

JOURNAL OF THE HOUSE.

Monday, April 4, 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.

Appointments of the Speaker.

The Speaker announced that he had made the following appointments:

That Representative Peake of Provincetown had been appointed (under Executive Order No. 502 of 2008) as his designee to the Plymouth, Massachusetts 400th Anniversary Commission; and Plymouth 400th Anniversary Commission.

That Representative Cariddi of North Adams had been appointed (under Section 42 of Chapter 46 of the Acts of 2015) as his designee to the Rural Policy Advisory Commission. Rural Policy Advisory Commission.

Communication.

A communication from the Pension Reserves Investment Management Board (see Section 23 of Chapter 32 of the General Laws) submitting a report listing all tobacco related investments and their book value as of December 1, 2015, was placed on file. PRIM Board,— tobacco investments.

Annual and Special Reports.

Annual reports

Of the Division of Administrative Law Appeals (pursuant to Section 4H of Chapter 7 of the General Laws) for calendar year 2015; Administrative Law Appeals.

Of the Pension Reserves Investment Management Board (under Section 6 of Chapter 232 of the Acts of 2010) relative to divestment from Iran restricted securities; and Iran,— divestment.

Of the Pension Reserves Investment Management Board (under Section 4 of Chapter 151 of the Acts of 2007) relative to divestment from Sudan restricted securities; and Sudan,— divestment.

A report of the Massachusetts Department of Transportation, Rail and Transit Division (pursuant to Subsection 11 of Section 151 of Chapter 127 of the Acts of 1999) submitting a report outlining the net operating investment per passenger mile ratio for fiscal years 2014 through 2018; MBTA,— per passenger mile ratios.

Severally were placed on file.

Resolutions.

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

Attleboro area churches. Resolutions (filed by Representatives Poirier of North Attleborough and Heroux of Attleboro) honoring the Attleboro Area Council of Churches on the occasion of its seventieth anniversary;

Armenian Genocide. Resolutions (filed by Messrs. Hecht of Watertown, Rogers of Cambridge, Muradian of Grafton, Lawn of Watertown and Miceli of Wilmington) commending the Knights of Vartan Ararat Lodge 1 of the City of Boston for its contributions to the commemoration of the Armenian Genocide;

Id. Resolutions (filed by Messrs. Hecht of Watertown, Rogers of Cambridge, Muradian of Grafton, Lawn of Watertown and Miceli of Wilmington) commending the Armenian Genocide Education Committee of Merrimack Valley for its contribution to the commemoration of the Armenian Genocide;

Dusty Rhodes. Resolutions (filed by Messrs. Hecht of Watertown, Rogers of Cambridge, Muradian of Grafton, Lawn of Watertown and Miceli of Wilmington) commending Dusty Rhodes and Conventures, Inc. on their contributions to the commemoration of the Armenian Genocide; and

Stanley Fedak. Resolutions (filed by Mr. Wagner of Chicopee) congratulating Stanley Fedak on the occasion of his ninetieth birthday;

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

Petitions.

Petitions severally were presented and referred as follows:

Foxborough,—liquor licenses. By Representative Barrows of Mansfield and Senator Timilty, a joint petition (accompanied by bill, House, No. 4157) of F. Jay Barrows (by vote of the town) that the town of Foxborough be authorized to grant two additional licenses for the sale of all alcoholic beverages to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure.

Rehoboth,—land. By Representative Howitt of Seekonk and Senator Timilty, a joint petition (accompanied by bill, House, No. 4158) of Steven S. Howitt (by vote of the town) that the town of Rehoboth be authorized to convey a certain parcel of town owned land in said town; and

Springfield,—land. By Mr. Swan of Springfield, a petition (accompanied by bill, House, No. 4159) of Benjamin Swan and Mayor Domenic J. Sarno (with the approval of the mayor and city council) that the city of Springfield be authorized to convert certain lands to construct a senior center and a replacement park;

Severally to the committee on Municipalities and Regional Government. Severally sent to the Senate for concurrence.

Papers from the Senate.

Contractor registration. The House Bill relative to home improvement contractor registration (House, No. 4022), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 4, in

line 20, striking out the word "July" and inserting in place thereof the word "October". The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Bills

To further define standards of employee safety (Senate, No. 2190, amended in section 1, in line 16, by inserting after the word "designee", the second time it appears, the following: "; 1 representative of a community based safety organization; 3 representatives of organized labor submitted by the president of the Massachusetts AFL-CIO"; and in section 2 by striking out the word "January" and inserting in place thereof the "July") (on Senate bill, No. 999); and

Employee safety standards.

Establishing the MassMade Program (Senate, No. 2191, amended in line 5 by inserting after the word "commonwealth" the words ", identify obstacles to conducting business in the commonwealth"; and by adding the following section:

MassMade Program.

"SECTION 2. Not later than December 1, 2016, the division of capital asset management and maintenance shall submit a report to the clerks of the senate and house of representatives detailing methods to promote and provide support to businesses that are headquartered or have a principal place of business in the commonwealth and are engaged in the division's bidding process. The report shall, at a minimum, examine the factors considered in selecting bidders for projects and provide recommendations on effective strategies to elicit the participation of businesses that are headquartered or have a principal place of business in the commonwealth.") (on Senate, No. 2135);

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

A report of the committee on Public Health, 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 the same be referred to the Senate committee on Ways and Means,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, inasmuch as relates to the discharge.

Alternative nicotine products,—tax.

Reports of Committees.

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 Thomas J. Calter, Michael D. Brady and others relative to zoning regulations of structures used for growing, cultivation, distribution or dispensation of marijuana or marihuana. Under suspension of the rules, on motion of Mr. McMurtry of Dedham, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Marijuana,—zoning.

Financial Services,— study. Mr. Galvin of Canton, for the committee on Rules, on the Order relative to authorizing the committee on Financial Services to make an investigation and study of certain House documents concerning financial services (House, No. 4111), reported, in part, asking to be discharged from further consideration:

Healthcare,— transparency. Of the petition (accompanied by bill, House, No. 792) of Jennifer E. Benson and others for legislation to provide transparency in the data contained in the payer and provider claims database;

Health care sharing. Of the petition (accompanied by bill, House, No. 793) of Donald R. Berthiaume, Jr., and others for legislation to include participation in a health care sharing ministry as a qualifying student health insurance plan;

Human service providers,— insurance. Of the petition (accompanied by bill, House, No. 891) of Kay Khan and others relative to access to health insurance for human service providers and their employees;

Nurse midwives. Of the petition (accompanied by bill, House, No. 894) of Kay Khan and others relative to requiring insurance carriers to recognize nurse midwives as participating providers; and

Contraceptive coverage equity law. Of the petition (accompanied by bill, House, No. 948) of John W. Scibak and others for legislation to update the contraceptive coverage equity law to require insurance carriers to provide all contraceptive methods without a co-pay;

And recommending that the same severally be recommitted to the committee on Financial Services.

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

Motorcycles,— sound levels. 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. 3091) of Theodore C. Speliotis for legislation to further regulate motorcycle sound levels,— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Orange,— police chief. Report of the committee on Public Service, ought NOT to pass (under Joint Rule 10), on the joint petition (accompanied by bill, House, No. 4025) of Susannah M. Whipps Lee (by vote of the town) that the town of Orange be authorized to exempt the position of police chief from certain provisions of the civil service law.

Under suspension of the rules, on a motion of Mr. Kafka of Stoughton, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Murphy of Weymouth.

Shannon Wilkins,— sick leave. By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Shannon Wilkins, an employee of the Massachusetts Department of Transportation (House, No. 4122), be scheduled for consideration by the House.

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

By Mr. Galvin of Canton, for the committees on Rules of the two branches, acting concurrently, that the Bill establishing a special commission to identify, preserve and commemorate historic roadways in Massachusetts (House, No. 3088), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Historic roadways,— study.

By Ms. Garlick of Needham, for the committee on Elder Affairs, on a petition, on a Bill relative to nursing facility care (House, No. 528).

Nursing facility care.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on a petition, a Bill relative to implementing the Massachusetts yellow dot program (House, No. 3024).

Drivers, etc.— yellow dot program.

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

By Ms. Garlick of Needham, for the committee on Elder Affairs, on Senate, Nos. 351, 357, 358 and 368 and House, Nos. 521, 533 and 534, a Bill creating a task force on Massachusetts older adults of all incomes (House, No. 4155).

Elders,— task force.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on a petition, a Bill relative to a feasibility study of a taxi license database (House, No. 3698).

Taxi license database,— study.

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Ms. Benson of Lunenburg, for the committee on Consumer Protection and Professional Licensure, on Senate, Nos. 180 and 206 and House, Nos. 254 and 3385, a Bill providing for an out of state license to be valid proof of age (House, No. 4135).

Drivers' licenses,— age proof.

By Ms. Peisch of Wellesley, for the committee on Education, on House, No. 310, a Bill to provide equal access to the Bureau of Special Education Appeals (House, No. 4137).

Special education,— appeals.

By the same member, for the same committee, on House, Nos. 394 and 459, a Bill relative to teacher preparation and certification (House, No. 4138).

Teachers,— task force.

By the same member, for the same committee, on House, Nos. 461, 482 and 3227, a Bill relative to the school choice program (House, No. 4139).

School choice program.

By Mr. Schmid of Westport, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to the feeding of wildlife (House, No. 636).

Wildlife,— feeding.

By the same member, for the same committee, on a petition, a Bill to promote regionalization with watershed based permitting (House, No. 654).

Watersheds,— permitting.

By the same member, for the same committee, on a petition, a Bill regarding underground storage tank remediation (House, No. 685, changed in line 4 by inserting after the word "suffering" the words " , regardless of whether there is an adjudication in a legal proceeding".

Underground storage tanks.

Underground storage tanks. By the same member, for the same committee, on a petition, a Bill regarding underground storage tanks (House, No. 686).

Environmental appeals board. By the same member, for the same committee, on a petition, a Bill establishing a Department of Environmental Protection appeals board (House, No. 695).

Agriculture infrastructure. By the same member, for the same committee, on a petition, a Bill to strengthen the Massachusetts agricultural infrastructure relative to meat and poultry production and processing (House, No. 711).

Livestock,—care. By the same member, for the same committee, on a petition, a Bill to promote the care and well-being of livestock (House, No. 713) [Representative Livingstone of Boston dissenting].

Food labeling. By the same member, for the same committee, on House, No. 3242, a Bill establishing the genetic engineering transparency food labeling act (House, No. 4156).

Public housing. By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill establishing a task force on elderly and disabled persons residing in public housing (House, No. 1094).

Housing,—production. By the same member, for the same committee, on House, Nos. 1089 and 1111, a Bill relative to housing preservation and production in the Commonwealth (House, No. 4136).

Multifamily housing. By the same member, for the same committee, on Senate, No. 119 and House, Nos. 1080 and 1107, a Bill to expedite multifamily housing construction and cluster development (House, No. 4140) [Representatives Diehl of Whitman and DeCoste of Norwell dissenting].

Interstate highways,—off ramps. By Mr. Straus of Mattapoisett, for the committee on Transportation, on a petition, a Bill establishing mileage based numbering for exits along interstate highways (House, No. 3041).

MBTA,—retirement. By the same member, for the same committee, on a petition, a Bill requiring an actuarial study of the MBTA retirement fund (House, No. 3058).

Historic markers. By the same member, for the same committee, on a petition, a Bill to preserve historic markers (House, No. 3086).

Antique motor vehicles. By the same member, for the same committee, on a petition, a Bill relative to antique motor vehicle inspections (House, No. 3097).

Transportation system,—assessment. By the same member, for the same committee, on a petition, a Bill directing the board of the Massachusetts Department of Transportation to assess the current status of the Commonwealth's transportation system (House, No. 3100).

Autism, etc.—drivers' licenses. By the same member, for the same committee, on a petition, a Bill relative to proactively protecting automotive drivers (House, No. 3793).
Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Water resource funds. By Mr. Schmid of Westport, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill providing for the establishment of sustainable water resource funds (House, No. 657).

Orleans,—Cedar Pond. By the same member, for the same committee, on a joint petition, a Bill relative to abating a public nuisance on Cedar Pond in the town of Orleans (House, No. 3662) [Local Approval Received].

By Mr. Straus of Mattapoisett, for the committee on Transportation, on House, No. 11 and on a part of House, No. 8, a Bill relative to disabled persons' parking placards (House, No. 11).

By the same member, for the same committee, on a petition, a Bill relative to split-screen technology (House, No. 2951).

By the same member, for the same committee, on a petition, a Bill relative to historic route designations (House, No. 3018).

By the same member, for the same committee, on a petition, a Bill protect bicyclists in bicycle lanes [sic] (House, No. 3072).

By the same member, for the same committee, on a petition, a Bill relative to the used vehicle record book (House, No. 3074).
Severally read; and referred, under Rule 7A, to the committee on Steering, Policy, and Scheduling.

Disabled,—parking.

Drivers,—video images.

Historic route designations.

Bicyclists,—safety.

Used vehicle record book.

Engrossed Bill.

The engrossed Bill further regulating survivors' pension benefits and qualified domestic relations orders (see House, No. 3971) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Orders of the Day.

The Senate Bill regulating preliminary elections in the city of Gloucester (Senate, No. 45), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third reading bill.

The Senate Bill amending the town manager act of Arlington authorizing the town manager to appoint the director of assessments (Senate, No. 1934), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Arlington,—director of assessments.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Speliotis of Danvers moved to amend it in section 2, in line 9, by inserting after the word "personnel" the words " , except for the board of assessors,".

The amendment was; and the bill (Senate, No. 1934, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

The House Bill designating March the 26th as first responders day (House, No. 2791) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

First responders day.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by substitution of a Bill designating the Sunday preceding the third Monday in April as first responder day (House, No. 4161), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. 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 on Wednesday next at eleven o'clock A.M.

At thirteen minutes after eleven o'clock A.M., on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.