
The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



WEDNESDAY, JULY 26, 2023

JOURNAL OF THE SENATE

Wednesday, July 26, 2023.

Met at fourteen minutes past one o'clock P.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.

Communication.

Communication from the Department of Public Health submitting its Arbovirus Weekly Report for the week of July 24, 2023 (received July 25, 2023),-- was placed on file.

DPH,-- arbovirus report. SD2708

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4009) of David F. DeCoste and John F. Keenan (by vote of the town) relative to extending the date for issuance of certain licenses for the sale of alcoholic beverages to be drunk on the premises in the town of Hanover;

Hanover,-- liquor licenses.

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4010) of David F. DeCoste and John F. Keenan (by vote of the town) that the board of selectmen of the town of Rockland be authorized to serve as cemetery commissioners for said town;

Rockland,-- cemetery commissioners.

Petition (accompanied by bill, House, No. 4011) of Kathleen R. LaNatra (by vote of the town) relative to the appointment of a treasurer-collector in the town of Kingston; and

Kingston,-- treasurer-collector.

Petition (accompanied by bill, House, No. 4012) of Sarah K. Peake and Julian Cyr (by vote of the town) that the town of Eastham be authorized to convey a conservation restriction on a certain parcel of land to the Eastham Conservation Foundation, Inc.;

Eastham,-- land conveyance.

Severally the committee on Municipalities and Regional Government.

A Bill authorizing the town of Wrentham to exempt the position of deputy fire chief from the civil service law (House, No. 3720,-- on petition) [Local approval received],-- was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Wrentham,-- deputy fire chief.

A Bill establishing a sick leave bank for Ana C. Contreras, an employee of the Trial Court of the Commonwealth (House, No. 3848, amended,-- on petition),-- was read.

Ana C. Contreras,-- 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.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Authorizing the town of Provincetown to continue the employment of Michael Trovato (Senate. No. 1642);

Second reading bills.

Providing killed in the line of duty benefits to Joanne Songy, surviving spouse of

Detective John D. Songy, a police officer of the town of Rutland (Senate, No. 1687);

Authorizing the town of Rutland to increase the membership of the board of selectmen (Senate, No. 2371);

To amend special legislation to pursue 5 additional alcohol pouring licenses in Hudson's C-1 Zoning District (House, No. 320);

Using more inclusive language for the Lanesborough board of selectmen (House, No. 2029);

To amend the Williamstown town charter by making all gender references therein gender neutral (House, No. 2030); and

Creating the offices of select board and town manager in the town of Sandisfield (House, No. 3907);

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

Authorizing the town of Rochester to grant an additional license for the sale of alcoholic beverages not to be drunk on the premises (House, No. 393),-- was read a second time and ordered to a third reading.

Rochester,-- liquor license.

There being no objection, the rules were suspended, on motion of Mr. Rodrigues, and the bill was read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading as follows:- “An Act authorizing the town of Rochester to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises”.

The Senate Bill making appropriations for the fiscal year 2023 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2426),-- was read a second time.

Supplemental appropriations.

After remarks, and pending the main question on ordering the bill to a third reading, Mr. Montigny moved that the bill be amended by inserting the following section:-

5

“SECTION __. Item 8000-0313 of section 2 of chapter 126 of the acts of 2022 is hereby amended by inserting after the figure ‘2020’ the following words:- ‘; provided further, that funds appropriated for said grant program in fiscal year 2023 shall not revert and shall be made available for the purposes of the program for fiscal year 2024’.”

The amendment was *rejected*.

Mr. Montigny moved that the bill be amended by inserting the following sections:- “SECTION __. Subsection (c) of section 2C of chapter 60 of the General Laws is hereby amended by striking out paragraph (9) and inserting in place thereof the following paragraph:-

6

(9) A purchaser shall provide notice in accordance with section 53 of this chapter.

SECTION __. Said section 2C of chapter 60 is hereby amended by striking out subsection (j) and inserting in place thereof the following:-

(j) If the purchaser of a tax receivable on any parcel of real estate subsequently forecloses upon the property, it shall request that the land court approve all reasonable expenses it has incurred and shall provide a notice to the former owner of the right to redeem for this amount within 1 year. Notice shall be served in the manner required by section 53 of this chapter.

If the land is not redeemed and the purchaser sells the land at auction, the balance of any proceeds above and beyond reasonable expenses as approved by the land court shall be returned to the former owner. A detailed accounting of these expenses will be provided by the purchaser within 60 days of such sale.

(k) The commissioner shall make and from time to time revise such rules, regulations and guidelines as he determines necessary and appropriate to implement the provisions of

this section.

SECTION ____. Section 53 of chapter 60 of the General Laws is hereby amended by striking the words “may be served in the manner required by law for the service of subpoenas on witnesses in civil cases or may be published” and insert in place thereof the following:- shall be served in the manner required by law for the service of subpoenas on witnesses in civil cases, shall be published.

SECTION ____. Said section 53 of chapter 60 is hereby amended by inserting at the end thereof the following paragraph:-

Where the land is residential all notices sent pursuant to this section shall include a uniform notice approved by the attorney general, together with a notice in the five most common languages in the commonwealth that this notice affects important legal rights and should be translated immediately. Such notice shall state in language understandable by a least sophisticated consumer:

- (i) That a complaint to foreclose the tax title may be filed on or after a specific date;
- (ii) That the tax title may be sold to a third party;
- (iii) Why the property was taken and that the owner may redeem the property and the date when the redemption period expires;
- (iv) The components of the amount required to redeem the property and the procedure for redemption;
- (v) That if a complaint to foreclose the tax title is filed and the owner does not respond by filing an answer the court may enter an order defaulting the order;
- (vi) That if a complaint to foreclose the tax title is filed, the owner may respond by filing an answer that requests that the court set the terms by which the owner may redeem the property;
- (vii) That if the property is not redeemed, the town or tax purchaser is entitled to receive an order from the land court that completes a transfer of ownership of the property to the town or said purchaser and permanently eliminates any rights the owner has in the property; and
- (viii) That if the property is not redeemed, the property may be sold at auction and the owner will likely loses significant equity in the property.

SECTION ____. Section 62 of chapter 60 of the General Laws is hereby amended by striking out the word ‘sixteen’ and inserting in place thereof the following figure:- ‘5’.

SECTION ____. Section 64 of chapter 60 of the General Laws is hereby amended by inserting at the end thereof the following:-

Upon issuance of a judgment foreclosing the right of redemption, the land court shall order a public sale via auction of the foreclosed property and order that the balance of any proceeds above and beyond reasonable expenses be returned to the former owner.

SECTION ____. Section 65 of chapter 60 of the General Laws is hereby amended by striking out the word ‘six’ and inserting in place thereof the following:- ‘12’.”

The amendment was *rejected*.

Mr. Rush moved that the bill be amended by inserting the following section:-

14

“SECTION XX. Chapter 90 of the General Laws as amended by section 1 of chapter 423 of the acts of 2022, is hereby further amended by striking out section 2D and inserting in place thereof the following section:-

Section 2D. The registrar shall design, issue and regulate the use of temporary registration plates for issuance to and usage by the following purchasers of motor vehicles:

- (i) residents of the commonwealth pending receipt of registration plates issued under the provisions of section two; and
 - (ii) nonresidents of the commonwealth who will be transporting the vehicle to the purchaser’s state of residence for registration in that state.
- Such temporary plates may be issued to dealers, upon application accompanied by the proper fee, as provided in section 33, for use by purchasers of motor vehicles; said plates

shall be valid for not more than 20 days. Satisfactory proof shall be furnished that a certificate, as defined in section 34A, is in effect prior to the issuance of temporary registration plates.

Temporary registration plates issued to nonresidents of the commonwealth who will be transporting the vehicle to the purchaser's state of residence for registration in that state shall not be subject to the provisions of Chapter 60A.

The registrar is hereby empowered to issue and enforce regulations for the administration of this section.

SECTION XX. Section 2 of chapter 90D of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by adding the following words:- “; (13) A vehicle purchased by a nonresident who will be transporting the vehicle to the purchaser's state of residence for registration in that state pursuant to section 2D of chapter 90’.”

The amendment was *rejected*.

Mr. Collins moved that the bill be amended in Section 2A, in line item 4000-1111 by adding the following words:- “; provided further that not less than \$250,000 shall be expended to Julie's Family Learning Program for their mental health, family stabilization and counseling services.”

15

The amendment was *rejected*.

Mr. Collins moved that the bill be amended in Section 2A, in line item 4000-1111 by adding the following words:- “; provided further that not less than \$100,000 shall be expended to the South Boston Neighborhood House for senior health and wellness services.”

16

The amendment was *rejected*.

Mr. Collins moved that the bill be amended in Section 2A, in line item 4000-1111 by adding the following words:- “; provided further that not less than \$100,000 shall be expended to the New England Medical Association for physician retention and recruitment.”

17

The amendment was *rejected*.

Mr. Collins moved that the bill be amended in Section 2A, in line item 4000-1111 by adding the following words:- “; for the distribution of funds for fiscally strained hospitals; provided, that up to \$91,474,590 shall be distributed to hospitals eligible for the supplemental payment described in section 5.D.22 of the rate year 2023 acute hospital request for applications, available on COMMBUYS, the state procurement system, as bid number BD-23-1039-EHS01-EHS01-79493, as amended by amendment number 3 issued on April 13, 2023 by the office of Medicaid, and as may be further amended from time to time; provided further, that the executive office of health and human services shall disburse funds according to said section 5.D.22 and the terms of any payment agreement between the recipient hospital and the executive office; provided further, that not less than \$58,525,410 shall be distributed to acute care hospitals licensed under section 51 of chapter 111 of the General Laws that are designated by the center for health information and analysis as non-specialty hospitals, and that had a Medicaid payer mix of not less than 24 per cent in fiscal year 2021 as calculated using data published by the center in May 2023 in its HFY2021 Massachusetts Hospital Profiles databook; provided further, that the executive office shall prioritize funds for hospitals demonstrating significant financial need based on: (i) the current liquidity position of the hospital or its associated hospital health system; (ii) the hospital's total margin as reported in the center's quarterly hospital financial performance report published April 2023; and (iii) any other data the executive office deems relevant, including the amount of previous state financial support provided to the hospital in response to the 2019 novel coronavirus pandemic; provided further, that not less than \$30,000,000 shall be distributed by the executive office to acute care hospitals licensed under said section 51 of said chapter 111 that demonstrate significant financial

18

need based on criteria established by the executive office; provided further, that, in creating its criteria, the executive office shall: (a) consider relative price index; and (b) prioritize hospitals designated by the center as community-high public payer hospitals that had a public payer mix of not less than 74 per cent in fiscal year 2021 calculated using data published by the center in May 2023 in its HFY2021 Massachusetts Hospital Profiles databook; provided further, that funds unexpended under the previous provisions of this item shall not revert to the General Fund but shall be redistributed by the executive office to acute care hospitals licensed under said section 51 of said chapter 111 that demonstrate significant financial need based on the criteria established by the executive office pursuant to the previous provision; and provided further, that a hospital shall only be eligible to receive funds through 1 of the 3 preceding sets of payment distribution criteria under this item.”

The amendment was *rejected*.

Messrs. Finegold and Brady moved that the bill be amended by inserting after section 30 the following sections:-

19

“SECTION 31. Subsection (c) of section 11F of chapter 25A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting at the end of the penultimate sentence the following:- ; or (10) anaerobic digestion biomass to energy facilities and landfill gas to energy facilities that are located in the commonwealth and are both operational and qualified as Class 1 renewable energy sources prior to November 7, 2021, which shall be eligible to participate in an incentive program via a 1-time procurement for Class 1 renewable energy certificates which are generated by existing anaerobic digestion facilities. The department shall determine eligibility criteria for existing anaerobic digestion facilities to participate in such 1-time procurement, with the total megawatt-hours being procured equal to the combined capacity of all facilities for up to a 10-year term beginning January 1, 2023. Such megawatt-hour quantities shall be bid on a contingent basis. Said 1-time procurement shall include a floor price sufficient to stimulate the development of anaerobic digestion facilities.

SECTION 32. Section 40 of chapter 179 of the acts of 2022 is hereby repealed.”

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended by inserting the following section:-

23

“SECTION __. To allocate \$45,000 to provide for the purchase of vehicle extrication equipment for the Easton Fire Department.”

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended by inserting the following section:-

24

“SECTION __. To allocate \$800,000 to provide for upgrades to the traffic signals along route 28 in the town of Milton located at the intersection of route 28 and Hillside street and the intersection at route 28 and Reed street; and to provide for the installation of a traffic signal at the intersection of route 28 and Ridgewood road, and for the installation of a traffic signal at the intersection of route 28 and Sassamon Avenue.”

After remarks, the amendment was *rejected*.

Messrs. Timilty and Brady moved that the bill be amended by inserting the following section:-

25

“SECTION __. To allocate \$63,000 to provide for the replacement of 14 defibrillator units and the purchase of 4 additional units to be used by the Randolph Police Department.”

The amendment was *rejected*.

Mr. Brady moved that the bill be amended by striking out section 4 and 5 and replacing with the following sections:-

26

“SECTION 4. Sections 11, 12, and 12A, of chapter 494 of the acts of 1978, are hereby revoked.

SECTION 4(A). Where the greyhound racing licensees have been prohibited from

holding a live greyhound racing meeting since January 1, 2010, all payments made since that date, by the greyhound racing meeting licensees into the Greyhound Capital Improvements Trust Fund and Greyhound Promotional Trust Fund established by section 4 of chapter 277 of the acts of 1986, were erroneously paid, and the Comptroller shall refund all such payments to the greyhound racing meeting licensees.

SECTION 5. Notwithstanding any general or special law to the contrary, the maximum fee and assessment that shall be payable by a racing meeting licensee to the Commission, for simulcast wagering during dark days, shall be \$300.00 per dark day when simulcast wagering is conducted.:

By striking out, in lines 132,135,138, 142,145, 148, 151, 154, 157, 160, 163, 166, 169, the following words:- ‘2024’ and inserting in place thereof the following words:- ‘2028’.”; and

By inserting after section 18, the following sections:-

“SECTION 18(a). Section 2 of chapter 128C of the General Laws, as so appearing, is hereby amended by inserting after the word “simulcast”, in line 14, the following words:- ‘at any location in Suffolk county approved by the commission’.

SECTION 18(b). Said section 2 of said chapter 128C, as so appearing, is hereby further amended by inserting after the word ‘simulcast’, in line 42, the following words:- ‘at any location in Bristol and Plymouth county approved by the commission’.

SECTION 18(c). Said section 2 of said chapter 128C, as so appearing, is hereby further amended by inserting after the word ‘simulcast’, in line 111, the following words:- ‘at any location in Suffolk and Plymouth county approved by the commission’.”

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended by inserting the following section:-

“SECTION __. To allocate \$50,000 to provide for the Town of Easton for the planning and implementation of Easton’s 300th Anniversary Celebration.”

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended by inserting the following section:-

“SECTION __. To allocate \$75,000 to provide funding for Raising Multicultural Kids (RMK) to provide a series of workshops in K-12 classrooms that support student awareness of diversity and inclusion, with the additional purpose of recruiting and training prospective teachers of color.”

The amendment was *rejected*.

Messrs. Tarr and Montigny moved that the bill be amended by inserting in section 19 after the words “June 30, 2027”, the following words:- “; provided, further that the office of the state auditor, the office of the attorney general, the office of the inspector general, the office of the comptroller, and any entity drawing funds from said line item, shall submit quarterly reports on expenditures, activities and findings to the clerks of the House and Senate who shall post the reports on the website of the general court and the chairs of the House and Senate ways and means committees.”

After remarks, the amendment was *rejected*.

Mr. Rodrigues moved that the bill be amended in section 2A, in item 1599-0012, by striking out, in line 43 and 44, the words “; provided further, that funds paid from this provision in fiscal year 2024 will not be reimbursable in fiscal year 2025” and inserting in place thereof the following words:- “and such funds paid from this provision in fiscal year 2024 shall not be reimbursable in fiscal year 2025”;

In section 19, by inserting after the figure “2027”, in line 172, the following words:- “; provided further, that funds made available in section 2 of chapter 268 of the acts of 2022 for the purpose of this item shall be made available until June 30, 2027; and provided further, that the office of the state auditor, the office of the attorney general, the office of the inspector general, the office of the comptroller and any entity drawing funds from this

line item shall submit quarterly reports on expenditures, activities and findings to the house and senate committees on ways and means and the clerks of the senate and house of representatives who shall post the reports on the website of the general court”; and

By striking out sections 23 and 24.

The amendment was adopted.

The bill (Senate, No. 2426, 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 twenty-four minutes before three o’clock P.M., on motion of Mr. Rodrigues, as follows, to wit (yeas 38 – nays 0) [**Yeas and Nays No. 56**]:

YEAS.

- | | |
|--------------------------|-----------------------------|
| Barrett, Michael J. | Kennedy, Edward J. |
| Brady, Michael D. | Kennedy, Robyn K. |
| Brownsberger, William N. | Lewis, Jason M. |
| Collins, Nick | Lovely, Joan B. |
| Comerford, Joanne M. | Mark, Paul W. |
| Creem, Cynthia Stone | Miranda, Liz |
| Crighton, Brendan P. | Montigny, Mark C. |
| Cronin, John J. | Moore, Michael O. |
| Cyr, Julian | Moran, Susan L. |
| DiDomenico, Sal N. | O'Connor, Patrick M. |
| Edwards, Lydia | Oliveira, Jacob R. |
| Eldridge, James B. | Pacheco, Marc R. |
| Fattman, Ryan C. | Payano, Pavel M. |
| Feeney, Paul R. | Rausch, Rebecca L. |
| Finegold, Barry R. | Rodrigues, Michael J. |
| Friedman, Cindy F. | Rush, Michael F. |
| Gomez, Adam | Tarr, Bruce E. |
| Jehlen, Patricia D. | Timilty, Walter F. |
| Keenan, John F. | Velis, John C. – 38. |

NAYS – 0.

The yeas and nays having been completed at eighteen minutes before three o’clock P.M., the bill was passed to be engrossed. [For text of Senate Bill, printed as amended, see Senate, No. 2428].

Sent to the House for concurrence.

Moment of Silence.

At the request of the Chair (Ms. Creem), the members, guests and staff stood in a moment of silence and reflection to the memory of Judge Edward Ginsburg.

Moment of silence.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That, when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o’clock A.M. in a full formal session with a calendar.

Time of meeting.

Adjournment in Memory of Judge Edward Ginsburg.

The Senator from Norfolk and Middlesex, Ms. Creem, moved that when the Senate

adjourns today, it do so in memory of Judge Edward Ginsburg of Newton, who passed away on June 24, 2023, at the age of 90.

Judge Edward M. Ginsburg was a renowned Associate Justice in the Middlesex Probate and Family Court for over twenty-five years as well as the founder of Senior Partners for Justice, a legal aid organization that has grown to include thousands of volunteer attorneys since its formation in 2002.

Edward Ginsburg was raised in Newton, Massachusetts, by Esther and William Ginsburg, along with his sister, Lee Herbst. After attending Phillips Exeter, Harvard College and Harvard Law School, he practiced law with his father as a trial lawyer. In 1977, he was appointed as a Probate and Family Court judge, where he served for 25 years. His rulings during this period helped shape modern family law agreements used today across the Commonwealth.

Judge Ginsburg taught at Boston College Law School, Suffolk University Law School, and trained many judges. He was also an active volunteer and served on multiple boards throughout his career.

In 2002, after his retirement, Judge Ginsburg formed the organization, Senior Partners for Justice, to provide legal assistance to those who could not otherwise afford representation in family court and other civil proceedings. As a mentor to countless young and retired lawyers through this organization, Judge Ginsburg would call each volunteer personally to thank them for taking a case.

Judge Ginsburg also worked many years at Community Legal Aid, with his son-in-law Jonathan Mannina, where he supervised and mentored family law attorneys in civil legal aid proceedings.

Judge Ginsburg was also widely known for his role making public certain safety flaws pervading the Big Dig project, after he was appointed to lead the project's cost-recovery team. Notably, in 2005, he was recognized as Bostonian of the Year for these whistleblowing efforts, which resulted in extensive review of the conditions and improvements to remediate any existing issues.

He is survived by his beloved wife of sixty years, Julie, as well as his sister, Lee Herbst of Chicago. He is also survived by two daughters and their spouses: Jennifer Ginsburg and Jonathan Mannina; Lauren and Matthew Madden; and two grandsons, Carl and Max Mannina.

Accordingly, as a mark of respect to the memory of Judge Edward Ginsburg, at twelve minutes before three o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.