

JOURNAL OF THE HOUSE.

Wednesday, April 16, 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).

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.

Recess.

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

Silent Tribute.

The Speaker being in the Chair,—

A moment of silent tribute offered by Speaker Robert A. DeLeo of Winthrop was spread upon the records of the House, as follows:

“Yesterday I was privileged to attend the Boston Marathon tribute. I have never been more proud to be from Massachusetts, to be an American, than I was yesterday. Boston
Marathon
tribute.

Inspired by the heroes of that day, and fortified by the support of the nation and the world, we renewed our determination to stand united.

In the year since the Marathon Bombing, we have shown that our state is one that steadfastly holds true to its character, that there is an enduring bond here in Massachusetts.

That allegiance to our ideals is bolstered by the memories of those we remember today: Krystle Campbell, Lu Lingzi, Martin Richard and Sean Collier.

We are forever grateful and, today, I hope that we can rededicate ourselves to upholding their dignity and bravery.

I ask that we stand for a moment of silence to honor the memory of those lost and injured a year ago, and to recognize, through the community we discovered following that barbaric event, that in the face of inhumanity there is good.

Please join me in standing.

Thank you. God bless Boston, God bless Massachusetts and God bless the United States of America.”

Resignation of Representative Lewis of Winchester.

The following communication was read; and spread upon the records of the House, as follows:

April 8, 2014.

The Honorable Steven T. James
Clerk of the House of Representatives
 State House, Room 145
 Boston, Massachusetts 02133

Dear Mr. Clerk,

Resignation of
 Representative
 Jason M.
 Lewis.

Please accept this letter as my resignation from my seat as State Representative for the 31st Middlesex District effective Thursday, April 17, 2014. It has been an honor working with you in the House of Representatives, and I appreciate all you do for the House of Representatives and the Commonwealth.

Best regards,

JASON M. LEWIS,
State Representative,
31st Middlesex District.

Valedictory Address.

Valedictory
 address.

Mr. Lewis of Winchester then addressed the House, there being no objection, regarding his departure from service in the House of Representatives.

Special Communications.

The following communications, together with returns of votes and schedules therein referred to, were received from the Secretary of the Commonwealth, to wit:—

COMMONWEALTH OF MASSACHUSETTS
 OFFICE OF THE SECRETARY
 STATE HOUSE, BOSTON 02133

April 16, 2014.

To the Honorable House of Representatives:

Returns of
 votes for
 Representative
 in the Fourth
 Hampden
 District.

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the first day of April, 2014, for Representative in the General Court, 4th Hampden District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

WEDNESDAY, APRIL 16, 2014.

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COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE SECRETARY
STATE HOUSE, BOSTON 02133

April 16, 2014.

To the Honorable House of Representatives:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the first day of April, 2014, for Representative in the General Court, 2nd Suffolk District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

Returns of
votes for
Representative
in the Second
Suffolk
District.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE SECRETARY
STATE HOUSE, BOSTON 02133

April 16, 2014.

To the Honorable House of Representatives:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the first day of April, 2014, for Representative in the General Court, 13th Suffolk District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

Returns of
votes for
Representative
in the
Thirteenth
Suffolk
District.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE SECRETARY
STATE HOUSE, BOSTON 02133

April 16, 2014.

To the Honorable House of Representatives:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the first day of April, 2014, for Representative in the General Court, 16th Suffolk District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

Returns of
votes for
Representative
in the
Sixteenth
Suffolk
District.

Returns of
votes for
Representative
in the
Sixteenth
Suffolk
District.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

The communications severally were read; and, there being no objection, they were placed on file.

Order.

On motion of Ms. Ferrante of Gloucester,—

Governor
notified.

Ordered, That a special committee of the House be appointed to wait upon His Excellency the Governor and inform him that Representatives-elect John C. Velis of the 4th Hampden District, Daniel Joseph Ryan of the 2nd Suffolk District, Daniel J. Hunt of the 13th Suffolk District and RoseLee Vincent of the 16th Suffolk District are assembled in the Chamber of the House of Representatives and are ready to take the oaths and affirmations of qualification.

The Speaker then appointed Representatives Donato of Medford, Wong of Saugus, Cullinane of Boston, Donahue of Worcester, Fox of Boston, Howitt of Seekonk, O'Connell of Taunton, Peake of Provincetown, Petrolati of Ludlow, Pignatelli of Lenox and Walsh of Framingham as the special committee of the House.

Subsequently Mr. Donato of Medford, for the committee, reported that they had attended to the duties assigned to them, and that the Governor had stated that he would attend forthwith and administer the oaths of office.

Distinguished Guests.

Distinguished
guests.

The Speaker announced that in attendance during the session were many distinguished guests, including Congressmen Michael E. Capuano and Stephen F. Lynch, Senators DiDomenico, Forry, McGee and Petruccelli, Norfolk County Sheriff Michael G. Bellotti, Suffolk County Sheriff Steven Tompkins, Suffolk County Clerk of Courts Maura S. Doyle, Revere Mayor Daniel Rizzo, Chelsea City Manager Jay Ashe and Boston City Clerk Maureen Feeney.

Members Qualified.

Representatives
Daniel J. Hunt
of Boston,
Daniel Joseph
Ryan of Boston,
John C. Velis of
Westfield and
RoseLee Vincent
of Revere,—
qualification.

Soon afterward His Excellency the Governor, Deval L. Patrick, accompanied by members of the Honorable Council came in; the oaths and affirmation required by the Constitution and laws was administered by the Governor to the members-elect then present, and were subscribed by them; after which His Excellency declared that the members were duly qualified to enter upon the discharge of their duties.

His Excellency the Governor and the Honorable Councillors present then departed the Chamber under escort of the Sergeant-at-Arms.

After brief remarks by each of the newly qualified members, the Speaker assigned Mr. Hunt to Seat No. 121, Mr. Ryan to Seat No. 88, Mr. Velis to Seat No. 137 and Ms. Vincent to Seat No. 22.

Resolutions.

Mr. Donato of Medford being in the Chair,—

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

Resolutions (filed by Mr. Mariano of Quincy) congratulating Mr. and Mrs. William Cox on the occasion of their sixty-seventh wedding anniversary and celebrating turning ninety years old; William and Mildred Cox.

Resolutions (filed by Ms. DiZoglio of Methuen) congratulating Ruth DeFrancesco on the occasion of her ninetieth birthday; and Ruth DeFrancesco.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Josephine Alpert on her one hundredth birthday; Josephine Alpert.

Mr. Binienda of Worcester, 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. Wong of Saugus, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

The engrossed Bill relative to a conservation restriction in the town of Stow (see House, No. 3474, amended), came from the Senate with the endorsement that it had been amended by said branch, in section 1, in line 2, striking out the word "Stow" and inserting in place thereof the words "subject to the approval of the Peters Pond Realty Trust.". The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading. Stow,—land.

A Bill amending the charter of the city known as the town of Greenfield (Senate, No. 2103) (on Senate bill No. 2102) [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. Greenfield,—charter.

A petition of Stephen M. Brewer and Anne M. Gobi for legislation to authorize the Division of Capital Asset Management and Maintenance to grant to the town of Brookfield 6 easements over certain parcels of land in the town of Brookfield, came from the Senate referred, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight. Brookfield,—land.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2108) was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Carmen Mahone, an employee of the Trial Court (see House, No. 3981, amended), having been certified by the Clerk to be rightly and truly Carmen Mahone,—sick leave.

Carmen Mahone,—
sick leave.

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 15 to 0. Sent to the Senate for concurrence.

Orders.

Mr. Mariano of Quincy being in the Chair,—

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

Education committee,—
extension of time for reporting.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Education be granted until Thursday, April 17, 2014, within which to make its final report on current Senate documents 207, 225, 270 and 278, and House documents numbered 349, 353, 374, 378, 434, 457, 462, 479, 510 and 533.

Mr. Binienda of Worcester, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Ms. Peisch of Wellesley, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

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

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

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be granted until Wednesday, April 16, 2014 within which to make its final report on current Senate document numbered 947 and House document numbered 1882.

Mr. Binienda of Worcester, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Ms. Peake of Provincetown, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Papers from the Senate.

Domestic violence.

The Senate Bill enhancing protection for victims of domestic violence (Senate, No. 1897), came from the Senate with the endorsement that said branch had non-concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4038, amended).

Committee of conference.

The bill bore the further endorsement that the Senate had appointed a committee of conference on the disagreeing votes of the two branches; and that Senators Spilka, Creem and Ross had been appointed to the committee on the part of the Senate.

Id.

On motion of Mr. Markey of Dartmouth, the House insisted on its amendment; and concurred with the Senate in the appointment of a committee of conference. Representatives Bradley of Hingham, Markey and Orrall of Lakeville were appointed the committee on the part of the House. Sent to the Senate to be noted.

The House Bill relative to natural gas leaks (House, No. 3873, amended), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2095. Natural gas leaks.

Under suspension of the rules, on motion of Mr. Keenan of Salem, the amendment was considered forthwith. The House then non-concurred with the Senate in its amendment; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Keenan, Cusack of Braintree and Mirra of West Newbury were appointed the committee on the part of the House. Sent to the Senate to be joined. Conference committee.

Reports of Committees.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Denise C. Garlick, James E. Timilty and Shawn Dooley (by vote of the town) for legislation to authorize the commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Medfield; and Medfield,—
land.

Petition (accompanied by bill) of Jay Livingstone and others relative to the conveyance of certain state owned land in the city of Boston; Severally to the committee on State Administration and Regulatory Oversight. Boston,—
land.

Under suspension of the rules, on motion of Mr. Livingstone of Boston, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Engrossed Bill — Land Taking-State Loan.

The engrossed Bill financing improvements to the Commonwealth's transportation system (see House, No. 4046) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage. Transportation financing.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a being a bill providing for the purposes, etc., as defined by Article XCVII of the Amendments to the Constitution and this also being a "loan" bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 150 members voted in the affirmative and 2 in the negative. Bill enacted (land taking-state loan),—
yea and nay
No. 332.

[See Yea and Nay No. 332 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Mr. Donato of Medford being in the Chair,—
Senate bills

Establishing the Scusset Beach State Reservation trust fund (Senate, No. 1395) (its title having been changed by the committee on Bills in the Third Reading); and Third reading bills.

Third
reading
bills.

Establishing a sick leave bank for Maria Elaskar-Stack, an employee of the Department of Children and Families (Senate, No. 2087);
Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

Second
reading
bills.

The Senate Bill establishing a charter for the town of Wrentham (Senate, No. 2005); and
House bills
Relative to planning boards' approval of subdivision plans (House, No. 162);
Regarding decennial division of wards and precincts in the city of Boston (House, No. 612);
Relative to specially qualified voters (House, No. 631);
Relative to absentee voting (House, No. 632);
Relative to voter registration for program participants (House, No. 633);
Relative to the Massachusetts Housing Authority (House, No. 1136);
Relative to the workers' compensation exclusion for business owners (House, No. 1704);
Related to personnel records (House, No. 1730);
Authorizing municipal use of the prudent investor standards (House, No. 1830);
Providing for an exemption for certain paraplegic veterans (House, No. 2519);
Relative to property tax exemptions for rental properties in the town of Truro restricted as affordable housing (House, No. 2693);
Relative to the flying of the flag of the Commonwealth at half staff on state buildings and installations (House, No. 2891);
Authorizing the town of Dudley to grant property tax abatements to resident National Guardsmen and reservists who are serving on active duty in a foreign country (House, No. 3797);
Relative to the assessment of betterments for improvements to private ways in the town of Harwich (printed in House, No. 3869);
Relative to the term of mayor of the city of Salem (House, No. 3915);
Relative to tax abatements for disabled veterans (House, No. 3970);
Relative to the dismissal of teachers (House, No. 4011); and
Regarding regulation of directory assistance (House, No. 4021);
Severally were read a second time; and they were ordered to a third reading.

Developmental
disabilities.

Mr. Mariano of Quincy being in the Chair,—
The House Bill relative to assisting individuals with autism and other intellectual or developmental disabilities (House, No. 4047), 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, Mr. deMacedo of Plymouth moved to amend it in section 24, in line 260; and also in section 32, in line 361, by inserting after the word "teachers",

in each instance, the words “and paraprofessionals”. The amendment was rejected.

Mr. Diehl of Whitman then moved to amend the bill, in section 1, in line 25, by inserting after the word “compensation” the following “one of whom will be a parent of a child with autism, and 1 of whom shall be a current special needs coordinator employed by a public school”.

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 the same member; and on the roll call 29 members voted in the affirmative and 123 in the negative.

Amendment rejected,—
yea and nay
No. 333.

[See Yea and Nay No. 333 in Supplement.]

Therefore the amendment was rejected.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Bradley of Hingham; and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 334.

[See Yea and Nay No. 334 in Supplement.]

[Ms. Atkins of Concord answered “Present” in response to her name.]

Therefore the bill (House, No. 4047) was passed to be engrossed. 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.

Messrs. Jones of North Reading and Velis of Westfield then moved that when the House adjourns today, it do so in respect to the memory of Cele Hahn, a member of the House from Westfield from 1995 to 2002, inclusive; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at a quarter before five 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.