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**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**MONDAY, FEBRUARY 7, 2022**

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JOURNAL OF THE SENATE

Monday, February 7, 2022.

Met at eight 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.

Communication.

Communication from the Department of Public Health relative to its plan of correction for the MCI Framingham inspection on December 14th and 15th, 2021 (received February 4, 2022),-- was placed on file.

DPH,-- plan of correction. SD2988

Reports of Committees.

By Ms. Chang-Diaz, for the committee on Cannabis Policy, on Senate, Nos. 66, 74, 75, 76 and 78, an Order relative to authorizing the joint committee on Cannabis Policy to make an investigation and study of certain current Senate documents relative to cannabis industry issues (Senate, No. 2661) [Senator Gomez dissents inasmuch as relates to Senate, Nos. 66 and 78 and Representative Frost of Auburn dissenting];

Cannabis Policy committee,-- study.

By Mr. Gomez, for the committee on Children, Families and Persons with Disabilities, on petition (accompanied by bill, Senate, No. 32), an Order relative to authorizing the joint committee on Children, Families and Persons with Disabilities to make an investigation and study of a certain current Senate document relative to accountability for vulnerable children and families (Senate, No. 2659) [Senator Rausch dissenting];

Children, Families and Persons with Disabilities committee,-- study.

By Ms. Moran, for the committee on Consumer Protection and Professional Licensure, on Senate, Nos. 161, 164, 165, 167, 168, 169, 172, 179, 182, 183, 185, 187, 189, 191, 194, 195, 196, 197, 198, 199, 200, 201, 203, 206, 212, 214, 216, 217, 221, 223, 226, 228, 229, 231, 232, 233, 234, 235, 239, 242, 243 and 244, an Order relative to authorizing the joint committee on Consumer Protection and Professional Licensure to make an investigation and study of certain current Senate documents relative to consumer protection and professional licensure matters (Senate, No. 2666); and

Consumer Protection and Professional Licensure committee,-- study.

By Mr. Eldridge, for the committee on the Judiciary, on Senate, Nos. 911, 912, 913, 914, 915, 917, 918, 919, 924, 925, 926, 927, 928, 929, 933, 936, 938, 939, 940, 941, 942, 944, 947, 949, 950, 951, 952, 953, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 966, 967, 968, 970, 972, 973, 974, 977, 978, 979, 981, 982, 986, 988, 990, 991, 992, 993, 997, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1023, 1024, 1026, 1027, 1028, 1029, 1031, 1032, 1033, 1034, 1036, 1038, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1053, 1054, 1055, 1056, 1059, 1061, 1062, 1065, 1066, 1068, 1069, 1071, 1072, 1073, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1085, 1087, 1088, 1089, 1090, 1092, 1093, 1094, 1095, 1096, 1098, 1099, 1100, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1126, 1129, 1130, 1131, 1132, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1147,

Judiciary committee,-- study.

1148, 1149, 1151, 1152, 1153, 2453, 2468, 2471 and 2543, an Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of certain current Senate documents relative to judiciary matters (Senate, No. 2665) [Senator Velis dissents inasmuch as relates to Senate, Nos. 1151 and 1153 and Representative Sullivan of Abington dissenting];

**Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.**

By Mr. Gomez, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill establishing a commission on the status of children and youth (Senate, No. 130, changed in line 3 by striking out the figure “71” and inserting in place thereof the following:- 72; and in line 4 by striking out the figure “20” and inserting in place thereof the following:- 1”; and in lines 17 and 18 by striking out the words “YMCA Youth in Government program” and inserting in place thereof the following:- Alliance of Massachusetts YMCA”);

Children and youth,--  
commission.

**Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.**

By Ms. Chang-Diaz, for the committee on Cannabis Policy, on petition, a Bill further defining eligibility for medical use marijuana (Senate, No. 70);

Medical marijuana,--  
eligibility.

By Mr. Gomez, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill ensuring equal access to medical treatments essential for people with a developmental disability, intellectual disability, or autism (Senate, No. 115);

Medical treatment,--  
equal access.

By the same Senator, for the same committee, on petition, a Bill establishing guardians as providers of medical care to support the rights of incapacitated persons (Senate, No. 127);

Incapacitated  
persons,-- guardians.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 138), a Bill to support children with neonatal abstinence syndrome (Senate, No. 2658); and

Neonatal abstinence  
syndrome.

By Ms. Jehlen, for the committee on Elder Affairs, on Senate, No. 409 and House, No. 753, a Bill authorizing common sense health services in assisted living (Senate, No. 2656);

Assisted living,--  
health services.

**Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.**

By Ms. Chang-Diaz, for the committee on Cannabis Policy, on petition, a Bill relative to the expungement of convictions for marijuana possession (Senate, No. 73, changed in line 1 by striking out the figure “2018” and inserting in place thereof the following:- 2017; and in line 5 by striking out the figure “2018” and inserting in place thereof the following:- 2017);

Marijuana  
possession,--  
convictions.

By the same Senator, for the same committee, on Senate, Nos. 63, 65, 67, 68, 72 and 77, a Bill relative to social equity and host community agreements in the cannabis industry (Senate, No. 2660);

Cannabis industry,--  
community  
agreements.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 69), a Bill to facilitate the unionization of the cannabis workforce (Senate, No. 2662);

Cannabis workforce,--  
- unionization.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 64), a Bill relative to vertical integration for medical marijuana businesses (Senate, No. 2663);

Medical marijuana,--  
patient safety.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 71), a Bill relative to hemp and agriculture in the cannabis industry (Senate,

Horticultural land,--  
hemp.

No. 2664);

By Mr. Gomez, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill to lift kids out of deep poverty (Senate, No. 96);

By the same Senator, for the same committee, on petition, a Bill relative to fair pay for comparable work (Senate, No. 105, changed in line 15 by striking out the words “or the Department of Early Education and Care”);

By the same Senator, for the same committee, on petition, a Bill relative to economic mobility for families with low-income (Senate, No. 121); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 102), a Bill removing barriers to lifting people out of poverty (Senate, No. 2657);

**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Poverty,-- kids.

Human service workers,-- compensation.

Low-income families.

Financial stability.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4434) of Patricia A. Duffy (with the approval of the mayor and city council) relative to the use of recreation vehicles in the city of Holyoke,-- **was referred, in concurrence, to the committee on the Judiciary.**

Holyoke,-- recreation vehicles.

A Bill designating a certain playground on the Esplanade in the city of Boston as the Gronk Playground (House, No. 3914,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Boston,-- Gronk Playground.

A Bill authorizing the conservation commission of the town of Westford to transfer certain easements to the select board of the town of Westford (House, No. 4432,-- on House, No. 4076),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Westford,-- land.

The Senate Bill allowing humane transportation of K9 partners aka Nero's law (Senate, No. 2573),-- came from the House passed to be engrossed, in concurrence *with an amendment*, striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4431.

Nero's Law.

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

*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 Joan B. Lovely for legislation relative to the partition of nominee trusts;

Nominee trusts. SD2963

**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 the Judiciary.**

**Sent to the House for concurrence.**

*Resolutions.*

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

Resolutions (filed by Mr. Timilty) “congratulating the town of West Bridgewater on its Bicentennial Anniversary Celebration.”

Town of West Bridgewater.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4439) of Russell E. Holmes and Sonia Chang-Diaz for legislation to establish a sick leave bank for Alecia Simmons, an employee of Office of the Comptroller;

Alecia Simmons,--  
sick leave.

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

Petition (accompanied by bill, House, No. 4438) of Paul J. Donato for legislation to authorize the State Treasurer to appropriate funds payments due in accordance with a certain civil judgment of the abuse by state employees documented in Davis v. Rennie, et al;

Jason Davis,-- estate.

**Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.**

Petition (accompanied by bill, House, No. 4437) of Susan Grebber relative to the transportation of certain animals;

Animals,--  
transportation.

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

*Moment of Silence.*

At the request of the Chair (Mr. Brownsberger), the members guests and staff stood in a moment of silence and reflection in memory of James Edward Lister.

Moment of silence.

*Engrossed Bill.*

An engrossed Bill allowing humane transportation of K9 partners aka Nero's law (see Senate, No. 2573, 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. Brownsberger) and laid before the Governor for his approbation.**

Bill laid before the  
Governor.

*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. in a full formal session with a calendar.

Time of meeting.

*Adjournment in Memory of James Edward Lister.*

The Senator from Essex, Ms. Lovely, presented a request that when the Senate adjourn today, it adjourns in memory of James Edward Lister.

James Edward Lister, 45, of Salem, beloved husband of Caryn Elizabeth (Willa) Lister, died unexpectedly from underlying medical issues, Tuesday, November 30th, 2021, at North Shore Medical Center.

Born in Lawrence, he is the son of Joyce Callahan Lister and the late Robert Lister. He was raised in Haverhill and graduated from Haverhill High School in 1994. He continued his education at the University of Massachusetts-Lowell earning a Bachelor of Science degree in Criminal Justice in 1999 and went on to earn a Master of Business Administration degree in 2003.

James found his true life's calling helping others early in his professional journey; he was employed with the Essex House of Corrections in Middleton, The Key Program in Methuen as a residential counsel with children involved with the foster care system, and the Massachusetts Department of Children & Families in Salem. Helping vulnerable youth

in foster care and their families as well as helping to shape an impactful child welfare system was his true passion. His dedication and care of others as well as his knowledge of the industry was recognized by others.

James went on to have a strong impact in the child welfare field through different leadership roles. He worked for Family Continuity for three years and ultimately as the Executive Director for Plummer Youth Promise for nearly 15 years. James was instrumental in creating the Massachusetts Permanency Practice Alliance aimed at ensuring a focus on permanency for youth in substitute care. He was well respected by those in his care, his co-workers and other leaders in the field alike, for his innovative solutions and deep commitment to those in need. James was a previous member of the Board of Directors of the Association of Children's Residential Centers and he also previously served on the Board of Directors for the Children's League of America.

James was a long-time resident of Salem; having been involved with many professional and civic groups, including as a Salem Rotarian. He loved to encourage the passion in others, especially those involving youth sports. James was a volunteer for many years with Salem youth sports, basketball, and flag football. He mentored many children as a coach and volunteer. He was an avid outdoorsman, who enjoyed camping, biking and the many mornings he spent at Bootcamp on the Salem Common. He loved boxing and fought as a young man in the Golden Gloves. James enjoyed time spent with his dogs, all Boxer breeds; Bruschi, Rocky, and the current family mascot, Micky.

With an affable personality and easy smile, James endeared himself to many. He was an incredibly genuine person and had an innate ability to tell a great story. The ease with how he could laugh and his sincere interest in others impacted many. James was always willing to help others achieve their goals as he was a true caregiver at his core.

Above all else, family and friends were paramount in his life. He loved being a husband and father. Whether it was preparing a homecooked meal for his family and friends, tossing the football around with his boys or cheering on his beloved New England sports teams surrounded by his friends, James was happiest in the presence of those he loved and cared for. He was a true giver of his love and time to those fortunate enough to have known him.

James will be deeply missed and is survived by his loving wife, Caryn (Willa) Lister; his sons, Jacob Daniel Lister, Shane Charles Lister, and Tyler George Lister; his mother, Joyce Lister of Lawrence; his sisters, June Gouldsbrough and her husband, David of Somersworth, NH, Jeanine Ulaskiewicz and her husband, Michael of Dover, NH and Joyce Hassett; his brothers, Jeffrey DiMario and his wife, Faith of Methuen and John Lister and his wife, Nancy of Manchester, NH; his mother-in-law and father-in-law, Gail and Daniel Willa of Pocasset; his brother-in-law and sister-in-law, Keith and Carroll Willa of Topsfield; and several nieces, nephews as well as extended family.

Accordingly, as a mark of respect to the memory of James Edward Lister, at twenty-five minutes past 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.