

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, MAY 2, 2024

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JOURNAL OF THE SENATE

Thursday, May 2, 2024.

Met at seven minutes past eleven o'clock A.M. (Ms. Edwards in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Ms. Edwards), 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. Edwards) handed the gavel to Mr. Feeney for the purpose of an introduction. Mr. Feeney then introduced, in the rear of the Chamber, the girls basketball team from Bishop Feehan High School. The Shamrocks were recognized for winning the 2024 MIAA Division 1 championship title and for their hard work and dedication throughout the season. They were led by Coaches: Amy Dolores, Jacob Curren and Sean Walsh and Athletic Director Christian Schatz. The Senate applauded their accomplishments and they withdrew from the Chamber. The team was accompanied by Representative Hawkins of Attleboro and Representative Scanlon of North Attleborough.

Bishop Feehan High School girls basketball team.

Communications.

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

Communication from the Honorable Karen E. Spilka, President of the Senate, announcing the re-appointment of Dr. Bruce A. Rose and Elizabeth Clark (under the provisions of Section 72 of Chapter 3 of the General Laws) to the permanent commission on the status of African Americans (received April 29, 2024);

Status of African Americans,-- commission. SD3206

Communication from the Department of Public Health relative to its plan of correction for the Essex County Correctional Facility, Middleton inspection on March 26 and 27, 2024 (received April 30, 2024); and

DPH,-- plan of correction. SD3207

Communication from the Department of Public Health relative to its plan of correction for the Western Massachusetts Recovery and Wellness Center, Springfield inspection on March 17, 2024 (received April 30, 2024).

Id. SD3208

Reports.

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

Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspection of the Massachusetts Treatment Center, Bridgewater (received April 29, 2024);

DPH,-- facility inspection. SD3209

Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspection of MCI Shirley (received April 30, 2024);

Id. SD3211

Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspection of the Worcester County House of Corrections and Jail, West Boylston (received April 30, 2024);

Id. SD3213

UNCORRECTED PROOF.

Report of the Office of the Inspector General (pursuant to Section 12 of Chapter 12A of the General Laws) submitting its annual report for the year 2023 (received April 30, 2024);

Inspector General,--
annual report.
SD3212

Report of the Tax Expenditure Review Commission (pursuant to Section 14(e) of Chapter 14 of the General Laws) submitting its 2024 report on its review of tax expenditures adopted by the Commonwealth (received April 30, 2024); and

TERC,-- 2024
report.
SD3215

Report of the Department of Correction (pursuant to item 0330-0613 of Section 2 of Chapter 126 of the Acts of 2022) submitting its joint report in collaboration with the Parole Board on the statistics regarding delayed parole releases for the fiscal years 2019 through 2023 (received February 6, 2024).

DOC,-- FY23
Collaboration
Report.
SD3217

Petition.

Mr. Kennedy, presented a petition (accompanied by bill, Senate, No. 2762) of Edward J. Kennedy, Vanna Howard, Rodney M. Elliott and Rady Mom (with the approval of the mayor and city council) relative to vacancies on the city of Lowell city council and school committee [Local approval received];

Lowell,-- vacancies
council and school
committee.

**Referred, under Senate Rule 20, to the committee on Election Laws.
Sent to the House for concurrence.**

Orders.

Mr. Brady presented an Order relative to granting the committee on Public Service until June 30, 2024 within which time to make its final report on a current Senate document numbered 1279, relative to civil service adoption (Senate, No. 2751); and

Public Service, --
extension.

Mr. Eldridge presented an Order relative to granting the committee on the Judiciary until June 30, 2024 within which time to make its final report on current Senate documents numbered 313, 906, 916, 920, 936, 938, 941, 942, 947, 955, 962, 972, 973, 977, 980, 982, 991, 1000, 1009, 1011, 1016, 1036, 1038, 1039, 1040, 1050, 1053, 1060, 1069, 1098, 1101, 1104, 1108, 1114, 1129, 1130, 1140, and 2483 relative to judicial matters (Senate, No. 2759);

Judiciary,--
extension.

Severally referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently.

Reports of a Committees.

By Mr. Eldridge, for the committee on the Judiciary, on Senate, Nos. 912, 914, 945, 954, 978, 983, 988, 1003, 1005, 1014, 1020, 1023, 1024, 1027, 1032, 1035, 1037, 1045, 1046, 1047, 1057, 1059, 1076, 1079, 1082, and 1107 an Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of certain current Senate documents relative to judicial matters (Senate, No. 2753);

Judiciary,-- study.

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Ms. Comerford, for the committee on Agriculture, on Senate, Nos. 484 and 553 and House, No. 758, a Bill to promote economic opportunities for cottage food entrepreneurs (Senate, No. 2761);

Cottage foods,--
regulations.

By Mr. Eldridge, for the committee on the Judiciary, on petition (accompanied by bill, Senate, No. 923), a Bill relative to the uniform child custody jurisdiction and enforcement act (Senate, No. 2754);

Child custody,--
jurisdiction.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1070), a Bill maintaining protective orders (Senate, No. 2755);

Protective orders.

By the same Senator, for the same committee, on Senate, No. 940 and House, No.

Judicial

UNCORRECTED PROOF.

1495, a Bill promoting diversion of juveniles to community supervision and services (Senate, No. 2756);

supervision,-- child well-being.

By the same Senator, for the same committee, on Senate, Nos. 1052, 1111 and 2450 and House, Nos. 1577, 1615, 1642, 1732, and 1762, a Bill relative to forfeiture reform (Senate, No. 2758);

Forfeiture reform.

By Mr. Velis, for the committee on Veterans and Federal Affairs, on petition, a Bill relative to veterans' buyback (Senate, No. 1750);

Veterans', -- retirement buyback.

By the same Senator, for the same committee, on petition, a Bill to modernize property tax abatements for veterans (Senate, No. 2310);

Veterans,-- property tax.

By the same Senator, for the same committee, on petition, a Bill providing for timely reimbursement of cities and towns for veterans' benefits (Senate, No. 2311);

Veterans' benefits,-- reimbursement.

By the same Senator, for the same committee, on petition, a Bill to establish the Guard enlistment enhancement program (Senate, No. 2313);

Guard,-- enlistment enhancement program.

By the same Senator, for the same committee, on petition, a Bill expediting veterans benefits (Senate, No. 2314); and

Veterans benefits.

By the same Senator, for the same committee, on petition, a Bill to create equal access to a common application for low-income veterans (Senate, No. 2318);

Veterans,-- application portal.

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

By Mr. Eldridge, for the committee on the Judiciary, on Senate, No. 1142 and House, No. 1718, a Bill relative to the humane protection of animals (Senate, No. 2757);

Animals,-- protection.

Read and, under Senate Rule 26, referred to the committee on Rules.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4592) of Rob Consalvo (with the approval of the mayor and city council) that the city of Boston be authorized to appoint Paul O'Brien a police officer notwithstanding the maximum age requirement,-- **was referred, in concurrence, to the committee on Public Service.**

Boston,-- police officer Paul O'Brien.

A Bill making appropriations for the fiscal year 2025 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. 4601,-- on House, No. 2), -- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

General appropriation bill,-- FY25.

Resolutions.

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

Resolutions (filed by Mr. Montigny) "commending Dartmouth Friends of the Elderly, Inc. for recognizing May 2024 as Older Americans Month";

Dartmouth Friends of the Elderly, Inc.

Resolutions (filed by Mr. Pacheco) "congratulating Tyler Heidke on his elevation to the rank of Eagle Scout"; and

Tyler Heidke.

Resolutions (filed by Mr. Timilty) "congratulating the Forbes House Museum on the centennial anniversary of the Lincoln Cabin."

Forbes House Museum.

Matters Taken Out of the Orders of the Day.

UNCORRECTED PROOF.

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

The House Bill amending the charter of the town of Townsend (House, No. 3728) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Townsend,-- charter.

Pending the question on passing the bill to be engrossed, Mr. Cronin presented an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2752.

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.

The House Bill amending the charter of the town of Rockland (House, No. 4036) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Rockland,-- charter.

The House Bill correcting the membership date of North Reading police officer Thomas Romeo in the Middlesex county retirement system (House, No. 4437) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

North Reading,--
retirement system.

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 Susan L. Moran for legislation relative to police reports involving railroad fatalities.

Railroad fatalities,--
police reports.
SD2895

Senate Rule 36 was suspended, on motion of Mr. Feeney, 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.

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 Susan L. Moran and David T. Vieira for legislation to authorize the continued service of Michael J. Harris, superintendent of the Barnstable County correctional facility.

Michael Harris,--
BCCF
superintendent.
SD3167

Senate Rule 36 was suspended, on motion of Mr. Feeney, 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 John J. Cronin for legislation relative to retroactive sun credit transferability.

Sun credit
transferability.
SD2618

Senate Rule 36 was suspended, on motion of Mr. Feeney, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Telecommunications, Utilities and Energy.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Tamara M. Luciani, an employee of the trial court of the commonwealth (House, No. 4531,-- on petition),-- was read.

Tamara M. Luciani,-
- sick leave.

There being no objection, the rules were suspended, on motion of Mr. Durant, and the bill was read a second time and ordered to a third reading.

UNCORRECTED PROOF.

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

Petition (accompanied by bill, House, No. 4619) of Smitty Pignatelli and Paul W. Mark for legislation to designate a portion of state highway Routes 23 west and 41 south in the town of Egremont as the George McGurn memorial highway;

Egremont,-- George McGurn Memorial highway.

Petition (accompanied by bill, House, No. 4617) of Smitty Pignatelli and Paul W. Mark that a certain portion of state highway Route 7 in the town of Sheffield be designated as the Brigadier-General John G. Barnard highway; and

Sheffield,-- Brigadier-General John G. Barnard highway.

Petition (accompanied by bill, House, No. 4618) of Smitty Pignatelli and Paul W. Mark that a certain portion of state highway Route 41 in the town of West Stockbridge be designated as the Gene Dellea highway;

West Stockbridge,-- Gene Dellea highway.

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

Order Adopted.

Mr. Rodrigues offered the following order, to wit:

Ordered, That, pursuant to the provisions of Senate Rule 27A, all amendments to the general appropriations bill as reported by the Committee on Ways and Means shall be filed electronically in the Office of the Clerk of the Senate by 2:00 P.M., on Friday, May 10, 2024; and be it further ordered that, pursuant to the provisions of Senate Rule 38B, the general appropriations bill as reported by the Committee on Ways and Means shall be placed in the Orders of the Day for Tuesday, May 21, 2024, for its second reading, as the only item on the calendar.

General appropriation bill,-- procedural order.

There being no objection, the rules were suspended, on motion of Mr. Durant, and the order was considered forthwith and adopted.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (all of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Ms. Edwards) and laid before the Governor for her approbation, to wit:

Amending the membership of the housing commission in the town of Lincoln (see House, No. 3827);

Bills laid before the Governor.

Providing for the appointment of a treasurer-collector in the town of Kingston (see House, No. 4011); and

Authorizing the town of Williamstown to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4192).

Order Adopted.

On motion of Mr. Feeney,--

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 twenty-one minutes past eleven o'clock A.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.