

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, OCTOBER 24, 2022

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Met at ten minutes past eleven o'clock A.M. (Ms. Friedman 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. Friedman), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Ms. Friedman) handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, in the rear of the Chamber, the Ukrainian National Rowing Team. The team is in Boston having competed, for the first time, in the renowned Head of the Charles Regatta this past weekend. The athletes were recognized for having placed 9th out of 90 in the Men's Youth 4, 12th out of 25 in the Men's Championship 8 and 9th out of 29 in the Woman's Championship. The group is also proudly serving as cultural ambassadors for Ukraine, demonstrating the strength and perseverance of the Ukrainian people and their nation. Also among the group was Andrii Ivanchuk, a former member of Ukraine's national team, now head crew coach for Simmons University, who was instrumental in bringing this team to Boston to compete. The Senate applauded their accomplishments and they withdrew from the Chamber.

Ukrainian National Rowing Team.

Communications.

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

Communication from the Department of Public Health relative to its plans of correction for the Middlesex County Jail and House of Correction inspection on September 9, 12 and 13, 2022, Berkshire County Jail and House of Correction inspection on September 23, 2022, Essex County Women in Transition inspection on September 13, 2022 and Hampshire County Jail and House of Correctional inspection on October 7, 2022 (received October 21, 2022);

DPH,-- plans of correction. SD3359

Communication from the Office of Medicaid (pursuant to Section 6 of Chapter 118E of the General Laws) submitting its fiscal year 2022 report on the activities of the Medical Care Advisory Committee (MCAC) (received October 20, 2022); and

Office of Medicaid,-- MCAC report. SD3360

Communication from the Honorable William N. Brownsberger, in compliance with Massachusetts General Laws Chapter 268A (received in the Office of the Clerk of the Senate on Monday, October 24, 2022, at seventeen minutes past four o'clock P.M.); and

Senator William N. Brownsberger,-- Chapter 268A.

Reports.

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

Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspections of Pondville Correctional Center and Northeastern Correctional Center (received October 20, 2022);

DPH,-- facility inspections. SD3358

Report of MassBiologics of the University of Massachusetts Chan Medical School (pursuant to Section 43(f) of Chapter 75 of the General Laws) submitting its fiscal year 2022 annual report (received October 20, 2022);

MassBiologics,-- annual report. SD3361

UNCORRECTED PROOF.

Report of the Cannabis Control Commission (pursuant to Section 4(h) of Chapter 94G of the General Laws) submitting its fifth annual activities report (received October 21, 2022); and

CCC,-- annual report.
SD3363

Report of the Plymouth County Sheriff's Department (pursuant to Section 40 of Chapter 126 of the General Laws) submitting its criminal justice report for the third quarter of 2022 (received October 19, 2022).

Plymouth Sheriff,--
criminal justice
report.
SD3364

Petitions.

Petitions were severally presented and referred as follows:

By Ms. DiZoglio, a petition (accompanied by bill) (subject to Joint Rule 12) of Diana DiZoglio and Bruce E. Tarr for legislation relative to the Salisbury Beach State Reservation; and

Salisbury Beach
Reservation.
SD3361

By Mr. Montigny, a petition (accompanied by bill) (subject to Joint Rule 12) of Mark C. Montigny, Marc R. Pacheco, Carol A. Doherty, Patricia A. Haddad and others for legislation to establish a sick leave bank for Philip Cloutier, an employee of the Department of Mental Health;

Philip Cloutier,-- sick
leave.
SD3355

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of a Committee.

By Ms. Moran, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill authorizing the town of Wareham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2504) [Local approval received]; and

Wareham,-- liquor
license.

By the same Senator, for the same committee, on petition, a Bill authorizing the town of Wareham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2506) [Local approval received];

Id.

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

PAPERS FROM THE HOUSE.

A Bill designating the last day of February as rare disease day in the Commonwealth (House, No. 3101,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Rare disease day.

Bills

Authorizing the town of Provincetown to continue the employment of Michael Trovato (House, No. 5082,-- on petition) [Local approval received]; and

Michael Trovato,--
employment.

Establishing the position of Town Manager in the town of Tyngsborough (House, No. 5359,-- on House, No. 4484) [Local approval received on House, No. 4484];

Tyngsborough,--
town manager.

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

Mr. Keenan in the Chair, the House Bill relative to step therapy and patient safety (House, No. 4929, amended),-- 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 3056, *with a further amendment* striking all after the enacting clause and inserting in place thereof the text of House document numbered 5358.

Step therapy.

The rules were suspended, on motion of Ms. Friedman, and, after remarks, the

further House amendment was considered forthwith and adopted, in concurrence.

Emergency Preambles Adopted.

Ms. Friedman in the Chair, an engrossed Bill authorizing the Division of Capital Asset management and Maintenance to convey a certain parcel of land to the school department in the city of Westfield (see House, No. 5156, 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 4 to 0.

Westfield,-- land conveyance.

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

An engrossed Bill establishing a sick leave bank for Molly Urquhart, an employee of the department of children and families (see House, No. 5230), 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 4 to 0.

Molly Urquhart,-- sick leave.

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

Report of Committees.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of John J. Cronin, Natalie M. Higgins and Michael P. Kushmerek for legislation to designate a certain bridge in the city of Leominster as the Honorable John Walter Olver Memorial Bridge.

Leominster,-- bridge designation.
SD3319

Senate Rule 36 was suspended, on motion of Mr. Keenan, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation.

Sent to the House for concurrence.

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 Senate Bill relative to the city of Everett home rule charter (Senate, No. 2983),-- **was read a second time and ordered to a third reading.**

Everett,-- charter.

The House Bill abolishing the permanent intermittent police force in the city of Methuen (House, No. 2147) (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 cooccurrence.**

Methuen,-- intermittent police.

The House Bill establishing an assistant clerk of the city council in the city of Methuen (House, No. 4779) (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.**

Methuen,-- charter.

The House Bill amending the charter of the town of Eastham (House, No. 3794) (its title having been changed by the committee on Bills in the Third Reading),-- was read a

Eastham,-- charter.

third time.

Pending the question on passing the bill to be engrossed, Mr. Cyr presented an amendment in section 6, by inserting after the word “town”, in line 80, the following words:- “and on the town’s website”;

In lines 218 and 219, the words “, 1 of whom shall be appointed under the authority of the commonwealth and 4 of whom shall be elected”;

By striking out, in line 665, the figure “100” and inserting in place thereof the following words:- “Not less than 100”; and

By inserting after the word “voters”, in line 708, the following words:- “voting in such election”.

The amendment was adopted.

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

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Molly Shahvari (House, No. 5345,-- on petition),-- was read.

Molly Shahvari,--
sick leave.

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.

Order.

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on State Administration and Regulatory Oversight be granted until Friday, October 28, 2022 within which time to make its final report on current House document numbered 5254.

State Administration
and Regulatory
Oversight,--
extension order.

The rules were suspended, on motion of Mr. Tarr, and, after remarks, the order (House, No. 5324) was considered forthwith and adopted, in concurrence.

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. Friedman) and laid before the Governor for his approbation, to wit:

Further regulating the powers and duties of the fire chief of the Ware fire department (see House, No. 2774);

Bills laid before the
Governor.

Designating July 8 as Massachusetts Emancipation Day also known as Quock Walker Day (see House, No. 3117);

Separating the positions of town clerk and treasurer-tax collector in the town of Deerfield (see House, No. 4846);

Relative to step therapy and patient safety (see House, No. 4929, amended);

Authorizing the Division of Capital Asset management and Maintenance to convey a certain parcel of land to the school department in the city of Westfield (see House, No. 5156, amended); and

Establishing a sick leave bank for Molly Urquhart, an employee of the department of children and families (see House, No. 5230).

Order Adopted.

On motion of Mr. Tarr,--

UNCORRECTED PROOF.

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 twenty-eight minutes past twelve o'clock noon, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.