

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, NOVEMBER 3, 2022

JOURNAL OF THE SENATE

Thursday, November 3, 2022.

Met at eight minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair).

The Chair (Mr. Brownsberger), 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 Executive Office of Health and Human Services and the Executive Office for Administration and Finance (pursuant to Section 83 of Chapter 144 of the Acts of 2022) submitting its report on a plan for the transfer of the Department of Veterans' Services from EOHHS to a department operating under the Secretary of Veterans' Services (received October 31, 2022);

EOHHS,-- DVS
transfer plan.
SD3372

Communication from the Department of Public Health relative to its plan of correction for the Pondville Correctional Center inspection on October 18, 2022 (received November 1, 2022);

DPH,-- plan of
correction.
SD3373

Communication from the Honorable Brendan P. Crighton, in compliance with Massachusetts General Laws Chapter 268A (received in the Office of the Clerk of the Senate on Tuesday, November 1, 2022, at a quarter before twelve o'clock noon); and

Senator Brendan P.
Crighton,--
Chapter 268A.

Communication from the Honorable Cindy F. Friedman, in compliance with Massachusetts General Laws Chapter 268A (received in the Office of the Clerk of the Senate on Wednesday, November 2, 2022, at twenty-eight minutes before four o'clock P.M).

Senator Cindy F.
Friedman,--
Chapter 268A.

Reports.

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

Report of MassHealth (pursuant to Section 12A(i) of Chapter 118E of the General Laws) submitting its fiscal year 2022 report on the amount of supplemental rebates received, the number of drugs receiving a supplemental rebate broken down by manufacturer and a breakdown of the duration of the supplemental rebates received (received October 31, 2022);

MassHealth,-- drug
pricing report.
SD3370

Report of the Nantucket Regional Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its fiscal year 2022 annual report (received October 31, 2022);

NRTA,-- annual
report.
SD3371

Report of the Disabled Persons Protection Commission (pursuant to Section 15(f) of Chapter 19C of the General Laws) submitting its fiscal year 2022 annual report on its audit of the registry of abusive care providers (received November 1, 2022);

DPPC,-- abuser
registry report.
SD3375

Report of the Department of Correction (pursuant to Section 16 of Chapter 123A of the General Laws) submitting its 2021 and 2022 annual reports that describe the treatment offered to persons civilly committed as sexually dangerous persons (copies having been forwarded as required to the Chair of the Senate Committee on Ways and Means and the Senate Chair of the joint committee on the Judiciary) (received November 1, 2022);

DOC,-- SDPs reports.
SD3376

Report of the Middlesex County Restoration Center Commission (pursuant to Section 225 of Chapter 69 of the Acts of 2018, as amended by Section 142(d) of Chapter 126 of

MCRCC,-- year four
report.

UNCORRECTED PROOF.

the Acts of 2022) submitting its fiscal year 2022 report on year four findings and recommendations (received November 1, 2022); and

SD3377

Report of the Office of the State Auditor (pursuant to Section 17(8) of Chapter 11 of the General Laws) submitting its fiscal year 2022 Bureau of Special Investigations annual report (received November 2, 2022).

OSA,-- FY22 BSI report.
SD3378

Petition.

Ms. Edwards presented a petition (accompanied by bill) (subject to Joint Rule 12) of Lydia Edwards for legislation to direct the state retirement board to grant credible service to Paegan Deering,-- **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Paegan Deering,-- credible service.
SD3374

Reports of Committees.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that the House Bill establishing a task force on sexual assault counsellors (House, No. 5363),-- ought to pass;

Sexual assault counsellors,-- task force.

Referred, under Senate Rule 27, to the committee on Ways and Means.

By Mr. Cronin, for the committee on Municipalities and Regional Government, on petition, a Bill changing the board of selectmen of the town of Hanover to a select board (Senate, No. 3119) [Local approval received]; and

Hanover,-- select board.

By the same Senator, for the same committee, on petition, a Bill modifying certain titles and providing for the appointment of certain positions by the town administrator of the town of Newbury (Senate, No. 3120) [Local approval received];

Newbury,-- town administrator.

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

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 5372) of Jeffrey N. Roy (by vote of the town) that the town of Franklin be authorized to grant one additional license for the sale of all alcoholic beverages not to be drunk on the premises in said town;

Franklin,-- liquor license.

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 5369) of Brian M. Ashe and Eric P. Lesser (by vote of the town) that the town of Hampden be authorized to continue the employment of Peter Hatch, a member of the fire department of said town, and

Hampden,-- Peter Hatch.

Petition (accompanied by bill, House, No. 5373) of Angelo J. Puppolo, Jr. and Eric P. Lesser (by vote of the town) that the town of Wilbraham be authorized to appoint retired police officers of said town as special police officers;

Wilbraham,-- police officers

Severally to the committee on Public Service.

A Bill increasing penalties for hit and runs with recreational vehicles in the commonwealth to be known as the James Ward Act (House, No. 4504,-- on House, No. 1720), -- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

James Ward Act.

Bills

Relative to the transfer of original documents to the Stockbridge-Munsee Community of the Mohican Nation from the town of Stockbridge (House, No. 4627,-- on petition) [Local approval received];

Stockbridge,-- documents.

UNCORRECTED PROOF.

Providing for a certain payment in lieu of tax agreement with owners of Pilgrim Nuclear Power Plant in the town of Plymouth (House, No. 4768, amended,-- on petition) [Local approval received];

Plymouth,-- Pilgrim Nuclear Power Plant.

Relative to bidding requirements for a certain affordable housing project in the town of Acton (House, No. 5010,-- on petition) [Local approval received];

Acton,-- affordable housing.

Relative to certain affordable housing in the South Boston section of the city of Boston (House, No. 5036,-- on petition) [Local approval received]; and

South Boston,-- affordable housing.

Amending the charter of the town of Bourne (House, No. 5370,-- on House, No. 4576) [Local approval received on House, No. 4576];

Bourne,-- charter.

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

Recess.

There being no objection, at nine minutes past eleven o'clock A.M., the Chair (Mr. Brownsberger) declared a recess, subject to the call of the Chair; and at eight minutes before twelve o'clock noon, the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

Resolutions.

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

Resolutions (filed by Ms. Lovely) "commending the Bishop Fenwick High School Kindness Club in the city of Peabody on its celebration of the twenty-fourth anniversary of World Kindness Day"; and

Bishop Fenwick High School Kindness Club.

Resolutions (filed by Messrs. Timilty and Keenan) "congratulating the Boy Scouts of America Troop 22 in the Town of Braintree on the one hundred and first year of its establishment."

Boy Scouts of America Troop 22.

Reports of Committees.

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

The Senate Bill relative to the observance of School Custodian Day (Senate, No. 2126).

School custodian day.

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, its title having been changed by the committee on Bills in the Third Reading as follows: "An Act designating School Custodian Day".

Sent to the House for concurrence.

By 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 to expand membership opportunities in local cultural councils (House, No. 3378).

Cultural councils,-- memberships.

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

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill expanding wheelchair warranty protections for consumers with disabilities (Senate, No. 2567),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 3136).

Wheelchair warranty protections.

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

The bill (Senate, No. 3136) was then ordered to a third reading, read a third time and, after remarks, passed to be engrossed.

Sent to the House for concurrence.

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill relative to supported decision-making agreements for certain adults with disabilities (Senate, No. 2848),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 3132).

Adults with disabilities,--
decision-making.

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

The bill (Senate, No. 3132) was then ordered to a third reading, read a third time and, after remarks, passed to be engrossed.

Sent to the House for concurrence.

Remarks of Minority Leader, Senator Bruce E. Tarr.

Senator DiDomenico and I would like to recognize Deputy Superintendent Riley of the Cambridge Police Department who is a resident of North Reading. He is here today along with his Daughter Noel Riley.

Remarks if Minority
Leader, Bruce E.
Tarr.

Deputy Superintendent Riley:

Joined the Cambridge Police Department in May 1993.

As a Patrol Officer, worked in Day and Night Operations and later assigned to the Office of the Commissioner working on grants for programs including body armor for all officers and new officer hiring, technology, and Crime Analysis.

Promoted to Sergeant in February of 2003 and managed the Technical Services and Crime Analysis Units. Worked on the team that implemented technology in the new Robert W. Healy Public Safety Facility. Provided support for special events including the Fourth of Jul and the Democratic National Convention in Boston.

Promoted to Lieutenant in March 2010 and assigned to the Training and Certification Unit. Managed the department's annual in-service training and firearms training program. Implemented a combined in-service program that brought Cambridge, MIT and Harvard University Police Officers together.

In January 2012, became the Commanding Officer of the Traffic Enforcement Unit with responsibility for fatal crash investigations and roadway safety programs and a member of the city's Vision Zero Working Group focused on reducing roadway fatalities and serious injuries. In this role, also had oversight for Dignitary Protection for visits from the President and Vice President of the United States, military leaders and numerous foreign heads of state

In January 2020, promoted to Deputy Superintendent with oversight of Day Operations, Traffic and Dignitary Protection. Worked as part of the team to implement COVID management plans to ensure a high level of service. Designated as the Incident commander for numerous planned special events and spontaneous protests.

Given his exemplary service, I want to congratulate Deputy Superintendent Riley for such and wish him the very best in his retirement.

Under the provisions of Senate Rule 6, the remarks were printed in the Journal of the Senate.

Recess.

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

Recess.

PAPERS FROM THE HOUSE

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 (Mr. Collins) and laid before the Governor for his approbation, to wit:

Amending the charter of the city of Methuen (see House, No. 4690);

Bills laid before the Governor.

Authorizing the town of Middlefield to continue the employment of Ronald Radwich (see House, No. 4717);

Authorizing the city of Newburyport to continue the employment of police officer Charles Vorderis (see House, No. 4871, amended); and

Providing for provisional licensure for speech-language pathologists (see House, No. 5094).

Committee of Conference Report.

Mr. Brownsberger in the Chair, a report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill relating to economic growth and relief for the commonwealth (House, No. 5034) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 3030),-- reported, in part, a "Bill relating to economic growth and relief for the Commonwealth" (House, No. 5374) [Total appropriation: \$3,791,386,570],-- came from the House, and was read.

Economic growth and relief and supplemental appropriations.

The rules were suspended, on motion of Mr. Rodrigues, and, after remarks, the report was accepted in concurrence.

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to cost-of-living adjustments for retirees (see House, No. 5124) [being the text contained in section 134 of the General Appropriation Bill (see House, No. 5050) [for message, see Attachment S of House, No. 5132],-- came from the House with the endorsement that the House had *rejected* the amendment recommended by the Governor, and had adopted the following amendment striking out section 1 and inserting in place thereof the following section:

Retirees,-- COLA.

"SECTION 1. (a) (1) Notwithstanding section 103 of chapter 32 of the General Laws or any other general or special law to the contrary, the retirement board of any system that has accepted said section 103 may elect to establish a cost-of-living adjustment increase of not less than 3 per cent and not greater than 5 per cent on the base amount provided for in said section 103 for fiscal year 2023.

(2) The sum of the dollar amount of the cost-of-living increase on the base amount, together with the amount of retirement allowance, pension or annuity to which the cost-

of-living increase is applied, shall become the fixed retirement allowance, pension or annuity for all future purposes, including the application of subsequent cost-of-living adjustments in future years.

(b) A retirement board may grant a cost-of-living increase of not less than 3 per cent and not greater than 5 per cent on the base amount for fiscal year 2023 at any time during the fiscal year.

(c) This section shall take effect for the members of a retirement system by a majority vote of the board of such system and upon local acceptance: (i) of the city council upon recommendation of the mayor in a city, (ii) of the city council upon recommendation of the city manager in a city having a Plan D or Plan E charter, (iii) of the chief executive officer, as defined in section 7 of chapter 4 of the General Laws, in a town, (iv) of the county commissioners in a county and (v) by vote of the governing board, commission or committee in a district or other political subdivision of the commonwealth. For any retirement system comprising more than 1 political subdivision of the commonwealth, this section shall be effective by a majority vote of the board of such system and upon the acceptance of two-thirds of cities and towns within the system by approval of: (i) the city council upon recommendation of the mayor in a city, (ii) the city council upon recommendation of the city manager in a city having a Plan D or Plan E charter, and (iii) the chief executive officer, as defined in section 7 of chapter 4 of the General Laws, in a town.”

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Rodrigues, and the matter was considered forthwith.

On motion of the same Senator, the Governor’s amendment was rejected, and the House amendment was adopted, in concurrence.

Sent to the House for re-enactment.

Report of a Committee.

The report of the committee on Rules previously considered on the House Bill to expand membership opportunities in local cultural councils (House, No. 3378),-- **was further considered and, after remarks, was passed to be engrossed, in concurrence.**

Cultural Council,-- membership.

Recess.

There being no objection, at ten minutes past two o’clock P.M., the Chair (Mr. Brownsberger) declared a recess, subject to the call of the Chair; and at twenty-four minutes past three o’clock P.M., the Senate reassembled, Mr. Crighton in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Recess.

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill relating to economic growth and relief for the Commonwealth (see House, No. 5374), 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.

Economic growth and relief and supplemental appropriations.

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

for enactment.

Report of a Committee.

By Mr. Brady, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Lisa Balentine, an employee of the Department of Transitional Assistance (Senate, No. 3135);

Lisa Balentine,-- sick leave.

The bill was read. 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.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5376) of Andres X. Vargas and Diana DiZoglio for legislation to establish a sick leave bank for Brittany S. Ketcham, an employee of the Executive Office of Public Safety and Security,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Brittany S. Ketcham,-
- sick leave.

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 Public Service be granted until Monday, November 14, 2022 within which time to make its final report on current House documents numbered 5315 and 5330.

Public Service,--
extension order.

The rules were suspended, on motion of Mr. Tarr, and, after remarks, the order (House, No. 5366) was considered forthwith; and adopted, in concurrence.

Engrossed Bills.

The following engrossed bills (both 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 (Mr. Crighton) and laid before the Governor for his approbation, to wit:

Expanding membership opportunities in local cultural councils (see House, No. 3378, amended); and

Bills laid before the
Governor.

Relating to economic growth and relief for the Commonwealth (see House, No. 5374).

Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection in memory of Paul Spooner.

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 Paul Spooner.

The Senator from Middlesex and Norfolk, Ms. Spilka and the Senator from Plymouth and Bristol, Mr. Pacheco, moved that when the Senate adjourns today it do so in memory of Paul Spooner.

Paul Spooner, a longtime advocate for people with disabilities, passed away unexpectedly on October 8, 2022 at the age of 67.

Born in Hawaii, Paul lived overseas until a genetic muscular atrophy disability manifested during his elementary school years. Returning to the United States at the age of 8, he attended and graduated from the Massachusetts Hospital School in the class of 1973. Urged on by his parents, Paul attended Southeastern Massachusetts University (SMU) and, with assistance from the Massachusetts Rehabilitation Commission, graduated in 1981.

His advocacy for those with disabilities began during his time at SMU. Paul, witnessing the barriers faced by students with disabilities as well as soldiers returning from Vietnam, committed himself to improve access and educational opportunities for all. As a student, Paul volunteered for a disability agency and became an original incorporator of Independence Associates in Lakeville. He eventually left the board and became an employee, holding several positions before leaving in 1992 to work for what is now known as the MetroWest Center for Independent Living (MWCIL) as executive director, a position he held until the time of his passing.

During his time at MWCIL, he also held the positions of Vice President and President of the National Council on Independent Living, Board Member of the National Rehabilitation Association, President of the National Association of Independent Living, Chair & Vice-chair of the Massachusetts Statewide Independent Living Council, Communications Director for the Massachusetts Association of Independent Living Centers, Editorial Board Member of the Journal of Sexuality and Disability, Member and Vice-chair of the Massachusetts Personal Care Attendant Workforce Council, Board Member of the Human Service Providers Council, and Commission Treasurer of the Massachusetts Commission on the Status of Persons with Disabilities.

For three decades at MWCIL he worked effectively for legislative victories that not only improved the lives of people with disabilities but also for those caring and dedicated professionals employed as personal care attendants. His temperament, diligence and humor garnered him respect from his peers, legislators, and staff. Never looking for personal accolades or recognition, his sole mission was to insure a better life for all people with disabilities.

In addition to his tireless advocacy, Paul was an avid photographer, traveler, bird watcher and military historian. His interest in these pursuits was developed at a young age and shared frequently with his dad before his passing.

Predeceased by his parents, William M. and Margaret E. Spooner, and his sister Gretchen L.S. Landry, Paul is survived by his loving partner of 43 years Winifred A. McGraw and his brother-in-law Kenneth R. Landry of Florida.

Accordingly, as a mark of respect to the memory of Paul Spooner, at twenty-six minutes past four o'clock P.M., on motion of Mr. Tarr the Senate adjourned to meet again on Monday next at eleven o'clock A.M.