
The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, AUGUST 18, 2022

JOURNAL OF THE SENATE

Thursday, August 18, 2022.

Met at twenty minutes past twelve o'clock noon (Mr. Tarr in the Chair).

Report.

Report of the Executive Office of the Trial Court (pursuant to Section 2(c) of Chapter 257 of the Acts of 2020) submitting its report on filings, actions, and dispositions of summary process (eviction) cases for July 2022 (received August 15, 2022),-- **was placed on file.**

EOTC,-- summary process report. SD3296

Placed on File.

Mr. Brady, for the committee on Public Service, on the report of the Public Employee Retirement Administration Commission (pursuant to Section 50 of Chapter 7 of the General Laws) submitting amendments to the rules and regulations governing retirement of public employees in Massachusetts (840 CMR 28.00) (Senate, No. 3017); and

PERAC,-- CMR amendment.

Mr. Hinds, for the committee on Revenue, on the report of the Massachusetts Capital Resource Company (under the provisions of Section 20 of Chapter 816 of the Acts of 1977) submitting its forty-fifth annual report (Senate, No. 2736);

MCRC,-- 45th annual report.

Reported recommending that the same be placed on file.

Severally, under Senate Rule 36, the reports were considered forthwith and were accepted.

Severally sent to the House for concurrence.

PAPER FROM THE HOUSE.

A Bill changing the Board of Selectmen of the town of Tyngsborough to a Select Board (House, No. 4483,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Tyngsborough,-- select board.

Recess.

There being no objection, at twenty-one minutes past twelve o'clock noon, the Chair (Mr. Tarr) declared a recess subject to the call of the Chair; and at twenty-six minutes before one o'clock P.M., the Senate reassembled, Mr. Pacheco in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Recess.

Pledge of Allegiance.

The Chair (Mr. Pacheco), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Rhonda Brewster, an employee

Rhonda Brewster,--

of the Department of Mental Health (see House, No. 4831), 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.

sick leave.

The bill was signed by the Acting President (Mr. Pacheco) 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. Pacheco) and laid before the Governor for his approbation, to wit:

Further regulating elections in the town of Bridgewater (see Senate, No. 3080);

Bills laid before the Governor.

Relative to school operational efficiency (see House, No. 596, amended);

Authorizing the investment of town of Lunenburg library trust funds (see House, No. 3727);

Establishing a permanent senior means tested property tax exemption in the town of Concord (see House, No. 3731);

Further regulating the authority of the town of Norwood to grant licenses for the sale of wines and malt beverages in a certain area of the town (see House, No. 4114, amended);

Regarding licenses for the sale of alcoholic beverages to be drunk on the premises in the town of Tisbury (see House, No. 4240);

Providing for the election of at-large and district councilors and school committee members in the city of Haverhill (see House, No. 4636);

Authorizing the town of Hull to grant 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4667);

Regulating incumbent town meeting members in the town of Burlington (see House, No. 4765); and

Authorizing the town of Harvard to establish a cap on property taxes for means tested senior citizens (see House, No. 5019).

The House Bill relative to municipal light plant participation in green communities (House, No. 4351),-- came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 3006 *with a further amendment*,-- adding the following six sections:

Municipal light plants.

“SECTION 3. Section 4A of chapter 40 of the General Laws, as so appearing, is hereby amended by inserting after the word ‘selectmen’, in line 8, the following words:- , in a municipal light plant by the board or commission.

SECTION 4. Said section 4A of said chapter 40, as so appearing, is hereby further amended by inserting after the word ‘40N’, in line 28, the following words:- , a municipal light plant established under chapter 164.

SECTION 5. Section 47B of chapter 164 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:- Any municipality acting by and through its municipal light board may provide services and assistance to any municipal or state utility, tribal utility as defined in 25 CFR § 169.2, or any other publicly-owned or operated utility, whether located inside or outside of the commonwealth, and governmental units as defined in section 4A of chapter 40, to construct, install, alter, operate, maintain or repair utility poles and conduit, wires, cables and equipment, and streetlights and traffic

signals to the same extent such municipality acting by and through its municipal light board may provide such services within its service territory. Any such municipality acting by and through its municipal light board may sell, rent or lease merchandise, equipment, fixtures, utensils and chattels of any description related to the provision of such services. Any employee providing such services entered into between the municipality acting by and through its municipal light board and such other public entity shall be subject to the provisions of sections 1 to 28, inclusive, of chapter 32 and shall have the same rights and privileges thereunder, as if performing the same duties within the scope of their employment including voluntary assignments.

SECTION 6 The definition of ‘Emergency mutual aid’ in section 133 of said chapter 164, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- Any municipal lighting plant providing emergency mutual aid may sell, rent or lease equipment, fixtures and goods of any description related to the provision of emergency mutual aid.

SECTION 7. The second paragraph of said section 133 of said chapter 164, as so appearing, is hereby amended by adding the following sentence:- Any employee of a municipal lighting plant providing emergency mutual aid shall be covered by the provisions of sections 1 to 28, inclusive, of chapter 32, as may be amended from time to time, and shall have the same rights and privileges thereunder, as if performing such duties within the scope of their employment including voluntary assignments authorized by the employer.

SECTION 8. Said section 133 of said chapter 164, as so appearing, is hereby further amended by inserting after the word ‘utility’, in line 27, the following words:- or its employees.”

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

Mr. Lewis presented a motion that the Senate concur with the further House amendment with a *still further amendment*, striking out all after the enacting clause and inserting in place thereof the following text:-

“SECTION 1. Section 20 of chapter 25 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by adding the following subsection:-

(c) Notwithstanding subsection (b), a municipality served by a municipal lighting plant that serves multiple municipalities that does not supply generation service outside its own service territory or does not open its service territory to competition at the retail level and that has not elected to assess and remit a mandatory charge pursuant to said subsection (b) may adopt a mandatory charge per kilowatt-hour upon its electricity consumers on the same terms and conditions as apply to the charge imposed on consumers residing in competitive distribution service territories under this section; provided, however, that the municipal light plant shall collect the charge from ratepayers through electric bills.

SECTION 2. Subsection (e) of section 10 of chapter 25A of the General Laws, as so appearing, is hereby amended by adding the following sentence:- In adopting such regulations, the division shall require that a municipality served by a municipal light plant that serves multiple municipalities shall be permitted to qualify as a green community if the municipality has chosen to adopt the renewable energy charge pursuant to subsection (c) of section 20 of chapter 25.”

The motion prevailed and the Senate concurred in the further House amendment with a still further amendment.

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

A Bill establishing a sick leave bank for Julie A. Hall, an employee of the Trial Court of the Commonwealth (House, No. 5098,-- on petition),-- was read.

Julie A. Hall,-- sick leave.

UNCORRECTED PROOF.

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

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:

Report 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,-- was considered, the question being on accepting the adverse report.

Avon,-- liquor license.

Pending the question on acceptance of the report, on motion of Mr. Tarr, the petition was recommitted to the committee on Consumer Protection and Professional Licensure.

The House Bill authorizing certain members of the Webster Fire Department to buy-back eligible retirement service time (House, No. 3967),-- **read third and passed to be engrossed, in concurrence.**

Webster,-- retirement buy-back.

The House Bill exempting the position of apprentice lineman in the town of Norwood from the civil service law (House, No. 4093),-- **was read a third time and passed to be engrossed, in concurrence.**

Norwood,-- civil service exemption.

The House Bill authorizing the town of Duxbury to offset betterment assessments from funds received from the Federal Emergency Management Agency (House, No. 4809),-- **was read a third time and passed to be engrossed, in concurrence.**

Duxbury,-- betterment assessments.

Reports of a Committee.

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 House Bill designating a certain bridge in the city of Haverhill as the Ted and Mary Murphy Bridge (House, No. 4099) (also based on Senate, No. 2617).

Haverhill,-- Murphy bridge.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

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 House Bill designating a certain node of the Blackstone River Greenway in the town of Millville as the Margaret M. Carroll memorial greenway access area (House, No. 4213).

Millville,-- Blackstone River Greenway.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Order Adopted.

On motion of Mr. Tarr,--

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

Time of meeting.

UNCORRECTED PROOF.

On motion of the same Senator, at nine minutes before one o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.