

JOURNAL OF THE HOUSE.

Wednesday, May 11, 2016.

Met according to adjournment at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement Concerning Representative Fox of Boston.

A statement of Mrs. Haddad of Somerset concerning Ms. Fox of Boston was spread upon the records of the House, as follows:

Statement concerning Ms. Fox of Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Fox of Boston, is unable to be present in the House Chamber for today's sitting due to medical reasons. Her missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Wagner of Chicopee.

A statement of Mr. Mariano of Quincy concerning Mr. Wagner of Chicopee was spread upon the records of the House, as follows:

Statement concerning Mr. Wagner of Chicopee.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Wagner of Chicopee, is unable to be present in the House Chamber for today's sitting due to the death of a close friend. His missing of roll calls today is due entirely to the reason stated.

Foster Kids Awareness Day and Guests of the House.

During the session, the Speaker turned the gavel over to Ms. DiZoglio of Methuen for the purpose of honoring foster children on the occasion of Foster Kids Awareness Day at the State House. Foster Kids of the Merrimack Valley, Inc. is a non-profit organization dedicated to serving the needs of foster children in the Merrimack Valley, including all of Greater Haverhill, Lawrence, Methuen, Andover and North Andover. Its goal is to bring a positive influence into the lives of these children and support them as they grow. The organization offers a range of programs for local foster children of all ages and works closely with the Department of Children and Families to make sure their programs are complementary and needed, and that they do not overlap with state and federally funded programs. Foster Kids of the Merrimack Valley, Inc. is run by former State Representative Larry F. Giordano and his wife Eileen of Methuen who were present in the House Chamber. Ms. DiZoglio then read and presented them with previously adopted resolutions of the House in recognition of foster kids in the Commonwealth. They were the guests of Representatives DiZoglio of Methuen and Dempsey of Haverhill.

Foster Kids Awareness Day and former Representative Larry Giordano and Eileen Giordano.

Order.

The following order (filed by Mr. Michlewitz of Boston) 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 Financial Services be granted until Wednesday, July 6, 2016, within which time to make its final report on current House document numbered 4148.

Financial Services committee,— extension of time for reporting.

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4279), ought to be adopted. Under suspension of the rules, on motion of Mr. Michlewitz, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Paper from the Senate.

A Bill authorizing the town of Middleborough to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (Senate, No. 2091) (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.

Middleborough,— liquor license.

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 following petitions:

Petition (accompanied by bill) of Garrett J. Bradley that the Plymouth County Contributory Retirement System be authorized to issue pension funding bonds or notes. To the committee on Municipalities and Regional Government.

Plymouth County,— retirement.

Petition (accompanied by bill) 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. To the committee on the Judiciary.

Nicole Dowling.

Petition (accompanied by bill) of Colleen M. Garry for legislation to limit sick leave and vacation buy backs for public employees;

Employees,— buy backs.

Petition (accompanied by bill) 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.

Petition (accompanied by bill) of Kenneth I. Gordon for legislation to establish a sick leave bank for David J. Saulnier, an employee of the Middlesex Sheriff's Office; and

David J. Saulnier.

Petition (accompanied by bill) of John C. Velis for legislation to establish a sick leave bank for Christopher Mullen, an employee of the Hampshire County Sheriff's Office;

Christopher Mullen,— sick leave.

Severally to the committee on Public Service.

Petition (accompanied by bill) of Aaron Michlewitz that the Massachusetts Department of Transportation be authorized to lease of certain parcel of land in the city of Boston. To the committee on State Administration and Regulatory.

Boston,— land.

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

Needlestick
injury
prevention.

By Mr. Sánchez of Boston, for the committee on Health Care Financing, that the Bill relative to needlestick injury prevention in public health facilities and settings (House, No. 1930), ought to pass. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Reports

Claims
database,—
transparency.

Of the committee on Financial Services, ought NOT to pass (under Joint Rule 10), on 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
ministry.

Of the same committee, ought NOT to pass (under Joint Rule 10), on 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.

Providers,—
health
insurance.

Of the same committee, ought NOT to pass (under Joint Rule 10), on 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 same committee, ought NOT to pass (under Joint Rule 10), on 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.

Hearing aids,—
insurance.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 946) of John W. Scibak and others for legislation to provide health benefit plan coverage for hearing aids.

Contraceptive
coverage
equity law.

Of the same committee, ought NOT to pass (under Joint Rule 10), on 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.

Under suspension of the rules, in each instance, on a motion of Mr. Garballey of Arlington, 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.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House:

Senate bills

Berkshire
County.

Relative to the membership of Berkshire County Regional Housing Authority (Senate, No. 693);

Moyamoya
Disease.

Designating May 6 as Moyamoya Disease awareness day (Senate, No. 1674); and

Becket,—
parks.

Authorizing the town of Becket to establish a parks and recreation committee (Senate, No. 2224) [Local Approval Received]; and

House bills

Relative to firefighters in the town of Concord (House, No. 3878) [Local Approval Received];

Relative to the International Trade Commission's reporting requirements (House, No. 4178);

Further regulating the sale of alcoholic beverages in the city of Somerville (House, No. 4184) [Local Approval Received];

Authorizing the town of Acton to grant 16 additional licenses for the sale of all alcoholic beverages and 6 additional licenses for the sale of wines and malt beverages to be drunk on the premises (House, No. 4185) [Local Approval Received];

Providing for a workforce housing financing plan (House, No. 4211); Relative to industrial zoned small business property tax exemption (House, No. 4212); and

Providing for limited property tax relief for certain elder citizens in the town of Andover (House, No. 4214) [Local Approval Received];

Under suspension of Rule 7A, in each instance, on motion of Mr. O'Day of West Boylston, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Concord,—
firefighters.

Trade
Commission.

Somerville,—
liquor licenses.

Acton,—
liquor licenses.

Housing.

Small
businesses.

Andover,—
property
taxes.

Provincetown,—
taxes.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill increasing the exemption for residential property in the town of Provincetown (House, No. 4216) [Local Approval Received], be scheduled for consideration by the House.

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 government publications (House, No. 2730), be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Garballey of Arlington, the bill was read a second time; and it was referred, under Rule 33, to the committee on Ways and Means.

Publications.

By Mr. Galvin of Canton, for the committee on Rules, that the Bill to establish a special commission to consider an appropriate tribute to Nelson Mandela in the city of Boston (House, No. 2929), ought to pass.

By the same member, for the committees on Rules of the two branches, acting concurrently, that the Resolve establishing a commission to study the feasibility of a secure choice retirement savings option (House, No. 4204), ought to pass.

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

Nelson
Mandela,—
study.

Retirement
savings
options.

By Mr. Sánchez of Boston, for the committee on Health Care Financing, that the Bill relative to promoting innovation in eldercare services (House, No. 527), ought to pass with an amendment in section 3, in line 25, by inserting after the word "Age" the words ", a representative from a labor organization representing individuals working in nursing facilities" [Cost: Greater than \$100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

Eldercare
services.

Springfield and Boston,— rail service.

By Mr. Straus of Mattapoissett, for the committee on Transportation, on a petition, a Bill relative to improving passenger rail service between Springfield and Boston (House, No. 3026). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Health Policy Commission.

By Mr. Sánchez of Boston, for the committee on Health Care Financing, on House, No. 3678, a Bill relative to protecting health care consumers (House, No. 4277) [Cost: Greater than \$100,000.00].

Recycling.

By Mr. Straus of Mattapoissett, for the committee on Transportation, on a petition, a Bill supporting recycling across the Commonwealth (House, No. 3316).

Automobile inspection stations.

By the same member, for the same committee, on House, No. 3044, a Bill relative to licensing and operating requirements of automobile inspection stations (House, No. 4274).

Municipal finance.

By the same member, for the same committee, on House, No. 3910, a Bill relative to modernize municipal finance and government (House, No. 4275).

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

Marshfield.

By Mr. Straus of Mattapoissett, for the committee on Transportation, on a petition, a Bill designating Marshfield the home of Senator Daniel Webster and Governor Edward Winslow (House, No. 2961).

Transit authorities.

By the same member, for the same committee, on a petition, a Bill relative to membership in regional transit authorities (House, No. 3028).

Notice of injury.

By the same member, for the same committee, on a petition, a Bill to restore accountability in claims against non-governmental actors for damage caused by public way defects (House, No. 3539).

Salem,— port authority.

By the same member, for the same committee, on a joint petition, a Bill authorizing the city of Salem to establish the Salem Harbor port authority (House, No. 3894, changed in section 1, in lines 5 and 6, by striking out the words "Salem residents" and inserting in place thereof the word "individuals") [Local Approval Received].

Students,— licenses.

By the same member, for the same committee, on a petition, a Bill relative to drivers licenses for international students (House, No. 3981).

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

Engrossed Bill.

Bill enacted.

The engrossed Bill authorizing the city of Northampton to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4042) (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.

Recess.

Recess.

At nineteen 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 that time the House was called to order with the Speaker in the Chair.

Reports of Committees.

Mr. Donato of Medford being in the Chair,—

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to housing, operations, military service, and enrichment (House, No. 4230), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4278). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Military supports.

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

Under suspension of said rule, on motion of Mr. O'Day of West Boylston, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted and the substituted bill was ordered to a third reading.

Subsequently (the Speaker being in the Chair) under suspension of the rules, on motion of Mr. Parisella of Beverly, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill (as changed by the committee on Bills in the Third Reading) to be engrossed (Mr. Donato of Medford being in the Chair), Ms. DiZoglio of Methuen moved to amend it by adding the following section:

"SECTION 21. Section 1 of chapter 60A of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the eighth paragraph and inserting in place thereof the following paragraph:—

The excise imposed by this chapter shall not apply to a motor vehicle owned and registered by or leased to a resident who is in active and full-time military service as a member in the armed forces of the United States or the national guard, army or air, of any state, and has been deployed or stationed outside the territorial boundaries of the commonwealth for a period of at least 45 days in the calendar year of the exemption. If the military member is wounded or killed in an armed conflict, he shall not be subject to the foregoing period of service qualification for the calendar year in which he is wounded or killed. This exemption shall apply only to a motor vehicle owned and registered by or leased to a military member in his own name or jointly with a spouse for a non-commercial purpose and a military member may qualify for this exemption for only 1 motor vehicle for each calendar year."

After remarks 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 154 members voted in the affirmative and 0 in the negative.

Amendment adopted,— yeas and nays No. 245.

[See Yeas and Nays No. 245 in Supplement.]

Therefore the amendment was adopted.

Pending the question on passing the bill, as amended, to be engrossed Mr. Silvia of Fall River moved to amend it by adding the following section:

Military supports.

“SECTION 22. Chapter 2 of the General Laws is hereby amended by adding the following section: Section 62. The Gold Star Families Memorial Monument located in Bicentennial Park in the city of Fall River shall be the official Gold Star Families Memorial Monument of the commonwealth.”

After remarks 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 154 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 246 in Supplement.]

Therefore the amendment was adopted.

Mr. Jones of North Reading then moved to amend the bill by adding the following section:

“SECTION 23. Section 2 of chapter 90, as appearing in the 2014 Official Edition, is hereby amended by inserting, after line 523, the following new paragraph:—

The registrar shall recognize the eligibility of the next of kin of a member of the military, in possession of a Gold Star Lapel Button, under regulations prescribed by the United States Secretary of Defense, to obtain a ‘Gold Star Family’ registration plate. Possession of a Gold Star Lapel Button and a letter of approval, both issued by the United States Department of Defense, shall be sufficient proof of eligibility for the registrar to furnish a Gold Star Family registration plate. The possession of a Gold Star Lapel Button shall not be a requirement of eligibility for persons who have otherwise presented satisfactory evidence of Gold Star family member status as determined by the registrar.”

The amendment was adopted.

Mr. McMurtry of Dedham then moved to amend the bill by adding the following two sections:

“SECTION 24. Chapter 60 of the General Laws is hereby amended by inserting after section 35 the following section:—

Section 35A. (a) No municipality shall publish or cause to be published the name, or other individually identifying information, of a veteran still owing a tax pursuant to this chapter after it has become due and payable.

(b) A municipality may communicate through the municipality’s veterans’ agent in order to provide notice and information related to a tax due and payable under this chapter to the veteran owing such tax.

SECTION 25. Section 21 of chapter 62C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the word ‘taxpayers’, in line 70, the following words:— ; provided, however, that the name and address of a veteran shall not be published as part of said list.”

The amendment was adopted.

Mr. Swan of Springfield then moved to amend the bill by adding the following section:

“SECTION 26. The Department of corrections and the executive office of health and human services shall study the feasibility and costs associated with transporting incarcerated disabled veterans that are eligible for treatment through the federal department of veterans affairs to medical facility operated by the department of veterans affairs.”

The amendment was adopted.

Amendment adopted,—yea and nay No. 246.

Messrs. Velis of Westfield, Vega of Holyoke and Finn of West Springfield then moved to amend the bill in section 10 by adding the following sentence: “Nothing in this section shall be construed as to supersede sections 40, 41, 70 and 71 of chapter 6.”. The amendment was adopted.

Messrs. Wong of Saugus and Jones of North Reading then moved to amend the bill by adding the following section:

“SECTION 27. Any city, town or district in the Commonwealth may, subject to the approval of the city, town or district’s legislative body, designate a place on its municipal property tax bills or motor vehicle excise tax bills or mail with such tax bills a separate form whereby taxpayers of the city, town or district can voluntarily check off, donate, and pledge an amount of money which shall increase the amount already due to a fund under the supervision of the local veterans agent, the board or officer in charge of the collection of the municipal charge, fee or fine, or the town collector of taxes.

The purpose of this fund is to provide support for veterans and their dependents in need of immediate assistance with food, transportation, heat, and oil expenses. The city, town or district’s Veterans Services Department shall a) establish an application process for veterans and their dependents to obtain assistance; b) establish standards for acceptable documentation of veteran status or dependent status; and c) establish financial eligibility criteria for determining need and amount of assistance for eligible applicants. It shall be responsible for reviewing each applicant, and fairly applying these eligibility and level of need standards.”

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Wong of Saugus; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 247 in Supplement.]

Therefore the amendment was adopted.

Subsequently a statement of Mr. Lyons of Andover was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call I was absent from the House Chamber on legislative business in another part of the State House. Had I been present I would have voted in the affirmative.

Mrs. O’Connell of Taunton and other members of the House then moved to amend the bill, in section 13, in line 129, by inserting after the word “veterans” the words “; provided that veterans shall receive preference over applicants that fail to provide a Social Security Number or alien registration number unless under lawfully protected status.”. The amendment was rejected.

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House taken by yeas and nays, at the request of Mr. Parisella of Beverly; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 248 in Supplement.]

Therefore the bill (House, No. 4285, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Amendment adopted,—yea and nay No. 247.

Statement of Mr. Lyons of Andover.

Bill passed to be engrossed,—yea and nay No. 248.

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.

Accordingly, without proceeding to the matters in the Orders of the Day, at twenty-seven minutes before four o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.