

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, SEPTEMBER 23, 2021.

JOURNAL OF THE SENATE

Thursday, September 23, 2021.

Met at eighteen minutes past eleven o'clock A.M. (Mr. Brownsberger 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 (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 Labor and Workforce Development (pursuant to Section 2RR(d) of Chapter 29 of the General Laws) submitting its Workforce Training Fund Program (WTFP) Fiscal Year 2021 Annual Report (received September 22, 2021); and

EOLWD,-- WTFP annual report. SD2762

Communication from the Department of Public Health relative to its plans of correction for the Suffolk County Jail inspection on June 28 and 29, 2021 and Suffolk County House of Correction inspection on June 29 and 30 and July 1, 2021 (received September 21, 2021).

DPH,-- plans of correction. SD2763

Petition.

Mr. Rush presented a petition (accompanied by bill) (subject to Joint Rule 12) of Michael F. Rush for legislation relative to the governance, structure and care of veterans at the Commonwealth's veterans' homes,-- and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Veterans' homes,-- governance. SD2765

Reports of a Committee.

By Mr. Cronin, for the committee on Municipalities and Regional Government, on petition, a Bill to amend the Cohasset Town Manager Act to change the Cohasset board of selectmen to the "Cohasset select board" (Senate, No. 2474) [Local approval received];

Cohasset,-- select board.

By the same Senator, for the same committee, on petition, a Bill relative to amending the town of Sutton Home Rule Charter (Senate, No. 2482) [Local approval received];

Sutton,-- charter.

By the same Senator, for the same committee, on petition, a Bill relative to amending the Town Administrator Special Act to change the name of the Hingham board of selectmen to the Hingham select board (Senate, No. 2491) [Local approval received]; and

Hingham,-- select board.

By the same Senator, for the same committee, on petition, a Bill relative to amend the town charter of the town of North Andover (Senate, No. 2497) [Local approval received];

North Andover,-- town charter.

Severally read and, under Senate Rule 26, placed in the Orders of the Day

for the next session.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4117) of Tami L. Gouveia (by vote of the town) that the town of Concord be authorized to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction in said town,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Concord,-- fossil fuel infrastructure.

A Bill finalizing the transfer of land in the town of Middleton (House, No. 3178, amended,-- on petition), -- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Middleton,-- land transfer.

A Bill establishing a sick leave bank for Samantha Davignon, an employee of the Department of Children and Families (House, No. 4094,-- on petition),-- was read.

Samantha Davignon,-
- sick leave.

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

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Second reading bills.

Relative to marijuana-related revenue in the town of Millbury (Senate, No. 1349);

Authorizing the investment of trust funds benefiting the town of Sherborn library (Senate, No. 1355); and

Amending Section 9 of the 1921 City of Lowell Charter (Senate, No. 2443);

Were severally read a second time and ordered to a third reading.

The Senate Bill relative to healthy youth (Senate, No. 2495),-- was read a second time.

Healthy youth.

After remarks and pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2534), and pending the main question on ordering the bill to a third reading, Mr. Cyr moved that the proposed new draft be amended by adding at the end of section 1 the following sentence:-

1

“The commissioner of elementary and secondary education shall make the data collected pursuant to this section available to the public on the department’s website and transmit the data collected pursuant to this section to the department of public health within 30 days of the biennial deadline for data submission.”

After remarks, the amendment was adopted.

Mr. Rodrigues moved that the proposed new draft be amended in section 1, by striking out, in lines 1 to 3, inclusive, the words “Section 1E 1/2 of chapter 69 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by adding the following paragraph:-

2

Each” and inserting in place thereof the following words:-

“Chapter 69 of the General Laws is hereby amended by inserting after section 1E the following section:-

Section 1E ½. Each”;

In section 2, by inserting after the word “teaching”, in line 56, the following

word:- “of”; and

In said section 2, by inserting after the word “violence;”, in line 65, the following word:- “and”.

The amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The bill (Senate, No. 2534, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twelve minutes before twelve o’clock noon, on motion of Mr. DiDomenico, as follows, to wit (yeas 38 – nays 1) [**Yeas and Nays No. 75**]:

YEAS.

| | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Hinds, Adam G. |
| Brady, Michael D. | Jehlen, Patricia D. |
| Brownsberger, William N. | Keenan, John F. |
| Chandler, Harriette L. | Kennedy, Edward J. |
| Chang-Diaz, Sonia | Lesser, Eric P. |
| Collins, Nick | Lewis, Jason M. |
| Comerford, Joanne M. | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cronin, John J. | Moran, Susan L. |
| Cyr, Julian | O'Connor, Patrick M. |
| DiDomenico, Sal N. | Pacheco, Marc R. |
| DiZoglio, Diana | Rausch, Rebecca L. |
| Eldridge, James B. | Rodrigues, Michael J. |
| Feeney, Paul R. | Rush, Michael F. |
| Finegold, Barry R. | Spilka, Karen E. |
| Friedman, Cindy F. | Tarr, Bruce E. |
| Gobi, Anne M. | Timilty, Walter F. |
| Gomez, Adam | Velis, John C. – 38. |

NAYS.

Fattman, Ryan C. – 1.

The yeas and nays having been completed at four minutes before twelve o’clock noon, the bill was passed to be engrossed. [For text of Senate bill, printed as amended, see Senate, No. 2541].

Sent to the House for concurrence.

The Senate Bill relative to gender identity on Massachusetts identification (Senate, No. 2282),-- was read a second time.

Gender identity.

After remarks and pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2533), and pending the main question on ordering the bill to a third reading, Mr. Rodrigues moved that the proposed new draft be amended by inserting after the word “person”, in line 14, the following words:- “, or the parent or guardian of a person who is a minor.”.

1

The amendment was adopted.

Ms. Comerford moved that the proposed new draft be amended in section 1, in proposed subsection (e) of section 13 of chapter 46, by striking out paragraph (3) and inserting in place thereof the following 2 paragraphs:-

2

UNCORRECTED PROOF.

“(3) A person, or the parent or guardian of a person who is a minor, who has changed the sex designation on the person’s birth record pursuant to paragraph (1) but did not request a change of name on the person’s birth record pursuant to paragraph (2) may request a change of name on the person’s birth record within 3 years from the date the change of the sex designation on the person’s birth record pursuant to said paragraph (1) was made; provided, however, that a person whose sex designation on their birth record was changed while the person was a minor shall have 3 years from the date of their eighteenth birthday to request a change of name on the person’s birth record. A request for a change of name on a birth record shall be accompanied by a certified copy of the legal change of name; provided, however, that no medical or health-care related documentation shall be required by a town clerk or other official in connection with a request under this paragraph.

(4) The department of public health may promulgate regulations to implement this subsection.”.

After remarks, the amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The bill (Senate, No. 2533, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at ten minutes past twelve o’clock noon, on motion of Ms. Comerford, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 76**]:

YEAS.

| | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Hinds, Adam G. |
| Brady, Michael D. | Jehlen, Patricia D. |
| Brownsberger, William N. | Keenan, John F. |
| Chandler, Harriette L. | Kennedy, Edward J. |
| Chang-Diaz, Sonia | Lesser, Eric P. |
| Collins, Nick | Lewis, Jason M. |
| Comerford, Joanne M. | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cronin, John J. | Moran, Susan L. |
| Cyr, Julian | O'Connor, Patrick M. |
| DiDomenico, Sal N. | Pacheco, Marc R. |
| DiZoglio, Diana | Rausch, Rebecca L. |
| Eldridge, James B. | Rodrigues, Michael J. |
| Fattman, Ryan C. | Rush, Michael F. |
| Feeney, Paul R. | Spilka, Karen E. |
| Finegold, Barry R. | Tarr, Bruce E. |
| Friedman, Cindy F. | Timilty, Walter F. |
| Gobi, Anne M. | Velis, John C. – 39. |
| Gomez, Adam | |

NAYS – 0.

The yeas and nays having been completed at a quarter past twelve o’clock noon, the bill was passed to be engrossed. [For text of Senate bill, printed as amended, see Senate, No. 2540].

Sent to the House for concurrence.

The House Bill promoting student nutrition (House, No. 3999),-- was read as

Student nutrition.

second time, the main question being on ordering it to a third reading.

After remarks, the pending Ways and Means new text (Senate, No. 2532) was considered and adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Moment of Silence.

The Chair (Mr. Brownsberger), members, guests and staff stood in a moment of silence and reflection to the memory of Thomas J. Tinlin.

Moment of silence.

Recess.

There being no objection, at a half past twelve o'clock noon, the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and, at twenty-five minutes before four o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

PAPERS FROM THE HOUSE

Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill relative to reprecincting (House, No. 3863) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2489),-- reported, in part, a "Bill relative to reprecincting" (House, No. 4118),-- came from the House, and was read.

Reprecincting.

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

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill relative to reprecincting (see House, No. 4118), 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.

Id.

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

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.

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., and that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

Adjournment in Memory of Thomas J. "Tom" Tinlin

The Senator from Suffolk, Mr. Collins, moved that when Senate adjourns today, it adjourns in memory of Mr. Thomas J. "Tom" Tinlin.

Mr. Thomas J. "Tom" Tinlin was born in South Boston on July 3, 1939, to Louise (McMahon) Tinlin. He is predeceased by his loving wives Anne (Madden) Tinlin and Catherine (Clark) Tinlin. He cherished both and was married to each for over 25 years. He is also predeceased by his sister Carol Pistorino and his brothers John and Robert Tinlin.

Mr. Thomas J. "Tom" Tinlin is the loving father of Kelly Nee and her husband Coleman of Walpole, Kerry Stoopack of West Yarmouth, and Thomas J. Tinlin and his wife Kristin Heather of South Boston. Devoted Papa of Coleman and Christopher Nee, Kylie Burd and her husband Greg, Ben and Jaycie Stoopack, and Thomas and Grace Tinlin. Great grandfather of Liliana and Leo Burd. Loving brother of Joseph Tinlin and his wife Judy, Margery Lyons and her husband Joe, Sr. Paula Tinlin, SND, his brother-in-law Robert Pistorino and sister-in-law Elaine Tinlin. Also survived by many loving nieces, nephews, and friends.

Mr. Thomas J. "Tom" Tinlin was a proud 40+ year member of Teamsters Local 25. He is a proud veteran having served in the United States Air Force. Also, a proud member of the South Boston Yacht Club where he would hold office hours on Sundays.

Mr. Thomas J. "Tom" Tinlin was a very hard work with the most dignified work ethic. Upon his lengthy two-day retirement, he began work at Fenway Park for Aramark. There he became the "beer man". He liked to boast that during his time at Fenway due to his efforts of meticulously caring for various taps, lines and kegs and demanding that only the freshest beer be poured, beer sales skyrocketed. The increased revenue, he said, helped produce four World Series Championship teams during his tenure.

Accordingly, as a mark of respect to the memory of Thomas J. "Tom" Tinlin, at twelve 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.