

JOURNAL OF THE HOUSE.

Monday, January 25, 2016.

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

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

Message from the Governor — Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill extending a certain property tax exemption for seniors in the town of Sudbury [see House, No. 3890] (for message, see House, No. 3965), was filed in the office of the Clerk on Friday, January 22. Sudbury,—
senior tax
exemption.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Speliotis of Danvers, to the committee on Bills in the Third Reading.

Subsequently said committee reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Chapter 169 of the acts of 2012 is hereby amended by striking out section 8 and inserting in place thereof the following section:—

Section 8. (a) The town meeting of the town of Sudbury shall, between January 2 and June 29 in the year 2018 and every 3 calendar years thereafter, provided that this act has not sooner expired pursuant to subsection (c), vote on the following question:

"Shall an act passed in the general court in the year 2012 entitled, "An act authorizing the town of Sudbury to establish a means tested senior citizen property tax exemption" be extended for another 3 years?"

(b) If any vote taken at town meeting pursuant to subsection (a) is in the affirmative then this act shall continue in effect.

(c) If any vote taken at town meeting pursuant to subsection (a) is in the negative then this act shall expire.

SECTION 2. This act shall be submitted to the voters of the town of Sudbury at an annual or special town election in the form of the following question: "Shall an act passed by the general court in the year 2016, entitled "An Act extending a certain property tax exemption for seniors in the town of Sudbury", be accepted?"

If a majority of the votes cast in answer to this question is in the affirmative, section 1 of this act shall take effect immediately in the town of Sudbury, but not otherwise.

SECTION 3. This act shall take effect upon its passage.”. The report was accepted; and the amendment was adopted. Sent to the Senate for its action.

Resolutions.

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

Dorothy Gibson. Resolutions (filed by Mr. Coppinger of Boston) congratulating Justice Dorothy M. Gibson on the occasion of her retirement; Colin Greene. Resolutions (filed by Mr. Dooley of Norfolk) congratulating Colin W. Greene on receiving the Eagle Award from the Boy Scouts of America;

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

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

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

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

Eric Buckenmaier. Resolutions (filed by Mr. Fernandes of Milford) congratulating Eric Buckenmaier on receiving the Boys Scouts of America rank of Eagle Scout;

Alexander Hastings. Resolutions (filed by Mr. Fernandes of Milford) congratulating Alexander Hastings on receiving the Boys Scouts of America rank of Eagle Scout;

Brandon Kee. Resolutions (filed by Mr. Fernandes of Milford) congratulating Brandon Kee on receiving the Boys Scouts of America rank of Eagle Scout;

Thomas Grant. Resolutions (filed by Representatives Gifford of Wareham, Orrall of Lakeville and Calter of Kingston) congratulating Thomas Grant on receiving the Eagle Award of the Boy Scouts of America;

James Casali. Resolutions (filed by Ms. Peisch of Wellesley) congratulating James Casali on receiving the Eagle Award of the Boy Scouts of America;

Stuart Hull. Resolutions (filed by Ms. Peisch of Wellesley) congratulating Stuart Bemis Hull on receiving the Eagle Award of the Boy Scouts of America; and

Samuel Levens. Resolutions (filed by Ms. Peisch of Wellesley) congratulating Samuel Levens 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. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Muratore of Plymouth, a petition (accompanied by bill, House, No. 3967) of Mathew Muratore and others (by vote of the town) that the town of Plymouth be authorized to lease the Simes House in said town; and Plymouth,—Simes House.

By Mr. Muratore of Plymouth, a petition (accompanied by bill, House, No. 3968) of Mathew Muratore and others (by vote of the town of Plymouth) that the town of Plymouth be authorized to make certain changes to the charter of said town; Plymouth,—charter.

Severally to the committee on Municipalities and Regional Government. Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Representative Madden of Nantucket and Senator Wolf, a joint petition (subject to Joint Rule 12) of Timothy R. Madden and Daniel A. Wolf for legislation to authorize the issuance of bonds or notes by the District Committee of the Martha’s Vineyard Refuse Disposal and Resource Recovery District. Martha’s Vineyard,—refuse, etc. district.

By Mr. McMurtry of Dedham, a petition (subject to Joint Rule 12) of Paul McMurtry and others for legislation to require gas stations to provide air compressors for free public use. Air compressors.

By Mr. Ultrino of Malden, a petition (subject to Joint Rule 12) of Steven Ultrino relative to the composition of the board of elementary and secondary education. Elementary and secondary education.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Bills Establishing the paint stewardship program (Senate, No. 2109) (on Senate bill No. 2052); and Paint,—regulate.

To prohibit the use of mobile telephones while operating a motor vehicle (Senate, No. 2110) (on Senate bill No. 2093); Drivers,—mobile phones.

Severally passed to be engrossed by the Senate were read; and they were referred, under Rule 33, to the committee on Ways and Means.

A petition (accompanied by bill, Senate, No. 2106) of Ryan C. Fattman and Peter J. Durant (by vote of the town) for legislation to authorize the town of Southbridge to place a certain question on the ballot relative to amending the charter of the town of Southbridge, was referred, in concurrence, to the committee on Municipalities and Regional Government. Southbridge,—town charter question.

Reports of Committees.

By Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Garrett J. Bradley for legislation to establish the crime of peeping or peering into dwelling houses. Under suspension of the rules, on motion of Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was Peeping or peering.

suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

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

Bus drivers. Requiring medical exams for certain school bus drivers (House, No. 3544);

Nantucket,—land. 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]; and

Tewksbury,—town manager. Relative to the town manager in the town of Tewksbury (House, No. 3893) [Local Approval Received];

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

Framingham,—board of health. By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a petition, a Bill to amend Chapter 27 of the Acts of 1996 (House, No. 3935). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, it was recommitted to the committee on Municipalities and Regional Government, on motion of Mr. O'Day.

Tyringham,—health insurance. By Mr. Murphy of Weymouth, for the committee on Public Service, on a joint petition, a Bill relative to the health insurance of certain elected individuals in the town of Tyringham (House, No. 3649) [Local Approval Received].

HIV and hepatitis fund. By Mr. Kaufman of Lexington, for the committee on Revenue, on House, No. 2448, a Bill relative to a state public health HIV and hepatitis fund (House, No. 3960).

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

University boards. By Mr. Sannicandro of Ashland, for the committee on Higher Education, on House, No. 14 and a part of House, No. 8, a Bill relative to higher education boards of trustees (House, No. 3959).

Victim witness advocates. By Mr. Murphy of Weymouth, for the committee on Public Service, on a petition, a Bill relative to victim witness advocate retirement classification (House, No. 2347).

Manufacturing inventory,—taxation. By Mr. Kaufman of Lexington, for the committee on Revenue, on House, No. 2701, a Bill relative to the taxation of inventory in manufacturing (House, No. 3962).

Agricultural land,—taxation. By the same member, for the same committee, on House, No. 3507, a Bill to establish estate tax valuation for farms (House, No. 3963).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Mahoney of Worcester, for the committee on Election Laws, on a joint petition, a Bill providing for recall elections in the town of Bolton (House, No. 3640) [Local Approval Received].

Bolton,—election.

By the same member, for the same committee, on a message from His Excellency the Governor, a Bill validating the actions taken at the annual town election held in the town of Dudley (printed in House, No. 3778).

Dudley,—election.

By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the city of Everett to establish a linkage fee revolving fund (House, No. 3828) [Local Approval Received].

Everett,—revolving fund.

By the same member, for the same committee, on a petition, a Bill relative to the town of Mattapoisett general bylaws (House, No. 3924) [Local Approval Received].

Mattapoisett,—bylaws.

By the same member, for the same committee, on a petition, a Bill relative to the creation of a community enhancement fee stabilization fund in the city of Everett (House, No. 3831) [Local Approval Received].

Everett,—rainy day fund.

By Mr. Murphy of Weymouth, for the committee on Public Service, on a petition, a Bill relative to firefighters cessation program (House, No. 2257).

Firefighters,—smoking.

By the same member, for the same committee, on a petition, a Bill relative to Dartmouth Fire District No. 2 (House, No. 3875).

Dartmouth,—fire district.

By Mr. Kaufman of Lexington, for the committee on Revenue, on House, No. 2689, a Bill relative to local control of boat excise revenue (House, No. 3961).

Boat excise,—control.

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

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the following matters ought to pass:

Bills
Creating a special commission studying cutting, welding and hot work processes regulated by the State Fire Code (House, No. 2111); and

Fire Code,—study.

Establishing Massachusetts Farm to School Month and commending farm to school programs (House, No. 2782); and the

Farm to school.

Resolve providing for an investigation and study by a special commission relative to gender-responsive programming for juvenile justice system involved girls (House, No. 82);

Girls,—juvenile system.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Mr. Nangle of Lowell, for said committee, then reported that the matters be scheduled for consideration by the House.

Severally placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Dempsey of Haverhill, for the committee, on Ways and Means, that the Bill relative to employment benefits for Patricia Kannler (House, No. 2208), ought to pass with an amendment in line 5 by striking

Patricia Kannler,—benefits.

out the word "installments" and inserting in place thereof the words "enter into an installment agreement to pay".

Cummington,—
land.

By the same member, for the same committee, that the Bill authorizing the release of certain land in the town of Cummington from the operation of an agricultural preservation restriction (House, No. 3416), ought to pass with an amendment in line 6 by inserting after the word "used" the words "by the town".

Acton,—
land.

By the same member, for the same committee that the Bill authorizing the Division of Fisheries and Wildlife to convey property to the town of Acton in exchange for other real property (House, No. 3792, changed), ought to pass with an amendment by striking out section 4 and inserting in place thereof the following section:

"SECTION 4. Notwithstanding any general or special law to the contrary, the town of Acton shall be responsible for all costs and expenses relating to the conveyance of property pursuant to section 1, including, but not limited to, costs associated with any engineering, surveys, historical reviews, appraisals and deed preparation related to the conveyances and transfers authorized by this act as such costs may be determined by the commissioner of capital asset management and maintenance."

Health,—
racial, etc.
disparities.

By the same member, for the same committee, that the Bill to eliminate racial and ethnic health disparities in the Commonwealth (House, No. 2048), ought to pass with an amendment by substitution of a bill with the same title (House, No. 3969).

Salem,—
land.

By the same member, for the same committee, that the Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the city of Salem (House, No. 2838, changed), ought to pass with an amendment by substitution of a bill with the same title (House, No. 3970).

Pension
statute.

By the same member, for the same committee, that the Bill relative to a technical correction of the pension statute (House, No. 3566), ought to pass with an amendment by substitution of a bill with the same title (House, No. 3971).

Workers'
compensation.

By the same member, for the same committee, that the Bill relative to workers' compensation (House, No. 3765), ought to pass with an amendment by substitution of a bill with the same title (House, No. 3972).

Grafton,—
land.

By the same member, for the same committee, that the Bill relative to the conveyance of a certain parcel of land in the town of Grafton for the Massachusetts State Police Museum and Learning Center (House, No. 3844), ought to pass with an amendment by substitution of a bill with the same title (House, No. 3973).

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Mr. Nangle of Lowell, for said committee, then reported that the matters be scheduled for consideration by the House.

Severally placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

Engrossed Bills.

Bill
re-enacted.

The engrossed Bill extending a certain property tax exemption for seniors in the town of Sudbury (see House, No. 3890) (which originated in the House), which had been returned by His Excellency the

Governor with recommendation of amendment, having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills
Relative to certain elections by the city council in the city of Lawrence (see House, No. 3600);

Bills
enacted.

Relative to members of the city council in the city of Lawrence (see House, No. 3601);

Relative to the standing committee on housing for the city of Lawrence (see House, No. 3602);

Relative to publication and public hearing requirements for proposed ordinances in the city of Lawrence (see House, No. 3603);

Providing for the appointment of a superintendent of streets in the town of Hardwick (see House, No. 3865); and

Providing for a selectmen – town manager form of government in the town of Wellesley (see House, No. 3883);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and it were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The House Bill designating a certain traffic island in the town of Hingham as The Frank Massa Memorial Island (House, No. 3808) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Hingham,—
Frank Massa
Island.

The Senate Bill relative to the Templeton Development Center Reuse Committee (Senate, No. 1083), 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 striking out all after the enacting clause and inserting in place thereof the following:

"Section 1 of chapter 59 of the acts of 2009 is hereby amended by striking out the definition of 'TDC committee' and inserting in place thereof the following definition:—

'TDC committee', the Templeton Developmental Center Reuse Committee, which shall include 3 representatives of the town of Templeton, 1 of whom shall be a member of the board of selectmen or his designee who shall serve as chairperson, 1 of whom shall be a member of the planning board or his designee, and 1 of whom shall be chosen by the board of selectmen; 4 representatives of the town of Phillipston, 1 of whom shall be a member of the board of selectmen, 1 of whom shall be a member of the planning board, 1 of whom shall be a member of the open space committee and 1 of whom shall be a representative of the fire department; 1 representative of the community preservation committee; 1 representative of the division of capital asset management and maintenance; 1 representative of the department of develop-

Third reading
bill amended.

mental services; and 1 representative of the legal guardians of the clients currently housed at Templeton Developmental Center. Such members, other than the representatives of the state agencies, shall be appointed annually by the local governing authority. The senator and representative who represent the town shall serve as ex-officio members.”

The amendment was adopted; and the bill (Senate, No. 1083, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Watertown,—
liquor
licenses.

The House Bill authorizing the town of Watertown to grant 15 additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 3720), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by substitution of a bill with the same title (House, No. 3975), which was read.

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

Order.

Next
sitting.

On motion of Mr. DeLeo of Winthrop,—
Ordered. That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

At five minutes after twelve o'clock noon, on motion of Mrs. Harrington of Groton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M..