

JOURNAL OF THE HOUSE.

Monday, June 27, 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.

Messages from the Governor.

Templeton,—town meeting.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at a special town meeting held in the town of Templeton (House, No. 4439), 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 the Election Laws. Sent to the Senate for concurrence.

Police officers,—assault.

A message from His Excellency the Governor recommending legislation relative to assault and battery on a police officer (House, No. 4440), was filed in the office of the Clerk on Thursday, June 23.

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

Statement of Representative Roy of Franklin.

Statement of Mr. Roy of Franklin.

A statement of Mr. Roy of Franklin 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 I was unable to be present in the House Chamber after 4 p.m. for the June 1, 2016 sitting due to legislative related business outside of the Commonwealth. If I had been present for the questions on amendments captured in Roll Call Nos. 272, 273, 274 and 275, I would have voted in the negative. On Roll Call No. 276, on passing to be engrossed the Bill relative to equal access to public places regardless of gender identity, I would have voted in the affirmative. My missing of Roll Call Nos. 272 to 276, inclusive, was due entirely to the reason stated.

Resolutions.

Donald MacKenzie.

Resolutions (filed with the Clerk by Representatives Atkins of Concord and Benson of Lunenburg) congratulating Donald MacKenzie on his retirement, were referred under Rule 85, to the committee on Rules.

Mr. Galvin of Canton, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the resolutions (reported by the committee on

Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Mr. Finn of West Springfield presented a petition (accompanied by bill, House, No. 4433) of Michael J. Finn (with the approval of the mayor and city council) that the city known as the town of West Springfield be authorized to establish four year terms for the office of mayor; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

West Springfield,—mayoral term.

Mrs. Orrall of Lakeville presented a petition (subject to Joint Rule 12) of Keiko M. Orrall, Christopher M. Markey and Marc R. Pacheco for legislation to establish a sick leave bank for Jamie Mascarello, an employee of the Office of the Commissioner of Probation; and the same was referred, under Rule 24, to the committee on Rules.

Jamie Mascarello,—sick leave.

Papers from the Senate.

A Bill relative to the modernization of optometric patient care (Senate, No. 2334) (on Senate No. 1151), passed to be engrossed by the Senate, was read; and it was referred, under suspension of the rules, on motion of Mr. Sánchez of Boston, to the committee on Ways and Means.

Optometric patient care.

A Bill further regulating the sprinkler fitters examination and license requirements relative to working on hydrants and certain components of fire protection sprinkler systems (Senate, No. 2124) (on Senate bill No. 152), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Sprinkler fitter's examination.

The petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2368) of Barbara L'Italien and Frank A. Moran (by vote of the town) for legislation relative to eliminating sub-precinct 9A in the town of Andover. To the committee on Election Laws.

Andover,—precinct 9A.

Petition (accompanied by bill, Senate, No. 2355) of Anne M. Gobi and Todd M. Smola (by vote of the town) for legislation relative to the membership of the conservation commission of the town of Sturbridge. To the committee on Municipalities and Regional Government.

Sturbridge,—conservation commission.

Reports of Committees.

By Mr. Nangle of Lowell, for the committee Steering, Policy and Scheduling, that the Senate Bill relative to the establishment of a county stabilization fund (Senate, No. 1064), be scheduled for consideration by the House:

County stabilization fund.

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

By Mr. Cabral of New Bedford, for the committee on Bonding, Capital Expenditures and State Assets, that the Bill relative to job creation, workforce development and infrastructure investment (House, No. 4413),

Job creation.

Job creation. ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4432). Referred, under Rule 33, to the committee on Ways and Means.

South Boston,—land. By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a joint petition, a Bill conveying a certain parcel of land on East First Street in the South Boston neighborhood in the city of Boston (House, No. 4293).

Chicopee,—land. By the same member, for the same committee, on House, No. 4329, a Bill relative to the conveyance of an easement in the city of Chicopee (House, No. 4441) [Local Approval Received].

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

Medical debt. By Mr. Sánchez of Boston, for the committee on Health Care Financing, on a petition, a Bill preventing unnecessary medical debt (House, No. 1025).

Foreign residency,—healthcare. By the same member, for the same committee, on a petition, a Bill to amend Section 3, Chapter 111M of the General Laws relative to Massachusetts residents living in a foreign country and health insurance penalties (House, No. 1037).

Nantucket land bank. By Mr. Honan of Boston, for the committee on Housing, on a joint petition, a Bill amending the Nantucket Islands Land Bank Act (House, No. 4315) [Local Approval Received] [Representative DeCoste of Norwell dissenting].

Nantucket,—fees. By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a joint petition, a Bill authorizing the town of Nantucket to impose a real estate transfer fee for affordable and workforce housing (House, No. 4317, changed in section 2, line 50, by striking out the following: "one per cent (1%)" and inserting in place thereof the following: "one-half per cent (0.5%)" [Local Approval Received] [Representative Kuros of Uxbridge dissenting].

Plymouth,—fund. By the same member, for the same committee, on a petition, a Bill authorizing the town of Plymouth to establish a special fund (House, No. 4375) [Local Approval Received].

Marblehead historic district. By the same member, for the same committee, on a petition, a Bill amending chapter 101 of the acts of 1965, an act establishing the old historic and district commission of the town of Marblehead (House, No. 4380) [Local Approval Received].

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

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

Jodi Anastos,—sick leave. The Senate Bill establishing a sick leave bank for Jodi Paris Anastos, an employee of the Operational Services Division (Senate, No. 2312); and

Ocean acidification,—study. The House Resolve creating a special commission to study the effects of coastal and ocean acidification and its existing and potential effects on species that are commercially harvested and grown along the Massachusetts coast (House, No. 716);

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

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Resolutions [sic] equality for America's adopted children (House, No. 3317), be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting, the question being on adoption. rights.

Employee,—rights.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Paul Sinkiewicz, an employee of the Department of Youth Services (see House, No. 4035, 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.

Paul Sinkiewicz,—sick leave.

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 4 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 sent to the Senate.

Bill enacted.

The engrossed Bill further regulating the disposition of a certain parcel of land in the town of Belchertown (see House, No. 4131, 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.

Belchertown,—land.

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 4 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 sent to the Senate.

Bill enacted.

The engrossed Bill establishing a sick leave bank for David J. Saulnier, an employee of the Middlesex Sheriff's Office (see House, No. 4291), 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.

David J. Saulnier,—sick leave.

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 4 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 sent to the Senate.

Bill enacted.

Engrossed Bill.

Bill enacted.

The engrossed Bill authorizing the city of Lawrence to establish a program for enforcement against illegal dumping (see House, No. 3860) (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.

Nantucket,—land.

The Senate amendment of the House Bill authorizing the Nantucket Islands Land Bank to convey certain parcels of land held for open space, recreational or conservation purposes to the town of Nantucket for open spaces, recreational or conservation purposes (House, No. 3892), reported by the committee on Bills in the Third Reading to be correctly drawn, was considered.

Pending the question on adoption of the amendment, in concurrence, Mr. Speliotis of Danvers moved that the House concur with the Senate in its amendment with a further amendment by striking out section 2 (inserted by amendment by the Senate) and inserting in place thereof the following section:

“SECTION 2. Notwithstanding any general or special law to the contrary, as a condition of the conveyances authorized in section 1, the town of Nantucket shall convey a parcel or parcels of land under the care, custody, management and control of the board of selectmen or other town board and dedicated for general municipal purposes or other purposes not subject to article 97 of the amendments to the constitution of the commonwealth of Massachusetts to the Nantucket Islands Land Bank for the purposes for which the Nantucket Islands Land Bank was created. The parcel or parcels conveyed to the Nantucket Islands Land Bank pursuant to this section shall be of equal or greater size and value for conservation or park purposes when compared to the parcels described in section 1 and of equal or greater value, as determined by an independent appraisal or appraisals, when compared to the value of the parcels in section 1. The conveyances authorized in this act shall meet the requirements of chapter 669 of the acts 1983.”.

The further amendment was adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Montague,—liquor license.

The Senate amendments of the House Bill authorizing the town of Montague to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3783), reported by the committee on Bills in the Third Reading to be correctly drawn, were adopted, in concurrence.

House bills

Third reading bills.

Establishing a special commission to consider an appropriate tribute to Nelson Mandela in the city of Boston (House, No. 2929) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the town of North Andover to grant an additional liquor license for the sale of alcoholic beverages not to be drunk on the premises (House, No. 3714) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill relative to the judicial enforcement of noncompetition agreements (House, No. 4323), was read a second time.

Noncompetition agreements.

Pending the question on ordering the bill to a third reading, Mr. Scibak of South Hadley moved to amend it by substitution of bill with the same title (House, No. 4434), which was read.

The amendment was adopted; and the substituted bill was ordered to a third reading.

Order.

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.

Next sitting.

At twenty-two minutes before twelve o'clock noon, on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.