

JOURNAL OF THE HOUSE.

Wednesday, April 2, 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.

Silent Prayers.

The Speaker being in the Chair,—

Boston Fire
Lt. Edward J.
Walsh and
Firefighter
Michael R.
Kennedy.

At the request of Representatives Coppinger of Boston and Scaccia of Boston, the members, guests and employees stood for a moment of silent tribute in memory of Boston Fire Lt. Edward J. Walsh of West Roxbury and Firefighter Michael R. Kennedy of Hyde Park. Lt. Walsh and Firefighter Kennedy were among the first at the scene of an explosive, wind-fueled, nine-alarm blaze that injured 13 of their comrades and destroyed a century-old Brownstone building in the Back Bay section of the city of Boston, last Wednesday.

Lt. Walsh was 43, married with three children, two boys and a girl, all under the age of 10; and was a nine-year veteran of the Boston Fire Department. Firefighter Kennedy was 33, a United States Marine Corps combat veteran who had served in Iraq; and was a six-year veteran of the Boston Fire Department, assigned to Engine 33.

Plymouth
Police Officer
Gregg
Maloney.

At the request of Representative deMacedo of Plymouth the members, guests and employees stood for a moment of silent tribute in memory of Officer Gregg Maloney, a seventeen-year veteran of the Plymouth Police Department. Officer Maloney, who died on April 1 in a tragic motorcycle accident, while on duty, was 43 years old, a husband and a father of two children.

Valedictory
address.

Valedictory Address.

There being no objection, Mr. Sciortino of Medford addressed the House regarding his departure from service in the House of Representatives.

Appointment to a Task Force.

Military Asset
and Security
Strategy Task
Force.

The Minority Leader announced that, under the provisions of Section 216 of Chapter 6 of the General Laws (as inserted by Section 3 of Chapter 48 of the Acts of 2014), he had appointed Representative Vieira of Falmouth to serve as his designee to the Military Asset and Security Strategy Task Force.

Statement of Representative DiNatale of Fitchburg.

A statement of Mr. DiNatale of Fitchburg 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 of Wednesday last due to a previously scheduled family commitment. Had I been present for Yea and Nay Nos. 303, 304, 306 and 307, I would have voted, in each instance, in the affirmative. Had I been present for Yea and Nay No. 305, I would have voted in the negative. My missing of roll calls that day was due entirely to the reason stated.

Statement concerning Mr. DiNatale of Fitchburg.

Statement Concerning Representative Naughton of Clinton.

A statement of Mrs. Haddad of Somerset concerning Mr. Naughton of Clinton 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 Naughton of Clinton, is unable to be present in the House Chamber for today's sitting due to his being on military duty outside of the Commonwealth. His missing of roll calls today is due entirely to the reason stated.

Statement concerning Mr. Naughton of Clinton.

Resolutions.

Resolutions (filed with the Clerk by Messrs. Kafka of Stoughton and Galvin of Canton) congratulating Brian Vincent Walsh of Boy Scout Troop 516 on earning the Eagle Scout Award, were referred, under Rule 85, to the committee on Rules.

Brian Vincent Walsh.

Mr. Binienda of Worcester, for the said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Kafka, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

A communication from the Division of Energy Resources of the Executive Office of Energy and Environmental Affairs (under the provisions of section 12 of Chapter 25A of the General Laws) submitting amendments to 225 CMR 15, Renewable Energy Portfolio Standard (RPS) Class II (House, No. 4022), was referred to the committee on Telecommunications, Utilities and Energy. Sent to the Senate for concurrence.

Division of Energy Resources,—regulations.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Costello of Newburyport, a petition (subject to Joint Rule 12) of Michael A. Costello for adoption of resolutions urging the Congress of the United States to reauthorize federally provided terrorism reinsurance for insurers in order to maintain stability in the insurance and reinsurance markets to continue to deliver substantive, direct benefits to businesses, workers, consumers, and the economy overall in the aftermath of a terrorist attack on the United States.

Terrorism insurance,—reauthorize.

By Mr. Madden of Nantucket, a petition (subject to Joint Rule 12) of Timothy R. Madden relative to regulating sewer betterment assessments.

Sewer betterment assessments.

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

Papers from the Senate.

Northern
Essex
Community
College,—
easements.

The House Bill authorizing the granting of easements at Northern Essex Community College in the city of Haverhill (House, No. 3905) (its title having been changed by the Senate committee on Bills in the Third Reading) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 2, in line 28, striking out the word “utility” and inserting in place thereof the words “municipal services”.

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

Wrentham,—
charter.

A Bill establishing a charter for the town of Wrentham (Senate, No. 2005) (on a petition) [Local Approval Received], 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.

State House
architect.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration of the Bill relative to the State House architect (House, No. 3811),— 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.

Subsequently Mr. Binienda of Worcester, for said committee, reported that the foregoing Bill relative to the State House architect (House, No. 3811), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

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

General Court,—
committees.

Of the petition (accompanied by bill, House, No. 2771) of James Arciero relative to the conduct of committees of the General Court; and

Local
petitions,—
action.

Of the petition (accompanied by bill, House, No. 3373) of William Smitty Pignatelli and others relative to legislative action on petitions filed with the General Court by cities and towns;

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.

Consumer
products,—
chemicals.

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on House, No. 235, a Bill for healthy families and businesses (House, No. 3997).

Coal ash,—
regulation.

By the same member, for the same committee, on House, No. 694, a Bill to regulate coal ash as solid waste (House, No. 4005).

Animal
trapping.

By the same member, for the same committee, on House, No. 721, a Bill valuing our natural resources (House, No. 4006).

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

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on Senate, Nos. 412 and 413 and House, Nos. 659, 660, 811 and 812, a Bill relative to the conservation of striped bass (House, No. 3998). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Striped bass.

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on House, No. 3332, a Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth (House, No. 4009). Read; and referred, under Rule 17G, to the committee on Bonding, Capital Expenditures and State Assets.

Environmental bond bill.

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on House, No. 674, a Bill relative to the feeding of wildlife (House, No. 4003).

Wildlife,—feeding.

By the same member, for the same committee, on House, No. 753, a Bill to promote the care and well-being of livestock (House, No. 4008).

Livestock,—standards.

By Ms. Peake of Provincetown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the establishment of a county stabilization fund (House, No. 1829).

County stabilization fund.

By the same member, for the same committee, on a petition, a Bill to update the public shade tree law (House, No. 1842).

Municipalities,—tree wardens.

By the same member, for the same committee, on House, Nos. 1831 and 3297, a Bill establishing the Plymouth County government (House, No. 1831).

Plymouth County.

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

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill authorizing the Department of Fish and Game to release a certain conservation restriction on certain property in exchange for acquiring a certain parcel of land in the town of Winchendon (Senate, No. 2044), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Winchendon,—land.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to Chapter 30B (House, No. 11), ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4004). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Uniformed procurement.

By Mr. Chan of Quincy, for the committee on Community Development and Small Businesses, on a petition, a Bill relative to planning boards' approval of subdivision plans (House, No. 162).

Subdivision plans.

By the same member, for the same committee, on a petition, a Bill to allow certain store[sic] and shops to open on holidays (House, No. 163).

Stores,—holidays.

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on House, No. 736, a Bill relative to environmental performance standards for plumbing fixtures (House, No. 4007).

Plumbing fixtures,—standards.

Investor standards.

By Ms. Peake of Provincetown, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing municipal use of the prudent investor standards (House, No. 1830).

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

Emergency Measure.

Cynthia Salsman,—sick leave.

The engrossed Bill establishing a sick leave bank for Cynthia Salsman, an employee of the Soldiers' Home in Massachusetts (see Senate, No. 2029), 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 3 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Bills enacted.

Authorizing the town of Webster to issue 1 additional license for the sale of all alcoholic beverages to be drunk on the premises of 41 Worcester Road (see Senate, No. 1989) (which originated in Senate);

Designating each of 2 certain bridges in the town of Barnstable as the U's. Navy SEAL Kevin A. Houston Veterans Memorial Bridge (see House, No. 3101);

Authorizing the city of Beverly to issue additional liquor licenses (see House, No. 3739, amended); and

Establishing a board of water and sewer commissioners in the city of Newburyport (see House, No. 3823);

(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 they were signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At nine 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 two o'clock P.M.; and at twenty minutes before three o'clock the House was called to order with Mr. Mariano of Quincy in the Chair.

Order.

On motion of Mr. Binienda of Worcester,—

Committee of conference,—voting.

Ordered, That notwithstanding any rule to the contrary, a court officer shall be assigned to cast roll call votes, except quorum roll calls, for Representatives Kulik of Worthington, Straus of Mattapoisett and Durant of Spencer during their deliberations on the disagreeing votes of the two branches with reference to the Senate amendment of the House Bill financing improvements to the Commonwealth's transportation system (House, No. 3882).

Reports of Committees.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on House, No. 3867, reported, in part, a Bill making appropriations for the fiscal year 2014 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4002) [Total appropriation: \$300,000.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Life of duty death benefits,—supplemental appropriations.

Mr. Kafka of Stoughton, for said committee, 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, 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.

Pending the question on passing the bill to be engrossed, Mr. Rushing of Boston and other members of the House moved to amend it by substitution of a bill with the same title (House, No. 4023); and the amendment was adopted.

After remarks on the question on passing the substituted bill to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Coppinger of Boston; and on the roll call 149 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed—yea and nay No. 308.

[See Yea and Nay No. 308 in Supplement.]

Therefore the bill was passed to be engrossed. The bill (House, No. 4023) then was sent to the Senate for concurrence.

Motion to Discharge a Certain Matter in the Orders of the Day.

The House Bill relative to workforce reform (House, No. 3983), reported by the committee on Bills in the Third Reading 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. Conroy of Wayland.

Workforce reform.

After remarks on the question on passing the bill to be engrossed, Mr. Jones of North Reading and other members of the House moved to amend it by striking out section 48.

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 32 members voted in the affirmative and 118 in the negative.

Amendment rejected,—yea and nay No. 309.

[See Yea and Nay No. 309 in Supplement.]

Therefore the amendment was rejected.

Representatives Peake of Provincetown and Madden of Nantucket then moved to amend the bill by adding the following section:

“SECTION 74. The Department of Unemployment Insurance must notify all employers of the experience rate no later than January 31st of each calendar year.”

The amendment was adopted.

Workforce
reform.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Jones of North Reading and other members of the House moved to amend the bill by inserting after section 53 the following section:

“SECTION 53A. Section 30 of chapter 151A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting at the end thereof the following:—

The maximum duration of unemployment benefits available to an individual shall be determined by the duration of their employment with their most recent employer before removal from their position through no fault of their own on the following schedule: an individual who has worked for their most recent employer for 3 years shall be eligible for 30 weeks of benefits; an individual who has worked for their most recent employer for 1 year shall be eligible for 28 weeks of benefits; all other eligible individuals, as outlined in section 24 of said chapter 151A, shall be eligible for 26 weeks of benefits.”

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. Peterson of Grafton; and on the roll call 32 members voted in the affirmative and 118 in the negative.

[See Ye and Nay No. 310 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then move to amend the bill by inserting after section 53 the following section:

“SECTION 53A. The maximum duration of unemployment benefits will be reflective of the Unemployment Insurance Rate Schedule being followed at that time. When utilizing schedule A, the maximum duration of benefits shall be 26 weeks. When utilizing schedule B, the maximum duration of benefits shall be 28 weeks. When utilizing schedule C through G, the maximum duration of benefits will be 30 weeks. This section shall take effect on July 1, 2016.”

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. Jones; and on the roll call 31 members voted in the affirmative and 119 in the negative.

[See Ye and Nay No. 311 in Supplement.]

Therefore the amendment was rejected.

Mr. Moran of Boston then moved to amend the bill in section 30, in line 256, by inserting after the word “made” the words “in writing”; and the amendment was adopted.

Mr. Diehl of Whitman then moved to amend the bill by adding the following section:

“SECTION 75. Section 30 of Chapter 151A of the General Laws is hereby amended by inserting the following subsection:—

(d) All persons receiving unemployment insurance shall be required to register and received orientation at a One-Stop Career Center within 10 weeks of receiving said insurance. The Director shall promulgate regulations in accordance with this section.”

The amendment was adopted.

Mrs. O’Connell of Taunton and other members of the House then moved to amend the bill by adding the following section:

Amendment
rejected,—
yea and nay
No. 310.

Amendment
rejected,—
yea and nay
No. 311.

“SECTION 76. Chapter 58 of the General Laws is hereby amended by adding the following section:—

Section 52. No new tax shall be collected, assessed or payable until 1 year after the passage of the act in which the new tax was created.”

Mr. McMurty of Dedham thereupon raised a point of order that the amendment offered by the lady from Taunton was improperly before the House for the reason that it was beyond the scope of the pending bill.

Point of order.

The Chair (Mr. Mariano of Quincy) ruled that the point of order was well taken, and the amendment was laid aside accordingly.

Mrs. O’Connell of Taunton and other members of the House then moved to amend the bill by adding the following two sections:

“SECTION 76. The fifth paragraph of section 6 of chapter 30A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Regulations other than emergency regulations, which are adopted pursuant to sections 2 and 3, shall become effective only 1 year after being published in accordance with this section, or, in the case of any regulation as to which a later effective date is required by any law, or is specified in such regulation by the agency adopting the same, upon such later date or upon 1 year after such publication, whichever last occurs.

SECTION 77. Said fifth paragraph of said section 6 of said chapter 30A, as so appearing, is hereby further amended by adding the following sentences:— During the period between the adoption of, and effective date of, a regulation other than an emergency regulation, the agency enforcing or administering such regulation shall provide information to those businesses or industries affected by the regulation by, either: (i) holding a public hearing, notice of which shall be published at least 14 days prior to the hearing in an appropriate newspaper, trade, industry or professional publication; or (ii) contacting the business or industry directly through mail or electronic mail. Such information shall include, at a minimum, a summary of the regulation, its intended purpose, and its anticipated impact on the business or industry.”

Mr. McMurty of Dedham thereupon raised a point of order that the amendment offered by lady from Taunton was improperly before the House for the reason that it was beyond the scope of the pending bill.

Point of order.

The Chair (Mr. Mariano of Quincy) ruled that the point of order was well taken, and the amendment was laid aside accordingly.

Mrs. O’Connell thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Lombardo of Billerica. The question then was put “Shall the decision of the Chair stand as the judgment of the House?”

After remarks the sense of the House then was taken by yeas and nays, at the request of Mr. Lombardo; and on the roll call 121 members voted in the affirmative and 29 in the negative.

Decision of Chair sustained,— yea and nay No. 312.

[See Yea and Nay No. 312 in Supplement.]

Therefore the decision of the Chair was sustained.

Mrs. O’Connell of Taunton and other members of the House then moved to amend the bill by adding the following five sections:

“SECTION 76. Section 27 of chapter 149 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by strik-

Workforce
reform.

ing out the last paragraph and inserting in place thereof the following paragraph:—

Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any lost wages and other benefits. Any employee so aggrieved who prevails in such an action shall, if the violation is willful, be awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an action shall, if the violation is not willful, be awarded damages as determined by the court for any lost wages and other benefits and may also be awarded the costs of the litigation and reasonable attorneys' fees.

SECTION 77. Section 27F of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:—

Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved who prevails in such an action shall, if the violation is willful, be awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an action shall, if the violation is not willful, be awarded damages as determined by the court for any lost wages and other benefits and may also be awarded the costs of the litigation and reasonable attorneys' fees.

SECTION 78. Section 27G of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:—

Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any lost wages and other benefits. Any employee so aggrieved who prevails in such an action shall if the violation is willful, be awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an action shall, if the violation is not willful, be awarded damages as determined by the court for any lost wages and other benefits and the employee may also be awarded the costs of the litigation and reasonable attorneys' fees.

SECTION 79. Section 27H of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:—

Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any lost wages and other benefits. Any employee so aggrieved who prevails in such an action shall, if the violation is willful, be awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an action shall, if the violation is not willful, be awarded damages as determined by the court for any lost wages and other benefits and may also be awarded the costs of the litigation and reasonable attorneys' fees.

SECTION 80. Section 150 of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:—

Any employee claiming to be aggrieved by a violation of sections 33E, 148, 148A, 148B, 150C, 152, 152A or 159C or section 19 of chapter 151 may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any lost wages and other benefits. Any employee so aggrieved and who prevails in such an action shall, if the violation is willful, be awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an action shall, if the violation is not willful, be awarded damages as determined by the court for any lost wages and other benefits and may also be awarded the costs of the litigation and reasonable attorneys' fees."

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 Mrs. O'Connell of Taunton; and on the roll call 29 members voted in the affirmative and 121 in the negative.

Amendment
rejected,—
yea and nay
No. 313.

[See Ye and Nay No. 313 in Supplement.]

Therefore the amendment was rejected.

Ms. Provost of Somerville and other members of the House then moved to amend the bill by adding the following section:

"SECTION 76. Section 36 of Chapter 152 of the General Laws, appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 74 to 76, inclusive, the following sentence:— No amount shall be payable under this section for disfigurement that is purely scar based, unless such disfigurement is on the face, neck or hands."

The amendment was adopted.

Mr. Lyons of Andover and other members of the House then moved to amend the bill by adding the following section:

Workforce reform.

“SECTION 77. (a) Notwithstanding any general or special law to the contrary, there shall be an independent commission to study and report on the economic impact of H3983 on the Commonwealth of Massachusetts. The commission shall consist of: the governor, or designee; the Massachusetts director of the National Federation of Independent Business, or designee; 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; and 2 members of the senate, 1 of whom shall be appointed by the minority leader.

The commission shall research and assess the impact of the proposed minimum wage increase on job creation, small businesses, and the teen unemployment rate. The commission shall determine whether H3983 will have a positive or negative impact on the creation of jobs and the fostering of economic activity in the Commonwealth of Massachusetts.

(b) Said report shall be filed with to the Speaker of the House of Representatives and the House Minority Leader, the Senate President and the Senate Minority Leader, and the clerks of the House of Representatives and Senate no later than October 15, 2015.

(c) Sections 1 to 73, inclusive, shall only take effect on the condition of a positive recommendation from the above created commission.”

Amendment rejected,— yea and nay No. 314.

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. Lyons; and on the roll call 28 members voted in the affirmative and 122 in the negative.

[See Yea and Nay No. 314 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 33 the following section:

“SECTION 33A. Notwithstanding any special or general law to the contrary, if one year after the implementation of a higher minimum, as wage proposed in section 31, the seasonally adjusted unemployment rate of the commonwealth, as reported by the executive office of labor and workforce development, has increased relative to the seasonally adjusted unemployment rate of the commonwealth prior to the changed wage, sections 32 and 33 shall be repealed.”

Amendment rejected,— yea and nay No. 315.

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. Peterson of Grafton; and on the roll call 30 members voted in the affirmative and 119 in the negative.

[See Yea and Nay No. 315 in Supplement.]

Therefore the amendment was rejected.

Mr. Kaufman of Lexington and other members of the House then moved to amend the bill by adding the following section:

“SECTION 77. Section 25(e) of chapter 151A, as appearing in the 2012 Official Edition, is amended by striking out, in lines 112-114, the words: ‘and in each of said weeks has earned an amount equivalent to or in excess of the individual’s weekly benefit amount after the individual has left work’, and inserting in its place the words:— and has earned an amount equivalent to or in excess of 8 times the individual’s weekly benefit amount after the individual has left work.”

The amendment was adopted.

Mr. Livingstone of Boston and other members of the House then moved to amend the bill by adding the following section:

“SECTION 78. Section 47 of chapter 151A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the fourth paragraph the following paragraph:—

The receipt of any notice of termination of employment or of any substantial alteration in the terms of employment within 6 months after an employee has provided evidence in connection with a claim for benefits under this chapter, or has testified at any hearing conducted under any provision of this chapter, shall create a rebuttable presumption that such notice or other action is a reprisal against the employee for providing evidence. Such presumption shall be rebutted only by clear and convincing evidence that such employer’s action was not a reprisal against the employee and that the employer had sufficient independent justification for taking such action, and would have in fact taken such action, in the same manner and at the same time the action was taken, regardless of the employee’s providing evidence in connection with a claim for benefit under this chapter. An employing unit found to have threatened, coerced or taken reprisal against any employee pursuant to this paragraph shall rescind any adverse alteration in the terms of employment for such employee and shall offer reinstatement to any terminated employee and shall also be liable for damages and costs of the suit, including a reasonable attorney’s fee.”

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by striking out sections 31, 32 and 33 and inserting in place thereof the following three sections:

“SECTION 31. Section 1 of chapter 151 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 5, the figure ‘8.00’ and inserting in place thereof the following figure:— 8.50.

SECTION 32. Section 1 of said chapter 151, as so appearing is hereby amended by striking out the figure ‘8.50’ and inserting in place thereof the following figure:— 9.00.

SECTION 33. Section 1 of chapter 151, as so appearing is hereby amended by striking out the figure ‘9.00’ and inserting in place thereof the following figure:— 9.50.”

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 27 members voted in the affirmative and 120 in the negative.

Amendment
rejected,—
yea and nay
No. 316.

[See Yea and Nay No. 316 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 27 the following three sections:

“SECTION 27A. Section 6 of chapter 136 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out clause 50 and inserting in place thereof the following:—

(50) The keeping open of a store or shop and the sale at retail of goods therein, but not including the retail sale of goods subject to

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chapter 138, and the performance of labor, business, and work directly connected therewith on Sunday. This exemption shall not apply to any legal holiday as defined in clause 18 of section 7 of chapter 4, but this exemption shall apply to the day following Christmas Day when Christmas occurs on a Sunday. In any year in which Christmas occurs on a Sunday, this exemption shall not apply to that Sunday.

No employee engaged in work subject to the provisions of this clause shall be required to perform such work, and refusal to work for any retail establishment on Sunday shall not be grounds for discrimination, dismissal, discharge, reduction in hours, or any other penalty. The provisions of this paragraph shall be enforced by the office of the attorney general. The provisions of section 180A of chapter one hundred and forty-nine shall apply to any violation of this paragraph.

SECTION 27B. Said section 6 of said chapter 136, as so appearing, is hereby amended by striking out clause 52 and inserting in place thereof the following:—

(52) The retail sale of alcoholic beverages not to be drunk on the premises on Sundays by retail establishments licensed under section 15 of chapter 138; provided, however, that notwithstanding this chapter, a municipality may prohibit the retail sale of alcoholic beverages on Sundays by licensees under section 15 by vote of the city council or board of selectmen; provided further, that there shall be no such sales prior to the hour of 12:00 noon or on Christmas Day if Christmas occurs on a Sunday. No employee shall be required to work on a Sunday and refusal to work on a Sunday shall not be grounds for discrimination, dismissal, discharge, deduction of hours or any other penalty.

SECTION 27C. Said chapter 136, as so appearing, is hereby amended by striking out section 16 and inserting in place thereof the following:—

Section 16. All stores and shops which sell goods at retail may be open at any time on Sundays and on Memorial Day, July Fourth and Labor Day, but no such stores and shops may be open on Christmas Day if Christmas occurs on a Sunday. The performance of labor, business and work directly connected to retail sales on these days shall also be allowed. Stores and shops allowed to open under this section may sell on these days all types of goods and foodstuffs which may lawfully be offered for sale in the Commonwealth other than alcoholic beverages. To the extent that this section is inconsistent with section six or any other general or special law, this section shall control.

The provisions of law inserted into clause (50) of section six of this chapter by chapter five hundred and fifty-six of the Acts of 1982 pertaining to voluntariness of work shall apply to such work performed on said days. The terms ‘Memorial Day’, ‘July Fourth’ and ‘Labor Day’ shall mean the legal holidays on which said days are celebrated in accordance with clause eighteen of section seven of chapter four of the General Laws. Any store or shop which opens or operates on ‘Memorial Day’, ‘July Fourth’ or ‘Labor Day’ shall compensate all employees engaged in the work performed, excepting those bona fide executive or administrative or professional persons earning more than two hundred dollars a week, at a rate not less than one and one-half times the employee’s regular rate.”

After remarks the amendment was rejected.

Ms. Keefe of Worcester and other members of the House then moved to amend the bill by adding the following section:

“SECTION 79. Section 30(c) of chapter 151A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by replacing, in lines 41 and 68, the word ‘fifteenth’ with the word ‘twentyth’ and replacing, in line 43, the figure ‘15’ with the figure:— 20.”

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 51 the following section:

“SECTION 51A. Section 24 of said chapter 151A, as so appearing, is hereby amended, in subparagraph (a) by striking out in lines 3 and 4 the words ‘in the base period amounting to at least thirty times the weekly benefit rate’ and inserting in place thereof the following:— in at least two quarters of the base period amounting to at least thirty times the weekly benefit rate.”

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Jones; and on the roll call 31 members voted in the affirmative and 117 in the negative.

Amendment
rejected,—
yea and nay
No. 317.

[See Yea and Nay No. 317 in Supplement.]

Therefore the amendment was rejected.

Mr. Gordon of Bedford and other members of the House then moved to amend the bill by adding the following three sections:

“SECTION 80. Section 15 of chapter 151 of the General Laws, as appearing in the 2012 Official Edition, as so appearing, is hereby amended by striking out the word ‘two’, in line 6, and inserting the following number:— three.

SECTION 81. Said section 15 of said chapter 151, as so appearing, is hereby further amended by striking out the word ‘two’, in line 2, and inserting the following number:— three.

SECTION 82. Said chapter 151 is hereby further amended by striking out section 20A, as appearing in the 2012 Official Edition, and inserting in place thereof the following section:—

Section 20A. The provisions of this chapter shall not be applicable to any cause of action accruing more than 3 years prior to the date of filing in court of a criminal or civil action; provided, however, that the 3-year limitations period shall be tolled from the date that the employee or a similarly situated employee files a complaint with the attorney general alleging a violation of any of the sections in this chapter until the date that the attorney general issues a letter authorizing a private right of action or the date that an enforcement action by the attorney general becomes final.”

The amendment was adopted.

Mr. Frost of Auburn then moved to amend the bill by inserting after section 53 the following new section:

“SECTION 53A. Section 24 of chapter 151A, as so appearing, is hereby amended by inserting after subsection (b) the following new subsection:—

(b $\frac{1}{2}$) must be willing to accept employment from his most recent employer if that company offers to rehire the individual before or during his collection of benefits provided that the employment opportunity is: 1.) within reasonable means and skill level for that individual; 2.) the

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same or substantially similar number of hours; 3.) the same or substantially similar to the compensation previously paid; 4.) a reasonable distance compared to the previous employment with the same company and 5.) for no less than 60 days. The department shall make a ruling as to whether a job offer satisfies the requirements of this section; if the department determines that a job offer meets the requirements of this section and the employee refuses the offer, his benefits shall be terminated. The employee may file an appeal regarding the similarity of an employment opportunity, and the hearing board may take into account the employee's health and child care status in addition to the qualifications provided in this section. If the employee filing the appeal does not present at the hearing, the department shall find in favor of the employer and the employee's benefits will be terminated immediately; if the employee has a reasonable documented excuse concerning the employee's health, an accident, or death of the employee or their immediate family member, the employee may file an appeal and another hearing may be scheduled on reinstating benefits."

Amendment rejected,—yea and nay No. 318.

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. Frost; and on the roll call 19 members voted in the affirmative and 131 in the negative.

[See Yea and Nay No. 318 in Supplement.]

Therefore the amendment was rejected.

Subsequently a statement of Mr. Lawn of Watertown was spread upon the records as follows:

Statement of Mr. Lawn of Watertown.

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.

Representatives Brady of Brockton and Nyman of Hanover then moved to amend the bill in section 54, in lines 407, 408 and 409, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"(e) A task force appointed by the executive office of labor and workforce development which shall include the chairs of the labor and workforce development committee and representatives from the Massachusetts municipal association and the Massachusetts AFL-CIO will study and within one year report on the impact of not paying benefits to any individuals under the circumstances described in subsections (a) to (c) with respect to any services described in subsections (a) and (b) that are provided to or on behalf of an educational institution. Said study will include an analysis of the annual income of workers affected by this provision, the impact of this provision on the affected workers' annual income, and the impact of any cost-savings for municipalities of this provision."

The amendment was rejected.

Ms. Hogan of Stow moved that the bill be amended by inserting after section 47 the following three sections:

"SECTION 47A. Subsection (a) of section 14 of chapter 151A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 39 and 40, the words 'employer's total taxable payroll for the period of twelve consecutive months end-

ing on' and inserting in place thereof the following words:— average of the employer's total taxable payroll for the 3 years prior to.

SECTION 47B. Subsection (a) of said section 14 of said chapter 151A, as so appearing, is hereby further amended by striking out, in lines 49 through 51, inclusive, the words 'total taxable payrolls reported by all employers whose experience rate is determined under paragraph (1) of subsection (i), for the period of twelve consecutive months ending on' and inserting in place thereof the following words:— average of the total taxable payrolls reported by all employers whose experience rate is determined under paragraph (1) of subsection (i), for the 3 years preceding.

SECTION 47C. Subsection (a) of said section 14 of said chapter 151A, as so appearing, is hereby further amended by striking out, in lines 55 and 56, the words 'total payrolls reported by all employers liable for contributions under section fourteen for the calendar year' and inserting in place thereof the following words:— the average of the total payrolls reported by all employers liable for contributions under section 14 for the 3 years.”;

By inserting after section 48 the following two sections:

“SECTION 48A. Subsection (h) of said section 14 of said chapter 151A, as so appearing, is hereby further amended by striking out, in lines 166 and 167, the words 'The commissioner shall determine each employer's total taxable wages for the twelve-months' and inserting in place thereof the following words:— the commissioner shall determine each employer's total taxable wages for the 3 year.

SECTION 48B. Subsection (h) of said section 14 of said chapter 151A, as so appearing, is hereby further amended by striking out, in lines 174 through 176, inclusive, the words 'commissioner shall determine the total taxable wages of all employers in the commonwealth, whose experience rate is determined under paragraph (1) of subsection (i) during the calendar year' and inserting in place thereof the following words:— commissioner shall determine the total taxable wages of all employers in the commonwealth, whose experience rate is determined under paragraph (1) of subsection (i) for the 3 year period.”; and by adding the following section:

“SECTION 83. Sections 47A to 47C, inclusive, 48A and 48B shall take effect for unemployment insurance rates calculated for the calendar year beginning January 1, 2018.”.

The amendments were adopted.

Mr. Vieira of Falmouth then moved that the bill be amended by inserting after section 49 the following section:

“SECTION 49A. Section 14 of said chapter 151A, as so appearing, is hereby further amended by striking in subsection (m) the phrase 'ten days prior to the due date of the first contribution of the year' and inserting in place thereof the following:— one month prior to the due date of the first contribution of the year.”.

The amendment was rejected.

Mr. deMacedo of Plymouth and other members of the House then moved to amend the bill by adding the following section:

“SECTION 84. Notwithstanding any general or special law to the contrary, the provisions of section 31 shall apply to municipalities beginning October 1, 2014.”.

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After remarks the amendment was adopted.

Mr. Fallon of Malden then moved to amend the bill in section 38, in line 330, by striking out the figures: “\$3.35” and inserting in place thereof the following: “\$2.63 and shall be frozen at this rate through June 30, 2016”. The amendment was rejected.

The same member then moved to amend the bill in section 39, in line 333, by striking out the figures: “\$3.75” and inserting in place thereof the following: “\$2.63 and shall be frozen at this rate through June 30, 2016”; and the amendment was rejected.

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

“SECTION 85. Subsection (h) of section 6 of chapter 62 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking, in lines 239 and 243, the figure ‘15’ and inserting in place thereof the following figure:— 17.5.

SECTION 86. Subsection (h) of section 6 of chapter 62 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking, in lines 239 and 243, the figure ‘17.5’ and inserting in place thereof the following figure:— 20.

SECTION 87. Subsection (h) of section 6 of chapter 62 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking, in lines 239 and 243, the figure ‘20’ and inserting in place thereof the following figure:— 22.5.

SECTION 88. Subsection (h) of section 6 of chapter 62 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking, in lines 239 and 243, the figure ‘22.5’ and inserting in place thereof the following figure:— 25.

SECTION 89. Section 85 of this act shall be effective January 1, 2015.

SECTION 90. Section 86 of this act shall be effective January 1, 2016.

SECTION 91. Section 87 of this act shall be effective January 1, 2017.

SECTION 92. Section 88 of this act shall be effective January 1, 2018.”

Mr. Dempsey of Haverhill then moved that the amendment be amended by striking out proposed sections 89, 90, 91 and 92 and inserting in place thereof the following section:

“SECTION 89. Notwithstanding any special or general law to the contrary, the provisions of sections 85, 86, 87 and 88 shall not take effect until such time as the executive office of administration and finance and the department of revenue has furnished a study of their impact on the state’s economy and revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states and any anticipated change in employment and ancillary economic activity to the joint committee on revenue and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of

Further
amendment
adopted,—

Mr. Jones of North Reading; and on the roll call 117 members voted in the affirmative and 31 in the negative. yea and nay
No. 319.

[See Yea and Nay No. 319 in Supplement.]

Therefore the further amendment was adopted.

The amendment, as amended, then also was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 30 the following section:

“SECTION 30A. Chapter 151 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding at the end thereof the following new section:

Section 23. The Department of Unemployment Assistance shall perform a minimum wage study evaluating the effect of minimum wage on the unemployment rates in the commonwealth. In the study, the Department shall evaluate and produce a report detailing the adequacy of the commonwealth’s minimum wage relative to the following factors: (1) the overall cost of living in the commonwealth; (2) changes in the calculation of the cost of living which impact low-wage workers, including increases in the cost of housing, food, transportation, health care and child care; (3) trends in the purchasing power of the minimum wage; (4) characteristics and statistics of minimum wage workers and industries employing minimum wage works; (5) the value of the commonwealth’s minimum wage relative to federal poverty guidelines; and (6) the effect, if any, on unemployment caused by raising the Massachusetts minimum wage.

The Department shall also study how employers bear the cost of the long-term unemployed, in particular the number of employees, and the cost to those employers, who incur benefit charges due to separations initiated by other employers.

The Department shall report its finding to the general court by filing an annual report, on or before July 1, 2015. The report shall be filed with the clerks of the house of representatives and the senate who shall forward the report to chairs of the house and senate committees on ways and means and the chairs of the joint committee on labor and workforce development.”

The amendment was adopted.

Mr. Dooley of Norfolk and other members of the House then moved to amend the bill by inserting after section 30A (inserted by amendment) the following section:

“SECTION 30B. Section 1 of chapter 151 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding at the end of the first paragraph the following:—

This section shall not apply to employees for their first 90 days of work. A wage which is lower than the minimum wage by more than 25% or less than \$8.00 per hour, in any occupation, shall conclusively be presumed to be oppressive and unreasonable, provided the commissioner has not expressly approved or shall expressly approve the establishment and payment of a lesser wage under the provisions of sections seven and nine.”

After remarks, Mr. Conroy of Wayland then moved that the amendment be amended by inserting after proposed section 30B the following section:

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“SECTION 30C. Notwithstanding any special or general law to the contrary, the provisions of section 30B shall not take effect until such time as the executive office of administration and finance and the department of revenue has furnished a study of its impact on the state’s economy and revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states and any anticipated change in employment and ancillary economic activity to the joint committee on revenue and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”

Further
amendment
adopted,—
yea and nay
No. 320.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 119 members voted in the affirmative and 30 in the negative.

[See Yea and Nay No. 320 in Supplement.]

Therefore the further amendment was adopted.

The amendment, as amended, then also was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 34 the following section:

“SECTION 34A. Subdivision (1) of subsection (bb) of said section 1 of chapter 151A, as so appearing, is hereby amended by striking out, in line 338, the word ‘sixteen’ and inserting in place thereof the following word:— twenty.”

The amendment was adopted.

Mr. Vieira of Falmouth and other members of the House then moved to amend the bill by inserting after section 51 the following new section:

“SECTION 51A. Said section 14 of said chapter 151A, as so appearing, is hereby further amended by inserting after subsection (m) the following new subsection:—

(m½) Employers who are not defined as independent contracts, pursuant to section 18 of chapter 152, but do not have any employees over a calendar year and would not qualify to collect unemployment benefits for themselves if so desired, shall be exempt from paying any taxes or fees associated with Unemployment Insurance, as outlined in chapter 151A, for that calendar year.”

The amendment was rejected.

Ms. Peake of Provincetown then moved to amend the bill by striking out section 55 and inserting in place thereof the following section:

“SECTION 55. Said chapter 151A is hereby further amended by inserting after section 28A the following section:—

Section 28B. If an employee, who is a corporate officer, partner or owner of an employing unit, or is a person who has more than a 5 per cent equitable or debt interest in an employing unit or is an immediate family member of such individuals, receives an unemployment benefit under this chapter and, during the same benefit year, resumes or returns to work for the same employing unit, then the division may determine that the employee’s unemployment was due to circumstances within the employee’s control and may seek repayment of any overpaid benefits.”

The amendment was adopted.

Mr. Dempsey of Haverhill then moved to amend the bill

In section 23, in lines 79 to 87, inclusive, by striking out subsection (b) contained therein and inserting in place thereof the following subsection:

“(b) The council shall consist of 17 members including: the secretary of labor and workforce development, or a designee, who shall serve as the chair; the director of the department of unemployment assistance, or a designee; the director of the department of industrial accidents, or a designee; the director of labor standards, or a designee; the commissioner of revenue, or a designee; the chief of the attorney general’s fair labor division, or a designee; the commissioner of the department of public safety, or a designee; the director of the division of professional licensure, or a designee; the executive director of the insurance fraud bureau, or a designee; and 8 persons appointed by the governor who represent government agencies. The council may create and appoint members to a subcommittee made up of members representing business, organized labor, not-for-profit organizations, government, the legislature and any political subdivision thereof including municipal governments, for the purposes of soliciting input.”;

In section 28, in line 169, by striking out the words “weekly, biweekly or semi-monthly” and inserting in place thereof the words “weekly or biweekly or, in the case of salaried employees only, semi-monthly”;

By inserting after said section 28 the following section:

“SECTION 28A. Said section 148 of said chapter 149, as so appearing, is hereby amended by inserting after the word ‘bi-weekly’, in lines 106 and 107, in each instance, the following word:— semi-monthly.”;

In section 30, in lines 186 to 189, inclusive, by striking out the definition of “Employer” contained therein and inserting in place thereof the following two definitions:

“‘Employer’, a person who employs a domestic worker to work within a household whether or not the person has an ownership interest in the household; provided, however, that an ‘employer’ shall not include a staffing agency or placement agency licensed or registered pursuant to chapter 140; or an individual to whom a personal care attendant provides services.

‘Employ’, to suffer or permit to work.’ and in said section 30, in line 229, by striking out the following: “151A” and inserting in place thereof the figures “151”;

In section 36, in line 324, by striking out the word “student”;

In section 41, in lines 338 to 344, inclusive, by striking out subsection (v) contained therein and inserting in place thereof the following subsection:

“(v) ‘Unemployment compensation debt’ shall have the same meaning as ‘covered unemployment compensation debt’ in 26 U.S.C. § 6402(f)(4).”; and

In section 57, in lines 458 to 461, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

“(b) An employer wishing to participate in a worksharing program shall submit a signed written worksharing plan and application form to the director for approval. The director shall develop an application

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form to request approval of a worksharing plan and an approval process. Any application, whether for initial approval, approval following one or more disapprovals, for modification, or for participation in another worksharing plan after the expiration or termination of an approved plan, shall include:”, in line 510, by inserting after the word “date.” the following clause:

“(9) The written approval by the collective bargaining agent for each collective bargaining agreement for each affected unit is included in the plan.”, and, in line 511, by striking out the following: “(9)” and inserting in place thereof the following: “(10)”.

The amendments were adopted.

Bill passed to
be engrossed,—
yea and nay
No. 321.

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. Conroy of Wayland; and on the roll call 125 members voted in the affirmative and 24 in the negative.

[See Yea and Nay No. 321 in Supplement.]

Therefore the bill, as amended, was passed to be engrossed. The bill (House, No. 4026, 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.

Mr. Walsh of Framingham moved that when the House adjourns today, it do so in respect to the memory of Barbara E. Gray, a member of the House from Framingham from 1973 to 1996, inclusive; and the motion prevailed.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day at two minutes before nine o’clock P.M., on motion of Mr. Peterson of Grafton (Mr. Mariano of Quincy being in the Chair), the House adjourned, to meet the following day at eleven o’clock A.M., in an Informal Session.