
The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, OCTOBER 26, 2023

JOURNAL OF THE SENATE

Thursday, October 26, 2023.

Met at four minutes past one o'clock P.M. (Ms. Friedman 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 (Ms. Friedman), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Ms. Friedman) handed the gavel to Mr. O'Connor for the purpose of an introduction. Mr. O'Connor then introduced, in the rear of the Chamber, the 5th grade class from the Eames Way School in Marshfield. The students were on a field trip to the State House learning about the different aspects of state government, and had just finished a Duck Tour around the city. The students were accompanied by teacher Mrs. Michelle Simmons and parent chaperones. They were also guests of Representatives Josh S. Cutler of Pembroke and Patrick Joseph Kearney of Scituate. The Senate welcomed them with applause and they withdrew from the Chamber.

Eames Way School,-- 5th grade.

Communications.

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

Communication from the Department of Public Health relative to its plan of correction for the Berkshire County Jail and House of Correction inspection on September 22, 2023 (received October 23, 2023); and

DPH,-- plan of correction. SD2817

Communication from the Executive Office of Health and Human Services (pursuant to item 4000-0641 of Section 2 of Chapter 126 of the Acts of 2022) submitting its quality improvement rate add-on report (received October 24, 2023).

EOHHS,-- QIRA report. SD2821

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 2485) of Barry R. Finegold and Tram T. Nguyen (by vote of the town) for legislation to authorize the town of Tewksbury to lease the Trahan Elementary School for a term of years not exceeding 99 years [Local approval received]; and

Tewksbury,-- Trahan Elementary School.

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 2487) of Ryan C. Fattman, Peter J. Durant and Paul K. Frost (by vote of the town) for legislation to authorize changing the name of board of selectmen to select board and the title of selectmen to select board member in the town of Charlton [Local approval received];

Charlton,-- select board.

Severally, under Senate Rule 20, to the committee on Municipalities and Regional Government.

Severally sent to the House for concurrence.

By Mr. Collins, a petition (accompanied by bill) (subject to Joint Rule 12) of Nick Collins for legislation relative to equal access on DCR roadways; and

DCR roadways,-- equal access. SD2818

By Mr. Keenan, a petition (accompanied by bill) (subject to Joint Rule 12) of John F. Keenan for legislation relative to expanding the newborn screening panel;

Newborn,-- screening panel. SD2820

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

PAPERS FROM THE HOUSE.

Bills

Relative to the select board of the town of Northborough (House, No. 3902,-- on petition) [Local approval received];

Northborough,-- select board.

Relative to the town of Plymouth's Facilities Improvement Fund (House, No. 3909,-- on petition) [Local approval received]; and

Plymouth,-- facilities improvement fund.

Authorizing the appointment of special police officers in the town of Maynard (House, No. 3930,-- on House, No. 2557) [Local approval received on House, No. 2557];

Maynard,-- special police officers.

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

Recess.

There being no objection, at five minutes past one o'clock P.M., the Chair (Ms. Friedman) declared a recess subject to the call of the Chair; and at twelve minutes past one o'clock P.M., the Senate reassembled, Ms. Friedman in the Chair.

Recess.

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill creating the offices of select board and town manager in the town of Sandisfield (see House, No. 3907) (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 (Ms. Friedman) and laid before the Governor for her approbation.**

Bill laid before the Governor.

Resolutions.

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

Resolutions (filed by Mr. Collins) "congratulating Charles C. Owen Jr. on his retirement as president of the American Federation of State, County and Municipal Employees after 46 years of dedicated service";

Charles C. Owen Jr.

Resolutions (filed by Ms. Jehlen) "commending Mary White for her 35 years of dedicated service to the Commonwealth"; and

Mary White.

Resolutions (filed by Mr. Lewis) "congratulating the Rotary Club of Reading on its one hundredth anniversary."

Rotary Club of Reading.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4150) of Carmine Lawrence Gentile and others for legislation to establish coordinated management guidelines for public forest lands;

Public forests,-- protection.

Under suspension of Joint Rule 12, to the committee on Environment and Natural Resources.

Petition (accompanied by bill, House, No. 4151) of Dylan A. Fernandes and Julian Cyr relative to authorizing the town of Nantucket to impose a real estate transfer fee for

Nantucket,-- real estate transfer fee.

affordable and workforce housing;

Under suspension of Joint Rule 7B, to the committee on Revenue.

Petition (accompanied by bill, House, No. 4152) of Michael P. Kushmerek relative to veterans' benefits;

Veterans benefits.

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

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Amending the charter of the city of Everett (Senate, No. 1290);

Second reading bills.

Authorizing the town of Nantucket to convey for roadway and any other purposes certain parcels of land within the roadway known as Ames Avenue, and shown as lots 35-38 (inclusive) in block 31 on land court plan no. 2408-m filed with the Nantucket registry district of the land court situated in the town of Nantucket held for conservation or recreational purposes to be conveyed for roadway and/or any purposes (Senate, No. 2417, changed);

Changing the board of selectmen in the town of East Bridgewater to a select board (Senate, No. 2422); and

Creating the appointed positions of town treasurer and tax collector in the town of Westwood (House, No. 3879);

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



Moment of Silence.

At the request of the Chair (Ms. Friedman), the members, guests and staff stood in a moment of silence and reflection to the memory of Donald J. Barry, Jr.

Moment of silence.

Orders of the Day.

The Orders of the Day were further considered as follows:

There being no objection, the following matter was taken out of order and considered, as follows:

The Senate Bill to increase access to disposable menstrual products (Senate, No. 1381),-- was read a second time.

Menstrual products,-- access.

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. 2481), and pending the main question on ordering the bill to a third reading, Mr. Rodrigues moved to amend the proposed new draft in section 2, by striking out, in line 21, the words "Subject to appropriation, every primary and secondary" and inserting in place thereof the following words:- "Every elementary and secondary public school"; and

In said section 2, in proposed section 3A of chapter 71, by striking out subsection (c).

The amendment was adopted.

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

The bill (Senate, No. 2481, amended) was then 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 eighteen minutes past two o'clock P.M., on motion of Ms. Jehlen, as follows, to wit (yeas 38 – nays 0) [**Yeas and Nays No. 89**]:

YEAS.

Barrett, Michael J.
 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.
 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.
 Tarr, Bruce E.
 Timilty, Walter F.
 Velis, John C. – 38.

NAYS – 0.

The yeas and nays having been completed at twenty-two 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. 2491].

Sent to the House for concurrence.

The Senate Bill enabling pharmacies to prescribe, dispense and administer PrEP (Senate, No. 1353),-- was read a second time.

Pharmacists,-- PrEP.

After remarks, the amendment previously recommended by the committee on Ways and Means substituting a new draft with the same title (Senate, No. 2480) was considered; and it was adopted.

The bill (Senate, No. 2480) was then 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 twenty minutes before three o'clock P.M., on motion of Mr. Cyr, as follows, to wit (yeas 38 – nays 0) [Yeas and Nays No. 90]:

YEAS.

Barrett, Michael J.
 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.

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.

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Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gomez, Adam
Jehlen, Patricia D.
Keenan, John F.

Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Velis, John C. – **38.**

NAYS – 0.

The yeas and nays having been completed at sixteen minutes before three o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

Moment of Silence.

At the request of Ms. Comerford, the members, guests and staff stood in a moment of silence and reflection to the memory of Dr. Demetria Shabazz.

Moment of silence.

Reports of Committees.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Julian Cyr and Dylan A. Fernandes for legislation relative to dark money in local government.

Local government,--
dark money.
SD2804

The rules were suspended, on motion of Ms. Comerford, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Election Laws.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Adam Gomez and Attorney General Andrea Joy Campbell for legislation to establish the Environmental Justice Trust Fund.

Environmental
Justice Trust Fund.
SD2767

The rules were suspended, on motion of Ms. Comerford, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.

Severally sent to the House for concurrence.

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 Donald J. Barry, Jr.

The Senator from Norfolk, Plymouth and Bristol, Mr. Timilty, moved that when the Senate adjourns today it do so in memory of Donald J. Barry, Jr.

Donald J. Barry, Jr., a longtime resident of both Milton and Falmouth, passed away on June 15, 2023, at the age of 76.

A longtime Senior Vice President and Counsel for Citizens Bank in Boston, successor to the former Newworld Bank and Charlestown Savings Bank, Donald retired in 2009 after a forty-year career in the banking industry focusing on bank law and regulatory issues.

Don graduated from Boston College High School, Boston College, and Suffolk University Law School. In addition to being an attorney, he was a member of the Society

of Real Estate Appraisers, holding the SRA professional designation. He also served with distinction in the United States Army Reserves in the 1970's, receiving an honorable discharge.

Moreover, Don was appointed to the Massachusetts Security and Privacy Council by former Governor Edward J. King, serving from 1983-1985. Over the years he served on the board of trustees for the Massachusetts Taxpayers Foundation and in various capacities for the Mass. Bankers Association, The New England Council, and The Greater Boston Chamber of Commerce. He was a member of The Beacon Society of Boston, a social club, and The Federalist Society of Washington, D.C.

In addition, Don was extremely active with the Laboure Center in South Boston, a social services agency and division of Catholic Charities, serving on its board of directors for many years. Furthermore, Don ascended to the chairmanship of the board of the Laboure Center serving in this leadership capacity for three years.

On a personal note, Don was a seasonal resident of Acapesket Beach in Falmouth on Cape Cod since 1978. Here, Don enjoyed many happy years having drinks and dinner with family and friends at that very special place. He was an avid reader and loved classic movies. He enjoyed traveling especially to San Francisco and New York City. He will be remembered for being a loyal friend and sharp conversationalist.

Beloved son of the late Donald J. Barry and Gertrude G. Barry, and brother of the late Bruce F. Barry of Westwood, he is survived by his sister-in-law Margaret (Peggy) A. Barry of Asheville, North Carolina, nephew David F. Barry of Austin, Texas, and his niece Christine Barry Rains and her husband Michael. Additionally, Don was Godfather and beloved "Nonno" to Evelyn M. Rains and Andrew M. Rains of Asheville, North Carolina. Don is survived by his legions of friends.

He will be truly missed by those who knew and loved him.

Accordingly, as a mark of respect to the memory of Donald J. Barry, Jr., at twelve minutes before three o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.