

JOURNAL OF THE HOUSE.

Wednesday, March 23, 2016.

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.

Silent Prayers.

Brussels,—terrorist attacks.

During the session (Mr. Donato of Medford being in the Chair), all the members of the House, guests and employees rose for a moment of silent tribute to the memory of the victims of the terrorist attacks in Brussels on Tuesday. The House of Representatives extended its deepest condolences to the families of those who have died and to the people Belgium.

Thomas L. Clardy of Hudson.

During the session (Mr. Donato of Medford being in the Chair), at the request of Representatives Hogan of Stow and Whelan of Brewster, the members guests and employees stood for a moment of silent tribute in memory of Thomas L. Clardy of Hudson, a Massachusetts State Trooper who died on Wednesday, March 16, 2016 from injuries he sustained in the line of duty.

Trooper Clardy served his country for 13 years in the United States military as a member of the U.S. Army and the U.S. Marine Corps. He then served the Commonwealth for 11 years as a Massachusetts State Trooper. Trooper Clardy served as a member of the Troop C Community Action Team and was stationed at the Charlton Barracks.

Trooper Clardy will be remembered as a loving husband to Reisa A. Clardy and father to six children, Tyler J. Clardy, Gabryella R. Clardy, Lily B. Clardy, Emma G. Clardy, Eva E. Clardy, and Noah J. Clardy. The Massachusetts House of Representatives is forever grateful for Trooper Clardy's dedication and service to the Commonwealth of Massachusetts and to the United States of America.

Resolutions.

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

Wilber Anderson.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Wilber H. O. Anderson on receiving the Eagle Award of the Boy Scouts of America;

Jared Lam.

Resolutions (filed by Mr. McMurtry of Dedham) congratulating Jared Lam on receiving the Eagle Award of the Boy Scouts of America;

Matthew Mason.

Resolutions (filed by Mr. McMurtry of Dedham) congratulating Matthew Mason on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. McMurtry of Dedham) congratulating Matthew Wagner on receiving the Eagle Award of the Boy Scouts of America;

Matthew Wagner.

Resolutions (filed by Messrs. Smizik of Brookline, Sánchez of Boston and Moran of Boston) congratulating Dr. Robert Sperber on his outstanding contributions to the town of Brookline; and

Robert Sperber.

Resolutions (filed by Mr. Vega of Holyoke) honoring the Rotary Club of Holyoke on the occasion of its one hundredth anniversary;

Holyoke,—Rotary Club.

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

Order.

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:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Elder Affairs be granted until Tuesday, May 3, 2016, within which time to make its final report on a current Senate document numbered 2139 (House, No. 4119).

Elder Affairs 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. Garlick, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petitions.

Mr. Muradian of Grafton presented a petition (subject to Joint Rule 12) of David K. Muradian, Jr., Ryan C. Fattman and Michael O. Moore for legislation to establish a sick leave bank for Leanna Babineau, an employee of the Department of Developmental Services; and the same was referred, under Rule 24, to the committee on Rules.

Leanna Babineau,—sick leave.

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. Kafka of Stoughton, 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.

Representative Pignatelli of Lenox and Senator Downing presented a joint petition (subject to Joint Rule 12) of William Smitty Pignatelli and Benjamin B. Downing for legislation to establish a sick leave bank for Shannon Wilkins, an employee of the Massachusetts Department of Transportation; and the same was referred, under Rule 24, to the committee on Rules.

Shannon Wilkins,—sick leave.

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. Kafka of Stoughton, the report was considered

Shannon Wilkins,— sick leave. 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:

Marlborough,— land. By Miss Gregoire of Marlborough, a petition (subject to Joint Rule 12) of Danielle W. Gregoire and Carmine L. Gentile that the commissioner of the Division of Capital Asset Management and Maintenance be authorized to acquire a certain parcel of land in the city of Marlborough.

Belchertown,— land. By Representative Petrolati of Ludlow and Senator Lesser, a joint petition (subject to Joint Rule 12) of Thomas M. Petrolati and Eric P. Lesser relative to certain state owned land in the town of Belchertown.

Health procedures. By Mr. Sannicandro of Ashland, a petition (subject to Joint Rule 12) of Tom Sannicandro relative to price transparency for certain health procedures.

Boston,— Gale Bridge. By Mr. Scaccia of Boston, a petition (subject to Joint Rule 12) of Angelo M. Scaccia and Michael F. Rush for legislation to designate a certain bridge in the city of Boston as the Navy Cross Recipient PFC Alvin Richard Gale, USMC Memorial Bridge.

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

Paper from the Senate.

David T. Doyle courtroom. A Bill designating Courtroom G within the first district court of Essex in the city of Salem as the Honorable David T. Doyle Courtroom (Senate, No. 866) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

Miranda Marie Flanagan,— sick leave. 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 Aaron Vega and Donald F. Humason, Jr., relative to establishing a sick leave bank for Miranda Marie Flanagan, an employee of the Massachusetts Department of Transportation. Under suspension of the rules, on motion of Mr. Vega of Holyoke, 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.

Town meeting,— exemption. Mr. Galvin of Canton, for the committee on Rules, on the Order relative to authorizing the committee on State Administration and Regulatory Oversight to make an investigation and study of certain House documents concerning state administration issues (House, No. 4102) reported, in part, asking to be discharged from further consideration of petition (accompanied by bill, House, No. 2774) of Peter V. Kocot and others for legislation to exempt the deliberations of public bodies at town meeting from the open meeting law,— and recommending that the same be recommitted to the committee on State Administration and Regulatory Oversight. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Murphy of Weymouth, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Steven Everton, an employee of the Department of Developmental Services (House, No. 4054). Steven Everton,— sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Donna Juarez, an employee of the Massachusetts Department Of [sic] Developmental Services (House, No. 4055). Donna Juarez,— sick leave.

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

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

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

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the conveyance of certain property in the town of Salisbury (Senate, No. 1095, amended), be scheduled for consideration by the House. Salisbury,— land.

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

By Mr. Wagner of Chicopee, for the committee on Economic Development and Emerging Technologies, on House, Nos. 286 and 295, an Order relative to authorizing the committee on Economic Development and Emerging Technologies to make an investigation and study of certain House documents concerning economic development issues (House, No. 4118). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently. Economic development,— study.

Subsequently, Mr. Galvin of Canton, for said committees, reported asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

By Ms. Hogan of Stow, for the committee on Public Health, on a petition, a Bill to ensure patient medication adherence (House, No. 1915). Medication adherence.

By the same member, for the same committee, on a petition, a Bill relative to the definition of a pharmacy (House, No. 1985). Pharmacies.

By the same member, for the same committee, on a petition, a Bill promoting radon testing (House, No. 2044). Radon testing.

By the same member, for the same committee, on a petition, a Bill expanding eligibility for the Massachusetts loan repayment program for dental providers (House, No. 2053). Dental providers.

By the same member, for the same committee, on a joint petition, a Bill relative to the restoration of MassHealth adult dental benefits (House, No. 2062). MassHealth,— dental benefits.

By the same member, for the same committee, on House, No. 1919, a Bill to prevent death and disability from stroke (House, No. 4113). Stroke prevention.

Robotic surgery. By the same member, for the same committee, on House, No. 1994, a Resolve providing for an investigation and study by a special commission relative to robotic surgery in the Commonwealth (House, No. 4114). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Primary elections,— participation. By Mr. Mahoney of Worcester, for the committee on Election Laws, on a petition, a Bill increasing voter participation in primary elections (House, No. 585). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Safe school fund. By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a petition, a Bill establishing a community safe school fund (House, No. 1829).

Westfield,— land. By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill providing for transfers of land in Westfield (House, No. 2840). Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Voters,— qualifications. By Mr. Mahoney of Worcester, for the committee on Election Laws, on a petition, a Bill relative to specially qualified voters (House, No. 602).

Voters,— absentee. By the same member, for the same committee, on a petition, a Bill relative to absentee voters (House, No. 605).

Boston,— voting. By the same member, for the same committee, on a petition, a Bill regarding decennial division of wards and precincts in the city of Boston (House, No. 3321) [Local Approval Received].

Permitting reforms. By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a petition, a Bill to establish commonsense permitting reforms for businesses and landowners (House, No. 1844).

Residential lots. By the same member, for the same committee, on a petition, a Bill to protect residential building lots (House, No. 1876).

Somerville,— institutional master plans. By the same member, for the same committee, on a joint petition, a Bill granting the city of Somerville the authority to require the adoption of institutional master plans subject to the review and approval by the municipality (House, No. 3851) [Local Approval Received].

Public nuisances. By the same member, for the same committee, on House, No. 1825, a Bill to hold property owners accountable for recurring public nuisance (House, No. 4115).

Plymouth,— land. By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill relative to certain land in the town of Plymouth (House, No. 3966) [Local Approval Received].

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

Emergency Measure.

Jesse B. Walker,— sick leave. The engrossed Bill establishing a sick leave bank for Jesse B. Walker, an employee of the Trial Court (see Senate, No. 2129, 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 2 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills Designating a certain basketball court in the city of Boston as the Richard "Jazz" Maffie Memorial Basketball Court (see House, No. 2760); and Bills enacted.

Further regulating the appointment and removal of certain personnel in Dartmouth Fire District Number Two (see House, No. 3875);

(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.

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 until one o'clock P.M.; and at six minutes after one o'clock, the House was called to order with Mr. Donato in the Chair. Recess.

Quorum.

Mrs. Gifford of Wareham thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum. Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 150 members were recorded as being in attendance. Quorum,— yea and nay No. 207.

[See Yea and Nay No. 207 in Supplement.]

Therefore a quorum was present. Subsequently a statement of Ms. Barber of Somerville 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 on the previous quorum roll call I was absent from the House Chamber on official business outside of the State House. Statement of Ms. Barber of Somerville.

Subsequently a statement of Mrs. Harrington of Groton 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 on the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House; and I was not notified that the quorum roll call was being taken. Statement of Mrs. Harrington of Groton.

Subsequently a statement of Mr. Scibak of South Hadley 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 on the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House. Statement of Mr. Scibak of South Hadley.

Motions to Discharge Certain Matters in the Orders of the Day.

Drug offenses,— driver's licenses.

The report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate further amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2094) of the Senate Bill relative to motor vehicle license suspension (Senate, No. 2021, amended) (for report, see House document numbered 4088), was considered forthwith, under suspension of Rule 47, on motion of Mr. Straus of Mattapoisett.

Conference committee report accepted,— yea and nay No. 208.

After remarks on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 208 in Supplement.]

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

Gold Star Family registration plates.

The House Bill relative to Gold Star Family motor vehicle registration eligibility (House, No. 3917) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time, under suspension of Rule 47, on motion of Mr. Jones of North Reading.

Pending the question on passing the bill to be engrossed, the same member moved to amend it, in lines 5 to 8, inclusive, by striking out the sentence contained in those lines and inserting in place thereof the following two sentences: "Possession of a Gold Star Lapel Button and a letter of approval, both issued by the United States Department of Defense, shall be sufficient proof of eligibility for the registrar to furnish a Gold Star Family registration plate. The possession of a Gold Star Lapel Button shall not be a requirement of eligibility for persons who have otherwise presented satisfactory evidence of Gold Star family member status as determined by the registrar."

The amendment was adopted; and the bill, as amended, was passed to be engrossed. The bill (House, No. 3917, amended) then was sent to the Senate for concurrence.

Reports of Committees.

Supplemental appropriations.

Prior to the noon recess, Mr. Dempsey of Haverhill, for the committee on Ways and Means, on House, No. 4009, reported, in part, a Bill making appropriations for the fiscal year 2016 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4116) [Total appropriation: \$157,771,768.00]. 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 recess having terminated, under further 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 the question on passing the bill to be engrossed, the same member moved moves to amend it in section 2, by inserting after item 7061-9400 the following item:

"STATE UNIVERSITIES.
University of Massachusetts.

7100-0200 \$10,901,699";

In section 2A, by striking out item 1599-4299; and
In section 11, in line 215, by striking out the words "medical security" and inserting in place thereof the words "office of Medicaid."

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 Mr. Dempsey; and on the roll call 157 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,— yea and nay No. 209.

[See Yea and Nay No. 209 in Supplement.]

Therefore the bill, as amended, was passed to be engrossed. The bill (House, No. 4116, amended) then was sent to the Senate for concurrence.

Order.

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

Next sitting.

Mrs. Gifford of Wareham then moved that the House adjourn; and the motion prevailed. Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twenty-nine minutes after two o'clock P.M. (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.