

JOURNAL OF THE HOUSE.

Thursday, June 9, 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).

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.

Guests of the House.

Falls School of North Attleborough.

At the beginning of the session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced, seated in the House Chamber, students from Falls Elementary School in North Attleborough. At the invitation of the Chair, the students participated in the pledge of allegiance to the flag. They were the guests of Representative Poirier of North Attleborough.

Resolutions.

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

Helen Weiser.

Resolutions (filed by Mr. Bradley of Hingham) honoring Helen Weiser on the occasion of her ninetieth birthday;

Emily Gebow.

Resolutions (filed by Mr. Hill of Ipswich) congratulating Emily Gebow on receiving the Gold Award of the Girl Scouts of America;

Sarah Gebow.

Resolutions (filed by Mr. Hill of Ipswich) congratulating Sarah Gebow on receiving the Gold Award of the Girl Scouts of America;

Andrew McPhee.

Resolutions (filed by Mr. Barrows of Mansfield) congratulating Andrew McPhee on receiving the Eagle Award of the Boy Scouts of America;

Joseph Fritts.

Resolutions (filed by Messrs. Calter of Kingston, Muratore of Plymouth and Hunt of Sandwich) congratulating Joseph M. Fritts on receiving the Eagle Award of the Boy Scouts of America;

Neil Lodi.

Resolutions (filed by Messrs. Calter of Kingston, Muratore of Plymouth and Hunt of Sandwich) congratulating Neil Jake Lodi on receiving the Eagle Award of the Boy Scouts of America;

Patrick Murphy.

Resolutions (filed by Messrs. Calter of Kingston, Muratore of Plymouth and Hunt of Sandwich) congratulating Patrick E. Murphy on receiving the Eagle Award of the Boy Scouts of America;

Josephine Capuzziello.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Josephine L. Capuzziello on the occasion of her one hundredth birthday;

Elaine McKenna.

Resolutions (Ms. Hogan of Stow) congratulating Elaine McKenna on being recognized as a 2016 Unsung Heroine; and

William Wallace.

Resolutions (filed by Representatives Keefe of Worcester, Mahoney of Worcester, Campanale of Leicester and Donahue of Worcester) commending William D. Wallace on his forty years as the Executive Director of the Worcester Historical Museum;

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

Order.

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 Wednesday, June 22, 2016, within which time to make its final report on current Senate document numbered 2169, and current House documents numbered 4130, 4151, 4293, 4294, 4295 and 4329.

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

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4383), ought to be adopted. Under suspension of the rules, on motion of Mr. Tucker of Salem, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Papers from the Senate.

A petition (accompanied by bill) of Eric P. Lesser and Brian M. Ashe for legislation relative to retirement benefits for Mary Donna Nodurf, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Mary Donna Nodurf,—benefits.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2326) was referred, in concurrence, to the committee on Public Service.

The following notice was received from the Clerk of the Senate, to wit:—

June 9, 2016.

Honorable Robert A. DeLeo
Speaker of the House of Representatives
Room 356, State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Stanley C. Rosenberg, President of the Senate, has announced the appointment of Senator Joseph C. Boncore, pursuant to Executive Order 535, to the Public Market Commission; and that

Public Market Commission.

The Honorable Bruce E. Tarr, Senate Minority Leader, has announced the appointment (pursuant to Section 1 of Chapter 226 of the Acts of 2014) of Senator Richard J. Ross to the Commission on Autism (Senator Ross' constituent services director, Katlin McInnis when necessary will represent him on the Commission).

Autism Commission.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

Public Service,—
study. By Mr. Murphy of Weymouth, for the committee on Public Service, on House, Nos. 17, 26, 27, 54, 61, 2199, 2200, 2201, 2205, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2219, 2220, 2221, 2222, 2224, 2225, 2226, 2227, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2241, 2244, 2245, 2246, 2247, 2248, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2258, 2259, 2260, 2262, 2263, 2265, 2266, 2267, 2268, 2269, 2271, 2274, 2275, 2276, 2278, 2279, 2280, 2282, 2283, 2284, 2287, 2288, 2290, 2291, 2292, 2293, 2294, 2295, 2297, 2298, 2301, 2302, 2303, 2305, 2307, 2309, 2310, 2311, 2312, 2314, 2315, 2316, 2317, 2318, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2335, 2336, 2337, 2338, 2340, 2341, 2342, 2343, 2344, 2345, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2373, 2375, 2377, 2379, 2380, 2381, 2382, 2383, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2395, 2397, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2411, 2412, 2414, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2426, 2427, 2429, 2430, 2431, 3279, 3281, 3284, 3286, 3287, 3289, 3390, 3486, 3487, 3489, 3491, 3493, 3624, 3827, 3885, 3899, 3974, and 4012, an Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning public service issues (House, No. 4367). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

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.

Id. Mr. Galvin of Canton, for said committee on Rules, on the foregoing Order, then reported, in part, asking to be discharged from further consideration:

Robert Emmet Fitzgerald,—
pension. Of the petition (accompanied by bill, House, No. 2420) of Ellen Story and Peter V. Kocot for legislation to provide a certain pension to Robert Emmet Fitzgerald, a former State Police officer, injured while in the performance of his duties as an undercover state police narcotics officer;

Cambridge,—
residency. Of the petition (accompanied by bill, House, No. 3287) of Timothy J. Toomey, Jr. (with the approval of the mayor and the city council) that the city of Cambridge be authorized to establish a one year residency requirement for police and fire department applicants;

Newton,—
special police. Of the petition (accompanied by bill, House, No. 3885) of Kay Khan, Ruth B. Balsler and John J. Lawn, Jr. (with the approval of the mayor and board of aldermen) that the city of Newton be authorized to appoint retired police officers as special police officers notwithstanding the maximum age restrictions;

Inspectors,—
retirement. Of the petition (accompanied by bill, House, No. 3899) of Stephen Kulik and others relative to the retirement classification of state inspectors; and

Of the petition (accompanied by bill, House, No. 4012) of Colleen M. Garry (by vote of the town) relative to the appointment of special police officers in the town of Dracut;

Dracut,—
special police.

And recommending that the same severally be recommitted to the committee on Public Service.

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

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

Relative to Medicaid (House, No. 822);

Medicaid.

Updating the law relating to posting a security for seized animals in cruelty cases (House, No. 1220);

Animals,—
security.

Prohibiting the bullying of public school employees (House, No. 1728);

Bullying.

Relative to membership in regional transit authorities (House, No. 3028);

RTAs.

Relative to increasing hotel and motel safety (House, No. 3277);

Hotel safety.

To restore accountability in claims against non-governmental actors [sic] for damage caused by public way defects (House, No. 3539);

Injury claims.

To ensure compliance with the anti-shackling law for pregnant incarcerated women (House, No. 3679);

Anti-shackling.

Clarifying participation in athletic safety programs (House, No. 3700); and

Sports safety.

Expanding educational opportunities for vocational students (House, No. 4271);

Vocational students.

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

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill increasing awareness of suspected opiate overdose deaths (House, No. 2104), be scheduled for consideration by the House, with the amendment previously recommended by the committee on Health Care Financing,— that the bill be amended in line 2 by striking out the figures “70” and inserting in place thereof the figures “71”; and in line 3 by striking the figures “71” and inserting in place thereof the figures “72”,— pending.

Opiate awareness.

Under suspension of Rule 7A, on motion of Mr. Kafka of Stoughton, the bill was read a second time forthwith.

The amendment recommended by the committee on Health Care Financing then was adopted; and the bill (House, No. 2104, amended) was ordered to a third reading.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on the residue of House, No. 4010, a Bill financing improvements to municipal roads and bridges (House, No. 4384). Read; and referred, under Rule 33, to the committee on Ways and Means.

Municipal roads and bridges.

By Mr. Murphy of Weymouth, for the committee on Public Service, on a joint petition, a Bill authorizing the town of Deerfield to continue the employment of police officers Gary Sibilia and David Gendron (House, No. 4263).

Deerfield,—
police officers.

Chelmsford,—
retirement.

By the same member, for the same committee, on a petition, a Bill relative to retirement benefits for the Chelmsford Water District employees (House, No. 4290).

Robin
Waime,—
sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Robin Waime, an employee of the Department of Transportation (House, No. 4325).

Jennifer
Gay,—
sick leave.

By the same member, for the same committee, on a joint petition, a Bill establishing a sick leave bank for Jennifer Gay, an employee of the Department of Developmental Services (House, No. 4366).

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

Engrossed Bill.

Bill
enacted.

The engrossed Bill designating a certain bridge in the town of Harwich as the United States Navy Lieutenant Junior Grade Ralph Wallace Burns Memorial Bridge (see House, No. 3801, changed and amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

House bills

Third
reading
bills.

Relative to massage therapy services on Sundays and holidays (House, No. 169) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the town of Rehoboth to transfer a conservation easement on a certain parcel of land (House, No. 4158);

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. Severally sent to the Senate for concurrence.

House bills

Second
reading
bills.

Further regulating the reserve fund for credit unions (House, No. 4193); and

Relative to parking systems (House, No. 4243);
Severally were read a second time; and they were ordered to a third reading.

Woburn,—
land.

The House Bill relative to the use of a parcel of land in the city of Woburn for recreational purposes (House, No. 3957), 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, Mr. Speliotis of Danvers moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Notwithstanding section 15A of chapter 40 of the General Laws or any other general or special law to the contrary, the land commonly known as the Hurd elementary school and surrounding fields acquired by the city on or about August 12, 1954 and located at 75 Bedford Road in the city of Woburn, shown on assessors map 41 as block 9, lot 16, containing 11.27 acres more or less, and

shown on a plan entitled ‘City of Woburn Land Taking School Building’ which is recorded in the Middlesex south registry of deeds as Plan No. 1346 of 1954, currently used for educational purposes, shall continue to be under the care, custody and control of the city of Woburn school committee, and shall be used for educational purposes only, until such time as the newly constructed Wyman/Hurd elementary school is completed and all students receiving educational services at the Hurd school have been reassigned to alternative sites within the Woburn school district, at which time the school committee shall vote to authorize the transfer of the care, custody and control of said land to the Woburn recreation commission.

SECTION 2. Upon transfer to the Woburn recreation commission, said land shall be used solely for active or passive recreational uses including, but not limited to, community gardens, trails, noncommercial youth and adult sports and park, playground or athletic field purposes; provided, however, that recreational use of such land shall not include horse or dog racing or the use of the land for a stadium, gymnasium or similar structure; and provided, further, that such restriction on the use of said land shall be recorded in the Middlesex south registry of deeds.

SECTION 3. This act shall take effect upon its passage.” The amendment was adopted; and the bill (House, No. 3957, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill authorizing the conveyance of a certain parcel of land in the town of Grafton for the Massachusetts State Police Museum and Learning Center (House, No. 3973) (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.

Grafton,—
land.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it in section 1, in lines 1 to 7, inclusive, by striking out the sentence contained in those lines and inserting in place thereof the following sentence: “Notwithstanding sections 32 to 38, inclusive, of chapter 7C of the General Laws, or any general or special law to the contrary, the commissioner of capital asset management and maintenance may, in consultation with the department of state police, convey by deed all or a portion of a certain parcel of land and structure thereon located in the town of Grafton, containing approximately 5.2 acres, described in a deed recorded at the Worcester district registry of deeds in book 2527, page 177 and acquired for the construction of state police barracks, to the Massachusetts State Police Museum and Learning Center, Inc., for the public purpose of maintaining a Massachusetts state police museum and learning center, for nominal consideration.”; and

In section 4, in lines 29 to 32, inclusive, by striking out the sentence contained in those lines and inserting in place thereof the following sentence: “The Massachusetts Department of Transportation shall be responsible for all costs associated with the grant of easement pursuant to this section, and for any costs, liabilities or expenses of any kind for the development, improvement, maintenance or operation of the portions of the property subject to the easement.”.

The amendment was adopted; and the bill (House, No. 3973, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Somerville,—
liquor
licenses.

The House Bill further regulating the sale of alcoholic beverages in the city of Somerville (House, No. 4184), 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, Mr. Speliotis of Danvers moved to amend it by striking out sections 1 and 2 and inserting in place thereof the following two sections:

“SECTION 1. Section 3 of chapter 381 of the acts of 2012 is hereby amended by striking out, in line 2, the figure ‘12’ and inserting in place thereof the following figure ‘22’.

SECTION 2. Said section 3 of said chapter 381 is hereby further amended by striking out the figures ‘22’, as inserted by section 1, and inserting in place thereof the following figures— 27.”; and by striking out sections 7 to 11, inclusive, and inserting in place thereof the following five sections:

“SECTION 7. The administrative fee charged by the city of Somerville for a license granted pursuant to section 3, 4, 5 or 6 shall be the same amount as the administrative fee charged by the city for existing licenses granted for the respective category for such licenses. A license granted pursuant to section 3, 4, 5 or 6 shall be subject to all applicable ordinances of the city.

SECTION 8. Sections 1, 3, 4 and 7 shall take effect upon its passage.

SECTION 9. Section 2 shall take effect on January 1, 2019 or upon the issuance of all licenses authorized pursuant to section 3 of chapter 381 of the acts of 2012, as amended by section 1, whichever occurs first.

SECTION 10. Section 5 shall take effect on January 1, 2019 or upon the issuance of all licenses authorized pursuant to section 3, whichever occurs first.

SECTION 11. Section 6 shall take effect on January 1, 2019 or upon the issuance of all licenses authorized pursuant to section 4, whichever occurs first.”.

The amendments were adopted; and the bill (House, No. 4184, amended) 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 Monday next at eleven o'clock A.M.

At twenty-three minutes after eleven o'clock A.M., on motion of Mr. Smola of Warren (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.