
The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JANUARY 20, 2022

JOURNAL OF THE SENATE

Thursday, January 20, 2022.

Met at thirteen minutes past twelve o'clock noon.

The President, 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 plans of correction for the Northeastern Correctional Center inspection on October 28, 2021, MASAC at Plymouth inspection on December 7, 2021, Bridgewater Complex Food Service inspection on December 29, 2021 and Worcester County Jail and House of Correction inspection on December 17, 20 and 21, 2021 (received January 18, 2022),-- was placed on file.

DPH,-- plans of correction. SD2958

Reports.

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

Report of the Executive Office of the Trial Court (pursuant to Section 5 of Chapter 205 of the Acts of 2008) submitting its fiscal year 2021 annual report relative to the prosecution and disposition of offenses established under "An Act Further Protecting Children" (received January 18, 2022);

EOTC,-- Jessica's report. SD2953

Report of the Public Employee Retirement Administration Commission (pursuant to Section 21(3)(f) of Chapter 32 of the General Laws) submitting its report relative to Cost of Living Adjustments for retirees and beneficiaries (received January 18, 2022);

PERAC,-- COLA report. SD2954

Report of the Essex District Attorney's Office (pursuant to Section 99R of Chapter 272 of the General Laws) submitting its annual report of wiretap interceptions for the 2021 calendar year (received January 18, 2022);

Essex DA,-- wiretap. SD2955

Report of the Worcester District Attorney's Office (pursuant to Section 99R of Chapter 272 of the General Laws) submitting its annual report of wiretap interceptions for the 2021 calendar year (received January 18, 2022);

Worcester DA,-- wiretap. SD2956

Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspection of Suffolk County House of Correction (received January 18, 2022); and

DPH,-- facility inspection. SD2957

Report of the Pension Reserves Investment Management Board (pursuant to Section 6 of Chapter 232 of the Acts of 2010, Section 4 of Chapter 151 of the Acts of 2007 and Section 23(2A)(h) of Chapter 32 of the General Laws) submitting its annual reports on PRIM's divestment from Iran and Sudan restricted securities and its annual report on tobacco investments (received January 19, 2022).

PRIM Board,-- annual reports. SD2961

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Cronin, a petition (accompanied by bill) (subject to Joint Rules 9 and 12) of John J. Cronin for legislation to revive and continue the Fitchburg Area Economic Development Corporation,-- and the same was transmitted, under the provisions of Section 5 of Chapter 3 of the General Laws, to the Secretary of State.

Fitchburg Area Economic Development Corp. SD2883

By Ms. DiZoglio (by request), a petition (accompanied by bill) (subject to Joint Rule 12) of Brian Callahan for legislation to prevent election profiteering; and

Election profiteering.
SD2952

By Mr. Velis, a petition (accompanied by bill) (subject to Joint Rule 12) of John C. Velis for legislation to designate U.S. Route 20 in Massachusetts the Medal of Honor Highway;

Route 20,-- Medal of Honor Highway.
SD2959

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

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4342) of William M. Straus (by vote of the town) that the town of Rochester be authorized to grant an additional license for the sale of alcoholic beverages not to be drunk on the premises in said town; and

Rochester,-- liquor license.

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4343) of Joan Meschino and Patrick M. O'Connor (by vote of the town) that the town of Hingham be authorized to postpone the municipal election of said town; and

Hingham,-- municipal election.

Petition (accompanied by bill, House, No. 4344) of Joan Meschino and Patrick M. O'Connor (by vote of the town) relative to establishing a voting precinct in the town of Hingham;

Hingham,-- voting precinct.

Severally to the committee on Election Laws.

A Bill making appropriations for the fiscal year 2022 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4345,-- on House, No. 3922, in part),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Supplemental appropriations.

A Bill authorizing the town of West Stockbridge to continue the employment of Steven Traver (House, No. 4297,-- on House, No. 4097) [Local approval received on House, No. 4097],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Steven Traver,-- employment.

A report of the committee on Municipalities and Regional Government, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4331) of Jacob R. Oliveira and Natalie M. Blais relative to zoning ordinances for the regulation of the installation of solar energy systems,-- and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Solar installation,-- zoning.

Communication.

The following communication, together with the returns of votes and schedules referred to, was received from the Secretary of the Commonwealth and placed on file, to wit:

Return of votes for Senator.

COMMONWEALTH OF MASSACHUSETTS
SECRETARY OF THE COMMONWEALTH
STATE HOUSE, BOSTON, MASSACHUSETTS 02133

January 6, 2021

To the Honorable Senate:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the eleventh day of January, 2022, for Senator in the General Court, First Suffolk & Middlesex District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the Senate, as required by the Constitution and General Laws.

Very Truly Yours,
WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

FOR STATE SENATOR IN GENERAL COURT 1ST SUFFOLK AND
MIDDLESEX SENATORIAL DISTRICT
(to fill a vacancy)

Lydia Edwards of Boston (Democrat) has.....	1,764 Votes
(and appears to be elected.)	
All Others	95 Votes
Blanks	<u>34 Votes</u>
Total Votes Cast	1,893

Order Adopted.

On motion of Ms. Lovely,--

Ordered, That a special committee of the Senate to be appointed for the purpose of canvassing the votes for Senator in the First Suffolk and Middlesex districts.

Canvass votes for
Senator.

Senator Collins of Suffolk and Tarr of Essex and Middlesex were appointed to the committee.

Subsequently, Mr. Collins, for the committee, reported, that from an examination of the returns, it appears the Honorable Lydia Edwards had been elected to the First Suffolk and Middlesex District.

The report was read and accepted and the committee was discharged.

Soon after His Excellency the Governor, Charles D. Baker, and members of the Governor's Council came into the Senate Chamber under the escort of the Sergeant-at-Arms.

The Honorable Lydia Edwards, at twenty-six minutes past twelve o'clock noon, on Thursday, January 20, 2022, before the Governor and Council, did take and subscribe the oath of office as State Senator from the First Suffolk and Middlesex district.

Senator elect Lydia
Edwards,-- oath of
office.

After taking the oath of office, Senator Edwards briefly addressed the Senate.

The Sergeant-at-Arms then proceeded to escort His Excellency the Governor, and the Honorable Council from the Chamber.

The President then recognized several dignitaries and guests in attendance: Mayor of Boston, Michelle Wu, Former Senate President Robert Travaglini, Former Senator Linda Dorcena-Forry, Former Senator Anthony Petrucci, Former Senator Joseph A. Boncore, Suffolk County Clerk Maura Doyle, Former Councillor Sal LaMattina, Representative Russell Holmes, Representative Adrian Madaro, Representative Jeffrey Turco, Representative Jessica Ginnano, Representative Chynah Tyler, Representative Jay

Dignitaries and
guests.

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Livingston, Representative Aaron Michlewitz, Representative Daniel Ryan, Former Representative Carlo Basile, Bridgett Edwards, David Walker, Monique Nguyen, Julie Brown, Paulina Bastidas-Yale, Judy Meredith, Elaine Donovan, Marian Callahan, Moe Gillen, and Gabi Finlayson.

Moment of Silence.

At the request of the Chair (Mr. Brownsberger), the members, guests and staff stood in a moment of silence and reflection to the memory of former Senator Robert McCarthy.

Moment of silence.

Resolutions.

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

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

Ryan Hickey.

Matter Taken Out of the Orders of the Day.

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

The House Bill relative to the election of town meeting members in the town of Arlington at the annual town election (House, No. 3745),-- **was read a third time and passed to be engrossed, in concurrence.**

Arlington,-- elections.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain easement in the town of Savoy (see House, No. 4251), 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 4 to 0.

Savoy,-- easement.

The bill was signed by the Acting President (Mr. Brownsberger) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and sent to the House for enactment.

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. Brownsberger) and laid before the Governor for his approbation, to wit:

Authorizing the city of Westfield to convert a seasonal license for the sale of all alcoholic beverages not to be drunk on the premises (see Senate, No. 2566); and

Bills laid before the Governor.

Authorizing alternate members for the Tyngsborough conservation commission (see House, No. 3725).

Order Adopted.

On motion of Mr. Brady,--

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 former Senator Robert McCarthy.

Mr. Brownsberger in the Chair, the Senator from Plymouth and Bristol, Mr. Brady and the Senator from Norfolk, Bristol and Plymouth, Mr. Timilty, moved that when the Senate adjourns today, it do so in memory of former Senator Robert McCarthy.

Robert Emmett McCarthy, Jr. of East Bridgewater, passed away on January 15, 2022. He was 82 years old. Robert graduated from East Bridgewater High School (class of 1957), United States Military Academy West Point (class of 1961), where he was a member of the Army Football Team, and Boston College Law School (class of 1967).

Bob's life epitomized service to his country, community, and family. He proudly served in the U.S. Army with the 82nd Airborne Division and went on to hold many positions in the community, including President of the Plymouth County Bar Association, East Bridgewater Board of Selectman from 1969 to 1975, State Representative from 1971 to 1975 representing the 8th Plymouth district, State Senator from 1975 to 1981 representing the Bristol, Plymouth and Norfolk district and the 2nd Plymouth district and Plymouth County Registrar of Probate from 2001 to 2015. He was also an unsuccessful candidate for the United States House of Representatives seat in Massachusetts's 10th congressional district in 1980.

Bob continued helping people through his local law practice, his active membership with the Kiwanis Club, and his longtime chairmanship of the East Bridgewater Democratic Town Committee. He was also a dedicated parishioner of St. John's Church and member of the American Legion Post 91. Robert was fiercely devoted to his family and was happiest when surrounded by those he loved, especially his grandchildren. He enjoyed golfing, politics and was an avid Army Black Knights football fan. He will be remembered for his great sense of humor, integrity, intelligence, humility, and loyal heart. He was also known for great conversations and storytelling. To know him was to love him.

Beloved husband of 57 years to Roberta (Carpinetti) McCarthy of East Bridgewater. Devoted father of Colonel Robert E. McCarthy, III USMC (Ret.) and his wife Dr. Mary McCarthy of Virginia, Patricia Colby and her husband Peter of Hingham and Allen McCarthy and his wife Diane of East Bridgewater. Cherished Grampa of Stephen, Alexandra, Lauren, Abby, Steph, Bobby, Maeve, Coleman, Mary Kate, and Conor. Loving brother of Michael McCarthy of Maryland, Mary McCarthy of Watertown and the late Eileen Perillo. Also survived by many nieces and nephews.

Accordingly, as a mark of respect to the memory of former Senator Robert McCarthy, at twelve minutes past one o'clock P.M., on motion of Mr. Timilty, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.