

JOURNAL OF THE HOUSE.

Thursday, February 11, 2016.

Met at 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.

Message from the Governor — Veto.

Lisa
Hershowitz,—
sick leave.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill establishing a sick leave bank for Lisa Hershowitz, an employee of the Department of Developmental Services [see House, No. 3876] (for message, see House, No. 3997), was filed this day in the office of the Clerk.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting.

Appointment to a Special Commission.

495/Metro West
Suburban Edge
Communities.

Speaker has announced that he had appointed Ms. Hogan of Stow as the House Chair of the so-called 495/Metro West Suburban Edge Communities Special Commission established (under Section 30 of Chapter 119 of the Acts of 2015) to make an investigation and study relative to development challenges being experienced by edge communities, such as needs to address transportation, water, cellular and energy infrastructure, transit services, residential development, reuse of former industrial facilities and historic mills, brownfields reclamation, downtown redevelopment and other constraints.

Resolutions.

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

Gale
Farrugia.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and Kafka of Stoughton) congratulating Gale Farrugia on the occasion of her seventieth birthday;

Mark
Massa.

Resolutions (filed by Ms. Garlick of Needham) congratulating Mark Massa on receiving the Eagle Award of the Boy Scouts of America; and

Nicholas
Kearney.

Resolutions (filed by Messrs. Kafka of Stoughton, Rogers of Norwood, McMurtry of Dedham and Dooley of Norfolk) congratulating Nicholas Peter Kearney 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 Ms. Barber of Somerville, 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

From the Dukes County Registry of Deeds (under Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure of technological improvements from the County Registers Technological Fund [copies of said report forwarded to the committee on Ways and Means and committee on Post Audit and Oversight;

Dukes County,—
technology fund.

From the Auditor of the Commonwealth (see Section 75 of Chapter 144 of the Acts of 2014) submitting the report of the Special Commission on Adjudication of Unemployment Insurance Claims [copies of said report were forwarded to the committee on Ways and Means and the joint committee on Labor and Workforce Development]; and

Unemployment Insurance Claims.

From the Massachusetts District Attorneys Association (see item 0340-2100 of Chapter 46 of the Acts of 201) relative to the District Attorneys use of private attorneys participating in voluntary prosecutor programs;

Private attorneys.

Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Durant of Spencer, a petition (accompanied by bill, House, No. 3998) of Peter J. Durant (by vote of the town) that the town of Southbridge be authorized to hold town elections on the second Tuesday in June. To the committee on Election Laws.

Southbridge,—
election.

By Mr. Durant of Spencer, a petition (accompanied by bill, House, No. 3999) of Peter J. Durant (by vote of the town) that the town manager of the town of Southbridge be authorized to regulate the use of legal counsel by certain town offices in said town;

Southbridge,—
legal counsel.

By Mr. Durant of Spencer, a petition (accompanied by bill, House, No. 4000) of Peter J. Durant (by vote of the town) that the town of Southbridge be authorized to appoint a director of public works for said town;

Southbridge,—
public works.

By Mr. Durant of Spencer, a petition (accompanied by bill, House, No. 4001) of Peter J. Durant (by vote of the town) that the town of Southbridge be authorized remove the director of public works in the same manner as other department heads in said town;

Id.

By Mr. Durant of Spencer, a petition (accompanied by bill, House, No. 4002) of Peter J. Durant (by vote of the town) that the town of Southbridge be authorized to limit the membership of appointed or elected members of quasi-public boards to one such board in said town; and

Southbridge,—
quasi-public boards.

By Mr. Mark of Peru, a petition (accompanied by bill, House, No. 4003) of Paul W. Mark (with the approval of the mayor and town council) that the city known as the town of Greenfield be authorized to further regulate the implementation of the salaries of certain officials in said city;

Greenfield,—
salaries.

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 Ms. Barber of Somerville, a petition (subject to Joint Rule 12) of Christine P. Barber, Paul J. Donato and Patricia D. Jehlen for legislation to establish a sick leave bank for Denise Martinez, an employee of the Massachusetts Commission for the Deaf and Hard of Hearing.

Denise Martinez,—
sick leave.

Automobile insurance.

By Mr. Dwyer of Woburn, a petition (subject to Joint Rule 12) of James J. Dwyer and Eileen Cudmore for legislation to limit certain automobile insurance surcharges.

Id.

By Mr. Dwyer of Woburn, a petition (subject to Joint Rule 12) of James J. Dwyer and Eileen Cudmore relative to car insurance premium adjustments.

Call location information.

By Miss Garry of Dracut, a petition (subject to Joint Rule 12) of Colleen M. Garry and others relative to authorizing telephone companies or wireless carriers to provide call location information of telecommunication devices to requesting law enforcement agencies.

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

Disabled veterans,—sales tax exemption.

Mr. Galvin of Canton presented a petition (subject to Joint Rule 12) of William C. Galvin for legislation to exempt disabled veterans from the motor vehicle leasing sales tax; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Ms. Barber of Somerville, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue. Sent to the Senate for concurrence.

Papers from the Senate.

Public records law.

The House Bill to improve public records (House, No. 3858, amended), came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2127; and striking out the title and inserting in place thereof the following title: “An Act improving the administration and enforcement of public records law”.

Committee of conference.

Under suspension of Rule 35, on motion of Mr. Kocot of Northampton, the amendments were considered forthwith. The House then non-concurred with the Senate in its amendments; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Kocot of Northampton, Kulik of Worthington and Muratore of Plymouth were appointed the committee on the part of the House. Sent to the Senate to be joined.

Boy Scout councils,—merger.

The engrossed Bill authorizing the merger of the Annawon Council, Inc., Boy Scouts of America into the Narragansett Council, Boy Scouts of America (see Senate, No. 2041), came from the Senate with an amendment striking out section 1 and inserting in place thereof the following section:

“SECTION 1. Notwithstanding section 10A of chapter 180 of the General Laws or any other general or special law to the contrary, the Annawon Council, Inc., Boy Scouts of America, a nonprofit charitable corporation and a public charity as defined in said chapter 180, may merge into the Narragansett Council, Boy Scouts of America, a Rhode Island nonprofit charitable corporation.”. The amend-

ment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Subsequently the amendment (having been reported by said committee to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

A petition (accompanied by bill) of Mark C. Montigny and William M. Straus for legislation to establish a sick leave bank for Jesse B. Walker, an employee of the Trial Court, came from the Senate referred, under suspension of Joint Rule 12, to the committee on the Judiciary.

Jesse B. Walker,—
sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2129) was referred, in concurrence, to the committee on Public Service.

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 following petitions:

Petition (accompanied by bill) of Joseph W. McGonagle, Jr., for legislation to establish a sick leave bank for Robert Fothergill, an employee of the Trial Court. To the committee on the Judiciary.

Robert Fothergill,—
sick leave.

Joint petition (accompanied by bill) of Theodore C. Speliotis and Joan B. Lovely for legislation to further regulate the board of the South Essex Sewerage District. To the committee on Municipalities and Regional Government.

South Essex Sewerage District.

Petition (accompanied by bill) of Josh S. Cutler for legislation to establish a sick leave bank for Carlo Casarano, an employee of the Department of Unemployment Assistance. To the committee on Public Service.

Carlo Casarano,—
sick leave.

Under suspension of the rules, on motion of Ms. Barber of Somerville, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Mahoney of Worcester, on House, Nos. 587 and 3232, a Bill to modernize election record keeping (House, No. 3232). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Election record keeping.

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 Mr. Vieira of Falmouth, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to the town of administrator in the town of Milton (Senate, No. 1987) [Local Approval Received], be scheduled for consideration by the House.

Milton,—
administrator.

Under suspension of Rule 7A, on motion of Mr. Vieira of Falmouth, the bill was read a second time forthwith; and it was ordered to a third reading.

Veterans,—
benefits.

By Mr. Parisella of Beverly, for the committee on Veterans and Federal Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3146) of James R. Miceli and others relative to veterans' retirement benefits,— and recommending that the same be referred to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Students,—
diabetes.

By Ms. Hogan of Stow, for the committee on Public Health, on a petition, a Bill improving students' access to life saving treatments (House, No. 417).

Magnetic
fields,—
study.

By the same member, for the same committee, on Senate, No. 1222 and House, No. 2007, a Bill relative to a special commission to study electric and magnetic fields (House, No. 2007).

Concussions,—
study.

By the same member, for the same committee, on House, No. 1938, a Bill creating a commission to study concussions that occur as a result of varsity sports in public and private high schools (House, No. 3994).

Drugs,—
handling.

By the same member, for the same committee, on House, No. 1960, a Bill relative to the safe handling of hazardous drugs (House, No. 3995).

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

Southeastern
region,—
indoor track
facility.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a petition, a Resolve establishing a special commission to investigate and study the feasibility of constructing a Massachusetts state indoor track facility in southeastern Massachusetts (House, No. 2713). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Charitable
solicitations.

By Ms. Benson of Lunenburg, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill to increase transparency and trust in charitable solicitations (House, No. 200).

Funeral
homes.

By the same member, for the same committee, on a petition, a Bill relative to funeral homes and charitable foundations (House, No. 206).

Plumbing
code,—
agriculture.

By the same member, for the same committee, on a petition, a Bill relative to updating the plumbing code in order to accommodate agricultural uses (House No. 236).

Jefte
Rivera.

By the same member, for the same committee, on a petition, a Bill relative to licensure requirements for Jefte Rivera (House, No. 252).

Sheet metal
work.

By the same member, for the same committee, on a petition, a Bill relative to sheet metal work (House, No. 3656).

Id.

By the same member, for the same committee, on a petition, a Bill relative to sheet metal work (House, No. 3952).

Teachers,—
retirement.

By Mr. Murphy of Weymouth, for the committee on Public Service, on a petition, a Bill to expand teacher credible service (House, No. 3577).

Retirees,—
restoration.

By the same member, for the same committee, on a petition, a Bill relative to restoration to service (House, No. 3904).

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

By Ms. Benson of Lunenburg, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill updating chapter 93H data security protections to include biometric information (House, No. 225). Data security.

By Mr. Murphy of Weymouth, for the committee on Public Service, on a petition, a Bill relative to death benefits to surviving spouses of call and volunteer firefighters (House, No. 2308, changed in section 1, in line 3, by striking out the word “age” and inserting in place thereof the words “the age of” and in section 3, in lines 9 and 10, by striking out the words “for such hospital, surgical, medical, dental and other health insurance”). Volunteer firefighters,— death benefits.

By the same member, for the same committee, on a petition, a Bill relative to protecting the rights of custodial and other non-teaching employees of school districts (House, No. 2319). Non-teaching employees.

By the same member, for the same committee, on a joint petition, a Bill relative to the appointment of special police officers in the town of Bridgewater (House, No. 3686) [Local Approval Received]. Bridgewater,— special police officers.

By Mr. Kocot of Northampton for the committee on State Administration and Regulatory Oversight, on a petition, a Bill designating the last day of February as rare disease day in the Commonwealth (House, No. 2709). Rare disease day.

By the same member, for the same committee, on a petition, a Bill relative to the official amphibian of the Commonwealth (House, No. 2729). Spring Peeper.

By the same member, for the same committee, on a petition, a Bill to establish Uncle Sam day (House, No. 2742). Uncle Sam day.

By the same member, for the same committee, on a petition, a Bill declaring the second Monday in October as “Italian-American Heritage Day” (House, No. 2784). Italian-American heritage day.

By the same member, for the same committee, on a petition, a Bill declaring the third Saturday of the month of October as Massachusetts Minutemen and Militia day (House, No. 2790). Minutemen and militia day.

By the same member, for the same committee, on a petition, a Bill designating domestic workers’ rights day (House, No. 2793). Domestic workers’ day.

By the same member, for the same committee, on a petition, a Bill officially making the month of March multiple system atrophy awareness month (House, No. 2795). Multiple system atrophy month.

By the same member, for the same committee, on a petition, a Bill designating the official seasoning of the Commonwealth (House, No. 2796). Bell’s seasoning.

By the same member, for the same committee, on a petition, a Bill designating shaken baby syndrome awareness week (House, No. 2824). Shaken baby awareness week.

By the same member, for the same committee, on a petition, a Bill establishing school bus driver day (House, No. 2825). School bus driver day.

By the same member, for the same committee, on a petition, a Bill designating the song “14 Counties of Massachusetts” as the official county song of the Commonwealth (House, No. 2831). County song.

By the same member, for the same committee, on a petition, a Bill designating March as Fibromuscular Dysplasia Awareness Month (House, No. 3524). Fibromuscular Dysplasia month.

School crossing guard day.

By the same member, for the same committee, on a petition, a Bill declaring the first Monday of the month of May as school crossing guard day (House, No. 3626).

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

Orders of the Day.

House bills

Third reading bills.

Designating a certain bridge in the city of Boston as The Paul C. McLaughlin Bridge (House, No. 3636, changed) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the city of Beverly to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3934) (its title having been changed by the committee on Bills in the Third Reading); and

Establishing a sick leave bank for Helen Annese, an employee of the Trial Court (House, No. 3958);

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

Milton,—liquor license.

The Senate Bill authorizing the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (Senate, No. 2051), was read a third time.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Timilty of Milton moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. (a) Notwithstanding sections 11 and 17 of chapter 138 of the General Laws, the licensing authority of the town of Milton may grant an additional license for the sale of all alcoholic beverages to be drunk on the premises of the restaurant located on the second floor of 10 Bassett street in the town of Milton, to Lombardi Enterprises, LLC d/b/a/ The Plate restaurant or any successors in interest; provided, however, that any successor in interest shall be subject to approval by the Milton board of selectmen and the alcoholic beverages control commission. An application to transfer the license to a successor in interest shall be granted and approved according to the standard for a new license and all the procedures set forth in section 15A of said chapter 138 shall be applicable thereto. The license shall be subject to all of said chapter 138, except said section 17. The licensing authority of the town of Milton shall not approve the transfer of the license to any other location.

(b) The license may be reissued by the licensing authority of the town of Milton at the same location if an applicant for the license 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. If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and

restrictions pertaining thereto to the licensing authority and the licensing authority of the town of Milton may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage.”

The amendment was adopted; and the bill (see Senate, No. 2051, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Representative Donahue of Worcester then moved that when the House adjourns today, it do so in respect to the memory of William J. Glodis, Jr., a member of the House from Worcester from 1980 to 1996, inclusive; and the motion prevailed.

Accordingly at twenty-five minutes after eleven o’clock A.M., on motion of Mr. Vieira of Falmouth (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet on the following Tuesday at eleven o’clock A.M., in an Informal Session.