

## JOURNAL OF THE HOUSE.

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Wednesday, March 5, 2014.

Met according to adjournment, at eleven o'clock A.M., 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).

Pledge of  
allegiance.

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.

### *Message from the Governor.*

Transportation,—  
bond terms.

A message from His Excellency the Governor recommending legislation relative to providing the terms of certain bonds financing improvements to the Commonwealth's transportation system (House, No. 3931), was filed in the office of the Clerk on Monday, March 3, 2014.

The message was read; and it was referred, under Rule 17G, with the accompanying draft of a bill, to the committee on Bonding, Capital Expenditures and State Assets.

### *Resignation of Representative Walsh of Lynn.*

The following communication was read; and spread upon the records of the House, as follows:

March 5, 2014.

The Honorable Robert A. DeLeo  
*Speaker of the House of Representatives*  
State House, Room 356  
Boston, MA 02133

Dear Mr. Speaker,

Resignation of  
Representative  
Steven M.  
Walsh  
of Lynn.

I am writing to notify you that I will resign my position as State Representative of the Eleventh Essex District effective on the close of business of March 5, 2014. It has been an honor and a privilege to have served in the House of Representatives.

Sincerely,

STEVEN M. WALSH,  
*State Representative.*

### *Valedictory Address.*

Valedictory  
address.

The Speaker being in the Chair,—  
There being no objection, Mr. Walsh of Lynn addressed the House regarding his departure from service in the House of Representatives.

### *Statement Concerning Representative Cabral of New Bedford.*

Statement  
concerning

A statement of Mr. Mariano of Quincy concerning Mr. Cabral of New Bedford was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Cabral of New Bedford, is unable to be present in the House Chamber for today's sitting due to his being on official business attending a conference. His missing of roll calls today is due entirely to the reason stated.

Mr. Cabral of  
New Bedford.

*Communications.*

A communication of proposed amendments to the declaration of trust adopted by the Health Care Security Trust Board of Trustees (pursuant to Chapter 29D, Section 4(a) of the General Laws) (House, No. 3927), was referred, on motion of Ms. Benson of Lunenburg, to the committee on Health Care Financing. Sent to the Senate for concurrence.

Health  
Security  
Trust  
Board.

A communication from the Massachusetts District Attorney's Association (see item 0340-2100 of Section 2 Chapter 38 of the Acts of 2013) submitting its special report detailing by district, criminal prosecutions and workloads for calendar year 2013, was placed on file.

District  
Attorney's  
Association,—  
criminal  
prosecutions.

*Special Reports.*

Reports

Of the Inspector General (under Section 160 of Chapter 38 of the Acts of 2013) relative to the ongoing analysis of the Health Safety Net Trust Fund as relates to the religious exemption from mandated health insurance coverage; and

Health  
Safety Net,—  
religion.

Of the Inspector General (under Section 160 of Chapter 38 of the Acts of 2013) relative to the ongoing review of MassHealth as relates to noncustodial parents' health insurance;

MassHealth,—  
noncustodial  
parents.

Of the Bureau of Program Integrity within the Office of the Inspector General (under Section 184 of Chapter 38 of the Acts of 2013) relative to the management and operations of the Department of Transitional Assistance; and

Transitional  
Assistance  
Department.

Of the Tax Fairness Commission established (under Section 77 of Chapter 46 of the Acts of 2013) relative to study the federal, state and local tax laws applicable to residents of the Commonwealth, including appendices [electronic copies of the appendices may be obtained by contacting the committee on Revenue];

Tax Fairness  
Commission.

Severally were placed on file.

*Petitions.*

Petitions severally were presented and referred as follows:

By Representative Vega of Holyoke and Senator Humason, a joint petition (accompanied by bill, House, No. 3928) of Aaron Vega and Donald F. Humason, Jr. (with the approval of the mayor and city council) that the city of Holyoke be authorized to grant 6 additional licenses for the sale of all alcoholic beverages and 7 additional licenses of wines and malt beverages to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure.

Holyoke,—  
liquor  
licenses.

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 3929) of Paul McMurtry and Michael F. Rush (by vote of the town) for legislation to revise the charter of the town of Dedham. To the committee on Municipalities and Regional Government.

Dedham,—  
charter.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

School employees.

By Mr. Coppinger of Boston, a petition (subject to Joint Rule 12) of Edward F. Coppinger relative to criminal background checks for current and prospective school employees.

Clean energy resources.

By Representative Cusack of Braintree and Senator Finegold, a joint petition (subject to Joint Rule 12) of Mark J. Cusack and Barry R. Finegold relative to clean energy resources.

Renewable energy,— costs.

By Mr. Cusack of Braintree, a petition (subject to Joint Rule 12) of Mark J. Cusack, George N. Peterson, Jr., and John J. Mahoney relative to the cost of renewable energy.

Excise tax,— resolution.

By Mr. Cutler of Duxbury (by request), a petition (subject to Joint Rule 12) of T. Lawrence Ware for legislation to create an excise tax resolution procedure.

John G. Flores,— retirement.

By Mr. Lawn of Watertown, a petition (subject to Joint Rule 12) of John J. Lawn, Jr', relative to retirement benefits for John G. Flores, a former employee of the Massachusetts Corporation for Educational Telecommunication.

Tobacco,— age.

By Mr. McMurtry of Dedham, a petition (subject to Joint Rule 12) of Paul McMurtry and others for legislation to raise the minimum tobacco sales age to 21.

Pathfinder District,— debt.

By Mr. Smola of Warren, a petition (subject to Joint Rule 12) of Todd M. Smola relative to debt authorization for the roof replacement project at the Pathfinder Regional Vocational-Technical High School District.

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

*Papers from the Senate.*

Supplemental appropriations.

The House Bill making appropriations for the fiscal year 2014 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3903), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2011. Under suspension of the rules, on motion of Dempsey of Haverhill, the amendment was considered forthwith.

Committee of conference.

The House then non-concurred with the Senate it is amendment; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Dempsey, Kulik of Worthington and D.Emilia of Bridgewater were appointed the committee on the part of the House. Sent to the Senate to be joined.

Military installations.

The House Bill encouraging the improvement, expansion and development of military installations in the Commonwealth (House, No. 3736, amended), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1988.

Under suspension of the rules, on motion of Dempsey of Haverhill, the amendment was considered forthwith.

The same member then moved that the House concur with the Senate in its amendment with a further amendment striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in

place thereof the text contained in House document numbered 3930; and 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.

Petitions severally were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2028) of Marc R. Pacheco, Frank I. Smizik, Stanley C. Rosenberg, Michael Barrett and other members of the General Court for legislation to provide for the establishment of a comprehensive adaptation management plan in response to climate change. To the committee on Environment, Natural Resources and Agriculture.

Climate change,—response plan.

Petition (accompanied by bill, Senate, No. 2029) of Sal N. DiDomenico and Thomas M. McGee for legislation to establish a sick leave bank for Cynthia Salsman, an employee of the Soldiers. Home in Massachusetts. To the committee on Public Service.

Cynthia Salsman,—sick leave.

Petition (accompanied by bill, Senate, No. 2030) of Michael J. Rodrigues for legislation to reduce the cost of solar power through increased competition. To the committee on Telecommunications, Utilities and Energy.

Solar power.

*Reports of Committees.*

By Mr. Binienda of Worcester, for the committee on Rules, that Joint Rule 9 be suspended on the petition of Kate Hogan and James B. Eldridge (by vote of the town) that the town of Stow be authorized to construct and install any structures, transmission lines, systems and facilities, for the purpose of operating a public water supply, on conservation land. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 9 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the Senate for concurrence.

Stow,—public water supply.

By Mr. Binienda of Worcester, 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 Robert A. DeLeo (by vote of the town) that the town of Winthrop be authorized to enter into an agreement with the city of Revere to operate a regional public safety communications and dispatch center. Under suspension of the rules, on motion of Mr. Bradley of Hingham, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Safety and Homeland Security. Sent to the Senate for concurrence.

Winthrop,—dispatch center.

By Mr. Binienda of Worcester, 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 James M. Cantwell for legislation to authorize the appointment of certain designees to the Inspector General Council. Under suspension of the rules, on motion of Mr. Livingstone of Boston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill)

Inspector General Council,—designees.

was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Foreclosure prevention,—task force.

By Mr. Costello of Newburyport, for the committee on Financial Services, on a petition, a Resolve reviving and continuing the special task force established to study ways in which the Commonwealth can encourage the prevention of unnecessary vacancies following foreclosures shall make its final report (House, No. 3877). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Distributed generation contracts.

By Mr. Keenan of Salem, for the committee on Telecommunications, Utilities and Energy, on House, No. 3802, a Bill relative to distributed generation contracts (House, No. 3925).

Towing,—costs.

By the same member, for the same committee, on Senate, No. 1606 and House, Nos. 2958 and 2976, a Bill relative to recovery (House, No. 3926).

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

#### *Recess.*

Recess.

At five minutes after eleven o'clock A.M., on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at ten minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

#### *Emergency Measure.*

Angela Furey,—sick leave.

The engrossed Bill establishing a sick leave bank for Angela Furey, an employee of the Trial Court (see Senate, No. 1998), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

#### *Engrossed Bill.*

Bill enacted.

The engrossed Bill eliminating the board of public works of the town of Acushnet (see House, No. 3834) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

#### *Orders of the Day.*

Third reading bill.

The House Bill authorizing the sale of alcoholic beverages on Sunday mornings (House, No. 228) (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.

The Senate Bill promoting fairness in private construction contracts (Senate, No. 873); and  
House bills

Second reading bills.

Relative to the retirement allowance of Derek Cook in the city of Springfield (House, No. 3304);

Clarifying the term of appointment of non-civil service police officers (House, No. 3525);

Relative to the issuance of secondhand dealers and pawnbrokers licenses in the city of Revere (House, No. 3684); and

Designating a certain bridge in the city of Boston as the PFC Alvin Richard Gale memorial bridge (House, No. 3774);

Severally were read a second time; and they were ordered to a third reading.

The House Bill authorizing the Department of Fish and Game to exchange a certain parcel of land in the town of Grafton (House, No. 3775) (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.

Grafton,—land.

Pending the question on passing the bill to be engrossed, Mr. Peterson of Grafton moved to amend it in section 2, in line 5, by inserting after the figure “3” the following: “for the purposes of section 6 of chapter 131 of the General Laws”.

The amendment was adopted; and the bill, as amended, was passed to be engrossed. The bill (House, No. 3775, amended) then was sent to the Senate for concurrence.

The House Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 3920), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Capital facility repairs.

After remarks on the question on passing the bill to be engrossed Representatives Timilty of Milton and Ayers of Quincy moved to amend it in section 2A, in item 1100-3003, by adding the following: “; provided further, that \$1,000,000 be authorized to be bonded for the development and construction of a new water treatment plant in the Tri-Town Water District to defray Randolph’s portion of the overall cost”. The amendment was rejected.

Mrs. O’Connell of Taunton then moved to amend the bill in section 2A, in item 1100-3003, by adding the following: “; provided further, that not less than \$70,000 shall be expended to complete the purchase and sale of the First District Courthouse located at 15 Court Street in Taunton by the Downtown Taunton Foundation”. The amendment was rejected.

The same member then moved to amend the bill in section 2A, in item 1100-3003, by adding the following: “; provided further, that not less than \$250,000 shall be expended for the repair and renovation of the First District Courthouse located at 15 Court Street in Taunton by the Downtown Taunton Foundation”. The amendment was rejected.

Mr. Timilty of Milton then moved to amend the bill in section 2A, in item 1100-3003, by adding the following: “; provided further, that \$135,000 be authorized to be bonded for the purchase of a zamboni for the Ulin Rink in Milton”. The amendment was rejected.

Capital  
facility  
repairs.

Mr. Jones of North Reading and other members of the House then moved to amend the bill adding the following section:

“SECTION 15. (a) The terms used in this section shall have the following meanings unless the context clearly requires otherwise:

‘Commissioner’, the commissioner of the division of capital asset management and maintenance.

‘District’, the Essex North Shore Agricultural and Technical School District established pursuant to chapter 463 of the Acts of 2004 as amended by chapter 9 of the acts of 2006 and by chapter 130 of the acts of 2010.

‘Division’, the division of capital asset management and maintenance.

‘School’, the Essex North Shore Agricultural and Technical School established pursuant to chapter 463 of the acts of 2004 as so amended.

(b) Notwithstanding section 32 to 37, inclusive, of chapter 7C of the General Laws, chapter 463 of the acts of 2004 as amended by chapter 9 of the acts of 2006 and by chapter 130 of the acts of 2010 or any other general or special law to the contrary, the commissioner may, in consultation with the district, lease or enter into other agreements for a term, including any extensions, not to exceed 25 years for certain lands and any buildings and other appurtenances thereon located at the school in the town of Middleton to Essex Sports Center, LLC. The location and boundaries of the parcel or parcels to be leased shall be determined by the commissioner based upon a survey.

(c) The lessee shall use the property solely for the purpose of constructing and operating athletic and recreational facilities for use by the school or any other authorized parties. The lease or other agreement pertaining to the lease of the property shall include a provision restricting the use of the property to such purposes and providing for termination of the lease if the property ceases to be used for such a purpose.

(d) The lease or other agreement authorized by this act shall be on terms and conditions acceptable to the commissioner and the district after consultation with the district; provided, however, that such lease or other agreement shall provide, without limitation that: (a) the lessee shall manage, operate, improve, repair, and maintain the land, buildings, and appurtenances associated therewith during the term of the lease which is subject to the approval of the commissioner and the district. The upkeep shall be reviewed on an annual basis by the commissioner, the lessee and the district; the lessee shall be responsible for the repairs and maintenance as recommended by the commissioner or the district; (b) the lessee shall carry comprehensive general liability insurance in an amount acceptable to the commissioner and the district naming the commonwealth and the district as the co-insured, protecting the commonwealth and the district against all claims for personal injury or property damage arising from the land, buildings, and appurtenances associated therewith during the term of the lease; (c) the lessee shall pay rent in an amount equal to or greater than the full and fair market value of its leasehold interest under this act as determined by independent appraisal prepared in accordance with the usual and customary professional appraisal practices by a certified appraiser commissioned by the commissioner; (d) the lessee shall be responsible for the capital improvements to the premises; and (e) the lessee shall

not design or construct any facilities on the parcel without the written approval of the division, in consultation with the district.

(e) The lessee shall be responsible for and shall maintain an escrow fund for all costs and expenses including, but not limited to, costs associated with any engineering, surveys, appraisals, and lease preparation as such costs may be determined by the commissioner. The lessee shall also maintain a bond in a minimum amount that shall cover the cost of any amount due to any lender, public or private, in the case of default, foreclosure, or bankruptcy by the lessee.

(f) The District may establish a receipts reserved for appropriation account for any revenue generated from the lease of property to the lessee. This account shall be used for the general appropriations of the District.

(g) No general or special law, rule, or regulation relating to the advertising, bidding, or award of contracts to the procurement of services, including, but not limited to chapter 30B of the General Laws, or to the construction and design improvements shall apply to the district or the lessee under this act.

(h) This act shall take effect upon its passage.”.

The amendment was adopted.

Mr. Dempsey of Haverhill then moved to amend the bill in section 2, in item 1102-2009, in line 32, by inserting after the word “projects” the following: “; provided further, that \$6,200,000 shall be expended for the engineering, design and construction of a new vault in the State Archives Building; provided further, that \$2,500,000 shall be expended for the engineering, design and construction of a residential step down facility at the Berkshire County House of Corrections; provided further, that \$1,600,000 shall be expended for the demolition and removal of the Richardson Building, the Upham Building, and the Gould Building located on the West Campus of the University of Massachusetts Lowell at 255 Princeton Street in Chelmsford for the purpose of improving public safety on the property and the abutting residential neighborhood”;

In section 2A, in item 1100-3003, in line 111, by inserting after the word “Stoughton” the following: “; provided further, that \$40,000 shall be expended to upgrade the technology at the West Boylston Public Library; provided further, that \$100,000 shall be expended for the repairs of the Gardner Heritage State Park in the city of Gardner; provided further, that \$500,000 shall be expended for the city of Cambridge city wide senior center to help cover the cost of redesigning the front entry and reception area to better accommodate access issues for seniors; provided further, that \$250,000 shall be expended for the Senior/Community Center in the city of Newburyport; provided further, that \$20,000,000 shall be expended for the design and construction of the Malden Community Conference Center; provided further, that \$500,000 shall be expended for costs associated with the purchase and renovation of a mental health and drug and alcohol rehabilitation facility to serve the North Quabbin region and North Central Massachusetts; provided further, that \$1,500,000 shall be expended to complete the newly constructed Community Health Connection Health Center in the city of Fitchburg”; and

By striking out section 13.

The amendments were adopted.

Bill passed to  
be engrossed—  
yea and nay  
No. 297.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Kocot of Northampton; and on the roll call 148 members voted in the affirmative and 2 in the negative.

**[See Yea and Nay No. 297 in Supplement.]**

Therefore the bill, as amended, was passed to be engrossed. The bill (House, No. 3933, published as amended) then was sent to the Senate for concurrence.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

Next  
sitting.

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

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Accordingly, without further consideration of the remaining matters in the Orders of the Day, at ten minutes before five o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.