

JOURNAL OF THE HOUSE.

Thursday, May 5, 2016.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Kafka of Stoughton 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. Kafka), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag. Pledge of allegiance.

Resolutions.

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

Resolutions (filed by Speaker DeLeo of Winthrop) congratulating the Trustees of Reservations on the occasion of its one hundred twenty-fifth anniversary; Trustees of Reservations.

Resolutions (filed by Mr. Hill of Ipswich) congratulating John E. Haynie on receiving the Eagle Award of the Boy Scouts of America; John Haynie.

Resolutions (filed by Representatives Barrows of Mansfield, Poirier of North Attleborough and Kafka of Stoughton) congratulating Benjamin Mochi on receiving the Eagle Award of the Boy Scouts of America; Benjamin Mochi.

Resolutions (filed by Messrs. Cabral of New Bedford, Koczera of New Bedford, Straus of Mattapoisett, Markey of Dartmouth and Schmid of Westport) on the occasion of the retirement of David MacKenzie, Director of the New Bedford Symphony Orchestra; David MacKenzie.

Resolutions (filed by Mr. Linsky of Natick) congratulating Connor Lancaster on receiving the Eagle Award of the Boy Scouts of America; Connor Lancaster.

Resolutions (filed by Mr. Linsky of Natick) congratulating Samuel Stone on receiving the Eagle Award of the Boy Scouts of America; Samuel Stone.

Resolutions (filed by Mr. Roy of Franklin) congratulating Anna J. Ruo on the occasion of her one hundredth birthday; Anna Ruo.

Resolutions (filed by Messrs. Smizik of Brookline and Coppinger of Boston) congratulating police officer Casey Hatchett on receiving the 2016 Community Service Award from the Rotary Club of Brookline; and Casey Hatchett.

Resolutions (filed by Mr. Whelan of Brewster) recognizing Donna Bowie as the Brewster Council on Aging Volunteer of the Year; Donna Bowie.

Mr. Galvin of Canton, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Walsh of Peabody, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Orders.

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

Consumer Protection and Professional Licensure committee,— extension of time for reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Consumer Protection and Professional Licensure be granted until Monday, May 23, 2016, within which time to make its final report on a current House document numbered 4188.

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4261), ought to be adopted. Under suspension of the rules, on motion of Ms. Benson, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on the Elder Affairs be granted until Monday, August 1, 2016, within which time to make its final report on current Senate document numbered 2139.

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4258), ought to be adopted. Under suspension of the rules, on motion of Ms. Garlick, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on State Administration and Regulatory Oversight be granted until Friday, June 10, 2016, within which time to make its final report on current Senate document numbered 2169.

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4259), ought to be adopted. Under suspension of the rules, on motion of Mr. Kocot, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on State Administration and Regulatory Oversight be granted until Friday, May 20, 2016, within which time to make its final report on current House document numbered 3889.

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4260), ought to be adopted. Under suspension of the rules, on motion of Mr. Kocot, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Vega of Holyoke, a petition (accompanied by bill, House, No. 4262) of Aaron Vega (with the approval of the mayor and city council) that the city of Holyoke be authorized to establish a program for enforcement against illegal dumping. To the committee on Municipalities and Regional Government.

Elder Affairs committee,— extension of time for reporting.

State Administration and Regulatory Oversight committee,— extension of time for reporting.

id.

Holyoke,— illegal dumping.

By Representative Kulik of Worthington and Senator Rosenberg, a joint petition (accompanied by bill, House, No. 4263) of Stephen Kulik and Stanley C. Rosenberg (by vote of the town) that the town of Deerfield be authorized to exempt police officers Gary Sibilia and David Gendron from the mandatory retirement age in said town. To the committee on Public Service.

Deerfield,— Gary Sibilia and David Gendron.

By Miss Gregoire of Marlborough, a petition (accompanied by bill, House, No. 4264) of Danielle W. Gregoire and others (by vote of the town) that the town of Westborough be authorized to establish an additional excise on sales of gasoline and diesel fuel. To the committee on Revenue.

Westborough,— excise tax.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Representative Collins of Boston and Senator Forry, a joint petition (subject to Joint Rule 12) of Nick Collins relative to the conveyance of a certain parcel of state owned land on East First Street in the South Boston neighborhood of the city of Boston.

Boston,— land.

By Representative Cronin of Easton and Senator Brady, a joint petition (subject to Joint Rule 12) of Claire D. Cronin and Michael D. Brady for legislation to establish a sick leave bank for Nicole Dowling, an employee of the Trial Court.

Nicole Dowling.

By Mr. Day of Stoneham, a petition (subject to Joint Rule 12) of Michael S. Day and Jason M. Lewis that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land in the town of Stoneham.

Stoneham,— land.

By Mr. Dooley of Norfolk, a petition (subject to Joint Rule 12) of Shawn Dooley for legislation to regulate or prohibit the use of marijuana in motor vehicles.

Cars, etc.— marijuana.

By Mr. Golden of Lowell, a petition (subject to Joint Rule 12) of Thomas A. Golden, Jr., James Arciero and David M. Nangle for legislation to authorize the Middlesex County Retirement System to establish an early retirement incentive program for certain employees of the Chelmsford Water District.

Chelmsford Water District.

By Mr. Michlewitz of Boston, a petition (subject to Joint Rule 12) of Aaron Michlewitz that the Massachusetts Department of Transportation be authorized to lease of certain parcel of land in the city of Boston.

Boston,— land.

By Mr. Muradian of Grafton (by request), a petition (subject to Joint Rule 12) of Eugene Seminero for legislation to lower the residency tax exemption requirement for disabled veterans from five years to two years.

Veterans,— residency exemption.

By Messrs. Murphy of Weymouth and Mariano of Quincy, a petition (subject to Joint Rule 12) of James M. Murphy and Ronald Mariano for legislation to establish a sick leave bank for Kelli Murphy, an employee of Trial Court.

Kelli Murphy,— sick leave.

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

Paper from the Senate.

A petition (accompanied by bill, Senate, No. 2268) of Sal N. DiDomenico, Daniel J. Ryan and RoseLee Vincent (with approval of the

Chelsea,— residential tax exemptions.

Chelsea,—
residential tax
exemptions.

mayor and city council) for legislation relative to the city of Chelsea’s residential tax exemption, was referred, in concurrence, to the committee on Revenue.

Reports of Committees.

Synthetic
substances.

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 David K. Muradian, Jr., Timothy R. Whelan and others for legislation to regulate certain synthetic hallucinogenic substances. Under suspension of the rules, on motion of Mr. Garballey of Arlington, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Reports

Employees,—
locked out.

Of the committee on Labor and Workforce Development, ought NOT to pass (under Joint Rule 10), on the joint petition (accompanied by bill, House, No. 4070) of Antonio F.D. Cabral and others relative to benefits of individuals who have been locked out of their place of employment by their employers; and

Workers’
compensation.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4071) of Tackey Chan relative to workers’ compensation insurance;

Under suspension of the rules, in each instance, on a motion of Mr. Scibak of South Hadley, the reports were considered forthwith. Pending the question, in each instance, on acceptance of the reports, the petitions were recommitted, on motions of the same member.

Swampscott,—
charter.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the Senate Bill revising the charter of the town of Swampscott (Senate, No. 2206) [Local Approval Received], be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. O’Day of West Boylston, 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 Ms. Ehrlich of Marblehead, the bill (having been 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.

Real estate
appraisers,—
complaints.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill providing timely consumer protection for users of real estate appraisal services (House, No. 269), be scheduled for consideration by the House.

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

Tobacco
premium
ratings.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill relative to tobacco premium ratings (House, No. 839), be scheduled for consideration by the House.

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

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill to add a compulsory death benefit to automobile liability insurance (House, No. 928), be scheduled for consideration by the House.

Automobile
liability
insurance.

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

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the State Building Code (House, No. 2843), be scheduled for consideration by the House.

State
Building
Code.

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

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the Robin Reyes Capital Stabilization Fund in the town of Dedham (House, No. 4217) [Local Approval Received], be scheduled for consideration by the House.

Dedham,—
stabilization
fund.

Under suspension of Rule 7A, on motion of Mr. O’Day of West Boylston, the bill was read a second time forthwith; and it was ordered to a third reading.

By Ms. Hogan of Stow, for the committee on Public Health, on House, Nos. 1880, 1882, 1887, 1890, 1891, 1892, 1893, 1897, 1898, 1899, 1900, 1901, 1903, 1906, 1908, 1909, 1911, 1913, 1916, 1920, 1922, 1925, 1927, 1928, 1929, 1931, 1933, 1935, 1936, 1937, 1940, 1942, 1943, 1945, 1948, 1949, 1950, 1951, 1952, 1955, 1957, 1964, 1966, 1967, 1968, 1969, 1972, 1978, 1980, 1981, 1984, 1987, 1990, 2004, 2008, 2011, 2014, 2018, 2019, 2020, 2023, 2024, 2026, 2027, 2030, 2034, 2036, 2037, 2038, 2039, 2040, 2043, 2052, 2054, 2055, 2056, 2059, 2060, 2064, 2065, 2066, 2074, 2075, 2076, 2077, 2078, 2082, 2083, 3270, 3272, 3273, 3274, 3275, 3467, 3469, 3470, 3473, 3732, 3736, 3746 and 3790, an Order relative to authorizing the committee on Public Health to make an investigation and study of certain House documents concerning public health issues (House, No. 4242).

Public
Health,—
study.

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

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

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill to provide a pilot program for low interest loans to families with a child suffering from a terminal illness (House, No. 84, changed in section 1, in line 1, in section 3, in line 11, and also in section 5, in line 20, by striking out the

Terminal
illnesses,—
loan
program.

word "Department" and inserting in place thereof, in each instance, the words "Executive Office").

Direct care workers,—
loans.
By the same member, for the same committee, on a petition, a Bill relative to creating a loan repayment program for direct care human service workers (House, No. 124, changed in section 1, in line 5, by inserting after the word "of" the words "Elementary and Secondary").

Flame retardants,—
regulation.
By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on House, No. 2119, a Bill to protect children, firefighters and families from harmful flame retardants (House, No. 4241).
Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

Elderly home care,—
tax exemption.
By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill to provide an income tax exemption for families caring for their elderly relatives at home (House, No. 75, changed in section 1, in line 2, by striking out the year "1988" and inserting in place thereof the year "2014", and in line 8, by striking out the word "thirty" and inserting in place thereof the word "forty"; and in section 4, in line 20, by striking out the year "1998" and inserting in place thereof the year "2017").

Smoke detectors,—
residential buildings.
By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on House, Nos. 2109 and 2110, a Bill relative to the installation of approved smoke detectors in certain residential buildings and structures (House, No. 2109, changed in section 1 by adding the following paragraph:

"(e) the battery requirements of this section shall not apply to the devices that use a low power radio frequency wireless communication signal; use Wi-Fi or other wireless Local Area Networking capability to send and receive notifications to and from the internet, such as early low battery warnings before the devices reaches a critical low power level; or other such devices as the State Fire Marshal shall designate through its regulatory process.").

College savings.
By Mr. Kaufman of Lexington, for the committee on Revenue, on Senate, Nos. 1468, 1604 and 1612 and House, Nos. 2620 and 2696, a Bill building real incentives for college savings (House, No. 4231).

Deeds excise receipts.
By the same member, for the same committee, on Senate, No. 1503, a Bill relative to deeds excise receipts (House, No. 4232).

Tax refunds,—
interest.
By the same member, for the same committee, on Senate, Nos. 1526 and 1544, a Bill providing interest rate parity (House, No. 4234).

Disabled,—
tax credits.
By the same member, for the same committee, on Senate, No. 1562, a Bill to create property tax credits for individuals with disabilities (House, No. 4235).

Hotel etc.—
occupancy tax.
By the same member, for the same committee, on Senate, No. 1614 and House, Nos. 2618 and 2645, a Bill providing for local aid enhancement (House, No. 4236) [Senator Fattman dissenting].

Earned income tax credit.
By the same member, for the same committee, on House, No. 3901, a Bill clarifying eligibility for the earned income tax credit (House, No. 4237).

Public property sales.
By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on House, No. 2836, a Bill relative to public participation in the sale of public property (House, No. 4240).

By Mr. Straus of Mattapoisett, for the committee on Transportation, on House, No. 3543, a Bill establishing a cultural highway (House, No. 4245).

Cultural highway.

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

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, an Order relative to the appointment of a special committee of the House for the purpose of making an investigation and study of the children of justice-involved mothers in the Commonwealth (House, No. 3208, changed in lines 2 and 7 by striking out the word "incarcerated" and inserting in place thereof, in each instance, the following: "justice-involved"). Referred, under Rule 33, to the committee on Ways and Means.

Justice-involved mothers,—
study.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill relative to mandated reporters (House, No. 132, changed in section 1, in line 1, by striking out the year "2012" and inserting in place thereof the year "2014"; in section 2, in line 6, by striking out the words "drug and alcoholism counselor"; and in section 3, in line 10, by striking out the words "drug and alcoholism counselor", the following words:— athletic coach, tutor" and inserting in place thereof the words "the following words:— athletic coach").

Mandated reporters,—
definition.

By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a petition, a Bill making a corrective change for a certain reserve fund in the town of Hingham (House, No. 4051) [Local Approval Received].

Hingham,—
fund.

By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on a petition, a Bill requiring microphones and audio-recorders on tasers (House, No. 2130, changed in section 1 by adding the following sentence: "Any recording by means of such portable device or weapon made by a police officer of a municipality that has accepted this section shall not be considered a public record, as defined in clause Twenty-sixth of section 7 of chapter 4 or section 10 of chapter 66; provided, however, that the chief of police of a municipality that has accepted this section may release such a recording to the public if he or she determines that doing so would be in the public interest.") [Representative Whelan of Brewster dissenting].

Tasers,—
recording devices.

By Mr. Kaufman of Lexington, for the committee on Revenue, on Senate, No. 1523 and House, Nos. 2515 and 2539, a Bill clarifying occupancy excise and internet hotel room resellers (House, No. 4233) [Senator Fattman dissenting].

Hotels, etc.—
occupancy tax.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on House, No. 3337, a Bill exempting the city of Springfield from certain provisions of Section 29 of Chapter 43 (House, No. 4255) [Local Approval Received].

Springfield,—
municipal contracts.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on House, No. 2986, a Bill relative to parking systems (House, No. 4243).

Parking systems.

By the same member, for the same committee, on House, No. 3054, a Bill relative to the move over law (House, No. 4244).

Move over law,—
expansion.

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

Emergency Measure.

Donna Juarez,—
sick leave.

The engrossed Bill establishing a sick leave bank for Donna Juarez, an employee of the Department of Developmental Assistance (see House, No. 4055, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 6 to 0. Sent to the Senate for concurrence.

Bill enacted.

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

Orders of the Day.

Third reading bill.

The House Bill protecting the rights of custodial and other non-teaching employees of school districts (House, No. 2319) (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; and it was passed to be engrossed. Sent to the Senate for concurrence.

Bellingham,—
liquor license.

The Senate Bill authorizing the town of Bellingham to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 148), 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, in concurrence, Mr. Speliotis of Danvers moved to amend it in section 1, in line 4, by inserting after the word "street" the following: "suite 6A"; and in lines 8 and 9 by striking out the words "indicating that the license is in good standing with the department and that all applicable taxes" and inserting in place thereof the words "and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions". The amendments were adopted; and the bill (Senate, No. 148, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments.

Wayland,—
revolving fund.

The House Bill authorizing the town of Wayland to increase the annual spending limit for its recreation department revolving fund (House, No. 3940) (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.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it in line 3 by striking out the figure "5" and inserting in place thereof the figure "2½".

The amendment was adopted; and the bill (House, No. 3940, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At the eighteen minutes before twelve o'clock noon, on motion of Mr. D'Emilia of Bridgewater (Mr. Kafka of Stoughton being in the Chair), the House recessed until a quarter before one o'clock P.M.; and at twenty-seven minutes after one o'clock, the House was called to order with Mr. Kafka in the Chair.

Engrossed Bills.

The engrossed Bill validating the actions taken at a certain town meeting held in the town of Rochester (see House bill printed in House, No. 3918) (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 (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Engrossed bills
Designating Courtroom G within the First District Court of Essex County in the city of Salem as the David T. Doyle Courtroom (see Senate, No. 866);

Bills enacted.

Amending the town manager act of Arlington authorizing the town manager to appoint the director of assessments (see Senate, No. 1934, amended); and

Revising the charter of the town of Swampscott (see Senate, No. 2206); (Which severally originated in the Senate);

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.

Order.

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

Next sitting.

At a half past one o'clock P.M., on motion of Mr. D'Emilia of Bridgewater (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.