

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, NOVEMBER 9, 2023

JOURNAL OF THE SENATE

Thursday, November 9, 2023.

Met at twenty-one minutes past eleven o'clock A.M. (Ms. Creem in the Chair).

The Chair (Ms. Creem), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Communications.

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

Communication from the Office of the Comptroller relative to the status of the filing of the Statutory Basis Financial Report (pursuant to Section 12 of Chapter 7A of the General Laws) (received November 3, 2023);

Comptroller,-- SBFR filing. SD2843

Communication from the Massachusetts State House Press Association (pursuant to Senate Rule 59) submitting a list of the legislative reporters who were admitted as members of the Massachusetts State House Press Association (received November 8, 2023);

State House Press Association. SD2846

Communication from the Massachusetts State Police Crime Lab (pursuant to item 8100-1004 of Section 2 of Chapter 28 of the Acts of 2023) submitting its quarterly crime lab report for the second quarter of fiscal year 2023 (received November 8, 2023); and

MSPCL,-- FY23 Q2 crime lab report. SD2847

Communication from the Honorable Michel O. Moore, in compliance with Massachusetts General Laws Chapter 268A (received in the Office of the Clerk of the Senate on Thursday, November 9, 2023, at twenty-five minutes past eleven o'clock A.M.).

Senator Michael O. Moore,-- Chapter 268A.

Report.

Report of the Disabled Persons Protection Commission (pursuant to Section 15(f) of Chapter 19C of the General Laws) submitting its fiscal year 2023 annual report on its audit of the registry of abusive care providers (received November 2, 2023),-- **was place on file.**

DPPC,-- FY23 abuser registry audit. SD2844

Petition.

Mr. Kennedy presented a petition (accompanied by resolve) (subject to Joint Rule 12) of Edward J. Kennedy for legislation to provide for a study of Bittersweet Vine and other invasive species,-- **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Invasive species,-- study. SD2845

Reports of Committees.

By Ms. Lovely, for the committee on Rules of the two branches, acting concurrently, that the Senate Bill relative to archaic laws (Senate, No. 2457),-- ought to pass.

Archaic laws.

Referred, under Senate Rule 27, to the committee on Ways and Means.

PAPERS FROM THE HOUSE.

A message from Her Excellency the Governor recommending legislation relative to renaming the Massachusetts Rehabilitation Commission, Massability, to reflect the self-determination and limitless possibilities of people with disabilities (House, No. 4161),-- **was referred, in concurrence, to the committee on State Administration and**

Massachusetts Rehabilitation Commission.

Regulatory Oversight.

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

Petition (accompanied by bill, House, No. 4169) of Bradley H. Jones, Jr., and Bruce E. Tarr (by vote of the town) that the town of North Reading be authorized to use a portion of conservation land for public way purposes; and

North Reading,--
conservation land.

Petition (accompanied by bill, House, No. 4170) of Edward R. Philips and Paul R. Feeney (by vote of the town) that the town of Sharon be authorized to change the use of a certain parcel of land in said town acquired for outdoor recreational purposes to a use for general municipal purposes;

Sharon,-- land.

Severally to the committee on Municipalities and Regional Government.

A Bill relative to creditable service for Abby Levin, a member of the Massachusetts Teachers' Retirement System (House, No. 4168,-- on House, No. 3888), -- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Abby Levin,--
creditable service.

A Bill dissolving the Hampshire County Regional Housing Authority and incorporating its functions into the Northampton Housing Authority (House, No. 3810,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Hampshire County
Regional Housing
Authority.

A Bill further amending the charter of the town of Middleton (House, No. 3970, changed and amended,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Middleton,-- charter.

Reports

Of the committee on Municipalities and Regional Government, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1282) of Cynthia Stone Creem (by vote of the town) for legislation to authorize the expenditure of \$500,000 from town of Brookline marijuana mitigation stabilization fund for purpose of advancing racial equity in the town of Brookline,-- and recommending that the same be referred to the committee on Cannabis Policy;

Brookline,--
marijuana fund.

Of the petition (accompanied by bill, Senate, No. 1284) of Cynthia Stone Creem and Tommy Vitolo (by vote of the town) for legislation to authorize the establishment of a betterment loan program for the funding of electrification initiatives in the town of Brookline; and

Brookline,--
electrification
initiatives.

Of the petition (accompanied by bill, Senate, No. 1285) of Cynthia Stone Creem and Tommy Vitolo (by vote of the town) for legislation to authorize the town of Brookline to amend its community choice aggregation plan;

Brookline,--
aggregation plan.

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

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

Recess.

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

Recess.

Petition.

On motion of Mr. Rodrigues, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Ms. Lovely, (accompanied by bill) (subject to Joint Rule 12) of Joan B. Lovely for legislation relative to commuter rail pedestrian safety,-- **and the same was referred to the committee on Transportation.**

Commuter rail,--
pedestrian safety.
SD2842

Sent to the House for concurrence.

Resolutions.

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

Resolutions (filed by Mr. Pacheco) “congratulating Paul Provencher on being named Veteran of the Year from the town of Middleborough.”

Paul Provencher.

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 Joanne M. Comerford and Natalie M. Blais for legislation to create a state disaster relief fund for emergency management.

Disaster Relief Fund.
SD2839

The rules were 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 Emergency Preparedness and Management.

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 Ryan C. Fattman and Mark A. Belliveau, for legislation relative to post-retirement earnings of public retirees.

Public retirees,--
earnings.
SD2780

The rules were 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 on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Bruce E. Tarr, Roger E. Mercaldi, Jr., Ryan C. Fattman, Kathleen R. LaNatra and others for legislation to properly recognize merchant marine veterans.

Merchant marine
veterans.
SD2803

The rules were 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 Veterans and Federal Affairs.

Severally sent to the House for concurrence.

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The House Bill establishing a sick leave bank for Corinne Senna, an employee of the Trial Court of the Commonwealth (House, No. 4144, amended),-- **was read a third time and passed to be engrossed, in concurrence.**

Corinne Senna,--
sick leave.

The House Bill establishing a sick leave bank for Jaer J. Martinez, an employee of the department of transitional assistance (House, No. 4110),-- **was read a third time and passed to be engrossed, in concurrence.**

Jaer J. Martinez,--
sick leave.

The House Bill changing the name of the board of selectmen of the town of Westport to select board (House, No. 3751) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Westport,-- board of
selectmen.

Pending the question on passing the bill to be engrossed, Mr. Rodrigues 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 2486.

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE

Engrossed Bills.

An engrossed Bill changing the name of the Board of Selectmen of the town of Gosnold to Selectboard (see House, No. 3842) (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.

An engrossed Bill providing for unlimited free phone calls to incarcerated individuals (see House, No. 4052, amended) (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 re-enacted and signed by the Acting President (Mr. Brownsberger) and again laid before the Governor for her approbation.**

Bill again laid before the Governor.

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

Petition (accompanied by bill, House, No. 4173) of Dylan A. Fernandes and Julian Cyr relative to disclosure and regulation of campaign expenditures and contributions for certain town meeting articles;

Campaign expenditures,-- disclosure.

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

Petition (accompanied by bill, House, No. 4174) of Tricia Farley-Bouvier and Paul W. Mark that the Massachusetts Department of Transportation be authorized to convey a certain parcel of land in the city of Pittsfield to the Diocese of Springfield;

Pittsfield,-- land.

Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

Petition (accompanied by bill, House, No. 4175) of Jay D. Livingstone and Lydia Edwards relative to designating the Greatest Neighborhood Park, in the West End neighborhood of the city of Boston, as the Jim Campano park;

Boston,-- Jim Campano Park.

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

Report of a Committee.

By Mr. Rodrigues, for the committee on Ways and Means, the Senate Bill relative to pharmaceutical access, costs and transparency (Senate, No. 2492),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2499).

Pharmaceuticals,-- cost and transparency.

Order Adopted.

Mr. Rodrigues presented the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to pharmaceutical access, costs and transparency (Senate, No. 2492) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft with the same title Senate, No. 2499) shall be placed in the Orders of the Day for a second reading on Wednesday, November 15, 2023.

Procedural order.

UNCORRECTED PROOF.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M, on Monday, November 13, 2023. All such amendments shall be second reading amendments to the Senate Ways and Means new draft (Senate, No. 2499), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

The rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Wednesday, November 15, 2023, for a second reading with the amendment pending.

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.

On motion of the same Senator, at nineteen minutes past eleven o'clock A.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.