

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**THURSDAY, JUNE 2, 2022**

JOURNAL OF THE SENATE

Thursday, June 2, 2022.

Met at nine 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.

Distinguished Guests.

There being no objection, the Chair (Mr, Brownsberger) introduced, in the rear of the Chamber, students from the Spanish Class at Hingham Middle School. The students were accompanied by their teacher Jennifer Gonzalez and were visting the State House to learn about the incredible history of this building and the the Senate Chamber.

Hingham Middle School students.

Reports.

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

Report of The Property and Casualty Initiative, LLC (pursuant to Section 3(e) of Chapter 259 of the Acts of 1998) submitting its 2021 annual report (copies having been forward as required to the Senate Committee on Ways and Means and the joint committee on Financial Services) (received May 31, 2022); and

PCI,-- 2021 annual report. SD3178

Report of the Massachusetts Life Insurance Community Investment Initiative (pursuant to Section 2(e) of Chapter 259 of the Acts of 1998) submitting its 2021 annual report and statement of financial condition (received May 31, 2022).

MLICII,-- 2021 annual report. SD3179

Petition.

Mr. Moore presented a petition (accompanied by bill, Senate, No. 2907) of Michael O. Moore, David Henry Argosky LeBoeuf, Anne M. Gobi and Paul K. Frost (by vote of the town) for legislation to exempt certain positions in the police department of the town of Leicester from the civil service law [Local approval received].

Leicester,-- police department.

Referred, under Senate Rule 20, to the committee on Public Service.

Sent to the House for concurrence.

Report of a Committee.

By Mr. Kennedy, for the committee on Tourism, Arts and Cultural Development, on Senate, Nos. 2242 and 2248, an Order relative to authorizing the joint committee on Tourism, Arts and Cultural Development to make an investigation and study of certain current Senate documents relative to regional tourism councils (Senate, No. 2908);

Tourism, Arts and Cultural Development committee,-- study.

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

Orders.

By Mr. Eldridge, an Order relative to granting the committee on the Judiciary until June 30, 2022 within which time to make its final report on current Senate documents

Judiciary,-- extension.

numbered 2378 and 2868 relative to judicial matters (Senate, No. 2906); and

By Mr. Timilty, an Order relative to granting the committee on Public Safety and Homeland Security until June 24, 2022 within which time to make its final report on current Senate documents numbered 1573, 1579 and 1580 relative to public safety and homeland security (Senate, No. 2909);

**Severally referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently.**

Public Safety and Homeland Security,-- extension.

PAPERS FROM THE HOUSE.

A report of the committee on Revenue recommending that the 44<sup>th</sup> annual report from the Massachusetts Capital Resource Company (under the provisions of Section 20 of Chapter 816 of the Acts of 1977) (accompanied by bill, Senate, No. 26) be placed on file,-- came up accepted by the House.

MCRC,-- 44<sup>th</sup> annual report.

**Under Senate Rule 36, the report was considered forthwith and accepted in concurrence.**

A Bill to give the town of Leicester authority to grant full annual property tax exemptions to the surviving spouse of Rutland Police Detective and Leicester resident John D. Songy (House, No. 3989,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Leicester,-- Songy tax exemptions.

*Emergency Preamble Adopted.*

An engrossed Bill relative to certain retired employees during the outbreak of the 2019 novel coronavirus (see House, No. 4456, 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 3 to 0.

Retired employees,-- coronavirus.

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

*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 Children, Families and Persons with Disabilities be granted until Friday, June 10, 2022 within which time to make its final report on current Senate document numbered 114, and House document numbered 240.

Children, Families and Persons with Disabilities,-- extension order.

**The rules were suspended, on motion of Mr. O'Connor, and, after remarks, the order (House, No. 4703) was considered forthwith; and adopted, in concurrence.**

*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on Children, Families and Persons with Disabilities be granted until Friday, June 10, 2022 within which time to make its final report on current Senate document numbered 88, and House document numbered 211.

Id.

**The rules were suspended, on motion of Mr. O'Connor, and, after remarks, the order (House, No. 4713) was considered forthwith; and adopted, in concurrence.**

*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on Children, Families and Persons with Disabilities be granted until Friday, June 10, 2022

Id.

within which time to make its final report on current Senate documents numbered 103, 134 and 139, and House documents numbered 225, 228, 234, 236 and 259.

**The rules were suspended, on motion of Mr. O’Connor, and, after remarks, the order (House, No. 4728) was considered forthwith; and adopted, in concurrence.**

*Ordered,* That, notwithstanding the provisions of Joint Rule 10, the committee on Revenue be granted until Thursday, June 30, 2022 within which time to make its final report on current House documents numbered 4634 and 4637.

**The rules were suspended, on motion of Mr. O’Connor, and, after remarks, the order (House, No. 4719) was considered forthwith; and adopted, in concurrence.**

*Ordered,* That, notwithstanding the provisions of Joint Rule 10, the committee on Revenue be granted until Sunday, July 31, 2022 within which time to make its final report on current Senate documents numbered 788, 1798, 1799, 1801, 1812, 1814, 1821, 1823, 1824, 1827, 1832, 1835, 1839, 1841, 1842, 1847, 1852, 1853, 1858, 1861, 1874, 1884, 1885, 1889, 1891, 1898, 1901, 1905, 1911, 1924, 1929, 1938, 1942, 1962, 1972, 1984 and 1997, and House documents numbered 2811, 2812, 2826, 2834, 2843, 2846, 2853, 2854, 2860, 2866, 2871, 2878, 2881, 2883, 2887, 2888, 2890, 2892, 2893, 2894, 2895, 2922, 2928, 2943, 2959, 2964, 2965, 2969, 2972, 2973, 2974, 2976, 2979, 2984, 2985, 2990, 2998, 2999, 3030, 3035, 3036, 3038, 3043, 3044, 3052, 3057, 3062, 3080, 3081, 3085, 3090, 3801, 4042, 4074, 4173, 4179, 4306, 4361 and 4362 (amended by the House in lines 9 and 10 by striking out the following: “, 4306, 4361 and 4362.” and inserting in place thereof the following: “and 4306; and be it further *Ordered,* That notwithstanding the provision of Joint Rule 10, the committee on Revenue be granted until Friday, July 1, 2022 within which time to make its final report on current House documents numbered 4361 and 4362.”)

**The rules were suspended, on motion of Mr. O’Connor, and, after remarks, the order (House, No. 4754, amended) was considered forthwith; and adopted, in concurrence.**

*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 eliminating the department of finance and budget in the town of Groveland (Senate, No. 2742),-- **was read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

The House Bill authorizing the establishment of a regional old colony communications center enterprise fund by the town of Duxbury (House, No. 3748),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill further regulating police detail work in the town of Hudson (House, No. 4296) (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.**

The House Bill eliminating a sub-precinct in the town of Medway (House, No. 4708),- **was read a third time and passed to be engrossed, in concurrence.**

Revenue,-- extension order.

Id.

Groveland,-- finance and budget dept.

Duxbury,-- enterprise fund.

Hudson,-- police details.

Medway,-- sub-precinct.

PAPERS FROM THE HOUSE

*Engrossed Bill Returned with Recommendation of Amendment.*

**UNCORRECTED PROOF.**

Department of Public Health,-- early intervention.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill requiring the Department of Public Health to provide for early intervention providers to support increased salaries, wages and benefits for early intervention clinicians and support staff (see House, No. 4677) [being the text contained in section 38 of the Supplemental Appropriation Bill (see House, No. 4578, amended)] [for message, see Attachment C of House, No. 4678],-- came from the House with the endorsement that the House had *rejected* the amendment recommended by the Governor, and had adopted the following amendment by striking out all after the enacting clause and inserting in place thereof the following:-

“Item 4513-1020 of section 2 of chapter 24 of the acts of 2021 is hereby amended by adding the following words; provided further, that not less than \$8,000,000 shall be expended from this item for early intervention staffing recovery payments to address the staffing crisis and restore early intervention staffing and service hours through hiring, rehiring and retention of clinical and support staff across the early intervention system; provided further, that such funds shall be used to support increased salaries, wages and benefits for early intervention clinicians and support staff; provided further, that such funds may be used to cover supervision, training, nonbillable time and other onboarding costs directly associated with the hiring of new early intervention clinicians and support staff; provided further, that such staffing recovery payments shall be distributed by the department as payment vouchers to all vendors of certified early intervention programs; provided further, that such payments shall be made on a proportional basis, calculated using the most recent early intervention child counts of the department; provided further, that such funds shall be distributed not later than June 30, 2022; and provided further, that not later than August 1, 2022, the department shall submit a report to the executive office for administration and finance and the house and senate committees on ways and means detailing the distribution of the staffing recovery payments.”

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

**The rules were suspended, on motion of Ms. Lovely, and the matter was considered forthwith.**

**On motion of the same Senator, the Governor’s amendment was *rejected*, and the House amendment was adopted, in concurrence.**

**Sent to the House for re-enactment.**

*Order.*

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith as follows:

*Ordered*, that notwithstanding the provisions of Joint Rule 10, the committee on the Mental Health, Substance Use and Recovery be granted until Thursday, June 2, 2022, within which time to make its final report on current Senate documents numbered 1257, 1258, 1259, 1260, 1264, 1266, 1267, 1272, 1273, 1275, 1277, 1278, 1280, 1281, 1282, 1283, 1284, 1285, 1287, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1300, 1301, 1302, 1304, 1305, 1306, 1309, 1310, 1311, 1312, 1315, 1316, 1317 and 1318, and House documents numbered 2063, 2065, 2066, 2067, 2069, 2070, 2071, 2075, 2082, 2083, 2085, 2088, 2089, 2090, 2092, 2095, 2096, 2097, 2098, 2104, 2106, 2109, 2111, 2113, 2115, 2116, 2117, 2119, 2120, 2122, 2124, 2125, 2126, 2127, 2128, 4740 and 4741.

Mental Health, Substance Use and Recovery,-- extension order.

**The rules were suspended, on motion of Ms. Lovely, and, after remarks, the order (House, No. 4837) was considered forthwith; and, was adopted, in concurrence.**

*Moment of Silence.*

**UNCORRECTED PROOF.**

At the request of the Chair (Ms. Lovely), the members, guests and staff stood in a moment of silence and reflection in memory of John T. Ronan.

Moment of silence.

PAPERS FROM THE HOUSE.

The House Bill making appropriations for the fiscal year 2023 for the maintenance of the departments, boards, commissions, institutions, and certain activities of the Commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements (House, No. 4701),-- came from the House with the endorsement that the House had NON-concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2915, and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Michlewitz of Boston, Ferrante of Gloucester and Smola of Warren had been appointed to the committee on the part of the House.

General appropriations bill.

**On motion of Mr. Collins, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Rodrigues, Friedman and O'Connor were appointed on the part of the Senate.**

**The bill was returned to the House endorsed accordingly.**

*Emergency Preamble Adopted.*

An engrossed Bill requiring the Department of Public Health to provide for early intervention providers to support increased salaries, wages and benefits for early intervention clinicians and support staff (see House, No. 4677, 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 3 to 0.

Department of Public Health,-- early intervention.

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

*Engrossed Bills.*

The following engrossed bills (both 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 re-enacted and were signed by the Acting President (Mr. Brownsberger) and again laid before the Governor for his approbation, to wit:

Bills again laid before the Governor.

Relative to certain retired employees during the outbreak of the 2019 novel coronavirus (see House, No. 4456, amended); and

Requiring the Department of Public Health to provide for early intervention providers to support increased salaries, wages and benefits for early intervention clinicians and support staff (see House, No. 4677, amended).

*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.

*Adjournment in Memory of Honorable John T. Ronan.*

The Senator from Essex, Ms. Lovely, the Senator from Essex and Middlesex, Mr.

Tarr and the Senator from Essex, Mr. Crighton moved that when the Senate adjourns today, it adjourns in memory of the Honorable John T. Ronan.

The Honorable John T. Ronan, Associate Justice of the Massachusetts Superior Court (Retired), of Bonita Springs, Florida and Salem, Massachusetts, passed into God's loving care on March 24, 2022.

Born in Salem on February 17, 1930, he was the fourth of five children of the late Massachusetts Supreme Court Justice James J. Ronan and wife Marie Tracy Ronan. He was fond of saying he was a "Great Depression Baby." After graduating from Lawrence Academy, Judge Ronan attended Holy Cross, where he joyfully became a lifetime devotee to the College. After graduating from Harvard Law School in 1954, he served four years as a naval officer, before receiving an honorable discharge with the rank of Lieutenant and entering private practice as a trial attorney.

For fifteen years, he maintained a law practice in Salem with his brother James T. Ronan, former US Congressman Michael J. Harrington, and Jacob S. Segal. In 1973, Governor Francis Sargent, a Republican, nominated him for a position as an Associate Justice to the Superior Court, even though Ronan had been a life-long Democrat. At his swearing-in ceremony, he told the Governor that he realized the importance of the role to which he had been appointed saying: "I make the only promise that I can: I will try sir, I will try."

For twenty-five years, he presided over numerous high profile and colorful cases, including the trial of organized crime boss Gennaro Angiulo, wiretapping of Whitey Bulger, and the case that helped establish the "Good Faith Exception" to the Fourth Amendment's search warrant requirement. During his time on the bench, Judge Ronan was known to make eloquent speeches to juries, peppering equal parts law, history, and humor. Known as fair, but stern, a defendant once complained to Judge Ronan that he would never live long enough to serve the sentence imposed, to which he was told, "you don't have to – just do the best you can."

He was an adjunct professor at Suffolk University Law School where he taught civil procedure for more than twenty years. His handbook on jury instructions was widely used by counsel throughout the Massachusetts trial bar. Following retirement from the Superior Court, Judge Ronan went into private practice alongside two of sons at Ronan & Holmes. He was also active as an arbitrator and mediator.

In 2000, he retired and moved to Bonita Springs, Florida, where he enjoyed the sunshine, pool, and most of all, the company of his wife. In life he enjoyed few things passionately: his faith in God, his wife, stays on Martha's Vineyard, reading, and especially his ten grandchildren and two great grandchildren, who referred to him, inexplicably and irreverently, as "Bob"; and he loved it.

He leaves behind the love of his life, wife Marcia, with whom he shared sixty-five years of marriage. He also leaves his sister, Anne Ronan Kane of Weston, and his beloved children: Kathryn Marchand and her husband John, of Concord; James Ronan, and his wife Pamela, of Marblehead; Michael Ronan, and his wife, Elissa of Swampscott; and Marcia Adams, and her husband Bruce, of Dorchester, New Hampshire. His oldest son, John H. Ronan of Salem, predeceased him.

Accordingly, as a mark of respect to the memory of the Honorable John T. Ronan, at five minutes past twelve o'clock noon, on motion of Mr. O'Connor the Senate adjourned to meet again on Monday next at eleven o'clock A.M.