

JOURNAL OF THE HOUSE.

Wednesday, May 25, 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.

Silent Prayers.

Roland Tarentino.

During the session (the Speaker being in the Chair), at the request of Representatives Frost of Auburn, Campanale of Leicester, Lyons of Andover and Miceli of Wilmington, the members, guests and employees stood in a moment of silent tribute to the memory of Officer Ronald Tarentino, Jr., 42, who was senselessly shot and killed by the occupant of a vehicle he pulled over around 12:30 a.m. Sunday in the town of Auburn.

Office Tarentino leaves behind a wife and three children. He had been with the Auburn Police Department since he transferred there from the Leicester Police Department two years ago.

Elizabeth G. "Betty" Baker.

During the session (the Speaker being in the Chair), at the request of Speaker DeLeo of Winthrop and Representatives Jones of North Reading, Ehrlich of Marblehead and all other members of the House, the members, guests and employees stood in a moment of silent tribute to the memory of Elizabeth G. "Betty" Baker, the mother of Governor Charles D. Baker, who died Saturday at the age of 83.

Message from the Governor.

Sick time.

A message from His Excellency the Governor recommending legislation relative to reforming sick time (House, No. 4341), was filed this day in the office of the Clerk.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Public Service. Sent to the Senate for concurrence.

Guests of the House.

St. Agatha School students.

During the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced, 8th Grade students, teachers and chaperones from St. Agatha School in Milton who were seated in the House Chamber. They were the guests of Speaker DeLeo of Winthrop and Mr. Timilty of Milton.

Petitions.

Petitions severally were presented and referred as follows:

Marlborough,—civil service.

By Miss Gregoire of Marlborough, a petition (accompanied by bill, House, No. 4337) of Danielle W. Gregoire, James B. Eldridge and

Carmine L. Gentile (with the approval of the mayor and city council) that the city of Marlborough be authorized to exempt certain positions from the civil service law; and

Sharon,—civil service.

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 4338) of Louis L. Kafka and James E. Timilty (by vote of the town) that the town of Sharon be authorized to exempt future members of the police force from the provisions of the civil service law;

Severally to the committee on Public Service.

Sharon,—abatement.

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 4339) of Louis L. Kafka and James E. Timilty (by vote of the town) that the town of Sharon be authorized to abate a portion of real estate taxes assessed on a certain parcel of land in said town. To the committee on Revenue.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Representative Heroux of Attleboro and Senator Ross, a joint petition (subject to Joint Rule 12) of Paul R. Heroux and Richard J. Ross for legislation to establish a sick leave bank for Jennifer Gay, an employee of the Department of Developmental Services.

Jennifer Gay,—sick leave.

By Ms. Peake of Provincetown, a petition (subject to Joint Rule 12) of Sarah K. Peake relative to confirming title to a certain property in the town of Provincetown taken by eminent domain.

Provincetown,—title.

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

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 Tackey Chan that the Division of Medical Assistance be authorized to include dentures, restorative, endodontic and periodontal treatment within its covered services for certain persons ages 65 and older. Under suspension of the rules, on motion of Mr. Chan of Quincy, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Elder Affairs. Sent to the Senate for concurrence.

Seniors,—dental benefits.

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 Timothy R. Whelan, Brian M. Ashe and others relative to the classification of certain controlled substances. Under suspension of the rules, on motion of Mr. Whelan of Brewster, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Mental Health and Substance Abuse. Sent to the Senate for concurrence.

Controlled substances.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to family financial protection (House, No. 4194),—and recommending that the same be referred to the committee on Ways and

Family finances.

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

State Parks Day. By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the Senate Bill designating the first Wednesday in May as State Parks Day (Senate, No. 1712, amended), be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, 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 following bills be scheduled for consideration by the House:

Senate bills

Charlton,— fees. Relative to certain charges and fees in the town of Charlton (Senate, No. 2068) [Local Approval Received];

Westport,— medical bill. Authorizing the town of Westport to indemnify the payment of certain medical expenses for a retired firefighter (Senate, No. 2086) [Local Approval Received]; and

West Bridgewater,— liquor licenses. Authorizing the town of West Bridgewater to grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises and 1 additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2292) [Local Approval Received]; and

House bills

Women's Defense Corps,— day. Relative to the annual observance of Massachusetts Women's Defense Corps remembrance day (House, No. 4074);

Patricia Barry. Establishing a sick leave bank for Patricia Barry, an employee of the Department of Public Health (House, No. 4266); and

David J. Saulnier,— sick leave. Establishing a sick leave bank for David J. Saulnier, an employee of the Middlesex Sheriff's Office (House, No. 4291);

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

By Mr. Sánchez of Boston, for the committee on Health Care Financing, that the following resolves ought to pass:

Robotic surgery. Resolve providing for an investigation and study by a special commission relative to robotic surgery in the Commonwealth (House, No. 4114); and

Behavioral health. Resolve establishing a special commission on behavioral health promotion and upstream prevention (House, No. 4128).

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

By Mr. Sánchez of Boston, for the committee on Health Care Financing, that the following bills ought to pass:

Food labeling. Relative to food labeling (House, No. 4065) [Cost: Greater than \$100,000.00]; and

Denture construction. Relative to denture construction safety (House, No. 4069) [Cost: Greater than \$100,000.00].

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

By Mr. Sánchez of Boston, for the committee on Health Care Financing, that the Bill relative to lead abatement (House, No. 2049), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4276). Read; and referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

Lead abatement.

By Mr. Sánchez of Boston, for the committee on Health Care Financing, that the following bills ought to pass:

Relative to strengthening the consumer protections and ensuring the proper labeling of fish sold in the Commonwealth (House, No. 4066); and

Fish,— labeling.

Relative to death benefit claims (House, No. 4068); Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Death benefits.

By Mr. Sánchez of Boston, for the committee on Health Care Financing, on Senate, No. 565 and House, No. 1024, a Bill relative to physician assistants (House, No. 1024). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Physician assistants.

By Ms. Hogan of Stow, for the committee on Public Health, on House, No. 3271, a Bill concerning nondiscrimination in access to organ transplantation (House, No. 4332). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Organ transplantation.

By Ms. Peisch of Wellesley, for the committee on Education, on House, Nos. 327, 498 and 3225, a Bill relative to language opportunity for our kids (House, No. 4330).

Children,— languages.

By Mr. Sánchez of Boston, for the committee on Health Care Financing, on Senate, No. 2104 and House, No. 3701, a Bill relative to postpartum depression screening (House, No. 3701) [Cost: Greater than \$100,000.00].

Postpartum depression.

By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the Plymouth County Contributory Retirement System to issue pension funding bonds or notes (House, No. 4300).

Plymouth,— pension bonds.

By the same member, for the same committee, on House, No. 3906, a Bill to modernize municipal finance and government (House, No. 4331).

Municipal finance.

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 joint petition, a Bill to authorize the town of Foxborough to establish additional mandated reporters in the town of Foxborough for the purposes of the protection and care of children (House, No. 4192) [Local Approval Received].

Foxborough,— mandated reporters.

By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the city

Holyoke,— illegal dumping.

Holyoke,—
illegal
dumping.

of Holyoke to establish a program for enforcement against illegal dumping (House, No. 4262) [Local Approval Received].

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

Adopted
children.

By Mr. Parisella of Beverly, for the committee on Veterans and Federal Affairs, on a petition, Resolutions [sic] equality for America's adopted children (House, No. 3317). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

Evelena
Brown,—
sick leave.

The engrossed Bill establishing a sick leave bank for Evelena Brown, an employee of the Department of Children and Families (see Senate, No. 2238) having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 3 to 0. Sent to the Senate for concurrence.

Bill
enacted.

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

Recess.

Recess.

At fourteen minutes after eleven o'clock A.M., on motion of Mrs. Orrall of Lakeville (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at four minutes after one o'clock the House was called to order with the Speaker in the Chair.

Quorum.

Quorum.

Mr. Donato of Medford thereupon asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,—
yea and nay
No. 254.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 147 members were recorded as being in attendance.

[See Yea and Nay No. 254 in Supplement.]

Therefore a quorum was present.

Reports of Committees.

Public
records.

Mr. Donato of Medford being in the Chair,—

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2127; and by striking out the title and inserting in place thereof the following title: "An Act improving the administration and enforcement of public records

law) of the House Bill to improve public records (House, No. 3858, amended),— recommending passage of a Bill with the same title (House, No. 4333),— be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Kocot of Northampton, the report was considered forthwith.

After debate on the question on acceptance of the report (the Speaker being in the Chair), the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call (Mr. Donato of Medford having returned to the Chair) 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 255 in Supplement.]

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence

Conference
committee
report
accepted,—
yea and nay
No. 255.

Quorum.

Subsequently, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 149 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 256.

[See Yea and Nay No. 256 in Supplement.]

Therefore a quorum was present.

Report of a Committee.

Mr. Galvin of Canton, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) that an Order relative to special procedures for consideration of the Senate Bill relative to transgender anti-discrimination [Senate, No. 735] (for order, see House, No. 4340), ought to be adopted.

Transgender
anti-
discrimination,—
procedures.

After remarks on the question on adoption of the order, Mr. Jones of North Reading and other members of the House moved to amend it in line 5 by inserting, after the word "Speaker" the following: "; filed no later than twelve o'clock P.M. Wednesday, June 1, 2016".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 39 members voted in the affirmative and 115 in the negative.

Amendment
rejected,—
yea and nay
No. 257.

[See Yea and Nay No. 257 in Supplement.]

Therefore the amendment was rejected.

On the question on adoption of the order, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 114 members voted in the affirmative and 30 in the negative.

Order
adopted,—
yea and nay
No. 258.

[See Yea and Nay No. 258 in Supplement.]

Therefore the order was adopted.

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

Statement of
Mr. Holmes
of Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call I voted in the affirmative. I now find that for some inexplicable reason my vote was not recorded.

Engrossed Bill.

Bill
enacted.

The engrossed Bill to improve public records (see House, No. 4333) (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.

Order.

Next
sitting.

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.

Accordingly, without proceeding to the matters in the Orders of the Day, at thirteen minutes before four o'clock P.M., on motion of Mrs. Orrall of Lakeville (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.