

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**TUESDAY, APRIL 18, 2023**

JOURNAL OF THE SENATE

Tuesday, April 18, 2023.

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

Pledge of allegiance.

Communication.

Communication from the Department of Public Health relative to its plan of correction for the Essex County Correctional Alternative Center inspection on February 15, 2023 (received April 14, 2023),--was placed on file.

DPH,-- plan of correction. SD2570

Reports.

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

Report of the Division of Administrative Law Appeals (pursuant to Section 4H of Chapter 7 of the General Laws) submitting its 2022 annual report (received April 13, 2023); and

DALA,-- annual report. SD2568

Report of the Department of Unemployment Assistance (pursuant to Section 14F of Chapter 151A of the General Laws) submitting the April 2023 Unemployment Insurance Trust Fund report and quarterly outlook report (received April 18, 2023).

DUA,-- UI trust fund quarterly report. SD2569

PAPERS FROM THE HOUSE.

The following petitions (having been filed in the office of the Clerk of the House prior to five o'clock P.M., on Friday, January 20, 2023, and having been transmitted to the Secretary of the Commonwealth under the provisions of Section 5 of Chapter 3 of the General Laws, and returned by him with memorandum relative thereto on Friday, March 22, 2023) were referred, in concurrence, as follows, to wit:-

A petition (accompanied by bill, House, No. 3772) (subject to Joint Rule 9) of Daniel Cahill relative to Massachusetts Credit Union Share Insurance Corporation;

MA Credit Union Share Insurance Corp. Ibid.

A petition (accompanied by bill, House, No. 3773) (subject to Joint Rule 9) of Richard M. Haggerty for legislation to modernize Massachusetts Credit Union Share Insurance Corporation (MSIC) investments; and

A petition (accompanied by bill, House, No. 3774) (subject to Joint Rule 9) of Joan Meschino and others for legislation to create a climate bank to facilitate innovative financing solutions for climate and clean energy innovations in the public, private, and non-profit sectors;

Climate bank,-- MA.

Severally to the committee on Financial Services.

A petition (accompanied by bill, House, No. 3775) (subject to Joint Rule 9) of Michelle L. Ciccolo, Cindy F. Friedman and Michael J. Barrett (by vote of the town) for legislation to reorganize the Lexington Housing Assistance Board, Inc. in the town of Lexington;

Lexington Housing Assistance Board, Inc.

To the committee on Housing.

**UNCORRECTED PROOF.**

The following petition, having been timely filed by 5 o'clock P.M. on January 20, 2023, was referred in concurrence as follows:

Petition (accompanied by bill, House, No. 3777) of Mike Connolly relative to establishing permanent eviction protections and tenancy preservation notices;

Eviction protections.

**To the committee on Housing.**

A petition (accompanied by bill, House, No. 3776) of Christine P. Barber and Patricia D. Jehlen (with the approval of the mayor and city council) that the city of Medford be authorized to impose municipal reviews on institutional master plans of certain institutional facilities in said city,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Medford,-- master plans.

A Bill to improve the Commonwealth's competitiveness, affordability, and equity (House, No. 3770,-- on House, No. 47, in part), -- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Tax relief and policy.

A Bill relative to the position of police chief in the town of Leicester (House, No. 2579,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Leicester,-- police chief.

Reports

Of the committee on Environment and Natural Resources, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 753) of Natalie M. Blais and others for legislation relative to agricultural disaster relief;

Agricultural disaster relief,-- fund.

Of the petition (accompanied by bill, House, No. 754) of Natalie M. Blais and Vanna Howard relative to agricultural preservation restrictions;

Farm,-- sustainability.

Of the petition (accompanied by bill, House, No. 758) of Nicholas A. Boldyga relative to the regulation and availability of cottage foods;

Cottage food,-- entrepreneurs.

Of the petition (accompanied by bill, House, No. 759) of Antonio F. D. Cabral and others for legislation to establish a division of marine fisheries resources within the Department of Fish and Game of the Executive Office of Energy and Environmental Affairs;

Division of marine fisheries resources.

Of the petition (accompanied by bill, House, No. 773) of Josh S. Cutler, Patrick Joseph Kearney and others relative to establishing a fisheries conservation gear grant program to be developed and administered by the Division of Marine Fisheries;

Fisheries,-- gear grant program.

Of the petition (accompanied by bill, House, No. 828) of Vanna Howard and others relative to establishing a food justice frontline providing compensated work involving food production, distribution, preparation, or delivery for food insecure residents;

Food insecurity,-- public awareness program.

Of the petition (accompanied by bill, House, No. 836) of Patrick Joseph Kearney for legislation to authorize the Massachusetts Fishermen's Partnership to have a seat on the Seaport Economic Council;

MA Fishermen's Partnership.

Of the petition (accompanied by bill, House, No. 837) of Patrick Joseph Kearney for legislation to authorize commercial lobster fisherman to fish according to their permit for 12 months a year in state waters;

Lobster fishermen,-- permit regulations.

Of the petition (accompanied by bill, House, No. 839) of Patrick Joseph Kearney relative to recreational shell fishing areas;

Shell fishing,-- recreational areas.

Of the petition (accompanied by bill, House, No. 855) of Adrian C. Madaro and Vanna Howard for legislation to create local and community garden agriculture programs within the Department of Agricultural Resources;

Community garden,-- agriculture programs.

**UNCORRECTED PROOF.**

Of the petition (accompanied by bill, House, No. 878) of Alice Hanlon Peisch relative to regulating the sale and purchase of horses;

Horses,-- sale and purchase.

Of the petition (accompanied by bill, House, No. 909) of William M. Straus, Susan L. Moran and others relative to a cranberry water use transfer program;

Cranberry water,-- transfer program.

Of the petition (accompanied by bill, House, No. 915) of Erika Uyterhoeven for legislation to regulate cottage foods;

Cottage foods,-- regulations.

And recommending that the same severally be referred to the committee on Agriculture.

Of the petition (accompanied by bill, House, No. 755) of Natalie M. Blais and others for legislation to establish a department of energy transformation planning within the Executive Office of Energy and Environmental Affairs;

EOEEA,-- Dept. of Energy Transformation Planning. Lighting,-- regulations.

Of the petition (accompanied by bill, House, No. 777) of Josh S. Cutler and others relative to clean lighting;

Carbon dioxide,-- greenhouse gas emissions.

Of the petition (accompanied by bill, House, No. 873) of Steven Owens, Joanne M. Comerford and Michelle L. Ciccolo relative to carbon dioxide equivalents and factors that impact statewide greenhouse gas emissions;

And recommending that the same severally be referred to the committee on Telecommunications, Utilities and Energy.

Of the petition (accompanied by bill, House, No. 870) of Steven Owens, Adrienne Pusateri Ramos and others relative to commuting trends and drive alone rates,-- and recommending that the same be referred to the committee on Transportation.

Commuting,-- single occupancy vehicle.

Of the committee on Elder Affairs, asking to be discharged from further consideration  
Of the petition (accompanied by bill, House, No. 619) of Nicholas A. Boldyga relative to establishing a prescription drug rebate program for seniors,-- and recommending that the same be referred to the committee on Health Care Financing;

Prescription drug rebate,-- seniors.

Of the petition (accompanied by bill, House, No. 642) of Mathew J. Muratore and others relative to short-term inpatient skilled nursing and rehabilitation services for persons twenty-two years of age or younger;

Skilled nursing facilities,-- short-term.

Of the petition (accompanied by bill, House, No. 3574) of Nicholas A. Boldyga relative to the use of a certain prescription medication used in psychotherapy and the treatment of post-traumatic stress disorder;

Prescription drugs,-- MDMA.

And recommending that the same severally be referred to the committee on Public Health.

**Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

*Resolutions.*

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

Resolutions (filed by Mr. Brownsberger) "honoring the memory of Edward Avedisian."

Edward Avedisian.

*Reports of Committees.*

By Ms. Lovely, for the committees of Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Brendan P. Crighton and Jennifer Balinsky Armini for legislation to establish a sick leave bank for Amelia Alex, an employee of the Department of Social Services;

Amelia Alex,-- sick leave. SD2560

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

By Ms. Lovely, for the committees of Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Ryan C. Fattman for legislation to establish a sick leave bank for Matt Blazes, an employee of the Worcester County Sheriff's Office;

Matt Blazes,-- sick leave.  
SD2564

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

**Severally sent to the House for concurrence.**

PAPERS FROM THE HOUSE

*Engrossed Bill.*

An engrossed Bill further regulating the appointment of special police officers in the city of Watertown (see House, No. 2622) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. Timilty) and laid before the Governor for her approbation.**

Bill laid before the Governor.

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

Petition (accompanied by bill, House, No. 3778) of Daniel J. Ryan for legislation to establish a sick leave bank for William Donahue, an employee of the Trial Court;

William Donahue,-- sick leave.

**Under suspension of Joint Rule 12, to the committee on The Judiciary.**

Petition (accompanied by bill, House, No. 3779) of Gerard J. Cassidy and Alyson M. Sullivan-Almeida for legislation to establish a sick leave bank for Lisa Balentine, an employee of the Department of Transitional Assistance;

Lisa Balentine,-- sick leave.

**Under suspension of Joint Rule 12, to the committee on Public Service.**

A Bill to establish a sick leave bank for Kathleen Donnellan, an employee of the Norfolk superior court (House, No. 3712,-- on petition),-- was read.

Kathleen Donnellan,-  
- 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.**

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Hollie Barter, an employee of the Department of Children and Families (see House, No. 3713), 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.

Hollie Barter,-- sick leave.

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

*Moment of Silence.*

At the request of the Chair (Mr. Timilty), the members, guests and staff stood in a moment of silence and reflection to the memory of Paul "Butch" O'Neil.

Moment of silence.

*Order Adopted.*

On motion of Mr. Tarr,--

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of

Time of meeting.

a calendar.

*Adjournment in Memory of Paul “Butch” O’Neil.*

The Senator from Norfolk, Plymouth and Bristol, Mr. Timilty, moved that when the Senate adjourns today it do so in memory of Paul “Butch” O’Neil.

Paul “Butch” O’Neil, a retired Boston Police Detective, and proud US Marine, passed away on September 25, 2022. Born and raised in Boston, specifically, Butch grew up in Dorchester. Here, Butch served as an altar server at St. Kevin’s Parish, was a member of St. Kevin’s Emerald Knights Drum & Bugle Corps, and was a Boy Scout.

Upon his graduation from Don Bosco Technical High School, Butch enlisted in the United States Marine Corps. Jim Mattis, a United States Marine Corps four-star general and former US Secretary of Defense, once said “Marines don’t know how to spell the word defeat”. This is how Butch lived his life: a multi-faceted journey, one lived with honor, courage, and steely determination. Butch was a member of the elite Marine Corps Force Reconnaissance, which operated for weeks clandestinely behind enemy lines, supplying valuable military intelligence to theatre commanders of the Marine Air-Ground Task Force. Moreover, he was a prisoner of war during the Vietnam War. For his sacrifice, multiple decorations for heroism were bestowed upon Butch.

In 1970, Butch became a Boston Police Officer spending a majority of his career as a detective in the Drug Control Unit. The stories of his actions while on the job are book worthy and legendary to this day. A job that Butch truly loved and dedicated his life to, he was forced to retire in 1987 due to multiple injuries that he sustained in the courageous performance of his duties, specifically, Butch suffered a gunshot wound while attempting to apprehend a violent suspect, was thrown off of a roof by another violent suspect, was stabbed, and hit by a car. In each and every instance, Butch was trying to take violent criminals off our streets.

Later in life, Butch moved to his longtime family home in Onset. Butch would split the year between Onset, MA, and Punta Gorda, FL. Here, he would spend his time on his boat cruising the waterways. Also, Butch took many trips and cruises around the world. He traveled to places such as Israel, Panama, Prague, Egypt, Italy, and Du Bai.

One of Butch’s proudest moments was when he pinned the badges on his sons, Kevin, when he graduated from the Massachusetts State Police Academy, and Shawn, when he graduated from the Boston Police Department Academy.

Butch loved to spend time and dote on his four grandchildren. He would remind his grandchildren to try their hardest in school, sports, or whatever their passion was.

He will be dearly missed by his family and friends.

Butch leaves his beloved longtime partner, Ellen Burnett; his treasured sons; Kevin and his wife Maria; and Shawn and his wife Amy; his cherished grandchildren Carolina, Ana, Aidan, and Patrick. He is predeceased by his parents James and Jane (Tripp) O’Neil. He was the brother of Jane Graves of Longmeadow, the late James O’Neil and Kathleen Sarkisian. He is also survived by his former spouse, Mrs. Rose O’Neil, as well as several nieces and nephews.

Accordingly, as a mark of respect to the memory of Paul “Butch” O’Neil, at twenty-one minutes past eleven o’clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o’clock A.M.