

# JOURNAL OF THE HOUSE.

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Wednesday, July 23, 2014.

Met at seven minutes after one o'clock P.M., 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.

## *Resolutions.*

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

Resolutions (filed by Representatives Haddad of Somerset, Orrall of Lakeville and O'Connell of Taunton) congratulating the Taunton Little League City Championship Series;

Taunton,—  
little  
league.

Resolutions (filed by Mrs. Poirier of North Attleborough) honoring Sister Patricia Harrington on her fifty-seven years of dedicated service to the Sisters of Mercy; and

Sister  
Patricia  
Harrington.

Resolutions (filed by Messrs. deMacedo of Plymouth, Calter of Kingston and Hunt of Sandwich) recognizing the National Monument to the Forefathers one hundred and twenty-fifth birthday;

National  
Monument to  
Forefathers.

Mr. Binienda of Worcester, 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. Collins of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

## *Order.*

Mrs. Haddad of Somerset being in the Chair,—

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:

*Ordered,* That, notwithstanding the provisions of Joint Rule 10, the committee on State Administration and Regulatory Oversight be granted until Thursday, July 31, 2014, within which to make its final report on current House documents numbered 2837, 3917 and 4051.

State  
Administration  
and Regulatory  
Oversight  
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. Kocot, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

## *Petitions.*

Petitions severally were presented and referred as follows:

By Representative Madden of Nantucket and Senator Wolf, a joint petition (accompanied by bill, House, No. 4339) of Timothy R. Madden and Daniel A. Wolf (by vote of the town) that the town of Chilmark be authorized to prohibit the use of certain chemicals in said town. To the committee on Environment, Natural Resources and Agriculture.

Chilmark,—  
chemical  
use.

Edgartown,—  
town  
manager.

By Representative Madden of Nantucket and Senator Wolf, a joint petition (accompanied by bill, House, No. 4340) of Timothy R. Madden and Daniel A. Wolf (by vote of the town) that the town of Edgartown be authorized to change the position of town manager from elected position to an appointed position. To the committee on Municipalities and Regional Government.

North  
Andover,—  
William  
Gregory  
Gordon.

By Ms. DiZoglio of Methuen, a petition (accompanied by bill, House, No. 4341) of Diana DiZoglio (by vote of the town) that the town of North Andover be authorized to appoint William Gregory Gordon as a police officer in said town, notwithstanding the maximum age requirement; and

North  
Andover,—  
Albert P.  
Manzi III.

By Ms. DiZoglio of Methuen, a petition (accompanied by bill, House, No. 4342) of Diana DiZoglio (by vote of the town) that the town of North Andover be authorized to appoint Albert P. Manzi III, as a police officer in said town, notwithstanding the maximum age requirement;

Severally to the committee on Public Service.

Severally sent to the Senate for concurrence.

Revoked  
licenses,—  
information  
sharing.

Mr. Kafka of Stoughton presented a petition (subject to Joint Rule 12) of Louis L. Kafka and others for legislation to require the Registry of Motor Vehicles to share information on suspended or revoked licenses with municipal police departments; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Binienda of Worcester, 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 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 Transportation. Sent to the Senate for concurrence.

#### *Papers from the Senate.*

Mercury  
management.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3601, amended) of the Senate Bill further regulating mercury management (Senate, No. 1758, amended), recommending passage of a bill with the same title (Senate, No. 2303), came from the Senate with the endorsement that it had been accepted by said branch; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Superior  
Court,—  
judicial  
procedures.

The House Bill relative to certain judicial procedures in the Superior Court (House, No. 4123), 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 2296. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

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

The House Bill relative to title protection (House, No. 175), came from the Senate passed to be engrossed, in concurrence, with amendments in line 3 inserting after the following: “C.P.T.” the following: “CPT”; and also in line 3 inserting after the following: “D.P.T.” the following: “DPT”. The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

Title  
protection.

The House Bill relative to public health data sharing with the Boston Health Commission (House, No. 2070), 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 2294. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Boston Health  
Commission.

The House Bill to eliminate racial and ethnic health disparities in the Commonwealth (House, No. 3888), came from the Senate passed to be engrossed, in concurrence, with amendments, striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2295; by striking out the title and inserting in place thereof the following title: “An Act to eliminate health disparities in the Commonwealth”. The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

Health  
disparities.

A Bill relative to patient financial protection (Senate, No. 2293) (on Senate No. 2096, amended), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Patient  
financial  
protection.

A Bill authorizing the board of selectmen of the town of Westport to borrow money for the payment of certain medical expenses for certain public safety personnel (Senate, No. 2193) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Westport,—  
debt  
payment.

A petition (accompanied by bill, Senate, No. 2291) of Benjamin B. Downing and Gailanne M. Cariddi (by vote of the town) for legislation to authorize the conveyance of certain state land in the town of Adams, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Adams,—  
debt  
payment.

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

Petition (accompanied by bill, Senate, No. 2302) of Benjamin B. Downing and William Smitty Pignatelli for legislation relative to a vote in the Berkshire Hills Regional School District. To the committee on Election Laws.

Berkshire Hills  
Regional School  
District.

Petition (accompanied by bill, Senate, No. 2301) of Marc R. Pacheco, Patricia A. Haddad and Shaunna O’Connell for legislation to establish a sick leave bank for Cary Crossman, an employee of the Department of Transportation. To the committee on Public Service.

Cary  
Crossman,—  
sick leave.

*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 following petitions:

Dental facilities,—wastewater.

Petition (accompanied by bill) of James R. Miceli relative to industrial wastewater discharged from dental facilities. To the committee on Environment, Natural Resources and Agriculture.

Bourne and Sandwich,—land.

Petition (accompanied by bill) of Randy Hunt that the Division of Capital Asset Management and Maintenance be authorized to transfer certain parcels of land in the towns of Bourne and Sandwich.

Boston,—land.

Petition (accompanied by bill) of Byron Rushing for legislation to authorize the transfer of a certain parcel of land from the Department of Conservation and Recreation to the Boston Redevelopment Authority and the city of Boston.

Severally to the committee on State Administration and Regulatory Oversight.

Under suspension of the rules, on motion of Mr. Rushing of Boston, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Economic growth,—bonds.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill providing the terms of certain bonds for economic growth in the Commonwealth (printed in House, No. 4241), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of said rule, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Hull,—land.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill authorizing the Department of Capital Asset Management and Maintenance to lease certain land in the town of Hull to The Friends of the Paragon Carousel, Inc. (House, No. 3320), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4338). 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 said rule, 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 substituted bill was ordered to a third reading.

Newborn children,—tests.

Mr. Sánchez of Boston, for the committee on Public Health, on a petition, a Bill relative to tests of newborn children for treatable disorders or diseases (House, No. 4269). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

NAS South Weymouth region.

By Mr. Wagner of Chicopee, for the committee on Economic Development and Emerging Technologies, on House, No. 4315, a Bill to promote the sustainable economic development of the former Weymouth Naval Air Station for the benefit of the towns of Abington, Rockland, and Weymouth, the NAS South Weymouth Region and the Common-

wealth (House, No. 4346). Read; and referred, under Rule 33, to the committee on Ways and Means.

*Motion to Suspend Rule 24(2).*

Mr. Donato of Medford being in the Chair,—

Mr. Fattman of Sutton moved that Rule 24(2) be suspended in order that he might offer, from the floor, Resolutions (filed by him and other members of the House) regarding the housing of illegal aliens in Massachusetts.

Illegal  
aliens,—  
housing.

After remarks the motion to suspend Rule 24(2) was negatived; and the resolutions were referred, under said rule, to the committee on Rules.

*Emergency Measures.*

The engrossed Bill establishing a sick leave bank for Thomas D. Tierney, an employee of the Highway Division of the Massachusetts Department of Transportation (see House, No. 4117, 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.

Thomas D.  
Tierney,—  
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 8 to 0. Sent to the Senate for concurrence.

Subsequently (Mrs. Haddad of Somerset having been in the Chair), 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.

The engrossed Bill establishing a sick leave bank for Kimberley DeSiata, an employee of the Department of State Police (see House, No. 4230), 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.

Kimberley  
DeSiata,—  
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 8 to 0. Sent to the Senate for concurrence.

Subsequently (Mrs. Haddad of Somerset having been in the Chair), 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 — State Credit — State Loan.*

The engrossed Bill relative to the expansion of the Boston Convention and Exhibition Center (see House, No. 4308) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

Boston  
Convention  
and  
Exhibition  
Center.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the gift, loan or pledging of the credit of the Commonwealth, as defined by Section 1 of Article LXII of the Amendments to the Constitution and this also being a “loan” bill as defined by Section 3 of Article LXII of

Bill enacted  
(state credit —  
state loan),—  
yea and nay  
No. 425.

Bill enacted (state credit—state loan),—yea and nay No. 425.

the Amendments to the Constitution); and on the roll call (Mrs. Had-dad of Somerset being in the Chair) 131 members voted in the affirmative and 19 in the negative.

**[See Yea and Nay No. 425 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Engrossed Bill — Land Taking.*

Medfield,—land.

The engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Medfield (see House, No. 4216, amended), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

Bill enacted (land taking),—yea and nay No. 426.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 150 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 426 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Reports of Committees.*

Buffer zones.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Senate Bill to promote public safety and protect access to reproductive health care facilities (Senate, No. 2283), ought to pass [Representative Diehl of Whitman dissenting]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Mr. Dempsey of Haverhill then moved suspension of said rule in order that the bill might be read a second time forthwith.

Rule 7A suspended,—yea and nay No. 427.

After remarks on suspension of Rule 7A, the sense of the House was taken by yeas and nays, at the request of Mr. Lyons of Andover; and on the roll call 112 members voted in the affirmative and 37 in the negative.

**[See Yea and Nay No. 427 in Supplement.]**

Therefore Rule 7A was suspended; and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Lyons of Andover moved that further consideration thereof be postponed until Friday, August 1.

Motion to postpone negative,—yea and nay No. 428.

After remarks on the motion to postpone, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 35 members voted in the affirmative and 114 in the negative.

**[See Yea and Nay No. 428 in Supplement.]**

Therefore the motion to postpone was negatived.

Mr. Lyons then moved that the bill be recommitted to the committee on the Judiciary.

After remarks on the motion to recommit, the sense of the House was taken by yeas and nays, at the request of Mr. Lyons of Andover; and on the roll call 38 members voted in the affirmative and 111 in the negative.

Motion to recommit negative,—yea and nay No. 429.

**[See Yea and Nay No. 429 in Supplement.]**

Therefore the motion to recommit to the committee on the Judiciary was negated.

After debate on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Markey of Dartmouth; and on the roll call 112 members voted in the affirmative and 37 in the negative.

Bill ordered to a third reading,—yea and nay No. 430.

**[See Yea and Nay No. 430 in Supplement.]**

Therefore the bill was ordered to a third reading.

Under suspension of the rules, on motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time forthwith.

Pending the question on passing the bill to be engrossed, Ms. Garry of Dracut moved to amend it in section 1, in line 4, and also in section 2, in line 78, by striking out, in each instance, the words “or entity”; and after remarks the amendments were rejected.

The same member then moved to amend the bill in section 2, in lines 30, 48, 57 and 63, by inserting after the word “facility”, in each instance, the following: “interferes with the rights of 1 or more individuals to peaceably assembly, peaceably protest, peaceably counsel, or peaceably pray at the location.”

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Frost of Auburn; and on the roll call 39 members voted in the affirmative and 110 in the negative.

Amendments rejected,—yea and nay No. 431.

**[See Yea and Nay No. 431 in Supplement.]**

Therefore the amendments were rejected.

Mr. Lyons of Andover then moved to amend the bill in section 2, in lines 55 to 61, inclusive, by striking out subsection (e) and inserting in place thereof the following subsection:

“(e) A person who impedes a person’s access to or departure from a reproductive health care facility with the intent to interfere with that person’s ability to provide, support the provision of or obtain services at the reproductive health care facility shall be punished, for the first offense, by a fine of not more than \$1,000 or not more than 6 months in a jail or house of correction or by both such fine and imprisonment and, for each subsequent offense, by a fine of not less than \$5,000 nor more than \$25,000 or not more than 2½ years in a jail or house of correction or not more than 5 years in the state prison or by both such fine and imprisonment.

A person who impedes a person outside of a reproductive health care facility with the intent to interfere with that person’s exercise of his or her First Amendment rights shall be punished for the first offense, by a fine of not more than \$1,000 or not more than 6 months in a jail or house of correction or by both such fine and imprisonment and, for each subsequent offense, by a fine of not less than \$5,000 nor

Buffer  
zones.

Amendment  
rejected,—  
yea and nay  
No. 432.

more than \$25,000 or not more than 21/2 years in a jail or house of correction or not more than 5 years in the state prison or by both such fine and imprisonment.”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 36 members voted in the affirmative and 115 in the negative.

**[See Yea and Nay No. 432 in Supplement.]**

Therefore the amendment was rejected.

Mr. Lyons then moved to amend the bill by striking out section 1 and inserting in place thereof the following section:

“SECTION 1. Section 11H of chapter 12 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following paragraph:—

If the attorney general prevails in an action under this section, the attorney general shall be entitled to: (i) an award of compensatory damages for any aggrieved person or entity; and (ii) litigation costs and reasonable attorneys’ fees in an amount to be determined by the court. In a matter involving the interference or attempted interference with any right protected by the constitution of the United States or of the commonwealth, the court may also award civil penalties against each defendant in an amount not exceeding \$5,000 for each violation.

If the defendant or defendant prevails in an action under this section, whether such action was brought by the attorney general or a private party, the defendant(s) shall be entitled to: (i) an award of compensatory damages for any aggrieved person or entity; and (ii) litigation costs and reasonable attorneys’ fees in an amount to be determined by the court. In a matter involving the interference or attempted interference with any right protected by the constitution of the United States or of the commonwealth, the court may also award civil penalties against any non-prevailing private-party plaintiff in an amount not exceeding \$5,000 for each violation.”

After remarks the amendment was rejected.

Mr. Lyons of Andover then moved to amend the bill in section 2, in lines 14, 15, 30, 32, 35, 36, 37, 39, 48, 55, 57, 63, and 69, by striking out, in each instance, the word “reproductive”, and in said section, in lines 24 to 27, inclusive, by striking out the paragraph contained in those lines; and after remarks the amendments were rejected.

The same member then moved to amend the bill in section 2, in lines 24 and 25, by striking out the words “a place, other than within or upon the grounds of a hospital”. The amendment was rejected.

Mr. Lyons then moved to amend the bill in section 2, in line 47, by striking out the word “intimidates” and inserting in place thereof the word “assaults”, in said line 47, by striking out the word “intimidate” and inserting in place thereof the word “assault” and in lines 52, 53 and 54, by striking out the words “For the purpose of this subsection, ‘intimidate’ shall mean to place a person in reasonable apprehension of bodily harm to that person or another.”. The amendments were rejected.

Mr. Lyons of Andover then moved to amend the bill in section 2, in lines 11 to 27, inclusive, by striking out subsection (a) contained in those lines, and in lines 30, 32, 35, 36, 37, 39 and 40, 48, 55 and 56,

57, 63 and 69, by striking out, in each instance, the words “reproductive health care”. The amendments were rejected.

After remarks on the question on passing the bill to be engrossed, in concurrence, the same member moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Chapter 266 of the General Laws is hereby amended by striking out section 120E½, as so appearing, and inserting in place thereof the following section:—

Section 120E½. (a) Prohibited Activities.— Whoever—

(1) by force or threat of force or by physical obstruction, intentionally injures, assaults or interferes with or attempts to injure or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing reproductive health services;

(2) by force or threat of force or by physical obstruction, intentionally injures, assaults or interferes with or attempts to injure or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or

(3) intentionally damages or destroys the property of a facility, or attempts to do so, because such facility provides reproductive health services, or intentionally damages or destroys the property of a place of religious worship, shall be subject to the penalties provided in subsection (b) and the civil remedies provided in subsection (c), except that a parent or legal guardian of a minor shall not be subject to any penalties or civil remedies under this section for such activities insofar as they are directed exclusively at that minor.

(b) Penalties.— Whoever violates this section shall—

(1) in the case of a first offense, be fined in accordance with this title, or imprisoned not more than one year, or both; and

(2) in the case of a second or subsequent offense after a prior conviction under this section, be fined in accordance with this title, or imprisoned not more than 3 years, or both; except that for an offense involving exclusively a nonviolent physical obstruction, the fine shall be not more than \$10,000 and the length of imprisonment shall be not more than six months, or both, for the first offense; and the fine shall be not more than \$25,000 and the length of imprisonment shall be not more than 18 months, or both, for a subsequent offense; and except that if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life.

(3) No person shall be convicted under this article for conduct in violation of Sections (b)(1) - (2) that was done on a particular occasion where the identical conduct on that occasion was the basis for a conviction of that person under the federal Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248)

(c) Civil Remedies.—

(1) Right of action.—

(A) In general.— Any person aggrieved by reason of the conduct prohibited by subsection (a) may commence a civil action for the relief set forth in subparagraph (B), except that such an action may be brought under subsection (a)(1) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services in a

Buffer zones.

facility that provides reproductive health services, and such an action may be brought under subsection (a)(2) only by a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship or by the entity that owns or operates such place of religious worship.

(B) Relief.— In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5,000 per violation.

(2) Action by attorney general of the united states.—

(A) In general.— If the Attorney General has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, the Attorney General may commence a civil action in the appropriate District Court.

(B) Relief.— In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent—

(i) in an amount not exceeding \$10,000 for a nonviolent physical obstruction and \$15,000 for other first violations; and

(ii) in an amount not exceeding \$15,000 for a nonviolent physical obstruction and \$25,000 for any other subsequent violation.

(3) Actions by state attorneys general.—

(A) In general.— If the Attorney General has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, such Attorney General may commence a civil action, as *parens patriae* on behalf of natural persons residing in the Commonwealth, in the appropriate District Court.

(B) Relief.— In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B).

(4) No person shall be found liable under this section for conduct in violation of Section (c)(1) done on a particular occasion where the identical conduct on that occasion was the basis for a finding of liability by that person under the federal Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248)

(d) Rules of Construction.— Nothing in this section shall be construed—

(1) to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution;

(2) to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution, occurring outside a facility, regardless of the point of

view expressed, or to limit any existing legal remedies for such interference;

(3) to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this section, or to preempt State or local laws that may provide such penalties or remedies; or

(4) to interfere with the enforcement of State or local laws regulating the performance of abortions or other reproductive health services.

(e) Definitions.— As used in this section:

(1) Facility.— The term ‘facility’ includes a hospital, clinic, physician’s office, or other facility that provides reproductive health services, and includes the building or structure in which the facility is located.

(2) Interfere with.— The term ‘interfere with’ means to restrict a person’s freedom of movement.

(3) Physical obstruction.— The term ‘physical obstruction’ means rendering impassable ingress to or egress from a facility that provides reproductive health services or to or from a place of religious worship, or rendering passage to or from such a facility or place of religious worship unreasonably difficult or hazardous.

(4) Reproductive health services.— The term ‘reproductive health services’ means reproductive health services provided in a hospital, clinic, physician’s office, or other facility, and includes medical, surgical, counselling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.”

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Lyons; and on the roll call 40 members voted in the affirmative and 110 in the negative.

Amendment  
rejected,—  
yea and nay  
No. 433.

**[See Yea and Nay No. 433 in Supplement.]**

Therefore the amendment was rejected.

Mrs. Orrall of Lakeville and other members of the House then moved to amend the bill in section 2, in lines 21 to 91, inclusive, by striking out the words “reproductive health care facility” and inserting in place thereof, in each instance, the words “business or public building”, and, in lines 24 to 27, inclusive, by striking out the definition of “Reproductive health care facility”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 31 members voted in the affirmative and 119 in the negative.

Amendments  
rejected,—  
yea and nay  
No. 434.

**[See Yea and Nay No. 434 in Supplement.]**

Therefore the amendments were rejected.

Mr. deMacedo of Plymouth then moved to amend the bill in section 2, in lines 21 to 91, inclusive, by striking out the words “reproductive health care facility”, and inserting in place thereof, in each instance, the words “medical facility”, and, in line 23 by inserting after the word “sheriffs.” the following definition:

“ ‘Medical facility’, any medical office, medical clinic, medical laboratory, or hospital, including a reproductive health care facility.”

Mr. Bradley of Hingham thereupon raised a point of order that the amendments offered by the gentleman from Plymouth were improperly

Point of  
order.

Buffer  
zones.

before the House for the reason that part of the subject-matter had been disposed of in the previous amendments.

In answer to the point of order, the Chair (Mrs. Haddad of Somerset) stated that, upon comparison of the previously rejected amendments with the amendments offered by the gentleman from Plymouth, a portion of the amendment had already been deliberated and disposed of. Therefore the Chair ruled that the point of order was well taken; and the amendments were laid aside accordingly.

Mr. Lyons of Andover then moved to amend the bill by adding the following section:

“SECTION 3. Notwithstanding any other provision of this Act to the contrary, no provision shall be construed to infringe any speech or expressive conduct protected by laws or constitution of the Commonwealth of Massachusetts or of the United States of America.”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 31 members voted in the affirmative and 119 in the negative.

**[See Yeas and Nays No. 435 in Supplement.]**

Therefore the amendment was rejected.

Mrs. Harrington of Groton then moved to amend the bill in section 2, in lines 19 and 20, by striking out the definition of “Impede” and inserting in place thereof the following definition:

“ ‘Impede’, to willfully and physically obstruct or interfere with the free passage of a person seeking to enter or depart from an entrance or driveway utilized by a reproductive health care facility.”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 32 members voted in the affirmative and 118 in the negative.

**[See Yeas and Nays No. 436 in Supplement.]**

Therefore the amendment was rejected.

Mrs. Harrington then moved to amend the bill in section 2, in line 82, after the word “business.”, and in line 89, after the word “violation.”, by inserting, in each instance, the following sentence: “A civil action pursuant to this subsection must be commenced within one year after the cause of action accrued.”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 40 members voted in the affirmative and 111 in the negative.

**[See Yeas and Nays No. 437 in Supplement.]**

Therefore the amendment was rejected.

Mr. Markey of Dartmouth then moved to amend the bill in section 2, in line 87, by striking out the figures “\$10,000” and inserting in place thereof the figures “\$5,000”, in said line 87 and also in line 88, by striking out the figures “\$15,000” and inserting in place thereof, in each instance, the figures “\$7,500”, and, in line 88 by striking out the figures “\$25,000” and inserting in place thereof the figures “\$12,500”. The amendments were adopted.

Amendment  
rejected,—  
yeas and nays  
No. 435.

Amendment  
rejected,—  
yeas and nays  
No. 436.

Amendment  
rejected,—  
yeas and nays  
No. 437.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Lyons of Andover; and on the roll call 116 members voted in the affirmative and 35 in the negative.

Bill passed to be engrossed,—yea and nay No. 438.

**[See Yea and Nay No. 438 in Supplement.]**

Therefore the bill (Senate, No. 2283, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments adopted by the House.

*Orders of the Day.*

Senate bills

Designating volleyball as the official recreational and team sport of the Commonwealth (Senate, No. 1627); and

Relative to the Massachusetts Broadband Institute (Senate, No. 2184);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

Third reading bills.

House bills

Relative to taking and transmitting images of crime victims by first responders (House, No. 4040);

Relative to credit union branching (House, No. 4139);

Relative to real lives (House, No. 4237);

Establishing a sick leave bank for Athanasios Gougoulis, an employee of the Department of Developmental Services (House, No. 4267); and

Recognizing the profession of interior designers to bid on state contracts (House, No. 4303);

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.

Id.

House bills

Relative to the board of selectmen-town manager form of government in the town of Great Barrington (House, No. 4192);

Providing a simplified procedure for municipal acceptance of subdivision roads in the town of Framingham (House, No. 4193);

Relative to the naming of the street hockey arena in Marine Park in the South Boston neighborhood in the city of Boston (House, No. 4201);

Authorizing the town of Shrewsbury to establish a special fund (House, No. 4219);

Relative to the charter of the town of Harwich (House, No. 4220);

Relative to the town manager in the town of Dedham (House, No. 4261);

Regarding further protection of consumers in the Commonwealth (House, No. 4277);

Authorizing the town of Walpole to grant additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 4309);

Authorizing the city of Beverley to issue additional liquor licenses (House, No. 4310);

Second reading bills.

Second  
reading  
bills.

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); and

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);

Severally were read a second time; and they were ordered to a third reading.

Foreclosed  
properties.

The Senate Bill clearing titles to foreclosed properties (Senate, No. 1987), 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, in concurrence, Mr. Dempsey of Haverhill moved to amend it in section 2, in lines 21 to 34, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“The prior paragraph shall not apply when: (i) a legal action to challenge the validity of the foreclosure sale is commenced by any party entitled to notice of sale under section 14 in a court of competent jurisdiction and a true and correct copy of the complaint or other pleading asserting such challenge in the legal action is duly recorded in the registry of deeds for the county or district where the subject real property lies or is duly filed in the land court registry district prior to the deadline; or (ii) a challenge to the validity of the foreclosure sale is asserted as a defense or counterclaim in a legal action in a court of competent jurisdiction by any party entitled to notice of sale under section 14 who continues to occupy the mortgaged premises as such party’s principal place of residence and, within 60 days thereof or prior to the deadline, whichever is later, a true and correct copy of any pleading asserting such challenge in the legal action is duly recorded in the registry of deeds for the county or district where the subject real property lies or is duly filed in the land court registry district, regardless of whether such challenge is asserted prior to the deadline. However, following the entry of a final judgment in such a legal challenge and the final resolution of any appeal of that judgment, the affidavit shall immediately become conclusive evidence of the validity of the sale, if the final judgment concludes that the power of sale was duly exercised. If the final judgment concludes that the power of sale was not duly exercised, the foreclosure sale and affidavit shall be void. If the final judgment does not determine the validity of the foreclosure sale and the deadline for the affidavit to become conclusive has not expired, any party entitled to notice of sale under section 14 may file or assert another legal challenge to the validity of the foreclosure sale under clauses (i) and (ii) above.”

The amendment was adopted.

Ms. Provost of Somerville and other members of the House then moved to amend the bill by amending in section 1, in line 12, in section 2, in line 16; and in section 4, in line 48, by striking out the figure “3” and inserting in place thereof, in each instance the following: “ten (10)”; and in section 4, in line 49, by striking out the figure “1” and inserting in place thereof the following: “three (3)”. The amendments were adopted.

The bill (Senate, No. 1987, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments.

*Order.*

On motion of Mr. DeLeo of Medford,—

*Ordered*, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M. Next sitting.

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Accordingly, without further consideration of the remaining matters in the Orders of the Day, at sixteen minutes before seven o'clock P.M., on motion of Mr. Peterson of Grafton (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.