

JOURNAL OF THE HOUSE.

Thursday, July 21, 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.

Resolutions.

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

Zachary Leung.

Resolutions (filed by Messrs. Fernandes of Milford and Kuros of Uxbridge) congratulating Zachary Leung on receiving the Eagle Award of the Boy Scouts of America; and

Mr. and Mrs. Ronald Beaudet.

Resolutions (filed by Mr. Whelan of Brewster) congratulating Mr. and Mrs. Ronald Beaudet on the occasion of their sixtieth wedding anniversary;

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.

Petitions.

Petitions severally were presented and referred as follows:

Kingston,—land.

By Mr. Calter of Kingston, a petition (subject to Joint Rule 12) of Thomas J. Calter that the Silver Lake Regional School District be authorized to convey a certain parcel of land to the town of Kingston.

Irene Carr,—sick leave.

By Mr. Hecht of Watertown, a petition (subject to Joint Rule 12) of Jonathan Hecht for legislation to establish a sick leave bank for Irene Carr, an employee of the Division of Professional Licensure.

Michael Locke,—retirement.

By Ms. Peake of Provincetown, a petition (subject to Joint Rules 12 and 7A) of Sarah K. Peake for legislation to authorize Michael Locke to purchase creditable service from the Barnstable County retirement board.

Opiate overdoses,—call logs.

By Representative Walsh of Peabody and Senator Lovely, a joint petition (subject to Joint Rule 12) of Thomas P. Walsh, Joan B. Lovely and others relative to establishing a daily log of all responses to calls for assistance relating to opiate overdoses.

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

Lanesborough,—land.

A petition (subject to Joint Rule 9) of Gailanne M. Cariddi that the commissioner of Capital Asset Management and Maintenance be authorized to grant easements for a certain parcel of land, in the town of Lanesborough for conservation and recreation purposes, was transmitted to the State Secretary under Chapter 3 of the General Laws.

Papers from the Senate.

The Senate Bill to establish pay equity (Senate, No. 2119, amended), came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4509, amended), with a further amendment in section 2, in lines 62 to 69, inclusive, striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

Pay equity.

“(2) seek the wage or salary history of a prospective employee from the prospective employee or a current or former employer or to require that a prospective employee’s prior wage or salary history meet certain criteria; provided, however, that: (i) if a prospective employee has voluntarily disclosed such information, a prospective employer may confirm prior wages or salary or permit a prospective employee to confirm prior wages or salary; and (ii) a prospective employer may seek or confirm a prospective employee’s wage or salary history after an offer of employment with compensation has been negotiated and made to the prospective employee;”

The further amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Subsequently, the further amendment (having been reported by said committee to be correctly drawn) was considered; and it was adopted, in concurrence.

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

Petition (accompanied by bill, Senate, No. 2458) of Joan B. Lovely and other members of the General Court for legislation relative to the Ellen Story Commission on Postpartum Depression. To the committee on Mental Health and Substance Abuse.

Ellen Story Commission on Postpartum Depression.

Petition (accompanied by bill, Senate, No. 2459) of Marc R. Pacheco and Keiko M. Orrall for legislation to provide for the release of a certain agricultural preservation restriction on a parcel of land in the town of Berkley. To the committee on State Administration and Regulatory Oversight.

Berkley,—land.

Reports of Committees.

By Mr. Galvin of Canton, 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 Gailanne M. Cariddi relative to the retirement benefits of James Boyle, an employee of the Department of Transitional Assistance. Under suspension of the rules, on motion of Mr. Rushing of Boston, 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.

James Boyle,—retirement benefits.

By Mr. Sánchez of Boston, for the committee on Health Care Financing, asking to be discharged from further consideration:

Of the Bill relative to the definition of podiatry (House, No. 177); and

Podiatry.

Optometric patient care.— Of the Bill relative to the modernization of optometric patient care (House, No. 1973);
 And recommending that the same severally be referred to the committee on Ways and Means.
 Under Rule 42, the reports severally were considered forthwith; and they were accepted. Sent to the Senate for concurrence, inasmuch as relates to the discharge of the committee.

Boston,— Nelson Mandela.— By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Resolve to establish a special commission to consider an appropriate tribute to Nelson Mandela in the city of Boston (Senate, No. 2426), ought to pass. 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 Rule 7A, on motion of Mr. Rushing of Boston, the resolve was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under further suspension of the rules, on motion of the same member, the resolve (having been 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.

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

Senate bills
 Designating certain lands in the town of Adams for conservation and public recreational purposes (Senate, No. 1631);

Adams,— land.—
 Shrewsbury,— land.— Relative to authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Shrewsbury (Senate, No. 2406);

Therese Murray.— Relative to naming the Plymouth Trial Court in honor of Senate President Therese Murray (Senate, No. 2420); and

Salem,— land.— Authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land containing the Salem Superior Courthouse and County Commissioners Building to the Salem Redevelopment Authority (printed as House, No. 2837, amended); and
 House bills

Hazardous response teams.— To increase the annual stipend for members of the Commonwealth's hazardous material response teams (House, No. 645);

Retirement.— Relative to dual membership in retirement systems (House, No. 3839);

Deeds.— Relative to modernizing the Registries of Deeds (House, No. 3862);
 Weymouth,— land.— Authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Weymouth (House, No. 4389);

Northampton,— land.— Relative to preserving agricultural land in the city of Northampton (House, No. 4423);

Boston,— land.— Concerning a certain parcel of land in the city of Boston (House, No. 4468);

Chesterfield,— land.— To convey a certain parcel of land in the town of Chesterfield (House, No. 4469);

Authorizing the conveyance of certain property in the town of Stoneham (House, No. 4519);

Authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land in the town of New Salem (House, No. 4521); and

Authorizing the Division of Capital Asset Management and Maintenance to grant to The Association for Community Living, Inc. certain parcels of land in the city of Springfield (House, No. 4522);

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

Mr. Nangle of Lowell, 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 Mr. Rushing of Boston, the bills severally were read a second time forthwith; and they were ordered to a third reading.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill to increase the Commonwealth's compliance with federal law meeting requirements of the Americans with Disabilities Act (House, No. 110, changed), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4534). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment 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 Mr. Rushing of Boston, 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.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to Middlesex Canal Commission (House, No. 724), ought to pass with an amendment substituting therefor a Bill relative to the Middlesex Canal Commission (House, No. 4536). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment 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 Mr. Rushing of Boston, 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.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill clarifying eligibility for the earned income tax credit (House, No. 4237), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4537). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

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

Stoneham,— land.

New Salem,— land.

Springfield,— land.

Disabilities Act,— compliance.

Middlesex Canal Commission.

Earned income tax credit.

Earned income tax credit. Under suspension of Rule 7A, on motion of Mr. Rushing of Boston, 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.

Prescription medication. By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the availability of prescription medication during an emergency (House, No. 1988), be scheduled for consideration by the House. Under suspension of Rule 7A, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith; and it was ordered to a third reading.

Plymouth,—parks. By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill authorizing the Department of Conservation and Recreation to grant certain easements to the town of Plymouth over a portion of Pilgrim Memorial State Park (House, No. 4515) [Local Approval Received].

Bourne,—land. By the same member, for the same committee, on a petition, a Bill authorizing the grant of an easement to the town of Bourne and to grant to the Department of Fish and Game a conservation restriction on town land (House, No. 4516). Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Fairhaven,—liquor license. By Ms. Benson of Lunenburg, for the committee on Consumer Protection and Professional Licensure, on House, No. 4444, a Bill authorizing the town of Fairhaven to issue an additional license for the sale of wine and malt beverages to be drunk on the premises (House, No. 4528) [Local Approval Received].

Salem,—liquor licenses. By the same member, for the same committee, on House, No. 4463, a Bill authorizing the city of Salem to grant 2 additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 4529) [Local Approval Received].

Webster,—liquor license. By the same member, for the same committee, on House, No. 4475, a Bill authorizing the town of Webster to grant a license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4530) [Local Approval Received]. Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

LGBT awareness training. 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. 526), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4535). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Mr. Nangle of Lowell, for said committee, 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 for a second reading, with the amendment pending.

By Mr. Galvin of Canton, for the committee on Rules, that the Resolve relative to protecting the archaeological, geological and fossil resources of western Massachusetts (House, No. 698), ought to pass. Referred, under Rule 33, to the committee on Ways and Means. Western region,—resources.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House: The Senate Bill relative to solar drying of laundry (Senate, No. 2408); and House bills Preventing unnecessary medical debt (House, No. 1025); and Relative to student driver safety (House, No. 3114); Severally placed in the Orders of the Day for the next sitting for a second reading. Laundry. Medical debt. Driver safety.

Reports of the committee on Steering Policy and Scheduling, under the provisions of the last sentence of Rule 7A, that the following matters be scheduled for consideration by the House: The Senate Bill regulating notaries public to protect consumers and the validity and effectiveness of recorded instruments (Senate, No. 2064), with the amendment previously recommended by the committee on Ways and Means, that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document number 4398, pending; and House bills Relative to employees of the Department of Fire Services (House, No. 2428), with the amendment previously recommended by the committee on Ways and Means, that the bill be amended by substitution of a bill with the same title (House, No. 4400), pending; and Relative to ABLE accounts (House, No. 3753), with the amendment previously recommended by the committee on Ways and Means, that the bill be amended by substitution of a bill with the same title (House, No. 4402), pending; Severally placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending. Notaries public,—regulate. Fire Services Department. ABLÉ accounts.

A report of the committee on Steering Policy and Scheduling, under the provisions of the last sentence of Rule 7A, that the House Bill relative to criminal record checks for referees (House, No. 4394), be scheduled for consideration by the House, was placed in the Orders of the Day for the next sitting for a second reading. Referees,—C.O.R.I. checks.

Engrossed Bills.

Engrossed bills Establishing a sick leave bank for Ellen Atkinson, an employee of the Massachusetts Rehabilitation Commission (see House, No. 4100); Establishing a sick leave bank for Christopher Mullen, an employee of the Hampshire Sheriff's Office (see House, No. 4292); and Establishing a sick leave bank for Michelle Kannler, an employee of the Department of Public Health (see House, No. 4437, amended); (Which severally originated in the House); Bills enacted.

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 electronic publication of certain legal notices (see House, No. 1566, amended) (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.

Non-conforming structures.

The Senate amendment of the House Bill relative to non-conforming structures (House, No. 3611), reported by the committee on Bills in the Third Reading to be correctly drawn, was adopted, in concurrence.

Third reading bill.

The Senate Bill regarding group health insurance for eligible employees and retirees in the town of Carver (Senate, No. 1921), 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.

Id.

The House Bill providing for limited property tax relief for certain elder citizens in the town of Andover (House, No. 4214), 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. Sent to the Senate for concurrence.

Salisbury,—land.

The Senate Bill authorizing the conveyance of certain property in the town of Salisbury (Senate, No. 1095, amended), 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 chapter 30B of the General Laws or any other general or special law to the contrary, the town of Salisbury may convey the property located at 50 Dock lane, which is shown on assessor’s map 24 as lot 55, to Kenneth Paulovic, on such terms and conditions and for such consideration, which may be nominal consideration, as the board of selectmen may deem appropriate.

SECTION 2. This act shall take effect upon its passage.”.

The amendment was adopted; and the bill (Senate, No. 1095, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Radio communications.

The House Bill relative to an unauthorized radio telecommunication (House, No. 4109), 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, in lines 20, 21 and 22, inclusive, by striking out the words “or other applicable federal law or regulation; or (b) do any act, whether direct or indirect, to cause an unlicensed radio telecom-

munication to, or inference with” and inserting in place thereof the following: “47 C.F.R. Part 97, or other applicable federal law or regulation; or (b) do any act, whether direct or indirect, to cause an unlicensed radio telecommunication to, or interference with”.

The amendment was adopted; and the bill (House, No. 4109, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to prescription eye drops (House, No. 4195), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time. Prescription eye drops.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it in section 4 (as published), in lines 40 to 44, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“Section 4JJ. Any subscription certificate under an individual or group medical service agreement delivered, issued or renewed within the commonwealth that provides coverage for prescription eye drops shall provide coverage for refills of prescription eye drops in accordance with the Medicare Part D guidelines on early refills of topical ophthalmic products, where:”;

and

By striking out section 6 (as published) and inserting in place thereof the following section:

“SECTION 2. Chapter 112 of the General Laws is hereby amended by inserting after section 12FF, inserted by section 37 of chapter 52 of the acts of 2016, the following section:—

Section 12GG. (a) A pharmacist may dispense a 90-day supply for a prescribed topical ophthalmic product where:

(1) the practitioner prescribed an initial 30-day prescription for the topical ophthalmic product;

(2) the patient completed the initial 30-day prescription;

(3) the practitioner did not indicate on the original prescription that dispensing the prescription in a specific amount with periodic refills is medically necessary; and

(4) the total quantity of dosage units dispensed, including refills, does not exceed the total quantity of dosage units indicated by the practitioner on the prescription.

(b) The requirements of subsection (a) shall not apply to initial prescriptions for topical ophthalmic products that are prescribed for a 90-day supply.

(c) A pharmacist shall not dispense a prescription refill under this section in excess of the initial prescribed amount if the practitioner instructs otherwise, either orally or in writing.

(d) Within a reasonable time following an increase of supply under this section, the dispensing pharmacist or the pharmacist’s designee shall notify the prescribing practitioner of the increase.

(e) This section shall not apply to topical ophthalmic products that are controlled substances as defined by the Controlled Substances Act, Public Law 91-513, or chapter 94C, except those classified as schedule VI prescription drugs.

(f) This section shall not apply to prescriptions dispensed in a hospital licensed under section 51 of chapter 111; provided, that no retail pharmacy, however organized, shall be exempted from this section.”.

The amendments were adopted; and the bill (House, No. 4195, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Westfield,—
land.

The House Bill providing for transfers of land in Westfield (House, No. 4308), 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 in section 3, in line 29, by striking out the figure "3" and inserting in place thereof the figure "2".

The amendment was adopted; and the bill (House, No. 4308, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At nineteen minutes after twelve o'clock noon, on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at eighteen minutes after one 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 Saturday at eleven o'clock A.M.

At twenty-one minutes after one o'clock P.M., on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Saturday at eleven o'clock A.M.