## The Commonwealth of Massachusetts

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# JOURNAL OF THE SENATE.



THURSDAY, JULY 27, 2023

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#### JOURNAL OF THE SENATE

Thursday, July 27, 2023.

Met at three 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.

#### Distinguished Guests.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, in the rear of the Chamber, the Milton High School boys baseball team. The team was recognized for winning the MIAA Division 2 state championship title two years in a row. The New England Baseball Journal and its panel named Owen McHugh as the 2023 MIAA Baseball Player of the Year. Head Coach Brendan Morrissey, Athletic Director Ryan Madden and the team captains were presented a Senate Citation on the Rostrum, the Senate applauded their accomplishments and they withdrew from the Chamber.

Milton High School boys baseball team.

#### PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4015) of Lindsay N. Sabadosa and Paul W. Mark for an investigation and study by the Executive Office of Health and Human Services of payment models, uniform assessment and nonpublic emergency ambulance assessed charges set for nonpublic ambulance service;

Non-Public Ambulance Trust Fund.

#### To the committee on Public Health.

Petition (accompanied by bill, House, No. 4016) of Michelle L. Ciccolo for legislation to provide preferential tax rates to certain public benefit corporations; and

Petition (accompanied by bill, House, No. 4017) of Patricia A. Duffy and Mindy Domb for legislation to establish a public higher education facilities modernization and reconstruction trust fund with certain dedicated sales tax revenue;

#### Public benefit corporations,-- tax rates. Higher education,-infrastructure fund.

#### Severally to the committee on Revenue.

Petition (accompanied by bill, House, No. 4018) of Michelle L. Ciccolo relative to transportation resiliency planning;

Transportation resiliency planning.

#### To the committee on Transportation.

A petition (accompanied by bill, House, No. 4014) of Donald R. Berthiaume, Jr., (by vote of the town) that the town of North Brookfield be authorized to continue the employment of Chief Joseph Holway and Captain David Martin of the fire department of said town,-- was referred, in concurrence, to the committee on Public Service.

North Brookfield,-fire department.

Bills

Relative to the Board of Health in the town of Reading (House, No. 2072,-- on petition) [Local approval received]; and

Reading,-- board of health.

Relative to the retirement benefits of the surviving beneficiary of Robert Lawler (House, No. 2649,-- on petition) [Local approval received];

Robert Lawler,--retirement.

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

Resolutions.

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

Resolutions (filed by Ms. Jehlen and Mr. Cyr) "congratulating Kevin Cranston on his retirement from the Department of Public Health after more than 30 years of dedicated service to the commonwealth."

Kevin Cranston.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4019) of Lindsay N. Sabadosa and Paul W. Mark relative to repealing certain fiscal stability procedures of the Chesterfield-Goshen Regional School District;

Chesterfield and Goshen,-- fiscal stability.

Under suspension of Joint Rule 12, to the committee on Education.

Petition (accompanied by bill, House, No. 4020) of Natalie M. Blais and Paul W. Mark that the State Retirement Board be directed to credit Paul Lemelin, an employee of the Franklin Regional Council of Governments, with certain creditable service for retirement purposes;

Paul Lemelin,-- creditable service.

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

Petition (accompanied by bill, House, No. 4021) of Peter Capano that the Secretary of Veterans' Services be authorized to create a veterans' benefits and services notice and that certain employers be required to post said notice;

Veterans' benefits,-employer information.

Under suspension of Joint Rule 12, to the committee on Veterans and Federal Affairs.

Engrossed Bill.

An engrossed Bill authorizing the town of Rochester to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 393) (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. Brownsberger) and laid before the Governor for her approbation.

Bill laid before the Governor.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Authorizing the town of Wales to establish a department of public works (Senate, No. 1297);

Second reading bills.

Amending the charter of the town of Marshfield (Senate, No. 1317);

Authorizing the city of Revere to pay a certain sum of money to the estate of George J. Rotondo, Jr. (House, No. 2055);

Authorizing the town of Lanesborough to continue the employment of Daniel Bolognia, Charles Garrity, Peter Pannesco, Peter Oakley, David Rolle, Donald Whalen

and Michael Wooliver as firefighters (House, No. 2435);

Authorizing the town of Hancock to allow firefighters and the police chief to continue serving past age 65 (House, No. 2437, amended);

Authorizing the town of Conway to continue the employment of police officer Randall Williams (House, No. 2448, amended);

Exempting the position of police chief in the town of Lancaster from the provisions of the civil service law (House, No. 2571);

Authorizing the city of Haverhill to appoint retired police officers as detail police officers within said city for paid detail assignments (House, No. 2677);

Authorizing the town of Conway to continue the employment of police officer Kenneth Ouimette (House, No. 3792, amended); and

Authorizing the town of Shrewsbury to grant abatement of real estate taxes for the daughter of fallen firefighter Christopher Roy (House, No. 3906);

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

#### Recess.

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

#### Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill relative to gender identity on Massachusetts identification (Senate, No. 2207),-- was read a second time.

After remarks, 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. 2425), and pending the main question on ordering the bill to a third reading, Mr. Finegold moved to amend the proposed new draft in section 1, by striking out, in line 15, the words ", or who has previously changed,"; and in said section 1, by inserting after the word "record", in line 28, the following words:- "; provided further that the department may waive the 3 year limitation for a person that demonstrates good cause, as determined by the department"; and

By inserting after section 1 the following section:-

"SECTION 1A. Said section 13 of said chapter 46, as so appearing, is hereby further amended by adding the following subsection:-

- (l)(1) The state registrar or town clerk shall amend a certificate of marriage for a person who has a certificate of marriage and submits an application in a form approved by the department that includes:
- (i) an affidavit executed by the person to whom the record change relates attesting, under penalty of perjury, that: (A) the request is to conform to the affiant's gender identity; (B) the request is not made for any fraudulent purpose; and (C) the marriage is still legally intact; and
- (ii) a notarized statement from the spouse named on the certificate of marriage to be amended consenting to the amendment of the certificate of marriage.
- (2) A person may amend a gender designation on a certificate of marriage to a gender designation including, but not limited to, 'female', 'male' or 'X'. An 'X' designation may indicate that the person is another gender or an undesignated gender.
- (3) A person may request to amend their name on a certificate of marriage. A request for a change of name on a certificate of marriage shall be accompanied by a certified copy

Recess.

ID card,-- gender identity.

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of the legal change of name; provided, however, that no medical or healthcare related documentation shall be required by a town clerk or other official in connection with a request under this subsection."

After remarks, the amendment was adopted.

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

The bill (Senate, No. 2425, 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 five minutes before two o'clock P.M., on motion of Ms. Comerford, as follows, to wit (yeas 39 – nays 0) [Yeas and Nays No. 57]:

#### YEAS.

Barrett, Michael J. Kennedy, Robyn K. Brady, Michael D. Lewis, Jason M. Brownsberger, William N. Lovely, Joan B. Collins, Nick Mark, Paul W. Comerford, Joanne M. Miranda, Liz Creem, Cynthia Stone Montigny, Mark C. Crighton, Brendan P. Moore, Michael O. Cronin, John J. Moran, Susan L. Cvr. Julian O'Connor, Patrick M. DiDomenico, Sal N. Oliveira, Jacob R. Pacheco, Marc R. Edwards, Lydia Eldridge, James B. Payano, Pavel M. Fattman, Ryan C. Rausch, Rebecca L. Feeney, Paul R. Rodrigues, Michael J. Finegold, Barry R. Rush, Michael F. Friedman, Cindy F. Spilka, Karen E. Gomez, Adam Tarr, Bruce E. Jehlen, Patricia D. Timilty, Walter F. Keenan, John F. Velis, John C. - 39. Kennedy, Edward J.

#### NAYS - 0.

The yeas and nays having been completed at three minutes past two o'clock P.M., the bill was passed to be engrossed [For text of Senate bill, printed as amended, see Senate, No. 2429].

Sent to the House for concurrence.

The Senate Bill to provide identification to youth and adults experiencing homelessness (Senate, No. 2251),-- was read a second time, ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at ten minutes past two o'clock P.M., on motion of Ms. Kennedy, as follows, to wit (yeas 39 – nays 0) [Yeas and Nays No. 58]:

#### YEAS.

Barrett, Michael J.

Brady, Michael D.

Brownsberger, William N.

Collins, Nick

Comerford, Joanne M.

Kennedy, Robyn K.

Lewis, Jason M.

Lovely, Joan B.

Mark, Paul W.

Miranda, Liz

Real ID,-- homeless individuals.

Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Edwards, Lydia
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gomez, Adam
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.

Montigny, Mark C.
Moore, Michael O.
Moran, Susan L.
O'Connor, Patrick M.
Oliveira, Jacob R.
Pacheco, Marc R.
Payano, Pavel M.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Velis, John C. – 39.

NAYS - 0.

The yeas and nays having been completed at a quarter past two o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

#### PAPERS FROM THE HOUSE

#### Committee of Conference Report.

Ms. Creem in the Chair, 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 financing improvements to municipal roads and bridges (House, No. 3547) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2375),-- reported, a "Bill financing improvements to municipal roads and bridges" (House, No. 4013),-- came from the House, and was read.

Municipal roads and bridges,-- financing.

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

#### Emergency Preamble Adopted.

An engrossed Bill financing improvements to municipal roads and bridges (see House, No. 4013), 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 8 to 0.

The bill was signed by the Acting President (Ms. Creem) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and sent to the House for enactment.

#### Engrossed Bill—State Loan.

An engrossed Bill financing improvements to municipal roads and bridges (see House No. 4013) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing

Id.

Id.

it to be enacted was determined by a call of the yeas and nays, at a quarter past three o'clock P.M., as follows to wit (yeas 38 - nays 0) [Yeas and Nays No. 59]:

#### 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 Montigny, Mark C. Crighton, Brendan P. 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. Velis, John C. - 38. Keenan, John F.

NAYS - 0.

The yeas and nays having been completed at twenty-two minutes past three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for her approbation.

Mr. Brownsberger in the Chair, a Bill making certain appropriations for fiscal year 2024 before final action on the General Appropriation Bill (printed in House, No. 4022,-being a message from her Excellency the Governor),-- was read.

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, in concurrence.

#### Engrossed Bill.

An engrossed Bill making certain appropriations for fiscal year 2024 before final action on the General Appropriation Bill (see House Bill, printed in House, No. 4022) (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. Brownsberger) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for her approbation.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That, when the Senate adjourns today, it adjourn to meet again on Monday next at twelve o'clock noon, in a full formal session without a calendar.

1/12th Budget.

Bill laid before the Governor.

Time of meeting.

On motion of the same Senator, at seven minutes before five o'clock P.M., the Senate adjourned to meet again on Monday next at twelve o'clock noon.