

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**MONDAY, JUNE 27, 2022**

JOURNAL OF THE SENATE

Monday, June 27, 2022.

Met at eleven minutes past eleven o'clock A.M. (Ms. Lovely 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 (Ms. Lovely), 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 Western MA Women's Correctional Center inspection on May 13, 2022 and Suffolk County House of Correction inspection on April 15 and 20 and May 3, 2022 (received June 23, 2022),-- was placed on file.

DPH,-- plans of correction. SD3224

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2959) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation to authorize the town of Carver to transfer certain real property, including water wells and a pumping station thereon to the Cranberry Village Residents Association, Inc [Local approval received];

Carver,-- real property.

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

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2958) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation to exempt all positions in the police department of the town of Carver from the civil service law [Local approval received];

Carver,-- police department.

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

Reports of Committees.

By Mr. Rodrigues, for the committee on Ways and Means, on petition (accompanied by bill, Senate, No. 32), a Bill relative to accountability for vulnerable children and families (Senate, No. 2953).

Vulnerable children,- - accountability.

Pursuant to an order previously adopted, the bill was placed in the Orders of the Day for Thursday, June 30, 2022 for a second reading with the amendment pending.

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill establishing a Foster Parents' Bill of Rights (Senate, No. 87),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2954).

Foster parents,-- bill of rights.

Pursuant to an order previously adopted, the bill was placed in the Orders of the Day for Thursday, June 30, 2022 for a second reading with the amendment pending.

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill

Pharmacists,-- PrEP.

enabling pharmacists to prescribe, dispense and administer PrEP (Senate, No. 1407),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2955).

**Pursuant to an order previously adopted, the bill was placed in the Orders of the Day for Thursday, June 30, 2022 for a second reading with the amendment pending.**

Ms. Lovely, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill relative to archaic laws (Senate, No. 930) (the committee on Rules recommending that the bill be amended by substituting a new draft with the same title, Senate, No. 2956).

**The bill was placed in the Orders of the Day for the next session, with the amendment pending.**

By Mr. Cyr, for the committee on Mental Health, Substance Use and Recovery, on petition, a Bill relative to preventing overdose deaths and increasing access to treatment (House, No. 2088) [Representatives Markey of Dartmouth and Tucker of Salem dissenting];

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

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4876) of Michelle L. Ciccolo and Cindy F. Friedman (by vote of the town) that the town of Lexington be authorized to allow remote participation at town meetings in said town;

**To the committee on Election Laws.**

Petition (accompanied by bill, House, No. 4914) of Joseph D. McKenna, Paul K. Frost and Ryan C. Fattman (by vote of the town) relative to employment within the police department of the town of Oxford; and

Petition (accompanied by bill, House, No. 4915) of Smitty Pignatelli (by vote of the town) that the town of Great Barrington be authorized to exempt certain members of the police department from the civil service law;

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

A Bill authorizing Matthew K. Sonnabend to purchase creditable service from the Barnstable county retirement board (House, No. 4656, amended,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Bills

Relative to the town of Danvers electric division (House, No. 3913,-- on petition) [Local approval received];

Authorizing the town of Norwood to continue the employment of fire chief David Hayes (House, No. 4287,-- on petition) [Local approval received]; and

Removing the residency requirement for the board of trustees of the Grand Army Building in the city of Lynn (House, No. 4624,-- on petition) [Local approval received];

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

*Resolutions.*

Archaic laws,-- repeal.

Injection sites,-- pilot program.

Lexington,-- town meetings.

Oxford,-- police department.

Great Barrington,-- civil service.

Matthew K. Sonnabend,-- creditable service.

Danvers electric division.

Norwood,-- fire chief.

Lynn,-- Grand Army building.

**UNCORRECTED PROOF.**

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

Resolutions (filed by Messrs. Eldridge and Tarr) “congratulating Elvernoy Johnson on her retirement as the State Librarian”; and

Elvernoy Johnson.

Resolutions (filed by Mr. O’Connor) “congratulating Fire Chief Kevin Nord on his retirement from the Duxbury Fire Department.”

Fire Chief Kevin Nord.

*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 House Bill authorizing special police officers in the town of Natick to serve until the age of 70 (House, No. 3762),-- **was read a third time and passed to be engrossed, in concurrence.**

Natick,-- special police.

The House Bill authorizing the city of Melrose to establish a means-tested senior citizen property tax exemption (House, No. 3766) (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.**

Melrose,-- property tax.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4921) of Kimberly N. Ferguson relative to a certain parcel of land in the town of Townsend;

Townsend,-- land.

**Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.**

Petition (accompanied by bill, House, No. 4922) of Josh S. Cutler and Kate Lipper-Garabedian relative to education and training programs specializing in uses of blockchain technology;

Workforce training.

**Under suspension of Joint Rule 12, to the committee on Labor and Workforce Development.**

A Bill authorizing the commissioner of the division of capital asset management to convey certain former Boston State Hospital land in the city of Boston (House, No. 4899,-- on House, No. 4317),-- was read.

Boston,-- land conveyance.

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

A Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Lowell to the Lowell Housing Authority (House, No. 4900,-- on House, No. 4237),-- was read.

Lowell,-- land conveyance.

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

A Bill authorizing the conveyance of a parcel of land in the town of Brewster (House, No. 4901,-- on House, No. 3217) [Local approval received on House, No. 3217],-- was read.

Brewster,-- land conveyance.

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

A Bill authorizing the commissioner of Capital Asset Management and Maintenance

Fitchburg,-- land conveyance.

to convey a certain parcel of land to the city of Fitchburg (House, No. 4902,-- on House, No. 3994),-- was read.

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

*Report of a Committee.*

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill relative to acupuncture detoxification specialists (Senate, No. 1520),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2957).

Acupuncture,-- detox specialists.

**There being no objection, the rules were suspended, on motion of Mr. Rodrigues, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.**

**The bill (Senate, No. 2957) was then ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

PAPER FROM THE HOUSE

*Engrossed Bill.*

An engrossed Bill further regulating the appointment of retired police officers in the town of Canton (see House, No. 4838) (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 (Ms. Lovely) and laid before the Governor for his approbation.**

Bill laid before the Governor.

*Moment of Silence.*

At the request of the Chair (Ms. Lovely), the members, guests and staff stood in a moment of silence and reflection to the memory of Wayne P. Marquis and Betsy Merry.

Moment of silence.

PAPERS FROM THE HOUSE.

A Bill making certain appropriations for Fiscal Year 2023 before final action on the General Appropriation Bill (printed in House, No. 4911,-- being a message from his Excellency the Governor),-- was read.

1/12<sup>th</sup> budget.

**There being no objection, the rules were suspended, on motion of Mr. Fattman, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, 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 (Ms. Lovely) and laid before the Governor for his approbation, to wit:

Bills laid before the Governor.

Authorizing the city of Somerville to continue the employment of Charles J. Femino as acting chief of police (see Senate, No. 2841); and

Making certain appropriations for Fiscal Year 2023 before final action on the General Appropriation Bill (see House Bill, printed in House, No. 4911).

*Order Adopted.*

On motion of Mr. Fattman,--

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Wednesday next at one o'clock P.M. in a full formal session with a calendar.

Time of meeting.

*Adjournment in Memory of Wayne P. Marquis.*

The Senator from Essex, Ms. Lovely, moved that when the Senate adjourns today, it do so in memory of Wayne P. Marquis.

Wayne P. Marquis, 69, beloved husband and father, devoted grandfather, and dedicated Danvers Town Manager for 36 years, died Wednesday evening, June 8, 2022, at Beverly Hospital following a valiant battle with chondrosarcoma. He was the loving husband of Nancy (Orrall) Marquis, with whom he shared 46 years of marriage.

Born in Saugus on April 5, 1953, he was raised and educated in Danvers, graduating from Danvers High School in 1971. Wayne earned his bachelor's degree from Salem State in 1975, where he first became interested in municipal management. This led to a 40-year career of service in Danvers government.

Appointed Town Manager at age 26, Wayne worked tirelessly for the people of Danvers for the next three and a half decades. He was especially devoted to the children of the community, constantly advocating for their educational and recreational needs. In financial matters, his leadership was acknowledged not only by the local taxpayers but by municipal leaders throughout the state. In his management of Danvers Electric, he took the state's oldest municipal power company and made it one of the most preeminent.

During his tenure, nearly every town building was either built, re-built, or significantly renovated for the benefit of the people of Danvers. A highlighting achievement was Wayne's role in garnering widespread support and collaboration for the building and restructuring of Essex Agricultural School into what is now known as the Essex North Shore Agricultural & Technical High School. He proudly served as the Danvers representative to the school committee there and it is a project that held a special place in his heart.

He was an active member of both the International City/County Management Association and the Massachusetts Municipal Association. Wayne was praised for his leadership during the aftermath of the 2006 Chemical plant blast in Danversport, and in 2011, he was named a Drum Major for Justice by the Danvers Diversity Committee.

Following his retirement, Wayne continued to serve on the Danvers Retirement Board, the Danvers Community Council, and the Pillsbury Foundation.

Wayne was a longtime member of the Danvers Kiwanis Club and an active member of the Maple Street Congregational Church. He was also an Eagle Scout who passed on his commitment to scouting to his grandchildren.

Most important to Wayne was family. He always found time to coach his girls in softball and soccer and never missed a college field hockey game. Hiking in the White Mountains and parts of the Appalachian Trail, and spending time at Pine River Pond made him most happy because it was always done with his family.

Wayne also enjoyed live music, playing guitar with his friends and family, and a round of golf with friends.

In addition to his wife, he leaves two daughters, Jennifer Marquis of Winthrop and Kathryn Azevedo and her husband, Ed of Topsfield; two grandchildren, Noemia and Jackson; his mother, Carolyn (Grimes) Peabody and her husband, Myron of Peabody; his step-mother, Marjorie Marquis of Danvers; his siblings, Debra Marquis of Boxford, Linda Marquis and her husband, Tim Markham of Peabody, and Scott Marquis of New Hampshire; his brother-in-law, Bill LaCapra of Connecticut; his sister-in-law, Kathy Orrall of North Andover; several nieces and nephews whom he adored; and many dear

friends and colleagues. He was predeceased by his father, Paul Marquis, his sister-in-law, Judy LaCapra, and his brother-in-law, Peter Orrall.

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*Adjournment in Memory of Betsy Merry.*

The Senator from Essex, Ms. Lovely, moved that when the Senate adjourns today, it do so in memory of Betsy Merry.

Betsy Merry passed away peacefully at home and surrounded by her family on May 23, 2022, following a courageous battle with acute myeloid leukemia.

Betsy was born in Salem and raised in Peabody by her wonderful mother, Mary. Betsy was only four years old when her father, Walter Lee, died in the Swampscott Budliner train crash. This tragic loss inspired Betsy to independently achieve great success through resilience, hard work, and relentless determination.

Betsy graduated from Bishop Fenwick High School and received her undergraduate and graduate degrees at Boston College. She studied abroad at Loyola University in Rome, where she developed a passion for classic architecture, fine art, and gourmet food.

Betsy was a beloved special education teacher at Salem High School before beginning a career in residential real estate. She was a natural in real estate and thoroughly enjoyed meeting new clients, who often became close friends. Betsy managed the Salem Coldwell Banker office for several years and, in 2008, established Merry Fox Realty, which thrived and eventually became Salem's dominant realty office. Featured on This Old House and American Dream TV, Betsy's real estate prowess and trustworthiness were well known and propelled her to become Salem's top broker.

Betsy passionately devoted herself to civic projects, charitable organizations, and institutions and had an uncanny ability to raise money. Potential donors couldn't say "No" to Betsy Merry! She was president of the Salem YMCA and a trustee of the Essex Institute before its merger with the Peabody Museum. Later, she was a member of the Board of Overseers of the Peabody Essex Museum. Betsy was a board member at Catholic Charities, Historic Salem, Inc., Hamilton Hall, YMCA of the North Shore, the Salem Partnership, and the Salem Pantry. She was a Trustee at Salem's Charitable Samaritan's Society and a proud member of the Cheerful Workers Sewing Circle. Betsy delighted in planning numerous fundraising galas and the Hamilton Hall Christmas Dance for many years.

Betsy received the Distinguished Citizen Award from the Yankee Clipper Council, Boy Scouts of America, and the Citizen of the Year from the City of Salem. Additionally, she is nominated for the 2021 Business Woman of the Year from Salem's Chamber of Commerce, recognized for Outstanding Fundraising Achievement for Mass General's Caring for a Cure Boston Marathon team, and will posthumously receive the Commonwealth Heroine award in June.

Betsy loved to laugh! Her zest for life and sense of humor were contagious. A consummate chef, Betsy enjoyed hosting dinner parties with her vast network of friends. She delighted in crafting her guest lists to spawn intellectually stimulating conversation and laughter. Betsy created beautiful gardens and exquisitely arranged flowers for everyday and special occasions. She set elegant tabletops for parties, special events, and everyday meals. A glamor girl, Betsy was always beautifully dressed and radiated warmth, kindness, and positivity. She spoiled her friends and family with thoughtful gifts and treats,

always festively wrapped, to celebrate life's special moments. Of course, there isn't a holiday that Betsy Merry didn't love! She impeccably decorated her house, inside and out, for all holidays and savored those special occasions with loved ones.

Above all her extraordinary accomplishments, Betsy's family was the light of her life. Betsy was incredibly proud of her family's achievements and never hesitated to tout their successes far and wide! She shared 45 years of marriage and adventure with Peter Merry. Betsy was the loving mother of Ian Merry of Boston and Kate Walters and her husband, Chris of Marblehead. "Gigi" was also adored by her three grandchildren, Peter, Rosemary, and Eve Walters.

Betsy leaves her devoted brother Terry Lee, dear cousins Mary Shaughnessy and Sara Hart, and an "honorary" family member, her business partner, Dan Fox, with whom she shared over 15 years of success, laughs, and loyalty. She also leaves countless close friends, colleagues, and extended family. Betsy was preceded in death by her parents, Walter and Mary (Flynn) Lee, her nephew, Jeffrey Lee, and her brother Coley Lee, for whom the Peabody High School football field is named.

Betsy brought us fireworks and sparkle every day. She illuminated every room and brightened each life she touched. She was a classic beauty, both inside and out. What a sense of style, what a generous heart, and what energy! Difficulties were met head-on with creativity, strength, expertise, and indomitable optimism. Her inspirational presence and spirit enriched the lives of all who knew Betsy. We honor her remarkable life with her legacy to us - be bold, be bright, and always be our best.

Accordingly, as a mark of respect to the memory of Warren P. Marquis and Betsy Merry, at ten minutes past twelve o'clock noon, on motion of Ms. Lovely, the Senate adjourned to meet again on Wednesday next at one o'clock P.M.