to personal property; and

SD2807

By Mr. Pacheco (by request), a petition (accompanied by bill) (subject to Joint Rule 12) of Peter C. Bernard, Massachusetts Grower Advocacy Council for legislation to control alcohol like marijuana (CALM Act);

CALM Act.
SD2811

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

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation validating the results of the special town meeting held on September 14, 2021 and the special election held on September 21, 2021 in the town of Leicester (House, No. 4211),-- **was referred, in concurrence, to the committee on Election Laws.**

Leicester,-- town meeting results.

A petition (accompanied by bill, House, No. 4206) of Natalie M. Blais and Joanne M. Comerford (by vote of the town) that the town of Whately be authorized to continue the employment of Edwin Zaniewski as a member of the police department of said town,-- **was referred, in concurrence, to the committee on Public Service.**

Whately,-- Edwin Zaniewski.

A Bill designating the Podokesaurus holyokensis as the official dinosaur of the Commonwealth (House, No. 3190,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Podokesaurus holyokensis,-- official dinosaur.

Bills

Relative to the permanent intermittent police force for the city of Methuen (House, No. 2147,-- on petition) [Local approval received];

Methuen,-- police force.

Relative to utility improvements on private roads in the town of Eastham (House, No. 3986,-- on petition) [Local approval received];

Eastham,-- utility improvements.

Changing the board of selectmen of the town of Sharon to a select board (House, No. 3987,-- on petition) [Local approval received]; and

Sharon,-- select board.

Amending the charter of the town of Hopkinton to change the name of the board of selectmen to select board (House, No. 4066,-- on petition) [Local approval received];

Hopkinton,-- select board.

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

Report of a Committee.

Mr. Brownsberger, for the Special Joint Committee on Redistricting, (under the provisions of Senate Rule 19) reported a Bill establishing senatorial districts (Senate, No. 2560).

Redistricting.

The bill was read.

Order Adopted.

Mr. Brownsberger offered the following order:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, Senate Bill establishing senatorial districts (Senate, No. 2560), shall be placed in the Orders of the Day for a second reading on Wednesday, October 27, 2021.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 1:00 P.M., on Monday, October 25, 2021. All such amendments shall be

second-reading amendments but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith; and it was adopted.

The bill (Senate, No. 2560) was then placed in the Orders of the Day for a second reading for Wednesday, October 27, 2021.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (all of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation, to wit:

Authorizing the appointment of retired police officers as special police officers in the town of Arlington (see House, No. 3754);

Authorizing the town of Whately to continue the employment of Gary Stone, a member of the fire department of the town (see House, No. 3854, amended); and

Authorizing the town of Whately to continue the employment of William Smith, a member of the fire department of the town (see House, No. 3855, amended).

Bills laid before the Governor.

Resolutions.

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

Resolutions (filed by Ms. Rausch and Mr. Rush) “congratulating Ann Macfate on the occasion of her retirement as Director of the Needham Public Library”; and

Resolutions (filed by Mr. Tarr) “celebrating Essex County Greenbelt Association, Inc. sixtieth anniversary.”

Ann Macfate.

Essex County Greenbelt Association, Inc.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4213) of Michael J. Soter and Ryan C. Fattman that a certain node of the Blackstone River Greenway in the town of Millville be designated as the Margaret M. Carroll memorial greenway access area;

Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 4216) of Carmine Lawrence Gentile, James B. Eldridge and Michael J. Barrett (by vote of the town) relative to the membership of the Historic District Commission of the town of Sudbury;

Under suspension of Joint Rule 7B, to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4215) of Smitty Pignatelli and Adam G. Hinds relative to authorizing the transfer of certain land in the towns of Lee and Lenox to Edith Wharton Restoration, Inc.;

Under suspension of Joint Rule 12, to the committee on Municipalities and

Millville,-- Margaret M. Carroll memorial greenway.

Sudbury,-- Historic District Commission.

Lee and Lenox,-- land.

Regional Government.

Petition (accompanied by bill, House, No. 4214) of Carmine Lawrence Gentile relative to food allergy awareness;

Food allergy,-- awareness.

Under suspension of Joint Rule 12, to the committee on Public Health.

Matter Taken Out of the Notice Section.

There being no objection, the following matter was taken out of Notice Section of the Calendar and considered as follows:

The House Bill increasing the membership of the board of selectmen of the town of Fairhaven (House, No. 3948) (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.**

Fairhaven,-- board of selectmen.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

To amend the Cohasset Town Manager Act to change the Cohasset board of selectmen to the "Cohasset select board" (Senate, No. 2472);

Second reading bills.

Amending the town of Sutton Home Rule Charter (Senate, No. 2482);

Amending the Town Administrator Special Act to change the name of the Hingham board of selectmen to the Hingham select board (Senate, No. 2491);

To amend the town charter of the town of North Andover (Senate, No. 2497) and

Relative to the residency requirement for the executive assistant in the town of Hudson (House, No. 3919);

Were severally read a second time and ordered to a third reading.

The Orders of the Day were further considered as follows:

The Senate Bill relative to military spouse-licensure portability, education and enrollment of dependents (Senate, No. 2502),-- was read a second time.

Military dependents,- education.

After remarks and pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2558), and pending the main question on ordering the bill to a third reading, Messrs. Lesser and Tarr moved that the proposed new draft be amended by adding the following section:-

1

“SECTION 7. Chapter 115 of the General Laws is hereby amended by inserting after section 2C the following section:-

Section 2D. (a) To the extent practicable, the commissioner shall make information on civilian licensure and certification opportunities available to members of the armed forces of the United States or commonwealth and to veterans. The information shall be made available in a format that allows the member or veteran to evaluate the suitability of member’s or veteran’s military training and skills to the corresponding requirements of civilian licenses and certifications available in the commonwealth and shall include, but not be limited to, information on: (i) the civilian occupational equivalents of military or other occupational specialties based on the corresponding branch of the military; (ii) civilian license or certification requirements, including examination requirements; (iii) the availability and opportunities for use of educational benefits; (iv) corresponding training; and (v) continuing education opportunities that provide a pathway to licensure or

certification.

The information required under this section shall be made available by the commissioner to members of the armed forces of the United States or commonwealth and to veterans in a manner consistent with the Transition Goals Plans Success program administered under the Transition Assistance Program pursuant to 10 U.S.C. 1144.

(b) The commissioner shall, for purposes of providing educational assistance for licensure and certification to members of the armed forces of the United States or commonwealth and veterans, and in compliance with national security and state and federal privacy requirements, compile information related to military training and skills including, but not limited to: (i) course training curricula and syllabi; (ii) levels of military advancement; (iii) professional skill development; and (iv) specific civilian occupational equivalents of military or other occupational specialties. To carry out this section, the commissioner shall make such information available to the division of occupational licensure, the executive office of public safety, the department of public health, the executive office of labor and workforce development, the registry of motor vehicles and any other agency approved by the commissioner. The commissioner shall make the information publicly available on the department's website."

After remarks, the amendment was adopted.

Messrs. Velis, Timilty and Tarr moved that the proposed new draft be amended by inserting before section 1 the following 2 sections:-

2

"SECTION A1. The first paragraph of section 9 of chapter 15A of the General Laws is hereby amended by striking out clause (t), as appearing in the 2020 Official Edition, and inserting in place thereof the following clause:-

(t) issue regulations defining resident of the commonwealth and proof of the same for the purpose of admission and tuition expenses of public institutions of higher education and prepare uniform proofs of residence to be used by all public institutions; provided, however, that insofar as the Massachusetts Maritime Academy is designated a regional maritime academy by the United States Maritime Administration, residents of the states comprising the designated region and attending the Massachusetts Maritime Academy shall be considered Massachusetts residents for the purposes of admission and tuition; provided further, that a person who is: (i) a member of the armed forces of the United States and stationed in the commonwealth on active duty pursuant to military orders; (ii) the spouse of a person who is a member of the armed forces of the United States and stationed in the commonwealth pursuant to military orders; or (iii) an unemancipated person whose parent or guardian is a member of the armed forces of the United States and stationed in the commonwealth pursuant to military orders, shall be considered Massachusetts residents for the purposes of admission and tuition.

SECTION A2. Said chapter 15A is hereby further amended by inserting after section 19½ the following section:-

Section 19¾. A person who is a member of the armed forces of the United States and stationed in the commonwealth pursuant to military orders shall be entitled to classification as an in-state student. Such a person shall not lose classification as an in-state student due to being transferred on military orders, being honorably discharged or retiring while the person is residing in the commonwealth after their acceptance for matriculation at a constituent unit of the state system of higher education in a course of study leading to an associate, bachelor or post-graduate degree.

The spouse of a person who is a member of the armed forces of the United

States and stationed in the commonwealth pursuant to military orders shall be entitled to classification as an in-state student. Such a spouse shall not lose classification as an in-state student due to the member being transferred on military orders, being honorably discharged, retiring or dying while the spouse is residing in the commonwealth after the spouse's acceptance for matriculation at a constituent unit of the state system of higher education in a course of study leading to an associate, bachelor or post-graduate degree.

An unemancipated person whose parent or guardian is a member of the armed forces of the United States and stationed in the commonwealth pursuant to military orders shall be entitled to classification as an in-state student. Such a person shall not lose classification as an in-state student due to their parent or guardian being transferred on military orders, being honorably discharged, retiring or dying while the person is in continuous attendance toward the degree for which the person is currently enrolled; or (ii) the person is residing in the commonwealth after their acceptance for matriculation at a constituent unit of the state system of higher education in a course of study leading to an associate, bachelor or post-graduate degree.”

The amendment was adopted.

Mr. Barrett moved that the proposed new draft be amended by adding the following section:-

3

“SECTION 7. Section 6B of chapter 71 of the General Laws shall not affect or impair any agreement in effect upon the effective date of this act that designates a school district for enrollment of a military-connected student and any such agreement may be amended or renewed subsequent to the effective date of this act.”

The amendment was adopted.

The bill (Senate, No. 2558, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at two minutes before twelve o'clock noon, on motion of Mr. Velis, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 96]:**

YEAS.

Barrett, Michael J.	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.
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.
Gobi, Anne M.	Velis, John C. – 39.

UNCORRECTED PROOF.

Gomez, Adam

NAYS – 0.

The yeas and nays having been completed at six minutes past twelve o'clock noon, the bill was passed to be engrossed [For Senate Bill, printed as amended, see Senate, No. 2559].

Sent to the House for concurrence.

The Senate Bill concerning genocide education (Senate, No. 2525),-- was read a second time.

Genocide education.

After remarks, the amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2557), was considered; and it was adopted.

The bill (Senate, No. 2557) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at a half past twelve o'clock noon, on motion of Mr. Rodrigues, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 97]:**

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | 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. |
| 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. |
| Gobi, Anne M. | Velis, John C. – 39. |
| Gomez, Adam | |

NAYS – 0.

The yeas and nays having been completed at twenty-five minutes before one o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

Moment of Silence.

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

Moment of silence.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on

Time of meeting.

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 Rita Turo.

The Senator from Worcester, Ms. Chandler, moved that when the Senate adjourns today it do so in memory of Rita Turo.

Rita Turo, beloved mother and grandmother, died peacefully on September 5, 2021. She was 83 years old.

Rita was born in Worcester on St. Patrick's Day and lived in the city for most of her life before moving to West Boylston in 2003. She relocated to Florida in 2018 to be closer to her son David and her young grandchildren.

Rita worked in the Massachusetts Legislature for more than three decades as a Chief of Staff to former representative Kevin O'Sullivan, to former Senator Bob Bernstein, and finally to Senator Harriette L. Chandler.

But the Senate was even more than work: Rita was lucky to count Senator Anne Gobi as a beloved sister-in-law.

And Rita inspired innumerable staffers with her intelligence and wit, some of whom still work in the Senate today, and count her as an inspiration and beloved friend.

Rita was the loving mother of sons David Turo and wife Jacqueline, and Jay Turo and wife Shelmin, and the joyful grandmother of Jay Jay, Teddy, Jocelyn, and Jackson.

She was the Widow of Thomas J. Head Jr., stepmother of Jeffrey Head and wife Erika, Kimberly McGhee and husband Richard, Melissa O'Brien and husband Timothy, and Joshua Head and wife Emily.

Today the Senate meets in a building where Rita dedicated so much of herself to her hometown and to the Commonwealth. Her spirit fills the halls and echoes from Worcester to Florida.

She will be greatly missed for her passionate spirit and kindness.

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