

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**THURSDAY, FEBRUARY 24, 2022**

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JOURNAL OF THE SENATE

Thursday, February 24, 2022.

Met at eleven minutes past eleven o'clock A.M. (Mr. Collins 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. Collins), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guest.

There being no objection, the Chair (Mr. Collins) introduced, in the rear of the Chamber, former Senate Counsel Jennifer Miller. The Senate welcomed her with applause and she withdrew from the Chamber.

Jennifer Miller.

Communication.

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

Communication from the Office of the Comptroller (pursuant to Sections 1A and 1B of Chapter 24 of the Acts of 2021) submitting its report on the comparison of actual revenue collections to budget for the 1st quarter of fiscal year 2022 (received February 22, 2022); and

CTR,-- quarterly revenue report. SD3004

Communication from the Clerk of the Nebraska Unicameral Legislature transmitting a copy of Legislative Resolution 14 adopted by said legislative body on January 28, 2022 (received February 22, 2022).

Nebraska Unicameral Legislature. SD3007

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 the inspections of Dartmouth Women's Center, Dartmouth I.C.E. Facility, Bristol County Jail and House of Correction and Bristol County Modular Building (received February 22, 2022);

DPH,-- facility inspections. SD3003

Report of the Department of Transitional Assistance (pursuant to Sections 2(B)(p) and 5I(d) of Chapter 18 of the General Laws) submitting its fiscal year 2021 consolidated report on the efforts of its Program Integrity Division (copies having been forwarded as required to the Senate Committee on Ways and Means and joint committee on Children, Families and Persons with Disabilities) (received February 23, 2022); and

DTA,-- PI report. SD3005

Report of the Massachusetts Health Connector (pursuant to Sections 7A(d) and 15 of Chapter 176Q of the General Laws) submitting its fiscal year 2021 report entitled "Activities and Accomplishments of the Massachusetts Marketplace" (received February 24, 2022).

Health Connector,-- FY21 report. SD3006

Reports of Committees.

By Mr. Finegold, for the committee on Election Laws, on petition (accompanied by bill, Senate, No. 2530), an Order relative to authorizing the joint committee on Election Laws to make an investigation and study of a certain current Senate document authorizing

Election Laws committee,-- study.

citizens in the town of Brookline who have reached the age of sixteen years or older to register and vote in municipal election with the town (Senate, No. 2713);

By Ms. Gobi, for the committee on Higher Education, on Senate, Nos. 823, 826, 827, 828, 830, 835, 836, 837, 838, 840, 843, 844, 845, 853, 854, 855, 856 and 2499, an Order relative to authorizing the joint committee on Higher Education to make an investigation and study of certain current Senate documents relative to higher education issues (Senate, No. 2714); and

Higher Education committee,-- study.

By Mr. Barrett, for the committee on Telecommunications, Utilities and Energy, on Senate, Nos. 2127, 2128, 2129, 2137, 2143, 2146, 2152, 2153, 2155, 2157, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2175, 2176, 2177, 2178, 2179, 2181, 2182, 2183, 2185, 2187, 2188, 2189, 2190, 2193, 2195, 2199, 2200, 2204, 2205, 2206, 2207, 2208, 2209, 2211, 2212, 2213, 2214, 2215, 2233, 2234, 2235, 2238 and 2596, an Order relative to authorizing the joint committee on Telecommunications, Utilities and Energy to make an investigation and study of certain current Senate documents relative to telecommunications, utilities and energy issues (Senate, No. 2715);

Telecommunications, Utilities and Energy committee,-- study.

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

By Ms. Jehlen, for the committee on Labor and Workforce Development, on petition, a Resolve establishing a special commission to study the impact of telecommuting on employees of the Commonwealth (Senate, No. 1255);

Telecommuting,-- commission.

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

By Ms. Jehlen, for the committee on Labor and Workforce Development, on Senate, No. 1164 and House, No. 1984, a Bill relative to the defense against abusive waivers (Senate, No. 1164);

Abusive waivers,-- defense.

By the same Senator, for the same committee, on petition, a Bill relative to nondiscrimination (Senate, No. 1178);

Nondiscrimination plans.

By the same Senator, for the same committee, on petition, a Bill relative to fairness in workers' compensation disfigurement benefits (Senate, No. 1180);

Worker's comp,-- disfigurement.

By the same Senator, for the same committee, on petition, a Bill relative to workplace safety and disclosure of violations (Senate, No. 1190);

Contracts,-- workplace safety.

By the same Senator, for the same committee, on Senate, No. 1203 and House, No. 2054, a Bill relative to establishing a prevailing wage for security guard services (Senate, No. 1203);

Security guards,-- wage.

By the same Senator, for the same committee, on petition, a Bill providing for the protection of emergency responders from dismissal (Senate, No. 1204);

Emergency responders,-- protect.

By the same Senator, for the same committee, on Senate, No. 1213 and House, No. 1971, a Bill requiring one fair wage (Senate, No. 1213);

Fair wage.

By the same Senator, for the same committee, on Senate, No. 1217 and House, No. 1970, a Bill relative to transparency in employee benefits reporting in private construction (Senate, No. 1217);

Private construction,-- benefits.

By the same Senator, for the same committee, on petition, a Bill expanding the community college training incentive program (Senate, No. 1221);

Community college,-- training incentive.

By the same Senator, for the same committee, on Senate, No. 1225 and House, No. 1960, a Bill updating overtime protections to protect the Commonwealth's middle class workers (Senate, No. 1225);

Middle class,-- overtime protection.

By the same Senator, for the same committee, on petition, a Bill relative to fair hiring practices (Senate, No. 1228);

Fair hiring practices.

By the same Senator, for the same committee, on petition, a Bill relative to the creative economy (Senate, No. 1229);

Creative economy.

By the same Senator, for the same committee, on petition, a Bill expanding whistleblower protections (Senate, No. 1230);

Whistleblower protections.

By the same Senator, for the same committee, on petition, a Bill relative to continuation of health insurance in the case of plant closings (Senate, No. 1239);

Plant closings,-- health care.

By the same Senator, for the same committee, on petition, a Bill establishing a Commonwealth citizen service initiative (Senate, No. 1242);

MA Service Alliance,-- creation.

By the same Senator, for the same committee, on petition, a Bill relative to collective bargaining dues (Senate, No. 1248); and

Collective bargaining dues.

By the same Senator, for the same committee, on petition, a Bill relative to snow removal service liability limitation (Senate, No. 1249);

Snow removal service,-- liability.

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

By Ms. Jehlen, for the committee on Labor and Workforce Development, on petition, a Bill ensuring fair worker representation on corporate boards of directors (Senate, No. 1223); and

Worker representation,-- boards.

By the same Senator, for the same committee, on Senate, No. 1233 and House, No. 1949, a Bill allowing 12 and 13 year old youth to be employed as soccer referees (Senate, No. 1233);

Youth soccer,-- referees.

**Severally read and, under Senate Rule 26, referred to the committee on Rules.**

PAPERS FROM THE HOUSE.

The following initiative petitions, having been transmitted by the Secretary of the Commonwealth to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution, and having been received in the Office of the Clerk of the House on Friday, January 28, 2022, were referred, in concurrence, as follows

Initiative petition of Ronald T. Maloney Jr. and others for the passage of “An Act relative to 21st century alcohol retail reform” (House, No. 4377);

21st century alcohol retail reform.

**To the committee on Consumer Protection and Professional Licensure.**

Initiative petition of Christina M. Ellis-Hibbet and others for the passage of “An Act defining and regulating the contract-based relationship between network companies and app-based drivers” (House, No. 4375);

Transportation network companies.

Initiative petition of Ronald T. Maloney Jr. and others for the passage of “An Act defining and regulating the contract-based relationship between network companies and app-based drivers” (House, No. 4376);

Id.

**Severally to the committee on Financial Services.**

Initiative petition of Mouhab Rizkallah and others for the passage of “An Act to implement medical loss ratios for dental benefit plans” (House, No. 4378);

Dental benefit plans.

**To the committee on Health Care Financing.**

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

Petition (accompanied by bill, House, No. 4482) of Colleen M. Garry and Edward J. Kennedy (by vote of the town) that the town of Tyngsborough be authorized to offer early voting and no excuse absentee voting in municipal elections;

Tyngsborough,-- early voting.

**To the committee on Election Laws.**

Petition (accompanied by bill, House, No. 4483) of Colleen M. Garry and Edward J. Kennedy (by vote of the town) that the town of Tyngsborough be authorized to change the name of the board of selectmen of said town to a select board; and

Tyngsborough,-- select board.

Petition (accompanied by bill, House, No. 4484) of Colleen M. Garry and Edward J. Kennedy (by vote of the town) that the town of Tyngsborough be authorized to establish the position of town manager in said town;

Tyngsborough,--town manager.

**Severally to the committee on Municipalities and Regional Government.**

**Bills**

Relative to the filling of vacancies in the offices of the city council in the city of Springfield (House, No. 4223,-- on petition) [Local approval received]; and

Springfield,-- city council vacancies.

Directing the city of Boston Police Department to waive the maximum age requirement for police officers for Daniel Flores (House, No. 4233,-- on petition) [Local approval received];

Daniel Flores,-- maximum age requirement.

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

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Alecia Simmons, an employee of the office of the comptroller (see Senate, No. 2654), 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.

Alecia Simmons,-- sick leave.

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

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

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

The Senate Bill authorizing the town of Millbury to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2477) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

Millbury,-- liquor license.

**Sent to the House for concurrence.**

The House Bill amending the charter of the town of Hull to make it more gender neutral (House, No. 4286, changed),-- **was read a second time and ordered to a third reading.**

Hull,-- town charter.

**PAPERS FROM THE HOUSE.**

The Senate Bill changing the term of office of the mayor in the city known as the town of Agawam to 4 years (Senate, No. 2523),-- 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 4433.

Agawam,-- mayoral term.

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

A Bill establishing a sick leave bank for Heather Worster, an employee of the department of mental health (House, No. 4241,-- on petition),-- was read.

Heather Worster,-- sick leave.

**There being no objection, the rules were suspended, on motion of Mr. Keenan, and the bill was read a second time and ordered to a third reading.**

**UNCORRECTED PROOF.**

A Bill establishing a sick leave bank for John Coleman, an employee of the Department of Correction (House, No. 4318,-- on petition),-- was read.

John Coleman,-- sick leave.

**There being no objection, the rules were suspended, on motion of Mr. Keenan, and the bill was read a second time and ordered to a third reading.**

*Orders.*

The following House Orders (severally approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

*Ordered,* That, notwithstanding the provisions of Joint Rule 10, the committee on Economic Development and Emerging Technologies be granted until Friday, February 25, 2022 within which time to make its final report on current Senate document numbered 260, and House document numbered 4226.

Economic Development and Emerging Technologies,-- extension.

**The rules were suspended, on motion of Mr. Keenan, and the order (House, No. 4402) was considered forthwith; and adopted, in concurrence.**

*Ordered,* That, notwithstanding the provisions of Joint Rule 10, the committee on Veterans and Federal Affairs be granted until Friday, March 4, 2022 within which time to make its final report on current House documents numbered 3640, 3643, 3655, 3664, 3667, 3668, 3672, 3674, 3680 and 3698.

Veterans and Federal Affairs,-- extension.

**The rules were suspended, on motion of Mr. Keenan, and the order (House, No. 4406) was considered forthwith; and adopted, in concurrence.**

*Ordered,* That, notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Friday, March 11, 2022 within which time to make its final report on current Senate documents numbered 1684, 1729, 1733, 1756 and 1791, and House documents numbered 48, 1281, 2550, 2620, 2711, 2786, 3967, 4023, 4278 and 4287.

Public Service,-- extension.

**The rules were suspended, on motion of Mr. Keenan, and the order (House, No. 4423) was considered forthwith; and adopted, in concurrence.**

*Engrossed Bills.*

The following engrossed bills (the first of which originated in the Senate), 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. Collins) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Alecia Simmons, an employee of the office of the comptroller (see Senate, No. 2654); and

Bills laid before the Governor.

Authorizing certain investments by the treasurer of the town of Groton (see House, No. 3909).

*Order Adopted.*

On motion of Mr. O'Connor,--

*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.

*Moment of Silence.*

At the request of the Chair (Mr. Collins), the members, guests and staff stood in a moment of silence and reflection to the memory of U.S. Army Specialist Huguens Pierre.

Moment of silence.

*Adjournment in Memory of U.S. Army Specialist Huguens Pierre.*

The Senator from Middlesex and Norfolk, Ms. Spilka, presented a request that when the Senate adjourns today it do so in memory of U.S. Army Specialist Huguens Pierre.

Huguens Pierre passed away on February 5th at the age of 21.

Pierre immigrated to the United States from Haiti with his family at the age of six, settling in Framingham. He attended Framingham public schools and later Sharon High School, excelling at both football and wrestling.

After graduating from Sharon High School in 2019, Pierre enlisted in the Army and, at the time of his passing, held the rank of Specialist. He died unexpectedly earlier this month from injuries sustained in an automobile accident.

In addition to his brothers and sisters in the Army, Specialist Pierre is survived by his mother, Gabrielle Raphael of Bridgewater, his father Hugues Pierre of Haiti, his siblings, Jerry Raphael of Fitchburg, and Bernadette DeLisca and her husband Jamal Baptiste of Bridgewater, his nieces, Elayna and Eva Raphael, a special cousin, Cadet Raphael, and numerous aunts, uncles, cousins and friends.

Accordingly, as a mark of respect to the memory of U.S. Army Specialist Huguens Pierre, at twenty-three minutes past eleven o'clock A.M., on motion of Mr. Keenan, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.