

JOURNAL OF THE HOUSE.

Monday, March 14, 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.

Resolutions.

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

Resolutions (filed by Representatives Garlick of Needham and Dooley of Norfolk) congratulating Katherine Lyons on receiving the Gold Award of the Girl Scouts of America; Katherine Lyons.

Resolutions (filed by Representatives Garlick of Needham and Dooley of Norfolk) congratulating Emily Piersiak on receiving the Gold Award of the Girl Scouts of America; Emily Piersiak.

Resolutions (filed by Representatives Garlick of Needham and Dooley of Norfolk) congratulating Elizabeth Raine on receiving the Gold Award of the Girl Scouts of America; Elizabeth Raine.

Resolutions (filed by Representatives Garlick of Needham and Dooley of Norfolk) congratulating Zoe Smith on receiving the Gold Award of the Girl Scouts of America; Zoe Smith.

Resolutions (filed by Representatives Garlick of Needham and Dooley of Norfolk) congratulating Grace Sowyrda on receiving the Gold Award of the Girl Scouts of America; Grace Sowyrda.

Resolutions (filed by Representatives Garlick of Needham and Dooley of Norfolk) congratulating Julia Steeger on receiving the Gold Award of the Girl Scouts of America; Julia Steeger.

Resolutions (filed by Representatives Garlick of Needham and Dooley of Norfolk) congratulating Olivia Taylor on receiving the Gold Award of the Girl Scouts of America; and Olivia Taylor.

Resolutions (filed by Mr. Kafka of Stoughton) honoring Rabbi Dr. Meir and Anne Sendor for their service to the town of Sharon and the Jewish community; Rabbi Dr. Meir and Anne Sendor.

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. Walsh of Peabody, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Statement of Representative Ehrlich of Marblehead.

A statement of Ms. Ehrlich of Marblehead 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 I was unable to be present in the House Chamber for the sitting Statement of Ms. Ehrlich of Marblehead.

Statement of Ms. Ehrlich of Marblehead.

of Wednesday last due to being on official business outside the Commonwealth. Had I been present for Yea and Nay Nos. 204 and 206, I would have voted, in each instance, in the affirmative. My missing of roll calls that day was due entirely to the reason stated.

Orders.

The following order (filed by Ms. Garlick of Needham) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Elder Affairs committee,—extension of time for reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Elder Affairs be granted until Monday, April 25, 2016, within which to make its final report on current Senate documents numbered 352, 363 and 370 and House documents numbered 518, 520, 535 and 3404 (House, No. 4082).

Mr. Galvin of Canton, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Ms. Garlick, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Schmid of Westport) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Environment, Natural Resources and Agriculture committee,—extension of time for reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture be granted until Monday, April 4, 2016, within which to make its final report on current House documents numbered 623 and 627 (House, No. 4076).

Mr. Galvin of Canton, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Schmid, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Fernandes of Milford) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

The Judiciary committee,—extension of time for reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on the Judiciary be granted until Monday, May 2, 2016, within which to make its final report on current House documents numbered 5, 9, 1148, 1152, 1155, 1160, 1183, 1184, 1186, 1188, 1198, 1202, 1211, 1213, 1216, 1217, 1220, 1222, 1223, 1226, 1227, 1228, 1235, 1242, 1246, 1248, 1253, 1254, 1255, 1269, 1270, 1273, 1274, 1275, 1276, 1278, 1279, 1285, 1286, 1287, 1289, 1291, 1296, 1297, 1299, 1301, 1305, 1311, 1313, 1315, 1318, 1320, 1331, 1332, 1335, 1336, 1337, 1344, 1352, 1355, 1357, 1359, 1370, 1380, 1381, 1382, 1387, 1402, 1405, 1424, 1427, 1428, 1429, 1431, 1433, 1436, 1442, 1443, 1444, 1447, 1448, 1449, 1456, 1460, 1463, 1470, 1472, 1475, 1477, 1478, 1485, 1486, 1487, 1492, 1497, 1505, 1507, 1511, 1513, 1514, 1530, 1531, 1532, 1549, 1554, 1564, 1567, 1568, 1569, 1572, 1574, 1575, 1577, 1584, 1593, 1594, 1596, 1603, 1611, 1619, 1622, 1623, 1628, 1631, 1636, 1637, 1638, 1642, 1644, 1649, 1653, 1654, 1655, 1656, 1659, 1663, 1664, 1672, 1673, 2145, 3252, 3254, 3435,

3436, 3438, 3443, 3444, 3451, 3453, 3454, 3476, 3607, 3643, 3830, 3897, 3993 and 4018 (House, No. 4078).

Mr. Galvin of Canton, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Fernandes, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. O'Day of West Boylston) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be granted until Friday, April 15, 2016, within which to make its final report on current House document numbered 3906 (House, No. 4077).

Municipalities and Regional Government committee,—extension of time for reporting.

Mr. Galvin of Canton, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. O'Day, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Ms. Hogan of Stow) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Health be granted until Thursday, June 30, 2016, within which to make its final report on current House documents numbered 177, 1884, 1889, 1894, 1895, 1896, 1902, 1904, 1905, 1907, 1912, 1917, 1921, 1926, 1944, 1961, 1962, 1965, 1970, 1971, 1973, 1976, 1977, 1979, 1983, 1986, 1988, 1991, 1995, 1999, 2003, 2006, 2012, 2013, 2022, 2029, 2031, 2032, 2033, 2035, 2041, 2042, 2045, 2067, 2068, 2070, 2072, 2073, 2079, 3271, 3465, 3468, 3471 and 3472 (House, No. 4081).

Public Health committee,—extension of time for reporting.

Mr. Galvin of Canton, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Ms. Hogan, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Straus of Mattapoisett) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Monday, May 2, 2016, within which to make its final report on current Senate documents numbered 1807, 1809, 1817 and 1895 and House documents numbered 2974, 2977, 2985, 3009, 3073, 3102 and 3814 (House, No. 4079).

Transportation committee,—extension of time for reporting.

Mr. Galvin of Canton, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Straus, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Parisella of Beverly) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Veterans and Federal Affairs committee,—extension of time for reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Veterans and Federal Affairs be granted until Friday, May 13, 2016, within which to make its final report on current House documents numbered 3127, 3128, 3131, 3133, 3136, 3139, 3144, 3156, 3164, 3317, 3318 and 3547 (House, No. 4080).

Mr. Galvin of Canton, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Parisella, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Communications.

Communications

From the Department of Public Health (see sections 25L and 25N of Chapter 111 of the General Laws) submitting a report entitled the Massachusetts Health Care Workforce Center Annual Report;

Health Care Workforce Center.

From the Department of Public Health (see item 4513-1020 contained in Section 2 of Chapter 46 of the Acts of 2015) submitting a report entitled Early Intervention SASID (State Assigned Student ID) Project; and

Student ID project.

From the Department of Public Health (see item 4530-9000 contained in Section 2 of Chapter 46 of the Acts of 2015) submitting a report entitled Teen Pregnancy Prevention Data Collection and Evaluation Pilot: Summary of Findings, FY14-FY15;

Teen pregnancy prevention.

Severally were placed on file.

Petition.

Mr. Vega of Holyoke presented a petition (subject to Joint Rule 12) of Aaron Vega and Donald F. Humason, Jr., relative to establishing a sick leave bank for Miranda Marie Flanagan, an employee of the Department of Transportation; and the same was referred, under Rule 24, to the committee on Rules.

Miranda Marie Flanagan,—sick leave.

Papers from the Senate.

Bills

To protect access to confidential healthcare (Senate, No. 2138, amended in section 1, in line 9, by striking out the word “maybe” and inserting in place thereof the words “may be”, in line 14, by striking out the word “an” and inserting in place thereof the word “any”, in line 30, by striking out the word “identify” and inserting in place thereof the word “specify”, in line 32, by striking out the word “advice” and inserting in place thereof the word “recommendations”, in line 46, by striking out the following: “(e)” and inserting in place thereof the following: “(d)”; in section 2, in line 65, by striking out the following: “(g)” and inserting in place thereof the following: “(f)”, in section 3, in line 68, by striking out the following: “(h)” and inserting in place thereof the following: “(g)”; in section 4, in line 70, by striking out the following: “(f)” and inserting in place thereof the following: “(e)”, in line 71, by striking out the figure “9” and inserting in place thereof the figures “12”; and by adding the following section:

Confidential healthcare.

“SECTION 5. Clause (iv) of subsection (b) of chapter 176O of the General Laws shall take effect 24 months after the effective date of this

act; provided, however, that any carrier that has the capacity to provide electronic access to summary of payments forms prior to that date shall do so.”) (on Senate bill No. 2081);

Relative to defense against abusive waivers (Senate, No. 2153) (on Senate, No. 958);

Abuse waivers.

Regulating the closure of state police barracks (Senate, No. 2154) (on Senate bill, No. 2060);

Police barracks.

Relative to horse riding instructor’s licenses (Senate, No. 2155, amended in section 1 by adding the following paragraph:

Horse riding instructor’s licenses.

“(b) Notwithstanding section 172 or any other general or special law to the contrary, and except as otherwise provided in subsection (a), the department may disclose, upon a request made by a parent or guardian of a child 18 years of age or under, all criminal record information of a person who purports to be a horse riding instructor for hire, who is not affiliated or contracted with a riding school or a stable licensed pursuant to section 2B of chapter 128 and who may have direct and unmonitored contact with children 18 years of age or under. The department shall obtain written consent from a horse riding instructor for hire prior to disclosing criminal record information to a parent or guardian.”) (on a petition); and

Relative to larceny (Senate, No. 2176) (on Senate bill No. 2156);

Larceny.

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

The following notice was received from the Clerk of the Senate, to wit:—

March 11, 2016.

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

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Stanley C. Rosenberg, President of the Senate, has announced the following appointments:

Senator Anne M. Gobi (pursuant to Section 6C of Chapter 20 of the General Laws) to the Food Policy Council;

Food Policy Council.

Senators Karen E. Spilka and James B. Eldridge (pursuant to Section 233(a) of Chapter 119 of the Acts of 2015) to 495/MetroWest Suburban Edge Communities Commission; and

MetroWest Suburban Edge.

Kate Martin (pursuant to Section 154(a) of Chapter 96 of the Acts of 2015) to the Commission on Ovarian Cancer.

Ovarian Cancer.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

By Mr. Galvin of Canton, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration:

Men of color,— study. Of the Bill establishing a permanent commission on the social status of men and boys of color (House, No. 94);

Studies, etc.,— disabled. Of the Bill affirming inclusion of people with disabilities on commissions of the Commonwealth (House, No. 120, changed);

Community agencies. Of the Bill to address inequality, promote opportunity, and end poverty (House, No. 142);

Voc-tech,— study. Of the Bill establishing a commission to study vocational-technical schools (House, No. 455);

Boston Harbor islands,— study. Of the Resolve to establish a special commission to perform an investigation and providing for a study relative to the long term management, maintenance and future use of the Boston Harbor Long and Moon Islands (House, No. 617, changed);

Fossil resources. Of the Resolve relative to protecting the archaeological, geological and fossil resources of western Massachusetts (House, No. 698);

Fossil fuels,— pension study. Of the Bill creating a commission to study the feasibility of divestment of fossil fuels from the Commonwealth's pension systems (House, No. 2372, changed);

Income tax,— study. Of the Bill relative to creating a commission to study the feasibility of simplifying the personal income tax code (House, No. 2546);

Southeastern region,— track facility. Of the 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);

State House. Nelson Mandela. Of the Bill to Enhance Tourism at the State House (House, No. 2926); Of the Bill to establish a special commission to consider an appropriate tribute to Nelson Mandela in the city of Boston (House, No. 2929); and

Homes,— accessibility. Of the Resolve providing for an investigation and study by a special commission relative to the need for accessible homes for the elderly, returning veterans with disabilities, and families that include persons with disabilities (House, No. 3903).

And recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Alternative nicotine products. By Mr. Fernandes of Milford, for the committee on the Judiciary, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2434) of James Arciero and Rady Mom relative to the excise tax on alternative nicotine products and vapor products and further prohibiting the use of said products by minors,— and recommending that the same be referred to the committee on Public Health.

By Ms. Hogan of Stow, for the committee on Public Health, asking to be discharged from further consideration:

Pharmacists,— injections, etc. Of the petition (accompanied by bill, House, No. 1910) of Nick Collins for legislation to authorize pharmacists to administer injectable drugs and biological products in retail settings; and

Of the petition (accompanied by bill, House, No. 2009) of Elizabeth A. Malia, Angelo M. Scaccia and Ruth B. Balsler relative to providing access to patient protection services for all residents;

Patients,— protections.

And recommending that the same severally be referred to the committee on Health Care Financing.

By Mr. Straus of Mattapoisett, for the committee on Transportation, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3052) of Harold P. Naughton, Jr., for legislation to expand the move over law, so-called, to include vehicles operated by civilians,— and recommending that the same be referred to the committee on Public Safety and Homeland Security.

Move over law,— expand.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing a sick leave bank for Jesse B. Walker, an employee of the Trial Court (Senate, No. 2129, amended), be scheduled for consideration by the House.

Jesse B. Walker,— sick leave.

Under suspension of Rule 7A, on motion of Mr. Honan of Boston, 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 following House bills be scheduled for consideration by the House:

Expanding access to craft beer (House, No. 3726); and Relative to regional school district instructors [sic] service as an elected official in the city of New Bedford (House, No. 4045) [Local Approval Received];

Craft beer. New Bedford,— school instructors.

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

By Ms. Hogan of Stow, for the committee on Public Health, on a petition, a Bill relative to medical peer review (House, No. 1918).

Medical peer review.

By the same member, for the same committee, on a petition, a Bill relative to needlestick injury prevention in public health facilities and settings (House, No. 1930).

Needlestick injuries.

By the same member, for the same committee, on a petition, a Bill relative to death certificates (House, No. 1982).

Death certificates.

By the same member, for the same committee, on Senate No. 1193 and House, No. 2000, a Bill relative to dental hygienists (House, No. 2000).

Dental hygienists.

By the same member, for the same committee, on Senate, No. 1208, and House, Nos. 1941 and 2069, a Bill relative to food labeling (House, No. 4065).

Food,— labeling.

By the same member, for the same committee, on House, No. 1939, a Bill relative to strengthening the consumer protections and ensuring the proper labeling of fish sold in the Commonwealth (House, No. 4066).

Fish,— labeling.

By the same member, for the same committee, on House, No. 2001, a Bill relative to home health and hospice aides (House, No. 4067).

Home health etc. aides.

Death benefits. By the same member, for the same committee, on House, No. 2028, a Bill relative to death benefit claims (House, No. 4068).

Denture construction. By the same member, for the same committee, on House, No. 2080, a Bill relative to denture construction safety (House, No. 4069). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Middleton,—land. By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill providing a correction with regard to the transfer of land to the town of Middleton (House, No. 2829).

Milton,—land. By the same member, for the same committee, on a petition, a Bill authorizing the lease of a certain parcel of land to the town of Milton (House, No. 2835).

Foxborough,—land. By the same member, for the same committee, on a petition, a Bill relating to the conveyance of certain land to the Foxborough housing authority (House, No. 3938).

Framingham,—land. By the same member, for the same committee, on a petition, a Bill authorizing the sale of property in Framingham (House, No. 3939, changed in section 1, in line 1, by striking out the figures "38" and inserting in place thereof the of the figures "37").

Marlborough,—land. By the same member, for the same committee, on a petition, a Bill to convey a certain parcel of land in the city of Marlborough (House, No. 3560, changed in section 1, in line 1, by striking out the figures "34" and inserting in place thereof the of the figures "32").

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

Emergency Measures.

Diane Ranno,—sick leave. The engrossed Bill establishing a sick leave bank for Diane Ranno, an employee of the Department of Conservation and Recreation (see House, No. 3744), 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 6 to 0. Sent to the Senate for concurrence.

Bill enacted. Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Denise Martinez,—sick leave. The engrossed Bill establishing a sick leave bank for Denise Martinez, an employee of the Massachusetts Commission for the Deaf and Hard of Hearing (see House, No. 4017, 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 6 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Orders of the Day.

House bill. Relative to the appointment of special police officers in the town of Bridgewater (House, No. 3686); Third reading bills.

Establishing a sick leave bank for Robert Fothergill, an employee of the Massachusetts Trial Court (House, No. 4006); and

Authorizing the town of Saugus to collect donations to the Veterans Relief Fund on certain municipal tax bills (House, No. 4031) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee 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 establishing a sick leave bank for Eyma Sutton, an employee of the Department of Children and Families (House, No. 4036), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time. Eyma Sutton,—sick leave.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (House, No. 4036, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At ten minutes after eleven o'clock A.M., on motion of Mrs. Gifford of Wareham (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and a quarter before four o'clock P.M., the House was called to order with Mr. Donato in the Chair. Recess.

Order.

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

At one minute after four o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at ten o'clock A.M., in an Informal Session.