

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, AUGUST 25, 2022

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JOURNAL OF THE SENATE

Thursday, August 25, 2022.

Met at twenty-six 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.

Communications.

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

Communication from the Honorable Karen E. Spilka, President of the Senate, announcing the appointment of Senators Brendan P. Crighton as co-chair, Joanne M. Comerford, Adam Gomez and Eric P. Lesser (pursuant to Section 60 of Chapter 176 of the Acts of 2022) to the East-West Rail Commission (received August 23, 2022);

East-West Rail Commission.

Communication from the Honorable Bruce E. Tarr, Minority Leader, announcing the appointment of Paul A. Lundberg (pursuant to Section 60 of Chapter 176 of the Acts of 2022) to investigate and receive public testimony concerning public entities now in existence or that may be created by statute with the ability to design, permit, construct, operate and maintain passenger rail service that meets the standards of at least 1 of the Final Alternatives set forth in the East-West Passenger Rail Study (received August 24, 2022); and

Id.

Communication from the Honorable Michael D. Hurley, Clerk of the Senate, in compliance with Massachusetts General Laws Chapter 268A (received in the Office of the Clerk of the Senate on Friday, August 19, 2022 at four minutes before three o'clock P.M.).

Michael D. Hurley,-- Chapter 268A.

Reports.

Reports of the Cape and Islands District Attorney relative to:

- Motor vehicle forfeiture funds (pursuant to Section 24W(e) of Chapter 90 of the General Laws) (received August 22, 2022); and
• Drug rehabilitation, drug education and other anti-drug or neighborhood crime watch programs (pursuant to Section 47(d) of Chapter 94C of the General Laws) (received August 22, 2022),-- were severally placed on file.

Cape & Islands DA,-- reports. SD3299

Reports of a Committee.

By Mr. Cronin, for the committee on Municipalities and Regional Government, on petition, a Bill amending the town charter of Ipswich (Senate, No. 2962) [Local approval received];

Ipswich,-- charter.

By the same Senator, for the same committee, on petition, a Bill amending Chapter 396 of the Acts of 2008 (Senate, No. 3099) [Local approval received]; and

Nantucket,-- sewer commission.

By the same Senator, for the same committee, on petition, a Bill amending the charter for the town of Nantucket (Senate, No. 3100) [Local approval received];

Nantucket,-- charter.

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

Placed on File.

Mr. Lewis, for the committee on Education, on the report of the Department of Elementary and Secondary Education (pursuant to Section 1J(a) of Chapter 69 of the General Laws) submitting its amended regulations as adopted by the Board to 603 CMR 2.03: Accountability and assistance for school districts and schools (Senate, No. 2999),-- **reported, recommending that the same be placed on file.**

DESE,-- CMR amendment.

Under Senate Rule 36, the report was considered forthwith and was accepted. Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Notice was received from the House of Representatives announcing the following appointment by the Minority Leader:

Representative Todd Smola of Warren (pursuant to Section 60 of Chapter 176 of the Acts of 2022) to the special commission established to investigate and receive public testimony concerning public entities now in existence or that may be created by statute with the ability to design, permit, construct, operate and maintain passenger rail service that meets the standards of at least 1 of the Final Alternatives set forth in the East-West Passenger Rail Study.

East-West Rail Commission.

A communication from the Registry of Motor Vehicles Division of the Massachusetts Department of Transportation (under the provisions of Chapter 30A, and Section 7V of Chapter 90 of the General Laws) submitting amendments to 540 CMR 4, Annual Safety and Combined Safety and Emissions of All Motor Vehicles, Trailers, Semi-Trailers and Converter Dollies (House, No. 5224),-- **was referred, in concurrence, to the committee on Transportation.**

RMV,-- safety and emissions communication.

A petition (accompanied by bill, House, No. 5232) of Lindsay N. Sabadosa and Joanne M. Comerford (with the approval of the mayor and city council) that the Northampton Retirement Board be authorized to grant creditable service to William Dwight,-- **was referred, in concurrence, to the committee on Public Service.**

William Dwight,-- creditable service.

A Bill designating the month of October as adopt a shelter dog month (House, No. 3102, amended,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

October,-- adopt shelter dog month.

Bills

Providing for tenant member appointment to the board of the Needham Housing Authority (House, No. 4964,-- on petition) [Local approval received]; and

Needham Housing Authority.

Authorizing the city of Watertown to acquire property in the city of Waltham (House, No. 5100,-- on petition) [Local approval received];

Watertown/Waltham, -- property.

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

Resolutions.

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

Resolutions (filed by Mr. Pacheco) “congratulating Alice Souza on the occasion of her retirement after 53 years of dedicated service to the town of Dighton and its seniors”;

Alice Souza.

Resolutions (filed by Mr. Pacheco) “congratulating Emily Stone on her one hundredth

Emily Stone.

birthday”; and

Resolutions (filed by Mr. Pacheco) “congratulating Alice White on her one hundredth birthday.”

Alice White.

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 the town of Falmouth to hold a special election for members of a municipal light board (House, No. 4877),-- **was read a second time and ordered to a third reading.**

Falmouth,-- special election.

The House Bill changing the board of selectmen of the town of Shrewsbury to the select board (House, No. 5011),-- **was read a second time and ordered to a third reading.**

Shrewsbury,-- board of selectmen.

The Senate Bill authorizing the town of Raynham to suspend the collection of boat excise (Senate, No. 1971),-- **was read a third time and passed to be engrossed.**

Raynham,-- boat excise.

Sent to the House for concurrence.

The Senate Bill authorizing the appointment of retired police officers as special police officers in the town of Rowley (Senate, No. 2876),-- was read a third time.

Rowley,-- police officers.

Pending the question on passing the bill to be engrossed, Mr. Tarr moved that the bill be amended in section 1, by adding the following sentence:- “A special police officer appointed pursuant to this act shall comply with all requirements of chapter 6E of the General Laws, including: (i) maintaining certification and good standing with the Massachusetts Peace Officer Standards and Training Commission; and (ii) complying with all annual in-service and other training requirements mandated by the municipal police training committee.”; and

In section 5, by striking out the last sentence.

The amendment was adopted.

The bill (Senate, No. 2876, amended) was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill redesignating certain bridges in the city of Lawrence (House, No. 4319) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Lawrence,-- bridges.

Pending the question on passing the bill to be engrossed, Mr. Finegold presented an amendment striking out section 2.

The amendment was adopted.

The bill, amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Heather Worster, an employee of the department of mental health (see House, No. 4241), 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

Heather Worster,-- sick leave.

was adopted in concurrence, by a vote of 2 to 0.

The bill was signed by the Acting President (Ms. Lovely) and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (all 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 enacted and were signed by the Acting President (Ms. Lovely) and laid before the Governor for his approbation, to wit:

Authorizing the appointment of retired firefighters as special firefighters in the city of Salem (see House, No. 4265);

Bills laid before the Governor.

Removing the residency requirement for the board of trustees of the Grand Army Building in the city of Lynn (see House, No. 4624); and

Authorizing the town of Needham to grant additional licenses for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4815).

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 Seamus Michael O’Leary.

Moment of silence.

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.

Adjournment in Memory of Seamus Michael O’Leary.

The Senator from Essex, Ms. Lovely moved that when the Senate adjourns today, it adjourn in memory of Seamus Michael O’Leary of Salem, Massachusetts who died unexpectedly on November 8th, 2020, at the age of 29, of cardiomyopathy, while doing one of the things he loved most - mountain biking.

A lifelong resident of Salem, Seamus was a natural mentor and leader; a trait that spanned beyond his neighborhood to anyone he met throughout his many adventures. Beginning in childhood, Seamus’ sense of adventure was apparent to all those who were lucky enough to be around him. Always the first to climb the highest tree in the neighborhood or test out the skateboard jump he and his brother constructed, Seamus’ curiosity, courage, and sense of exploration brought him to all corners of the world, to the top of mountains, and always returning to his home, his community.

After a childhood filled with T ball, hockey, and skateparks, Seamus began building a life for himself and his fiancé, living in an apartment across from his brother, Connor, with whom he shared many, if not most, of his adventures, travels, memories, and experiences. Skateboarding, biking, traveling, hiking, and community were part of Seamus’ soul, and he gave back to others almost like a reflex, a natural part of who he was.

As a talented artist, Seamus left his mark throughout the city and internationally, painting murals anywhere street art was permitted. Seamus’ art was not only a creative outlet, but evolved as a platform to honor loved ones, contribute positively to his community, and connect with others. A natural leader and giving person, Seamus often mentored youth in his community and was always the first to “give the shirt off his back” to anyone who needed it, without judgment or hesitation. Seamus loved to share his

passions, not only in company with others, but was known to show up for those without, whether that was giving away a pizza he had planned for his own dinner or a brand-new skateboard for a neighborhood kid. Seamus was known – and will be remembered – for his kindness and giving nature. Seamus embodied a resilience, fortitude, charisma, and grace that bonded him tightly to his many friends, street family, and community.

Seamus' light is carried on by his fiancé, Skylar Collorone; his mother, Jennifer O'Leary; and his devoted brother and best friend, Connor O'Leary. Seamus was preceded in his passing by his father, the late Captain Brendan Michael O'Leary and his beloved grandfather, Captain Douglas Michael O'Leary. He is survived by his paternal grandmother, Judith (Goodwin) O'Leary, and maternal grandparents, Linda and Donald Kuzmar, as well as cousins, extensive street family, many friends, and community members.

Accordingly, as a mark of respect to the memory of Seamus Michael O'Leary, at twenty-three minutes before twelve o'clock noon, on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.