The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, JULY 31, 2023

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JOURNAL OF THE SENATE

Monday, July 31, 2023.

Met according to adjournment at twelve o'clock noon (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.

Petition.

Mr. Moore presented a petition (accompanied by bill) (subject to Joint Rule 12) of Michael O. Moore for legislation to allow temporary door-locking devices in public buildings,-- and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Public buildings,-door-locking devices. SD2709

Reports of a Committee.

By Mr. Collins, for the committee on State Administration and Regulatory Oversight, on Senate, Nos. 2016 and 2029, a Bill to promote gender and racial diversity on public boards and commissions (Senate, No. 2029); and

Boards and commissions,--diversity.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1975), a Bill relative to property rights (Senate No. 2430);

Property rights.

Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4023) of Michael J. Finn and Nicholas A. Boldyga (by vote of the town) that the city known as the town of Agawam be authorized to change the timing of preliminary elections in said town to eight weeks preceding regular elections,-- was referred, in concurrence, to the committee on Election Laws.

Agawam,-preliminary elections.

Recess.

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

Recess.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4031) of James J. O'Day and Robyn K. Kennedy for legislation to establish a sick leave bank for Paul Verdini, an employee of the Department of Correction;

Paul Verdini,-- sick leave.

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

Petition (accompanied by bill, House, No. 4032) of Marcus S. Vaughn relative to the definition of beverage under the "bottle bill", so-called;

Bottle bill,-beverage definition.

Under suspension of Joint Rule 12, to the committee on Telecommunications, Utilities and Energy.

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 making appropriations for the fiscal year 2024 for the maintenance of the departments, boards, commissions, institutions, and certain activities of the Commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements (House, No. 3901) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2400),-- reported, in part, a "Bill making appropriations for the fiscal year 2024 for the maintenance of the departments, boards, commissions, institutions, and certain activities of the Commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements" (House, No. 4040),-- came from the House, and was read.

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

After remarks, the question on acceptance of the report of the committee of conference was determined by a call of the yeas and nays, at five minutes before three o'clock P.M., on motion of Mr. Rodrigues, as follows, to wit (yeas 39 – nays 0) [Yeas and Nays No. 60]:

YEAS.

Barrett, Michael J. Brady, Michael D. Brownsberger, William N. Collins, Nick Comerford, Joanne M. Creem, Cynthia Stone Crighton, Brendan P. Cronin, John J. Cvr. 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.

Kennedy, Robyn K. Lewis, Jason M. Lovely, Joan B. Mark, Paul W. Miranda, Liz 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 three o'clock P.M., the report was accepted, in concurrence.

Moment of Silence.

At the request of the Chair (Ms. Lovely), the members, guests and staff stood in a moment of silence and reflection to the memory of Antoinette N. Doyle.

Moment of silence.

General

appropriations bill.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year 2024 for the maintenance of the departments, boards, commissions, institutions, and certain activities of the Commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements (see House, No. 4040), 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 7 to 0.

General appropriations bill.

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

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill making appropriations for the fiscal year 2024 for the maintenance of the departments, boards, commissions, institutions, and certain activities of the Commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements (see House, No. 4040) (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 taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at ten minutes before four o'clock P.M., as follows, to wit (yeas 39 - nays 0) [Yeas and Nays No. 61]:

Id.

YEAS.

Barrett, Michael J. Kennedy, Robyn K. Brady, Michael D. Brownsberger, William N. Collins, Nick Comerford, Joanne M. 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.

Lewis, Jason M. Lovely, Joan B. Mark, Paul W. Miranda, Liz 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 three minutes before four 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 (Mr. Brownsberger) and laid before the Governor for her approbation.

Recess

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

Recess.

Supplemental

appropriations.

PAPER FROM THE HOUSE.

A Bill extending live horse racing and simulcasting in the Commonwealth (House, No. 4033,-- on Senate, No 2428, in part),-- was read.

There being no objection, the rules were suspended, on motion of Mr. Rodrigues, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, the same Senator moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2432.

The amendment was 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.

Recess.

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

Recess.

Suspension of Senate Rule 38A.

Mr. Brownsberger moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Senate Rule 38A.

PAPERS FROM THE HOUSE.

Mr. Brownsberger in the Chair, the House Bill extending live horse racing and simulcasting in the Commonwealth (House, No. 4033, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2432, with further amendments by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4034; by striking out the title and inserting in place thereof the following title: "An Act making appropriations for the fiscal year 2023 to provide for supplementing certain existing appropriations and for certain other activities and projects."; and by striking out the emergency preamble and inserting in place thereof the following emergency preamble:

appropriations.

Supplemental

"Whereas, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2023 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The rules were suspended, on motion of Mr. Tarr, and, after remarks, the further House amendment was considered forthwith and adopted, in concurrence.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for the fiscal year 2023 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4033, amended), 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, and, after remarks, the preamble was adopted in concurrence, by a vote of 4 to 0.

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 her approbation.

Order Adopted.

On motion of Mr. Timilty,--

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 a calendar.

Time of meeting.

Id.

Adjournment in Memory of Antoinette N. Doyle.

The Senator from Essex, Ms. Lovely, moved that when the Senate adjourn today, it do so in memory of Antoinette N. Doyle.

Antoinette "Toni" Doyle died peacefully at Beverly Hospital on Sunday, January 1st, 2023, after a brief illness.

Toni was born in Biddeford, Maine to the late Albert R. Neveux and A. Mary (Santorsola) Neveux. She grew up in Lawrence, Massachusetts along with her sister Muriel. After graduating from St. Patrick's High School in 1953, she worked for Kemper Insurance where she met her future husband, the Honorable David T. Doyle, the former presiding Justice of the Salem District Court, predeceased her in June of 2019. They enjoyed 60 years of marriage together.

Toni attended Laboure Junior College and became a registered nurse in 1981. She began her nursing career on the orthopedic floor at Salem Hospital where she worked for more than eight years. A devoted nurse, she cared for many local patients.

Toni was devout Catholic who was involved in many parish activities over the years at the Immaculate Conception, and St. Anne and was later a communicant at St. Mary of the Annunciation in Danvers. She lived her faith by actively supporting charitable organizations including Guild of the Infant Savior, where she served as president, and Catholic Charities. She also served as president of the Guild of St. William at St. John's Prep. Deeply committed to religious education, she became certified by the Archdiocese of Boston in the Master Teacher Program while involved in CCD at Immaculate Conception in Salem.

It is this same faith and devotion to helping others that Toni carried into her own children's upbringing along with her late husband. As a caring, nurturing, and loving

mother, Toni offered constant guidance to her children, instilling in each of them a strong value system, both in faith and in daily life.

Hobbies that Toni appreciated included cooking and learning new cooking techniques, both from her late mother who immigrated from Italy and from popular chefs. Toni enjoyed traveling with her husband to places both near and far including Italy, Greece, Alaska, and the Holy Land. She loved watching movies, attending theatre, going to shows and concerts, and taking care of six grandchildren whom she adored. She was thrilled to welcome two great-grandchildren to the family in the last two years. An avid Boston Red Sox fan, she watched her favorite team whenever she could. She rarely missed a sporting event that involved her children or grandchildren, traveling as far as Cooperstown, New York to watch them compete. Toni loved nothing more than babysitting her grandchildren and was ready on a moment's notice.

She is survived by her four beloved children: Reverend Michael J. Doyle of Danvers, Honorable Peter F. Doyle and his wife Leigh of Topsfield; Kathleen J. Doyle of Danvers; Mary-Alice Doyle Norton and her husband Michael of Georgetown; and six grandchildren: Elizabeth Mahan and her husband Keenan of Newton; Philip, Madeline and John Doyle; Colin and Courtney Norton; and two great grandchildren: Charlotte and Lucy Mahan. She is also survived by her sister, Muriel Neveux of Lowell.

Accordingly, as a mark of respect to the memory of Antoinette N. Doyle, at six minutes before ten o'clock P.M., on motion of Mr. Pacheco, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.