

JOURNAL OF THE HOUSE.

Thursday, July 17, 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.

Silent Prayer.

At the request of Representatives Kafka of Stoughton and Cronin of Easton the members, guests and employees stood in a moment of silent prayer in respect to the memory of Firefighter James P. Davenport, who passed away last week at the age of 47. A son of Brockton and a resident of Easton, James was an active duty member of the Sharon Fire Department and former President of IAFF Firefighters Local 1880, where he was a tireless advocate for his members and a steward for the MDA. He will be deeply missed.

Brockton,—
Firefighter
James P.
Davenport

Resolutions.

Resolutions (filed with the Clerk by Mr. Kafka of Stoughton) celebrating the Sharon Public Library, Carnegie Library Building, were referred, under Rule 85, to the committee on Rules.

Sharon,—
Carnegie
Library
Building.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules on motion of Mr. Kafka, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Mr. Moran of Boston presented a petition (subject to Joint Rule 12) of Michael J. Moran for legislation to authorize the Division of Capital Asset Management and Maintenance to lease a portion of a certain parcel of land in the city of Boston; and the same was referred, under Rule 24, to the committee on Rules.

Boston,—
land.

Papers from the Senate.

The House Bill providing for the preservation and improvement of land, parks and clean energy in the Commonwealth (House, No. 4150), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2263.

Environmental
bond.

Under suspension of Rule 35, on motion of Ms. Gobi of Spencer, the amendment was considered forthwith. The House then non-concurred with the Senate in its amendment; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Gobi, Kulik of Worthington

Committee of
conference.

and Beaton of Shrewsbury were appointed the committee on the part of the House. Sent to the Senate to be joined.

Committee of
conference.

Subsequently notice was received from the Senate that said branch had insisted on its amendment, concurred with the House in the appointment of a committee of conference; and that Senators Joyce, Pacheco and Humason had been appointed the committee on the part of the Senate.

Bills

Construction,—
retainage.

Relative to fair retainage payments in private construction (Senate, No. 2271) (on Senate bill No. 2120); and

Buffer
zones.

To promote public safety and protect access to reproductive health care facilities (Senate, No. 2283) (on Senate bill No. 2281);

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

Lynn,—
inspectional
services.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2276) of Thomas M. McGee and Robert F. Fennell (with the approval of the mayor and city council) for legislation relative to the Department of Inspectional Services in the city of Lynn. To the committee on Municipalities and Regional Government.

Wrentham,—
special
police.

Petition (accompanied by bill, Senate, No. 2275) of Richard J. Ross and Shawn Dooley (by vote of the town) for legislation to authorize the appointment of special police officers in the town of Wrentham. To the committee on Public Service.

Reports of Committees.

Mohawk Trail
Regional
School
District.

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 Stephen Kulik and others relative to student learning time at Mohawk Trail Regional School District. Under suspension of the rules, on motion of Ms. Peake of Provincetown, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education. Sent to the Senate for concurrence.

Protection of
children.

Report of the committee on Children, Families and Persons with Disabilities, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4058) of Sheila C. Harrington and others relative to the care and protection of children.

Under suspension of the rules, on a motion of Ms. Khan of Newton, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on motion of the same member.

Chicopee Falls
public library.

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:

Authorizing the city of Chicopee to change the use of the Chicopee Falls Branch Public Library (House, No. 4221) [Local Approval Received];

Validating the actions taken at the annual town election in the town of Dudley (printed in House, No. 4257); Dudley,—
town
elections.

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. Keenan of Salem, for the committee on Telecommunications, Utilities and Energy, on Senate, Nos. 379, 1588, 1598, 1605, 1614 and 1616 and House, Nos. 2923, 2942, 2943, 2973, 2984 and 2992, a Bill relative to solid waste management and recycling (House, No. 4317) [Senator Humason, and Representatives Cusack of Braintree, Golden of Lowell and DiNatale of Fitchburg, dissenting]. Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently. Bottle
bill.

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill to protect farm viability (House, No. 754). Read; and referred, under Rule 33, to the committee on Ways and Means. Farms,—
land use.

By Mr. Scibak of South Hadley, for the committee on Consumer Protection and Professional Licensure, on House, No. 4190, a Bill authorizing the town of Walpole to grant additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 4309) [Local Approval Received]. Walpole,—
liquor
license.

By the same member, for the same committee, on House, No. 4207, a Bill authorizing the city of Beverly to issue additional liquor licenses (House, No. 4310) [Local Approval Received]. Beverly,—
liquor
license.

By the same member, for the same committee, on House, No. 4238, a Bill authorizing the town of Southborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4311) [Local Approval Received]. Southborough,—
liquor
license.

By the same member, for the same committee, on House, No. 4239, a Bill authorizing the town of Southborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4312) [Local Approval Received]. Id.

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

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Margaret Poindexter, an employee of the Massachusetts Department of Transportation (see Senate, No. 2185, 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. Margaret
Poindexter,—
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 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 Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill
enacted.

Lana
Soricelli,—
sick leave.

The engrossed Bill establishing a sick leave bank for Lana Soricelli, an employee of the Executive Office for Administration and Finance (see House, No. 4202, 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.

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.

Bill
enacted.

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.

Boston
Convention
and
Exhibition
Center.

The engrossed Bill relative to the expansion of the Boston Convention and Exhibition Center (see House, No. 4308), 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 6 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Juvenile
sentencing.

The engrossed Bill relative to juvenile sentences for first degree murder (see House, No. 4307) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered.

Rule 40
suspended.

Pending the question on passing the bill to be enacted, Mr. Markey of Dartmouth moved that Rule 40 be suspended; and the motion prevailed.

The same member then moved to amend the bill by 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 provide forthwith for the further regulation of juvenile sentences for first degree murder, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted; and the bill (see House, No. 4307, amended) was sent to the Senate for concurrence in the amendment.

Subsequently, the Senate having concurred in adoption of the amendment, the bill, having been certified by the Clerk to be rightly and truly prepared for final passage, was again placed before the House, the question being on adopting the emergency preamble.

A separate vote then 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.

Bill
enacted.

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.

Orders of the Day.

The Senate amendment of the House Bill granting creditable service to employees of the Dedham Westwood Water District (House, No. 2387), reported by the committee on Bills in the Third Reading to be correctly drawn, was adopted, in concurrence.

Dedham
Westwood
Water
District.

The Senate amendments of the House Bill prohibiting the possession, sale, trade and distribution of shark fins (see House, No. 4088, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, were adopted, in concurrence.

Shark
fins.

The Senate Bill authorizing the town of Heath to continue the employment of Margo Ann Newton as police chief (Senate, No. 1789, amended), reported by the committee on Bills in the Third reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bill.

House bills

Providing for recall elections in the town of Hinsdale (House, No. 4064); and

Third
reading
bills.

Authorizing the city of Boston to issue additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 4099, changed) (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 establishing a sick leave bank for Anita Rebello, an employee of the Department of Children and Families (see House, No. 4268) (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.

Anita
Rebello,—
sick leave.

Pending the question passing the bill to be engrossed, Mr. Cabral of New Bedford moved to amend it by 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 establish forthwith a sick leave bank for an employee of the department of children and families, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted; and the bill (House, No. 4268, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At twenty-seven minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until two o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Recess.

*Emergency Measure.*Shark
fins.

The engrossed Bill prohibiting the possession, sale, trade and distribution of shark fins (see House, No. 4088, 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.

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.

Bill
enacted.

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.

*Engrossed Bills.**Engrossed bills*Heath,—
police chief.

Authorizing the town of Heath to continue the employment of Margo Ann Newton as police chief (see Senate, No. 1789, amended) (which originated in the Senate); and

Dedham
Westwood
Water
District.

Granting creditable service to employees of the Dedham Westwood Water District (see House, No. 2387, amended) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At ten minutes before three o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until four o'clock; and at five minutes after four o'clock, the House was called to order with Mr. Donato in the Chair.

*Emergency Measures.*District
attorneys,—
salaries.

The engrossed Bill increasing the salaries of district attorneys (see House, No. 4294), 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
re-enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

County
government
financial
management.

The engrossed Bill relative to county government financial management (see House, No. 4295), 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.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

Bill
re-enacted.

The engrossed Bill authorizing the Commonwealth to reimburse qualifying municipalities for federal military reservation students (see House, No. 4296), 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.

Military
reservation
students,—
reimbursement.

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.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

Bill
re-enacted.

The engrossed Bill authorizing the transfer of members of the Franklin Regional Council of Governments to the state employees' retirement system (see House, No. 4298, 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.

Franklin
Regional
Council of
Governments.

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.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill
re-enacted.

The engrossed Bill relative to certain expenditures from the Community First Trust Fund (see House, No. 4299, 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.

Community
First Trust
Fund.

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.

Community
First Trust
Fund.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Resolve.

Medical
devices,—
tax credit.

The engrossed Resolve providing for an investigation and study by a special commission relative to establishing a tax credit for medical devices of manufacturing companies (see House, No. 4297, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was re-passed, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At thirteen minutes after four o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until a quarter before five o'clock; and at that time 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 Monday next at eleven o'clock A.M.

At fourteen minutes before five o'clock P.M., on motion of Mr. Peterson of Grafton (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.