

JOURNAL OF THE HOUSE.

Wednesday, March 11, 2015.

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).

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.

Guests of the House.

During the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced Swampscott Fire Department Chief Kevin Breen, Swampscott firefighter Anthony Pierro, his wife Lori, their sons Christian and Nicholas and daughter Victoria. Swampscott,—
Pierro family
and
Chief Breen.

On December 2nd, at 4:45 A.M., 6-year-old Victoria awoke from a deep sleep when a fan in her room stopped working. As the daughter of a firefighter, she knew something was wrong and went to wake her parents. Within minutes, the house was completely consumed by an electrical fire. With literally seconds to spare, her entire family escaped as their house completely burned to the ground before their eyes.

Victoria's quick thinking and heroic actions saved the lives of her family and demonstrated the values instilled in her by a family committed to public service. The Pierro family and Chief Breen were the guests of Representative Ehrlich of Marblehead.

Statement Concerning Representative Petrolati of Ludlow.

A statement of Mrs. Haddad of Somerset concerning Mr. Petrolati of Ludlow 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 Petrolati of Ludlow, is unable to be present in the House Chamber for today's sitting due to illness. His missing of roll calls today is due entirely to the reason stated. Statement
concerning
Mr. Petrolati
of Ludlow.

Communications.

Communications

From the Department of Public Health (see Section 37 of Chapter 258 of the Acts of 2014) submitting a report of the implementation of the prescription monitoring program [copies forwarded to the committees on Ways and Means, Health Care Financing and Mental Health and Substance Abuse, in accordance with said law]; Prescription
monitoring
program.

From the Office of Coastal Zone Management of the Executive Office of Energy and Environmental Affairs (see Chapter 114 of the Acts of 2008) submitting the first formal amendment to the 2009 Massachusetts Ocean Management Plan; and Ocean
Management
Plan
amendment.

From the Plymouth County Registry of Deeds (pursuant to Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Plymouth
County,—
technology
fund.

Plymouth
County,—
technology
fund.

Technological Fund [copies of the report were forwarded to the committees on Ways and Means and Post Audit and Oversight, as required by said law];
Severally were placed on file.

Report.

Municipal
ordinance
violations.

A report of the District Attorney of the Middlesex District (see Section 70C of Chapter 277 of the General Laws) of all objections filed under said section by said district attorney of violations of municipal ordinances or by-laws or misdemeanor offenses being treated as civil infractions, was placed on file.

Petitions.

Joseph
Esposito,—
sick leave.

Ms. Vincent of Revere presented a petition (subject to Joint Rule 12) of RoseLee Vincent, Robert A. DeLeo and Anthony W. Petrucci for legislation to establish a sick leave bank for Joseph Esposito, an employee of the Massachusetts Department of Transportation; 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 Mr. Collins of Boston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Ignacio "Iggly"
Farias,—
sick leave.

By Mr. Coppinger of Boston, a petition (subject to Joint Rule 12) of Edward F. Coppinger for legislation to establish a sick leave bank for Ignacio "Iggly" Farias, an employee of the Massachusetts Department of Transportation.

Steven
Goler,—
sick leave.

By Mr. Tucker of Salem, a petition (subject to Joint Rule 12) of Paul Tucker for legislation to establish a sick leave bank for Steven Goler, an employee of the Massachusetts Department of Transportation.

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

Paper from the Senate.

Greenfield,—
elections.

A petition (accompanied by bill, Senate, No. 20) of Stanley C. Rosenberg and Paul W. Mark (with the approval of the mayor and town council) for legislation relative to the special election in the city known as the town of Greenfield, was referred, in concurrence, to the committee on Election Laws.

Reports of Committees.

Supplemental
appropriations.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on House, No. 60, reported, in part, a Bill making appropriations for the fiscal year 2015 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 65) [Total appropriation: \$347,687,758.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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 the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, the noon recesses having terminated, under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After remarks on passing the bill to be engrossed, Mr. Hill of Ipswich moved to amend it by adding the following section:

"SECTION 35. Notwithstanding section 23 of chapter 59 of the General Laws or any other general or special law to the contrary, any city or town may incur liability and make expenditures in fiscal year 2015 in excess of available appropriations for public safety, provided that such expenditures occur between January 1, 2015 and March 15, 2015 due to unprecedented winter storms; and provided further that such expenditures are approved by the town manager and the finance or advisory committee in a town having a town manager, by the selectmen and the finance or advisory committee in any other town, by the city manager and the city council in a city having a city manager, or by the mayor and city council in any other city; provided, however, that the appropriation for such public safety purposes in fiscal year 2015 equaled or exceeded the appropriation for said public safety purposes in the prior fiscal year. Expenditures made under authority in this section shall be certified to the board of assessors and included in the next annual tax rate."

The amendment was rejected.

Mr. Lyons of Andover then moved to amend the bill by adding the following section:—

SECTION 35. Item 7030-1002 of section 2 of chapter 165 of the acts of 2014 is hereby amended by striking out the figure "18,589,713" and inserting the figure "23,948,947".

The amendment was rejected.

The same member then moved to amend the bill by striking out section 7.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Lyons; and on the roll call 8 members voted in the affirmative and 146 in the negative.

[See Ye and Nay No. 23 in Supplement.]

Therefore the amendment was rejected.

Subsequently a statement of Ms. Gregoire of Marlborough was spread upon the records as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call it was my intention to vote in the negative. I now find, however, that due to some inexplicable reason I was recorded as voting in the affirmative.

Messrs. Lyons of Andover and Lombardo of Billerica then moved to amend the bill by striking out section 31.

Amendment
rejected,—
yea and nay
No. 23.

Statement of
Ms. Gregoire of
Marlborough.

Amendment
rejected,—
yea and nay
No. 24.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Lombardo of Billerica; and on the roll call 33 members voted in the affirmative and 121 in the negative.

[See Yea and Nay No. 24 in Supplement.]

Therefore the amendment was rejected.

Messrs. Dempsey of Haverhill and Fernandes of Milford then moved to amend the bill by inserting after section 23 the following two sections:

“SECTION 23A. The General Laws are hereby amended by inserting after chapter 277A the following chapter:—

CHAPTER 277B
Statewide Grand Jury

Section 1. Upon written application of the attorney general to the chief justice of the superior court department, with good cause stated therein, the chief justice may authorize the convening of a statewide grand jury with jurisdiction extending throughout the commonwealth.

Section 2. The chief justice of the superior court department shall, upon granting an application, receive recommendations from the attorney general as to the county in which the statewide grand jury shall sit. Upon receiving the attorney general’s recommendations, the chief justice shall choose 1 of those recommended locations as the site where the grand jury shall sit. Once a county has been selected, the chief justice shall direct the regional administrative judge from the county selected to appoint, and reappoint as necessary, a superior court judge to preside over the statewide grand jury.

Section 3. The superior court judge presiding over the grand jury shall consult with the attorney general and district attorney for the relevant district about the nature and scope of the investigation and shall thereafter designate and authorize an existing county grand jury to serve as a statewide grand jury for purposes of the investigation specified in the written application, or, alternatively, convene and preside over a specially empaneled statewide grand jury.

Section 4. A specially empaneled statewide grand jury shall be drawn and selected in the same manner as the county grand jury in the county in which the specially empaneled statewide grand jury sits. A specially empaneled statewide grand jury may, at the discretion of the presiding superior court judge, draw jurors from counties adjoining the one in which the statewide grand jury is to sit.

Section 5. A specially empaneled statewide grand jury convened pursuant to this chapter shall sit for a period not to exceed 18 months. The superior court judge presiding over the grand jury may extend this period if, in accordance with section 41 of chapter 234A and section 1A of chapter 277, public necessity requires further time by the grand jury to complete an on-going investigation.

Section 6. The attorney general or an assistant attorney general shall attend each session of a statewide grand jury and may prosecute any indictment returned by it. The attorney general or assistant attorney general shall have the same powers and duties in relation to a statewide grand jury that she has in relation to a county grand jury, except as otherwise provided by law.

Section 7. Indictments shall be returned in the county where the statewide grand jury sits and shall thereafter be transferred to the county specified by the grand jury on the indictment. Venue for purposes of trial of offenses indicted by a statewide grand jury shall be in any county where venue would otherwise be proper.

Section 8. No provision of this chapter shall be construed as limiting the jurisdiction of county grand juries or district attorneys. Except as otherwise provided by law, an investigation by a statewide grand jury shall not preempt an investigation by any other grand jury or agency having jurisdiction over the same subject matter.

SECTION 23B. Chapter 277B is hereby repealed.”; and by inserting after section 33 the following section:

“SECTION 33A. Section 23B shall take effective on December 31, 2020.”.

The amendments were adopted.

Mr. Dempsey of Haverhill then moved to amend the bill in section 24, in line 212, by striking out the figures “264” and inserting in place thereof the figures “624”; in section 28, in lines 260 and 261, 269 and 270, by striking out the words “the cost, or a portion of the cost, of”; in lines 262 and 271, by striking out the words “the cost, or portion of the cost, of”; and by inserting after section 30 the following section:

“SECTION 30A. Notwithstanding the section 57, section 57C or section 59 of chapter 59 of the General Laws, an owner of property subject to tax under chapter 59 of the General Laws who was required under said sections to make a payment or file an abatement application on February 2, 2015, and who made such payment on or before February 6, 2015, shall have any interest or other penalty waived.”.

The amendments were adopted.

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 the same member; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 25 in Supplement.]

Therefore the bill, as amended, was passed to be engrossed. The bill (House, No. 65, amended) then was sent to the Senate for concurrence.

Bill passed to
be engrossed,—
yea and nay
No. 25.

At nine minutes after eleven o’clock A.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House recessed until half past one o’clock P.M.; and at fourteen minutes before two o’clock the House was called to order with Mr. Donato in the Chair.

Recess.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the town of North Reading (House, No. 57), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 66). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

North
Reading,—
land.

North
Reading,—
land.

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

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Emergency Measure.

David
Ogar,—
sick leave.

The engrossed Bill establishing a sick leave bank for David Ogar, an employee of the Massachusetts Department of Transportation (see House, No. 50, amended) 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 20 to 0. 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.

Mr. DiNatale of Fitchburg then moved that when the House adjourns today, it do so in respect to the memory of Emile J. Goguen, a member of the House from Fitchburg from 1991 to 2006, inclusive; and the motion prevailed.

Accordingly, at the sixteen minutes after three o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on the following day at eleven o'clock A.M., in an Informal Session.