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**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**MONDAY, AUGUST 8, 2022**

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JOURNAL OF THE SENATE

Monday, August 8, 2022.

Met at ten 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.

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 3101) of Julian Cyr and Dylan A. Fernandes (by vote of the town) for legislation to prohibit the application of fertilizer used in the town of Nantucket except for farming purposes [Local approval received];

Nantucket,-- fertilizer application.

Under Senate Rule 20, to the committee on Environment, Natural Resources and Agriculture.

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 3099) of Julian Cyr and Dylan A. Fernandes (by vote of the town) for legislation to amend Chapter 396 of the Acts of 2008 [Local approval received]; and

Nantucket,-- sewer commission.

By the same Senator, a petition (accompanied by bill, Senate, No. 3100) of Julian Cyr and Dylan A. Fernandes (by vote of the town) for legislation to amend the charter for the town of Nantucket [Local approval received];

Nantucket,-- charter.

Severally, under Senate Rule 20, to the committee on Municipalities and Regional Government.

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 3102) of Julian Cyr and Dylan A. Fernandes (by vote of the town) for legislation to authorize the town of Nantucket to impose a real estate transfer fee for affordable and workforce housing and related capital improvements [Local approval received];

Nantucket,-- real estate fee.

Under Senate Rule 20, to the committee on Revenue. Severally sent to the House for concurrence.

Reports of Committees.

The following reports were placed in the Orders of the Day, the time within which the said committees were required to report having expired:

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 2885) of Walter F. Timilty, William C. Galvin and Michael D. Brady (by vote of the town) for legislation to authorize the town of Avon to grant one additional license for the sale of all alcoholic beverages not to be drunk on the premises.

Avon,-- liquor license.

Of the committee on Health Care Financing, ought NOT to pass (under Joint Rule 10), on the Senate Bills

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Relative to promoting healthcare access and affordability for patients (Senate, No. 627);	Patients,-- co-pay assistance.
Relative to dual diagnosis treatment coverage (Senate, No. 685);	Dual diagnosis,-- treatment.
Relative to applied behavioral analysis therapy (Senate, No. 690);	Down syndrome,-- therapy.
Relative to human donor milk coverage (Senate, No. 717);	Donor milk coverage.
Relative to end of life options (Senate, No. 1384);	End of life options.
Relative to newborn screenings for congenital cytomegalovirus (Senate, No. 1471);	Congenital cytomegalovirus.
and	
To support military families (printed in Senate, No. 2542).	Military families.
On the petition (accompanied by bill, Senate, No. 163) of Joseph A. Boncore and Kay Khan for legislation relative to nurse licensure compacts;	Nurse licensure compacts.
On the petition (accompanied by bill, Senate, No. 770) of Cindy F. Friedman for legislation relative to primary care for you; and	Primary care.
On the message from His Excellency the Governor (accompanied by bill, printed in Senate, No. 2774) recommending legislation investing in the future of our health.	Future of health.
Of the committees on Rules of the two branches, acting concurrently, ought NOT to pass (under Joint Rule 10), on the Senate Bill to facilitate outdoor dining (Senate, No. 2871).	Outdoor dining.
Of the committee on Telecommunications, Utilities and Energy, ought NOT to pass (under Joint Rule 10):	
On the petition (accompanied by bill, Senate, No. 2131) of Michael J. Barrett, Joanne M. Comerford, Lindsay N. Sabadosa, Maria Duaine Robinson and other members of the General Court for legislation to establish a Climate Policy Commission;	Climate Policy Commission.
On the petition (accompanied by bill, Senate, No. 2132) of Michael J. Barrett, Joanne M. Comerford, Lindsay N. Sabadosa, Maria Duaine Robinson and other members of the General Court for legislation to institute a governance structure for Mass Save;	Mass Save,-- governance structure.
On the petition (accompanied by bill, Senate, No. 2133) of Michael J. Barrett, Joanne M. Comerford, Lindsay N. Sabadosa, Diana DiZoglio and other members of the General Court for legislation to expand carbon pricing in the commonwealth;	Carbon pricing,-- expansion.
On the petition (accompanied by bill, Senate, No. 2134) of Joseph A. Boncore for legislation to eliminate geographic barriers of shared solar;	Shared solar,-- barriers.
On the petition (accompanied by bill, Senate, No. 2135) of Joseph A. Boncore, Joanne M. Comerford, Jason M. Lewis, James B. Eldridge and other members of the General Court for legislation relative to energy facilities siting reform to address environmental justice, climate, and public health;	Energy facilities,-- siting board.
On the petition (accompanied by bill, Senate, No. 2136) of Joseph A. Boncore, Jack Patrick Lewis, Joanne M. Comerford, Jason M. Lewis and other members of the General Court for legislation to transition Massachusetts to clean electricity, heating, and transportation;	Clean energy,-- transition.
On the petition (accompanied by bill, Senate, No. 2138) of Joseph A. Boncore, Jack Patrick Lewis, Rebecca L. Rausch, Steven C. Owens and other members of the General Court for legislation relative to transportation and environmental justice;	Environmental justice.
On the petition (accompanied by bill, Senate, No. 2139) of Joseph A. Boncore, Steven C. Owens, Jack Patrick Lewis, Joanne M. Comerford and others for legislation to promote zero-emission vehicle fleets by 2035;	Zero-emission vehicles.
On the petition (accompanied by bill, Senate, No. 2140) of Michael D. Brady for	911 service,-- surcharge.

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legislation to equitably support enhanced 911 service;

On the petition (accompanied by bill, Senate, No. 2141) of Harriette L. Chandler and Danielle W. Gregoire for legislation to promote the production of renewable power through agricultural anaerobic digestion facilities;

On the petition (accompanied by bill, Senate, No. 2142) of Sonia Chang-Diaz, Jack Patrick Lewis, Elizabeth A. Malia, Patrick M. O'Connor and others for legislation relative to solar power in environmental justice and urban communities;

On the petition (accompanied by bill, Senate, No. 2144) of Joanne M. Comerford and Michael O. Moore for legislation to promote local energy investment and infrastructure modernization;

On the petition (accompanied by bill, Senate, No. 2148) of Cynthia Stone Creem, Lori A. Ehrlich and Jack Patrick Lewis for legislation relative to the future of heat in the Commonwealth;

On the petition (accompanied by bill, Senate, No. 2151) of Brendan P. Crighton, Jack Patrick Lewis, James B. Eldridge, Joanne M. Comerford and others for legislation to promote zero-emission vehicles;

On the petition (accompanied by bill, Senate, No. 2154) of Julian Cyr for legislation to provide for the investment in and expansion of the offshore wind industry in the Commonwealth;

On the petition (accompanied by bill, Senate, No. 2156) of Julian Cyr for legislation relative to improving reliability and resiliency of electricity distribution infrastructure;

On the petition (accompanied by bill, Senate, No. 2158) of Julian Cyr, Joanne M. Comerford and Michael D. Brady for legislation to create offshore clean energy and new renewable jobs;

On the petition (accompanied by bill, Senate, No. 2159) of Sal N. DiDomenico, John C. Velis, Brian W. Murray, Jason M. Lewis and other members of the General Court for legislation relative to the proper disposal of miniatures;

On the petition (accompanied by bill, Senate, No. 2174) of Paul R. Feeney and Paul McMurtry for legislation relative to large-scale solar energy installations on agricultural or recreational land of the commonwealth;

On the petition (accompanied by bill, Senate, No. 2184) of Anne M. Gobi for legislation relative to anaerobic digestion and agricultural energy;

On the petition (accompanied by bill, Senate, No. 2186) of Adam Gomez, Eric P. Lesser, Orlando Ramos, Michelle L. Ciccolo and other members of the General Court for legislation to ensure a healthy future for environmental justice communities;

On the petition (accompanied by bill, Senate, No. 2191) of Adam G. Hinds and Joanne M. Comerford for legislation to promote energy storage systems;

On the petition (accompanied by bill, Senate, No. 2194) of John F. Keenan, Mark J. Cusack and Hannah Kane for legislation relative to municipal light plants;

On the petition (accompanied by bill, Senate, No. 2198) of Jason M. Lewis and Elizabeth A. Malia for legislation to further regulate the Energy Facilities Siting Board within the Department of Public Utilities;

On the petition (accompanied by bill, Senate, No. 2202) of Jason M. Lewis, Tami L. Gouveia, James B. Eldridge, Thomas M. Stanley and others for legislation relative to building energy and decarbonization;

On the petition (accompanied by bill, Senate, No. 2210) of Patrick M. O'Connor for legislation relative to anaerobic digestion;

On the petition (accompanied by bill, Senate, No. 2222) of Marc R. Pacheco and Michael D. Brady for legislation relative to local energy investment and infrastructure modernization;

On the petition (accompanied by bill, Senate, No. 2224) of Marc R. Pacheco and

Anaerobic digestion facilities.

Urban communities,-  
- solar power.

Electric grid,--  
transparency.

Future of heat.

Zero-emission vehicles.

Offshore wind,--  
expansion.

Electricity distribution.

Clean energy,--  
renewable jobs.

Miniatures,-- proper disposal.

Solar energy installations.

Anaerobic digestion,-  
- net metering.

Renewable energy,--  
generating source.

Energy storage systems.

Municipal light plants.

Energy facilities siting board.

Building energy.

Anaerobic digestion.

Local energy,--  
infrastructure.

Environment,--

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Michael D. Brady for legislation to protect our environment and reduce the carbon footprint of the commonwealth;

carbon footprint.

On the petition (accompanied by bill, Senate, No. 2226) of Marc R. Pacheco, Maria Duaine Robinson, Jack Patrick Lewis, Jason M. Lewis and other members of the General Court for legislation to provide for building justice with jobs;

Building justice,--  
task force.

On the petition (accompanied by bill, Senate, No. 2230) of Marc R. Pacheco and Michael D. Brady for legislation relative to a clean energy Massachusetts fleet;

Clean energy fleet.

On the petition (accompanied by bill, Senate, No. 2236) of Walter F. Timilty, Mark J. Cusack, William C. Galvin and William J. Driscoll, Jr. for legislation relative to fair radius restrictions of transfer stations;

Transfer stations,--  
location.

On the petition (accompanied by bill, Senate, No. 2237) of Walter F. Timilty for legislation to require notification of hazardous utility work to local and regional emergency departments;

Hazardous utility  
work,-- notification.

On the petition (accompanied by bill, Senate, No. 2473) of Cynthia Stone Creem and Tommy Vitolo (by vote of the town) for legislation to authorize the town of Brookline to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction;

Brookline,--  
construction  
regulations.

On the petition (accompanied by bill, Senate, No. 2515) of James B. Eldridge, Tami L. Gouveia and Danillo A. Sena (by vote of the town) for legislation to authorize the town of Acton to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction;

Acton,-- fossil fuels.

On the petition (accompanied by bill, Senate, No. 2606) (subject to Joint Rule 12) of William N. Brownsberger for legislation relative to towing protections;

Towing protections.

On the petition (accompanied by bill, Senate, No. 2840) of Michael J. Barrett and Thomas M. Stanley (by vote of the town) for legislation to authorize the town of Lincoln to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction;

Lincoln,-- fossil fuel  
infrastructure.

On the petition (accompanied by bill, Senate, No. 2940) of Julian Cyr (by vote of the town) for legislation to authorize the town of Aquinnah to adopt and enforce local regulations restricting new fossil fuel infrastructure and requiring wiring in certain construction; and

Aquinnah,-- fossil  
fuels.

On the petition (accompanied by bill, Senate, No. 2941) of Julian Cyr and Dylan A. Fernandes (by vote of the town) for legislation to authorize the town of West Tisbury to adopt and enforce local regulations restricting new fossil fuel infrastructure and requiring wiring in certain construction.

West Tisbury,-- fossil  
fuels.

PAPERS FROM THE HOUSE.

Notice was received from the House of Representatives announcing the following appointments by the Speaker:

Representatives Day of Stoneham and González of Springfield (under Chapter 69 of the Acts of 2003) to serve on the committee that will review nominations for the Madeline Amy Sweeney Award for Civilian Bravery;

Madeline Amy  
Sweeney Award for  
Civilian Bravery.

Representative Gregoire of Marlborough (under Chapter 76 of the Acts of 2022) to the Women's Rights History Trail Task Force;

Women's Rights  
History Trail Task  
Force.

Representative Lipper-Garabedian of Melrose (under Section 2A of Chapter 71B of the General Laws) as Co-Chair of the Bureau of Special Education Appeals Advisory Council;

Bureau of Special  
Education Appeals  
Advisory Council.

Amara Anosike and Scune T. Carrington (under Section 1 of Chapter 77 of the Acts of 2022) to the Behavioral Health Advisory Commission; and

Behavioral Health  
Advisory  
Commission.

Jean Fox (under Section 66 of Chapter 3 of the General Laws) to the

Commission on the

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Massachusetts Commission on the Status of Women.

Status of Women.

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

Petition (accompanied by bill, House, No. 5171) of Angelo J. Puppolo, Jr. and Brian M. Ashe (with the approval of the town council) that certain positions in the police department of the town of East Longmeadow be exempt from the civil service law; and

East Longmeadow,--  
police department.

Petition (accompanied by bill, House, No. 5172) of Danillo A. Sena, James B. Eldridge and Tami L. Gouveia (by vote of the town) that the town of Acton be authorized to increase the residency limit for members of the police and fire departments of said town;

Acton,-- police and  
fire departments.

**Severally to the committee on Public Service.**

Bills

Relative to veterans' buyback (House, No. 5051,-- on House, No. 11);

Veterans' buyback.

Relative to transparency in private utility construction contracts (House, No. 5053,-- on House, No. 3281);

Construction  
contracts,--  
transparency.  
Revere and Son  
Heritage Trust Corp.

Relative to Revere and Son Heritage Trust Corporation (House, No. 5054,-- on House, No. 4474);

Relative to the educational needs of students whose education was negatively impacted by the COVID-19 emergency (House, No. 5055,-- on House, Nos. 601 and 3865);

COVID-19,--  
educational needs.

Relative to college in high schools (House, No. 5056,-- on House, No. 693);

High school,--  
college programs.  
Electric bicycles.

Relative to electric bicycles (House, No. 5105,-- on House, No. 3457); and

Clarifying the application of judicial retirement law (House, No. 5149,-- on House, No. 2595);

Judicial retirement  
law.

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

Bills

Relative to termination of sales to wholesalers by suppliers of alcoholic beverages (House, No. 440,-- on petition); and

Alcohol suppliers,--  
sales.

Relative to assessor certificates (House, No. 5137,-- on House, No. 2206);

Assessor certificates.

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

Bills

Authorizing the town of Plainville to grant an additional license for the sale of alcoholic beverages (House, No. 4664,-- on House, No. 4086) [Local approval received on House, No. 4086]; and

Plainville,-- liquor  
licenses.

Changing the board of selectmen of the town of Shrewsbury to the select board (House, No. 5011,-- on petition) [Local approval received];

Shrewsbury,-- board  
of selectmen.

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

The House Bill to reduce traffic fatalities (House, No. 5103, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment by inserting before section 1 the following section:-

Traffic fatalities.

“SECTION A1. Section 11B of chapter 85 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out, in lines 71 and 72, the words “either a lamp emitting a red light, or” and inserting in place thereof the following words:-

a lamp emitting a red light and”;

In section 6, in the first proposed paragraph, by adding the following sentence:- “The registrar may provide alternative means of compliance with the convex mirror, cross-over mirror and lateral protective device requirements.”;

In section 7, by striking out, in lines 57 and 58, the word “before” and inserting in place thereof, in each instance, the word:- “after”;

By striking out section 10.”; and

By adding the following new section:-

“SECTION XX. The Executive Office of Public Safety and Security shall within one year report the results of a study of the implementation of this bill focusing on racial, gender and geographic disparities if any.”, *with a further amendment* by striking out the text of the amendment and inserting the following new section:-

“SECTION A1. Said Section 11B of Chapter 85 of the General Laws, as appearing in the 2020 Official Edition, is hereby further amended by inserting, in line 76, after the word “clause.” The following sentence:- The provisions of this paragraph related to front and rear lighting shall be enforced by law enforcement agencies only when an operator of a bicycle has been stopped for some other offense, A violation of this paragraph related to rear lighting shall not be used as conclusive evidence of contributory negligence in any civil action.”

The rules were suspended, on motion of Mr. Tarr, and the further House amendment was considered forthwith.

Mr. Brownsberger presented a motion that the Senate concur with the further House amendment with a *still further amendment* by inserting before section 1 the following 2 sections:-

“SECTION A1. Section 11B of chapter 85 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out, in lines 71 and 72, the words “either a lamp emitting a red light, or” and inserting in place thereof the following words:- a lamp emitting a red light and.

SECTION A2. Said Section 11B of Chapter 85 of the General Laws, as appearing in the 2020 Official Edition, is hereby further amended by inserting, in line 76, after the word “clause.” The following sentence:- The provisions of this paragraph related to front and rear lighting shall be enforced by law enforcement agencies only when an operator of a bicycle has been stopped for some other offense, A violation of this paragraph related to rear lighting shall not be used as conclusive evidence of contributory negligence in any civil action.”;

In section 6, in the first proposed paragraph, by adding the following sentence:- “The registrar may provide alternative means of compliance with the convex mirror, cross-over mirror and lateral protective device requirements.”;

In section 7, by striking out, in lines 57 and 58, the word “before” and inserting in place thereof, in each instance, the word:- “after”;

By striking out section 10; and

By adding the following section:-

“SECTION 13A. The Executive Office of Public Safety and Security shall within one year report the results of a study of the implementation of this bill focusing on racial, gender and geographic disparities if any.”

**The motion was accepted; and the still further amendment was adopted.**

**The House further amendment, as amended, was then adopted.**

**Sent to the House for concurrence in the still further amendment.**

*Emergency Preambles Adopted.*

An engrossed Bill providing for the development and implementation of a secure common application portal for individuals to simultaneously apply for state-administered needs-based benefits and services (see House, No. 5108, 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 2 to 0.

State services.

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

An engrossed Bill authorizing the commissioner of capital asset management and maintenance to convey a certain parcel of land to the town of Salisbury (see House, No. 5150), 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.

Salisbury,-- land conveyance.

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

*Engrossed Bills.*

An engrossed Bill providing for the development and implementation of a secure common application portal for individuals to simultaneously apply for state-administered needs-based benefits and services (see House, No. 5108, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and signed by the Acting President (Mr. Brownsberger) and again laid before the Governor for his approbation.**

Bill again laid before the Governor.

An engrossed Bill authorizing the commissioner of capital asset management and maintenance to convey a certain parcel of land to the town of Salisbury (see House, No. 5150) (which originated in the House), **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. Pacheco,--

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M.

Time of meeting.

On motion of Mr. Tarr, at seventeen minutes before twelve o'clock noon, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.