

# JOURNAL OF THE HOUSE.

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Monday, June 23, 2014.

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).

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.

### *Message from the Governor.*

A message from His Excellency the Governor recommending legislation relative to making certain appropriations for fiscal year 2015 before final action on the General Appropriation Bill (House, No. 4217), was filed in the office of the Clerk on Friday, June 20. State funds,—  
emergency  
expenditure.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

### *Guests of the House.*

At the beginning of the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced, seated in the House Chamber, the 6th grade class of the [former Representative] Matthew J. Kuss Middle School in Fall River. Students from  
Matthew J.  
Kuss Middle  
School in  
Fall River.

At the invitation of the Chair, the students participated in the pledge of allegiance to the flag. They were the guests of Representative Silvia of Fall River and Senator Rodrigues.

### *Resolutions.*

Resolutions (filed with the Clerk by Mr. Linsky of Natick) congratulating Charles T. Yancich on the occasion of his ninetieth birthday; Charles T.  
Yancich.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Smizik of Brookline, 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. Straus of Mattapoissett) 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 Transportation be granted until Thursday, July 3, 2014, within which time to make its final report on current Senate document numbered 1643 and current House documents numbered 3099 and 3285. Transportation  
committee,—  
extension  
of time for  
reporting.

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

*Papers from the Senate.*Sharks,—  
protection.

The House Bill prohibiting the possession, sale, trade and distribution of shark fins (House, No. 4088), came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in lines 20 to 24, inclusive, striking out the paragraph contained in those lines and inserting in place thereof following paragraph:

“(e) Whoever violates this section shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not more than 60 days or by both such fine and imprisonment; provided, however, that each shark fin possessed, sold, offered for sale, traded or distributed in violation of this section shall constitute a separate offense. A violation of this section by a person holding a commercial or recreational license or permit pursuant to this chapter may result in the suspension or revocation of such license or permit.”; and inserting before the enacting clause the following emergency preamble:

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to prohibit forthwith the possession, sale, trade and distribution of shark fins, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

## Bills

Farm  
vehicles.

To promote environmentally sound transportation of agricultural products (Senate, No. 1635) (on a petition);

Hunting.

Increasing the penalties for illegal hunting practices (Senate, No. 1948) (on Senate, No. 381 and House, No. 658);

Trucks.

Clarifying the definition of commercial motor vehicles (Senate, No. 2213) (on Senate bill No. 1687);

Thermal  
fuels.

Relative to credit for thermal energy generated with renewable fuels (Senate, No. 2214) (on Senate bill No. 1970, amended); and

Carbon  
monoxide.

Relative to the safety of schools, residences and public assemblies (Senate, No. 2215) (on Senate bill No. 2157);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Vacant  
properties,—  
abandoned  
animals.

A Bill protecting abandoned animals in vacant properties (Senate, No. 942, changed in section 1, in line 3; in section 4 (as published), in line 23; and in section 5, in line 41, by striking out the figure “5” and inserting in place thereof, in each instance, the figure “3”; and amended in the same sections and the same lines by striking out the words “of a property being” and inserting in place thereof, in each instance, the words “after the lessor or owner knew or should have known that a property has been”, passed to be engrossed by the Senate was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Petitions severally were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Jose  
Portalatin,—

Petition (accompanied by bill, Senate, No. 2221) of Richard T. Moore and Peter J. Durant for legislation to establish a sick leave bank

for Jose Portalatin, an employee of the Department of Correction. To the committee on Public Service. sick leave.

Petition (accompanied by bill, Senate, No. 2222) of Richard T. Moore and John V. Fernandes for legislation to establish the Massachusetts paint stewardship. To the committee on Revenue. Paint stewardship.

The House Bill relative to the expansion of the Boston Convention and Exhibition Center (House, No. 4111), came from the Senate with the endorsement that said branch had insisted on its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2196; and inserting before the enacting clause an emergency preamble) (in which the House had non-concurred). Boston Convention and Exhibition Center.

The bill bore the further endorsement that said branch had concurred with the House in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Brewer, Joyce and Hedlund had been joined as the committee on the part of the Senate. Committee of conference.

*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 petition of Aaron Michlewitz for legislation to establish a sick leave bank for Kimberley DeSiata, an employee of the Department of State Police. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence. Kimberley DiSiata,—sick leave.

By Mr. Conroy of Wayland, for the committee on Labor and Workforce Development, on Senate, Nos. 872, 888 and 894 and House Nos. 41, 1694, 1700, 1703, 1709, 1713, 1714, 1720, 1721, 1723, 1724, 1725, 1731, 1733, 1735, 1742, 1743, 1746, 1748, 1754, 1755, 1779, 1780, 1781, 1782, 3231 and 3395, an Order relative to authorizing the committee on Labor and Workforce Development to make an investigation and study of certain Senate and House documents concerning labor and workforce development issues (House, No. 4209). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently. Labor and workforce development,—study.

Mr. Binienda of Worcester, 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 Mr. Michlewitz of Boston, for the committee on Public Service, on House, Nos. 15, 16, 50, 2207, 2208, 2209, 2210, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2223, 2224, 2225, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, Public Service,—study.

Public  
Service,—  
study.

2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2293, 2294, 2297, 2298, 2299, 2300, 2301, 2302, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2349, 2350, 2351, 2353, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2371, 2372, 2373, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2385, 2386, 2391, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2409, 2410, 2411, 2412, 2413, 2414, 2416, 2417, 2418, 2420, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2485, 2486, 3298, 3317, 3318, 3398, 3412, 3624, 3638, 3640, 3641, 3643, 3661, 3678, 3795, 3816, 3819 and 3837, an Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning public service, retirement and other related issues (House, No. 4189). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently, Mr. Binienda of Worcester, 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.

Mr. Binienda of Worcester, for the committee on Rules, on the foregoing Order, then reported, in part, asking to be discharged from further consideration:

Correction  
officers,—  
children.

Of the petition (accompanied by bill, House, No. 2411) of Elizabeth A. Poirier and Stephen L. DiNatale relative to the placement of the children of corrections officers on the civil service eligibility list; and

Barnstable,—  
special  
police.

Of the petition (accompanied by bill, House, No. 3643) of Brian R. Mannal and Cleon H. Turner (by vote of the town) that the town of Barnstable be authorized to appoint special police officers, notwithstanding the maximum age requirement;

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.

Water,—  
infrastructure.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Senate Bill improving drinking water and wastewater infrastructure (Senate, No. 2021), ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4212. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Mr. Kafka of Stoughton, for said committee, then reported that the matter 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.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2021, amended) was ordered to a third reading.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Medfield (House, No. 4107), ought to pass with an amendment by substituting therefor a bill with the same title (House, No. 4216). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Medfield,—  
land.

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

Under suspension of Rule 7A, on motion of Mr. Dempsey of Haverhill, 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.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the following bills ought to pass:

Authorizing the Department of Conservation and Recreation to lease certain parkland in the city of Cambridge (Senate, No. 1966); and

Cambridge,—  
land.

Further amending the lease agreement for the land in the town of Tewksbury and [sic] the Division of Capital Asset Management and Maintenance and the Tewksbury Hospital Equestrian Farm now known as Strongwater Farm (House, No. 4085);

Tewksbury,—  
land.

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

Mr. Kafka of Stoughton, for said committee, reported recommending that the bills severally be scheduled for consideration by the House.

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

By Mr. Honan of Boston, for the committee on Housing, on Senate, Nos. 592 and 612 and House, Nos. 44, 1102, 1120, 1145 and 1146, a Bill relative to local housing authority reform (House, No. 4211). Read; and referred, under Rule 33, to the committee on Ways and Means.

Housing  
authorities,—  
reform.

By Mr. Murphy of Weymouth, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill validating the actions taken at the May 5, 2014 annual town election held by the town of Southampton (printed in House, No. 4161).

Southampton,—  
town  
election.

By Ms. Peake of Provincetown, for the committee on Municipalities and Regional Government, on a petition, a Bill to validate the proceedings of the town of Ashby relative to chapter 32B (House, No. 4100) [Local Approval Received].

Ashby,—  
town  
meeting.

Nantucket,—  
land.

By the same member, for the same committee, on a joint petition, a Bill approving the conveyance of property by town of Nantucket to the Nantucket Islands Land Bank (House, No. 4101) [Local Approval Received].

Nantucket,—  
Historic District  
Commission.

By the same member, for the same committee, on a joint petition, a Bill relative to the composition of the Nantucket Historic District Commission (House, No. 4102) [Local Approval Received].

Nantucket,—  
land.

By the same member, for the same committee, on a joint petition, a Bill approving the conveyance of property by the county of Nantucket (House, No. 4103) [Local Approval Received].

Fairhaven,—  
public works.

By the same member, for the same committee, on a petition, a Bill relative to the town of Fairhaven restructuring the board of public works (House, No. 4128) [Local Approval Received].

Fairhaven,—  
town  
administrator.

By the same member, for the same committee, on a petition, a Bill relative to the town of Fairhaven establishing the position of town administrator (House, No. 4129) [Local Approval Received].

Sherborn,—  
payments.

By the same member, for the same committee, on a joint petition, a Bill providing [sic] for a town administrator in the town of Sherborn be authorized to approve warrants for the payment from town funds (House, No. 4168) [Local Approval Received].

Sherborn,—  
selectmen.

By the same member, for the same committee, on a joint petition, a Bill increasing the number of selectmen in the town of Sherborn from three to five members (House, No. 4169) [Local Approval Received].

Blandford,—  
tax collector.

By the same member, for the same committee, on a joint petition, a Bill relative to the collector of taxes in the town of Blandford (House, No. 4170) [Local Approval Received].

Blandford,—  
treasurer.

By the same member, for the same committee, on a joint petition, a Bill relative to the town treasurer in the town of Blandford (House, No. 4171) [Local Approval Received].

Open meeting  
law,—  
exemptions.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on House, No. 2843, a Bill to exempt the deliberation of public bodies at town meeting from the open meeting law (House, No. 4208).

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

Emergencies,—  
prescriptions.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to the availability of prescription medication during an emergency (House, No. 2001), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4215).

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment previously recommended by the committee on Health Care Financing,— to amend the bill by substitution of a bill with the same title (House, No. 3732),— and the amendment recommended by the committee on Ways and Means pending.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, then reported that the matter be scheduled for consideration by the House; and it was placed in the Orders of the Day for the next sitting, with the amendments pending.

Aging service  
providers,—

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to LGBT awareness training for aging services

providers (House, No. 547), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4213). LGBT training.

By the same member, for the same committee, that the Bill relative to insurance holding companies (House, No. 882, changed), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4214). Insurance holding companies.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Mr. Kafka of Stoughton, for said committee, then reported that the matters be scheduled for consideration by the House.

Severally placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

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

Relative to penalties for shoplifting (printed as Senate, No. 625); Shoplifting.

Relating to assault and battery on public employees (printed as Senate, No. 718); Public employees.

Removing the requirement to provide notice to the Department of Mental Health of a license granted to a guardian to sell real estate (printed as Senate, No. 750); Real estate,— notifications.

To repeal chapter 234 (House, No. 1373); Jurors.

Relative to justices of the peace (House, No. 1386); Officers.

Relative to the intimidation of a witness statute (House, No. 1438); Witnesses.

Relative to high speed chases (House, No. 1500); Pursuits.

Amending the periodic inspections of elevators and lifts (House, No. 2163, changed); Elevator inspections.

Increasing the fine for the illegal taking of eels and elvers (House, No. 3782); Eels.

Relative to certain licenses for the sale of alcoholic beverages in the city of Boston (House, No. 4099, changed) [Local Approval Received]; and Boston,— liquor licenses.

Increasing the number of licenses for the sale of alcoholic beverages in the town of Easton (House, No. 4198) [Local Approval Received]; Easton,— liquor licenses.

Severally placed in the Orders of the Day for the next sitting for a second reading.

*Emergency Measure.*

The engrossed Bill extending the statute of limitations in civil child sexual abuse cases (see House, No. 4126), 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. Child sexual abuse,— statute of limitation.

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.

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 Senate to the Senate. Bill enacted.

*Engrossed Bill.*

## Engrossed bills

Bills  
enacted.

Authorizing the Massachusetts Department of Transportation to grant an interest in land in the town of Petersham (see Senate, No. 2124);

Establishing a sick leave bank for Alexis Baez, an employee of the Department of Mental Health (see Senate, No. 2154); and

Establishing a sick leave bank for Denise Frost, an employee of the Department of Developmental Services (see Senate, No. 2175);

(Which severally originated in the Senate); and

Establishing a sick leave bank for Marcy L. Bray, an employee of the Department of Developmental Services (see House, No. 4041) (which originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

The engrossed Bill relative to enhancing access to services for mental health treatment (see House, No. 3704) (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.

*Orders of the Day.*Third  
reading  
bill.

The House Bill relative to the needs of students with autism (House, No. 4012) (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.

*Order.*Next  
sitting.

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

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At seventeen minutes before twelve o'clock noon, on motion of Mr. D'Emilia of Bridgewater (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.