

JOURNAL OF THE HOUSE.

Thursday, January 14, 2016.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Kafka of Stoughton in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of allegiance.

At the request of the Chair (Mr. Kafka), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Brandon Pereira.

Resolutions (filed by Mr. Dooley of Norfolk) congratulating Brandon Pereira on receiving the Eagle Award from the Boy Scouts of America;

Adam Sorel.

Resolutions (filed by Mr. Dooley of Norfolk) congratulating Adam Sorel on receiving the Eagle Award from the Boy Scouts of America;

Jeffrey Kennan.

Resolutions (filed by Mr. Linsky of Natick) congratulating Jeffrey Carl Kennan on receiving the Eagle Award of the Boy Scouts of America; and

James Whitaker.

Resolutions (filed by Mr. Linsky of Natick) congratulating James Alyanekian Whitaker on receiving the Eagle Award of the Boy Scouts of America;

Mr. Galvin of Canton, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Wong of Saugus, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

Communications

Hampden district,— wiretaps.

From the Office of the District Attorney of the Hampden District (see Section 99R of Chapter 272 of the General Laws) relative to wiretap interceptions during the calendar year 2015;

Pharmacy board,— investigations.

From the Department of Public Health (see Section 25A of Chapter 112 of the General Laws) submitting the annual report on Investigations and Disciplinary Actions of the Board of Registration in Pharmacy for 2015; and

Collaborative Workspace Program.

From MassDevelopment (see Section 46(m) of Chapter 23G of the General Laws) submitting the annual report of the Transformative Development Fund Collaborative Workspace Program [copies of the report were forwarded to the committees on Ways and Means; Economic Development and Emerging Technologies; and Labor and Workforce Development, as required by said law];

Severally were placed on file.

Annual and Special Reports.

The seventh annual report of the Special Commission on the Status of Grandparents Raising Grandchildren (under Section 69(h) of Chapter 3 of the General Laws) of its activities for the calendar year 2015; and Reports

Grandparents raising grandchildren.

Of the Department of Public Health (under sections 9G, 25, 43 and 78 of Chapter 112 of the General Laws) submitting the Licensure Annual Report of the Division of Health Professionals for the fiscal year 2015; and

Health professionals,— licensure.

Of the Department of Youth Services (under Section 22 of Chapter 120 of the General Laws) submitting its annual report for calendar year 2014;

Youth Services report.

Severally were placed on file.

Petition.

Representative Jones of North Reading and Senator Tarr presented a joint petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., Bruce E. Tarr and Theodore C. Speliotis for legislation to establish a sick leave bank for Helen Annese, an employee of the Trial Court; and the same was referred, under Rule 24, to the committee on Rules.

Helen Annese,— sick leave.

Paper from the Senate.

A Bill establishing a sick leave bank for Tina Jennings, an employee of the Department of Developmental Services (Senate, No. 2095) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Tina Jennings,— sick leave.

Mr. Nangle of Lowell, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Ms. Peake of Provincetown, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently under further suspension of the rules, on motion of Mr. Wong of Saugus, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

Reports of Committees.

By Ms. Peisch of Wellesley, for the committee on Education, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 417) of Louis L. Kafka and others that students with diabetes attending public or private schools be permitted to possess certain medical supplies and administer necessary treatments,— and recommending that the same be referred to the committee on Public Health. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Students,— diabetes treatment.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House:

Bellingham,—
liquor
license.

The Senate Bill authorizing the town of Bellingham to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 148) [Local Approval Received]; and

Boston,—
housing.

House bills
Relative to certain affordable housing in the city of Boston (House, No. 3617) [Local Approval Received];

Harwich,—
bridge.

Designating a certain bridge in the town of Harwich as the U.S. Navy Lt. Jr. Ralph Wallace Burns memorial bridge (House, No. 3801, changed) [Local Approval Received]; and

Hull,—
traffic
island.

Designating a certain traffic island in the town of Hingham as the Frank Massa memorial island (House, No. 3808);

Under suspension of Rule 7A, in each instance, on motion of Ms. Peake of Provincetown, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Boston,—
snow
removal.

By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to snow removal penalties (House, No. 3326) [Local Approval Received]. Read; and referred, under Rule 33, to the committee on Ways and Means.

Leominster,—
unpaid
bill.

By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a joint petition, a Bill authorizing the city of Leominster to pay a certain unpaid bill (House, No. 3866) [Local Approval Received].

Dedham,—
energy
fund.

By the same member, for the same committee, on a joint petition, a Bill relative to the creation of a renewable energy fund in the town of Dedham (House, No. 3881) [Local Approval Received].

Nantucket
Islands
Land Bank.

By the same member, for the same committee, on a joint petition, a Bill authorizing the Nantucket Islands Land Bank to convey certain land held for open space, recreational or conservation purposes to the town of Nantucket for the same purposes (House, No. 3892) [Local Approval Received].

Tewksbury,—
town
manager.

By the same member, for the same committee, on a petition, a Bill relative to the town manager in the town of Tewksbury (House, No. 3893) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Orders of the Day.

Third
reading
bill.

The Senate Bill relative to the off-street parking board in the city of Worcester (Senate, No. 2012), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bills.

House bills
Relative to the town of Foxborough (House, No. 3582); and
Relative to the position of highway surveyor in the town of Hanson (House, No. 3738);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill authorizing the sale of certain real property known as 233 Quincy Street in Springfield, from the city of Springfield to Habitat for Humanity (House, No. 3562), was read a third time.

Third reading
bill amended.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a Bill authorizing the city of Springfield to transfer certain property to Habitat for Humanity (House, No. 3948), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The Senate amendment of the House Bill authorizing the town of Tyngsborough to grant additional licenses for the sale of alcoholic beverages (House, No. 3691), reported by the committee on Bills in the Third Reading to be correctly drawn, was considered.

Tyngsborough,—
liquor
licenses.

Mr. Speliotis of Danvers then moved that the House concur with the Senate in its amendment with a further amendment by striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the following:

"SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Tyngsborough may grant: (i) 4 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138; (ii) 2 additional licenses for the sale of wines and malt beverages to be drunk on the premises pursuant to said section 12 of said chapter 138; and (iii) 2 additional licenses for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of said chapter 138, to operators and locations to be determined by the licensing authority in accordance with this section. The licenses shall be subject to this section and to all of said chapter 138 except said section 17.

(b) The licensing authority of the town of Tyngsborough shall restrict the licenses authorized by this section in the following manner: (i) 1 license for the sale of all alcoholic beverages to be drunk on the premises pursuant to said section 12 of said chapter 138 shall be restricted to an entity located in the town center, a designated economic development zone which is 2,000 feet from the intersection of Middlesex road and Kendall road, and with a maximum of 50 seats; (ii) 1 license for the sale of all alcoholic beverages to be drunk on the premises pursuant to said section 12 of said chapter 138 shall be restricted to an entity located in the town center with a maximum of 75 seats; (iii) 1 license for the sale of all alcoholic beverages to be drunk on the premises pursuant to said section 12 of said chapter 138 shall be restricted to an entity located in the town center with a maximum of 100 seats; (iv) 1 license for the sale of wines and malt beverages to be drunk on the premises pursuant to said section 12 of said chapter 138 shall be restricted to entities located on the east side of the Merrimack river; provided, however, 1 license for the sale of all alcoholic beverages to be drunk on the premises or 1 license for the sale of wines and malt beverages to be drunk on the premises granted

Tyngsborough,—
liquor
licenses.

pursuant to this subsection shall also be restricted to an entity with frontage on Kendall road, Middlesex road or Pawtucket boulevard and such frontage shall be as required by the zoning by-laws of the town of Tyngsborough or by variance or shall be a legal preexisting, nonconforming lot.

(c) The licensing authority may approve the transfer of any license issued pursuant to this section to another location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid; provided, however, that any such license shall remain subject to any restriction set forth in subsection (b) that applied to the license as initially issued.

(d) If a license granted pursuant to this section is cancelled, revoked or no longer in use, the license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant under the same conditions specified in this section.

SECTION 2. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Tyngsborough may grant 6 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138. The licenses shall be subject to all of said chapter 138 except said section 17.

(b) Once issued, the licensing authority shall not approve the transfer of a license granted pursuant to this section to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(c) If a license granted pursuant to this section is cancelled, revoked or no longer in use, it shall be returned physically, with all legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this section.

SECTION 3. This act shall take effect upon its passage.”.

The further amendment was adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Canton,—
liquor
licenses.

The Senate amendment of the House Bill authorizing the town of Canton to grant additional licenses for the sale of alcoholic beverages not to be drunk on the premises (House, No. 3768), reported by the committee on Bills in the Third Reading to be correctly drawn, was considered.

Mr. Speliotis of Danvers then moved that the House concur with the Senate in its amendment with a further amendment by striking out section 1 (inserted by amendment by the Senate) and inserting in place thereof the following section:

“SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Canton may grant 2 additional licenses for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of said chapter 138. A license granted pursuant to this act shall be subject to the conditions set by the licensing authority and shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall not approve the transfer of a license granted pursuant to this act to any other person, partnership, corporation, limited liability company, organization or other entity or to any other location.

(c) If a license granted pursuant to this act is cancelled, revoked or no longer in use, the license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as authorized in this act if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.”.

The further amendment was adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

The Senate amendment of the House Bill authorizing the town of Canton to grant additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 3769, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was considered.

Mr. Speliotis of Danvers then moved that the House concur with the Senate in its amendment with a further amendment by striking out section 1 (inserted by amendment by the Senate) and inserting in place thereof the following section:

“SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Canton may grant 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138. A license granted pursuant to this act shall be subject to the conditions set by the licensing authority and shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall not approve the transfer of a license granted pursuant to this act to any other person, partnership, corporation, limited liability company, organization or other entity or to any other location.

(c) If a license granted pursuant to this act is cancelled, revoked or no longer in use, the license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as authorized in this act if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of

Canton,—
liquor
licenses.

unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.”

The further amendment was adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

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

At twenty-six minutes before twelve o'clock noon, on motion of Mr. D'Emilia of Bridgewater (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet the following Tuesday at eleven o'clock A.M., in an Informal Session.