The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, AUGUST 5, 2024

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JOURNAL OF THE SENATE

Monday, August 5, 2024.

Met at five minutes past eleven o'clock A.M. (Mr. Collins 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. Collins), 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 Department of Public Health relative to its plan of correction for the Northeastern Correctional Center, Concord inspection on June 6, 2024 (received July 30, 2024);

Communication from the Department of Public Health relative to plan of correction from Old Colony Correctional Center, Bridgewater dated July 22, 2024 (received July 30, 2024):

Communication from the Department of Public Health relative to its plan of correction for the Middlesex County Jail and House of Corrections, Billerica inspection on May 8, 9, and 10, 2024 (received August 1, 2024);

Communication from the Department of Public Health relative to the plan of correction from Northeastern Correctional Center, Concord dated July 31, 2024 (received August 1, 2024);

Communication from the Department of Public Health submitting its Arbovirus Weekly Report for the week of July 29, 2024 (received July 30, 2024); and

Communication from the Norfolk County Sheriff's Office submitting a plan of corrective action following an inspection of Norfolk County Sheriff's Office Correctional Center and Dedham Alternative Center conducted on May 20, 2024 (received August 2, 2024).

Reports of Committees.

By Mr. Brady, for the committee on Public Service, on petition, a Bill relative to creditable service for elected officials (Senate, No. 1616);

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

By Mr. Brady, for the committee on Public Service, on petition, a Bill relative to residency (Senate, No. 1692);

By the same Senator, for the same committee, on petition, a Bill providing volunteer firefighters and emergency medical technicians with a local option real estate tax exemption (Senate, No. 1831); and

By the same Senator, for the same committee, on petition, a Bill relative to the establishment of a means tested senior citizen property tax exemption (Senate, No. 1894);

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

DPH,-- plan of correction. SD3362

Id. SD3363

Id. SD3364

Id. SD3366

DPH,-- Arbovirus report. SD3365 Norfolk,-- POC. SD3367

Elected officials,--creditable service.

Residency requirements,-police and fire. Firefighters and EMT's,-- tax exemption.

Senior property tax exemption.

By Mr. Oliveira, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the town of Harwich affordable housing trust to provide for the creation of attainable housing (Senate, No. 2874) [Local approval received];

Harwich,-- affordable housing trust.

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

PAPERS FROM THE HOUSE.

Bills

Providing protections for reproductive or gender-affirming care location information (House, No. 4844,-- on House, No. 4496, in part,-- being a message from Her Excellency the Governor);

Relative to certain loans by the Federal Home Loan Bank (House, No. 4905,-- on House, No. 958);

Regulating the practice and licensure of veterinary technicians (House, No. 4912,-- on Senate, No. 207 and House, No. 332);

Preserving public trust rights in land affected by ocean erosion (House, No. 4913,-- on House, No. 807);

Regulating central service technicians (House, No. 4914,-- on Senate, No. 1464 and House, No. 2200);

To protect the collective bargaining rights of certain administrative employees (House, No. 4916,-- on House, No. 1834);

Relative to a commission to study the intentional misrepresentation of a service animal (House, No. 4917,-- on House, Nos. 1480 and 1481);

Relative to medically necessary breast screenings and exams for equity and early detection (House, No. 4918,-- on Senate, Nos. 674 and 711 and House, Nos. 938 and 1103);

Prohibiting license revocation for student loan default (House, No. 4937,-- on House, No. 3045);

Concerning the safety of school children embarking and disembarking school buses (House, No. 4940,-- on Senate, No. 2275 and House, Nos. 3306, 3336, 3375 and 3340);

Relative to boater safety to be known as the Hanson Milone Act (House, No. 4941,-on House, No. 3362);

Relative to property tax classification in the city of Boston (House, No. 4942,-- on House, No. 4805);

Relative to retirement benefits for Rebecca J. Vanderstelt (House, No. 4946,-- on House, No. 2436);

To improve and modernize planning and community development in the city of Boston (House, No. 4947,-- on House, No. 4065);

Authorizing the town of Westford to release agricultural preservation restrictions over land owned by Westford Gateway, LLC. (House, No. 4964,-- on House, No. 4385);

Authorizing the Massachusetts Department of Transportation to convey a certain parcel of land in the town of Stoneham (House, No. 4965,-- on House, No. 4641);

Authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Tewksbury (House, No. 4966,-- on House, No. 3106);

Requiring automated external defibrillators at sporting events (House, No. 4972,-- on House, No. 4121);

Relative to amending certain use restrictions for the Foxborough State Hospital (House,

Reproductive care.

Federal Home Loan Bank.

Veterinary technicians,-licensure. Ocean erosion,-public trust rights.

Central service technicians.

Employees,-collective
bargaining.
Service animal,-commission.

Breast exams,--early detection.

License revocation,-- student loan default.
School bus,-- safety.

Boater safety.

Boston,-- property tax.

Rebecca J. Vanderstelt,-retirement. Boston,-community development. Westford,-- land.

Stoneham,-- land.

Tewksbury,-- land.

AED's,-- sporting events.

Foxborough State Hospital.

No. 4973,-- on House, No. 4488); and

Authorizing project labor agreements (House, No. 4979,-- on House, No. 3012);

Project labor agreements.

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

Bills

Relative to the offense of assault and battery upon a public employee (House, No. 4355,-- on House, No. 1669); and

Transit worker,-assault and battery.

Relative to the transfer of real property from the Silver Lake regional school district to the town of Kingston (House, No. 4874,-- on petition);

Kingston,-- land.

Were severally read and, under Senate Rule 26, referred to the committee on Rules.

A Bill authorizing the town of North Reading to establish a means tested senior citizen property tax exemption (House, No. 4784,-- on petition) [Local approval received],-- was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

North Reading,-senior property tax exemption.

Matter Taken Out of the Orders of the Day.

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

The Senate Bill to promote nature-based approaches for resiliency and climate change adaptation throughout the Commonwealth (Senate, No. 2922),-- was read a third time and passed to be engrossed.

Climate change.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

The Senate Bill authorizing the town of Tewksbury to use a certain parcel of land for general recreational purposes (Senate, No. 2916),-- came from the House passed to be engrossed, in concurrence with an amendment, by striking out all after the enacting clause and inserting in place there of the text of House document numbered 4971.

Tewksbury,-- land.

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

Remarks of Senator James B. Eldridge.

Mr. Eldridge read the following communication:

August 5, 2024

Remarks of Senator James B. Eldridge

The Honorable Maura T. Healey Lt. Governor Kim Driscoll Governor of Massachusetts State House, Room 360

Boston MA, 02133

Secretary Kate Walsh Health and Human Services 1 Ashburton Pl Floor 11 Boston, MA 02108

Commissioner Robert Goldstein, PhD Department of Public Health 250 Washington St. Boston, MA 02108

Dear Governor Healey, Lieutenant Governor Driscoll, Secretary Walsh & Commissioner Goldstein,

We are writing to express our opposition to the plan by Steward Healthcare to seek approval by the Massachusetts Department of Public Health (DPH) to expedite the closure of Carney Hospital in Dorchester and Nashoba Valley Medical Center in Ayer. These

critical community hospitals provide quality healthcare for tens of thousands of Massachusetts residents that would be lost if this plan were to move forward with the support of the DPH.

We ask first and formally for the bankruptcy court to withdraw the expedited closure and for the Commissioner to withdraw DPH's support for the expedited closure of Nashoba Valley Medical Center and Carney Hospital in the bankruptcy proceeding, and have DPH hold Public hearings, as is required by law, in both hospitals' services areas, to ensure that all community members, including hospital staff and patients, have the opportunity to be heard on the impact of the closing of the two hospitals.

Since the news broke on Friday, July 26th that a bankruptcy motion had been filed that would keep six Steward hospitals open, and Carney Hospital and Nashoba Valley Medical Center were slated to close, there has been an outcry from the public, particularly in the regions where these two hospitals serve residents, but also major labor unions, doctors and nurses, and municipal officials and public safety leaders about the dire consequences of any hospital in Massachusetts closing.

The closure of the two hospitals would lead to a combined loss of over 1,000 jobs. This includes many union jobs paying a living wage and benefits, as well as having a multiplier effect on economic activity and expansion in these areas of Massachusetts. In addition, many of our first responders, public health professionals and councils on aging have expressed serious concern over their ability to provide proper care for the people and vulnerable populations they often help.

Given that Steward has proposed closing these two hospitals by August 31st, 2024, we are asking the Healey-Driscoll administration to take the following measures with all deliberate speed, including the following:

- Reach out to any prospective hospital bidder, including Massachusetts healthcare networks, to purchase both hospitals.
- Declare a public health state of emergency to broaden government powers to keep the two hospitals open under the Civil Defense Act of 1950
- Provide bridge funding to keep Nashoba Valley Medical Center and Carney Hospital in operation while negotiations for buyers of the two hospitals continue.

We believe that there is consensus that Steward Healthcare has done a tremendous disservice to the Commonwealth of Massachusetts, and it is best that Steward leaves the Massachusetts healthcare system. However, residents in Massachusetts want to know that the Healey-Driscoll administration is continuing to fight to keep all Steward hospitals open. As one Dorchester resident asked on Monday morning, July 29th, "What are you doing to keep Carney Hospital open?" On Tuesday morning, July 30th, an Ayer resident spoke about how if not for Nashoba Valley Hospital Center being five minutes away from her home, she was not sure if she would have survived the medical emergencies she experienced in her life.

We believe the requests above are reasonable and will not only ensure that the current quality healthcare is provided to all Massachusetts residents, but that all of the collateral consequences and costs of two community hospitals closing will be avoided. We believe all of that is worth fighting for.

Please do not hesitate to contact our offices with any questions or inquiries.

Sincerely,

Senator James B. Eldridge Senator Nick Collins

Middlesex & Worcester First Suffolk District

District

Senator Edward J. Kennedy

Senator Liz Miranda

Senator John J. Cronin

Worcester & Middlesex

District

Senator Edward J. Kennedy

Senator Liz Miranda

First Middlesex District
Senator Peter J. Durant
Worcester and Hampshire
District

Representative Danillo A. Sena

37th Middlesex District Councilor Ed Flynn District 2 2nd Suffolk District
Representative Natalie M.

Higgins

Fourth Worcester District Councilor Erin Murphy At-Large Norfolk & Suffolk District Representative Margaret R.

Scarsdale

First Middlesex District Councilor John FitzGerald

District 3

On motion of Mr. Pacheco, under the provisions of Senate Rule 6, the remarks were printed in the Journal of the Senate.

Ordered printed.

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill relative to the reduction of certain toxic chemicals in firefighter personal protective equipment (see Senate, No. 2902, amended) (which originated in the Senate), 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. Collins) and laid before the Governor for her approbation.

Bill laid before the Governor.

Moment of Silence.

At the request of the Chair (Mr. Collins), the members, guests and staff stood in a moment of silence and reflection in memory of Edward F. Byrne, Jr.

Moment of silence.

Order Adopted.

On motion of Mr. Pacheco:--

Ordered, That when the Senate adjourns today, it adjourns to meet on Thursday next at eleven o'clock A.M.

Time of meeting.

Adjournment in Memory of Edward F. Byrne Jr.

The Senator from Suffolk, Mr. Collins, moved that when the Senate adjourns today, it do so in memory of Edward F. Byrne Jr.

Mr. Byrne, a lifetime resident of South Boston, passed away on August 1, 2024, peacefully at home surrounded by his family. Mr. Byrne was a proud USMC Veteran, Retired Assistant Superintendent with the Boston Fire Department, FAO and a longtime member of Michael J. Perkins American Legion Post #67 in South Boston.

Mr. Byrne was a beloved husband of Casey (Roche) Byrne. Devoted father of Patrick Byrne and his wife Kylie of South Boston, Conor Byrne and his wife Joanne of Roslindale, Garrett Byrne and his wife Sarah of Dorchester, Alexis Frailey-Byrne and her wife Shay of Carbondale, IL. Loving Papa of Conor, Keegan, Colin, Ryan, Cameron, Noah and Owen. Son of the late Edward F. and Catherine (Crichton) Byrne. Cherished brother of Kathleen Muldowney, Donna O'Neill, Linda Altovino, Kevin Byrne, John Byrne and the late James Byrne. Also survived by many nieces, nephews, extended family and friends.

Accordingly, as a mark of respect to the memory of Edward F. Byrne Jr., at twenty minutes past eleven o'clock A.M., on motion of Mr. Pacheco, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.