

### JOURNAL OF THE HOUSE.

Tuesday, July 5, 2016.

Met at ten minutes after 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.

#### 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:

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

*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on State Administration and Regulatory Oversight be granted until Friday, July 15, 2016, within which time to make its final report on current House documents numbered 4130, 4294, 4388 and 4390.

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4456) ought to be adopted. Under suspension of the rules, on motion of Mr. Kocot, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

#### Petitions.

William Horohoe,—sick leave.

Representative Kane of Shrewsbury and Senator Moore presented a joint petition (subject to Joint Rule 12) of Hannah E. Kane and Michael O. Moore for legislation to establish a sick leave bank for William Horohoe, an employee of the Massachusetts Department of Transportation; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending Joint Rule 12 be suspended. Under suspension of the rules, on motion of Ms. DuBois of Brockton, 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.

Petitions severally were presented and referred as follows:

Dracut,—liquor licenses.

By Miss Garry of Dracut, a petition (accompanied by bill, House, No. 4462) of Colleen M. Garry (by vote of the town) that the town of Dracut be authorized to grant four additional licenses for the sale of alcoholic beverages to be drunk on the premises; and

Salem,—liquor licenses.

By Representative Tucker of Salem and Senator Lovely, a joint petition (accompanied by bill, House, No. 4463) of Paul F. Tucker and Joan B. Lovely (with the approval of the mayor and city council) that the city of Salem be authorized to grant two additional licenses for the sale of all alcoholic beverages to be drunk on the premises;

Severally to the committee on Consumer Protection and Professional Licensure.

By the same members, a joint petition (accompanied by bill, House, No. 4464) of Paul F. Tucker and Joan B. Lovely (with the approval of the mayor and city council) that the city of Salem be authorized to convey a certain parcel of land to North Shore Medical Center, Inc. To the committee on Municipalities and Regional Government.

Salem,—land.

By Mr. Naughton of Clinton, a petition (accompanied by bill, House, No. 4465) of Harold P. Naughton, Jr. (by vote of the town) that the town of Boylston be authorized to continue the employment of police chief Anthony Sahagian. To the committee on Public Service.

Boylston,—Anthony Sahagian.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Cutler of Duxbury, a petition (subject to Joint Rule 12) of Josh S. Cutler relative to regulating the manufacturing of marijuana concentrates.

Marijuana concentrates.

By Mr. González of Springfield, a petition (subject to Joint Rule 12) of Carlos González and others relative to lending institutions filing with the registry of deeds.

Lending Institutions.

By Mr. Kocot of Northampton, a petition (subject to Joint Rule 12) of Peter V. Kocot relative to fire sprinkler installation incentives.

Fire sprinkler installation.

By Ms. Peake of Provincetown, a petition (subject to Joint Rule 12) of Sarah K. Peake and others that Barnstable County be authorized to establish a deeds excise fund.

Barnstable County,—deeds excise.

By Mr. Rogers of Norwood, a petition (subject to Joint Rule 12) of John H. Rogers relative to retirement survivor benefits for Katherine M. McGuinness.

Katherine M. McGuinness.

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

#### Papers from the Senate.

The House Bill authorizing the conveyance of a certain parcel of land in the town of Lynnfield (House, No. 3834), came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 3, inserting after the word "convey" the following: "to Kelly Brian Kelly, Trustee of the 353-365 Broadway Realty Trust under declaration of trust dated January 9, 2012," in lines 9 to 17, inclusive, striking out the sentences contained therein and inserting in place thereof the following sentence: "The board of selectmen and conservation commission may sell the parcel upon such terms and conditions and for such consideration as they deem to be in the best interests of the town.;" and striking out section 2 and inserting in place thereof the following two sections:

Lynnfield,—land.

"SECTION 2. (a) As a condition of the conveyance authorized in section 1, Brian Kelly, trustee of the 353-365 Broadway Realty Trust under declaration of trust dated January 9, 2012, shall convey to the Lynnfield board of selectmen to be held under the care, custody and control of the conservation commission for passive outdoor recreational purposes a permanent access easement containing 13,431 square feet from United States highway route 1 to the remaining portion of the 2.29 acre Bow Ridge Conservation Area. The permanent

Lynnfield,—  
land. access easement shall be held by the conservation commission and shall allow for 5 parking spaces for the public to provide public access to the Bow Ridge Conservation Area and Lynn Woods for passive outdoor recreational use. The permanent access easement is described on a plan entitled "Conceptual Plan/Kelly Jeep, Masserati & Alfa Romeo/Lynnfield, Mass.", prepared by Hayes Engineering, Inc., dated April 23, 2016 and is over a parcel described in a deed recorded in the Essex south district registry of deeds in book 13666, page 224.

(b) As a further condition of the conveyance in section 1, Brian Kelly, trustee of the 353-365 Broadway Realty Trust shall pay to the town not less than \$170,000 which shall be deposited in the town's Conservation Land Fund to be used for acquiring and maintaining town conservation land.

SECTION 3. This act shall take effect upon its passage."

The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading. Said committee then reported that the amendments were correctly drawn; and they were adopted, in concurrence.

Recycling. A Bill relative to recycling (Senate, No. 2389) (on Senate bill No. 2308), passed to be engrossed by the Senate was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Cash sureties and foreclosures. A Bill clarifying municipal authority regarding cash sureties and foreclosures (Senate, No. 2396) (on Senate bill No. 41), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Reports of Committees.*

Economic development. Mr. Galvin of Canton, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the House Bill relative to job creation, workforce development and infrastructure investment [House, No. 4413] (for order, see House, No. 4457). The order then was adopted.

Electronic mail. 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 access to a decedent's electronic mail accounts (House, No. 4365),— and recommending that the same be referred to the committee on Economic Development and Emerging Technologies. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the reference.

Kelly White,—  
sick leave. By Mr. Fernandes of Milford, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Kelly White, an employee of the Trial Court (House, No. 4435). 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 Ms. DuBois of Brockton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to job creation, workforce development and infrastructure investment (House, No. 4413), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4461) [Bond Issue: \$915,500,000.00] [Representatives Boldyga of Southwick and Dooley of Norfolk dissenting].

Economic growth.

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets,— to amend the bill by substitution of a bill with the same title (House, No. 4432),— and the amendment recommended by the committee on Ways and Means, pending.

Mr. Nangle of Lowell, 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 previously recommended by the committee on Bonding, Capital Expenditures and State Assets was rejected.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill (House, No. 4461) was ordered to a third reading.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the Bill concerning nondiscrimination in access to organ transplantation (House, No. 4332), be scheduled for consideration by the House, with an amendment previously recommended by the committee on Health Care Financing,— that the bill be amended in lines 10 and 11 by striking out the words "or any entity responsible for matching anatomical gift donors to potential recipients",— pending.

Organ transplantation.

Under suspension of Rule 7A, on motion of Ms. DuBois of Brockton, the bill was read a second time forthwith.

The amendment recommended by the committee on Health Care Financing was adopted; and the bill (House, No. 4332, amended) was ordered to a third reading.

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

The Senate Bill relative to the city of Chelsea's residential tax exemption (Senate, No. 2268) [Local Approval Received]; and

Chelsea,—  
taxes.

The House Bill establishing a sick leave bank for Michelle Kannler, an employee of the Department of Public Health (House, No. 4437);

Michelle Kannler,—  
sick leave.

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

By Ms. Hogan of Stow, for the committee on Public Health, on a petition, a Bill relative to the definition of podiatry (House, No. 177).

Podiatry.

By the same member, for the same committee, on a petition, a Bill maintaining confidentiality of proprietary information within health-care oversight agencies (House, No. 1895).

Proprietary information.

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

Weymouth,—  
land. By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Weymouth (House, No. 4389) [Senator Eldridge dissenting]. Read; and referred, under Rule 33, to the committee on Ways and Means.

Chicopee,—  
land. By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to the conveyance of an easement in the city of Chicopee (House, No. 4441) [Local Approval Received], ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Simulcasting. By Mr. Dempsey of Haverhill, for the committee on Ways and Means, on a part of House, No. 154, a Bill relative to simulcasting and racing days (House, No. 4459). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Public health,—  
commission. By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Senate Resolve establishing the special commission on local and regional public health (Senate, No. 2296, amended), 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 4458 [Representative Boldyga of Southwick dissenting].

Older adults,—  
task force. By the same member, for the same committee, that the Bill creating a task force on Massachusetts older adults of all incomes (House, No. 4155), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4460).

Boston,—  
land. By the same member, for the same committee, that the Bill conveying a certain parcel of land on East First Street in the South Boston neighborhood of the city of Boston (House, No. 4293), ought to pass with an amendment in section 2, in line 25, by inserting after the word "Boston." the following two sentences: "The Massachusetts Port Authority shall establish the value of the property for both the highest and best use of the property as currently encumbered and for the purposes described in section 1. The Massachusetts Port Authority shall place notification in the central register of the conveyance, the amount of such transaction and the difference between the calculated value and the price received."

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

Sharon,—  
tax exemption. By Mr. Kaufman of Lexington, for the committee on Revenue, on a petition, a Bill to exempt the town of Sharon from certain provisions of Chapter 58, Section 8 (House, No. 4339) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Revere,—  
land. By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill concerning the conveyance of certain parcels of land in the city of Revere (Senate, No. 2353), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Nangle of Lowell, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

*Orders of the Day.*

House bills  
Designating the Hampden County Superior Court as the Roderick L. Ireland Courthouse (House, No. 3643); Third reading bills.

Establishing a sick leave bank for Ellen Atkinson, an employee of the Massachusetts Rehabilitation Commission (House, No. 4100); and Prohibiting gunfire directed at dwelling houses (House, No. 4314) (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 recorking of wine (House, No. 199, changed), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time. Wine—recorking.

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 12 of chapter 138 of the General Laws, as appearing in the 2014 Official Edition, is hereby amending by striking out, in line 25, the words 'the bottle' and inserting in place thereof the following words:— the limitations relative to service and consumption in a tavern, club or war veterans' organization licensed pursuant to this section shall not be deemed to preclude the holder of the tavern, club or war veterans' organization from allowing a patron, member or guest, as the case may be, to retain and take off the premises only so much as may remain of a bottled wine purchased by the patron, member or guest in conjunction with a meal and not totally consumed by the patron, member or guest during such meal; provided further, that all such wine bottles."

The amendment was adopted; and the bill (House, No. 199, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the posting of a security for seized animals in cruelty cases (House, No. 1220) (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. Animal cruelty.

Pending the question on passing the bill to be engrossed, Mr. Fernandes of Milford moved to amend it in lines 11 to 15, inclusive, by striking out the two sentences contained therein and inserting in place thereof the following two sentences: "The authority or the prosecuting agency shall serve a copy of the petition on the person: (1) from whom the animal was seized, or (2) claiming an interest in the seized animal; provided however, that if such person cannot be found, service may be made by posting a copy of the petition at the place from which the

Animal  
cruelty.

animal was seized. If the authority filed the petition, the authority shall also serve a copy of the petition on the prosecuting agency.", in lines 23 and 24 (as published) by striking out the words "and board" and inserting in place thereof the following: "(4) board, and (5) any other expenses ordered by the court", in line 25 by striking out the word "permit" and inserting in place thereof the word "order"; and in line 31 by striking out the words " , with the full force and effect of a court order".

The amendments were adopted; and the bill (House, No. 1220, amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Recess.*

Recess.

At twenty-six minutes after eleven o'clock A.M., on motion of Mrs. Gifford of Wareham (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at three minutes after two o'clock P.M. the House was called to order with Mr. Donato in the Chair.

*Order.*

Next  
sitting.

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

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At seven minutes after two o'clock P.M., on motion of Mrs. Gifford of Wareham (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M.