

JOURNAL OF THE HOUSE.

Monday, July 28, 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).

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:

Kevin Edman
Mello.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Kevin Edman Mello on receiving the Eagle Award of the Boy Scouts of America; and

Mark Jeffrey
Andolina.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Mark Jeffrey Andolina on receiving the Eagle Award of the Boy Scouts of America;

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. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Mansfield,—
liquor
licenses.

Mr. Barrows of Mansfield presented a petition (accompanied by bill, House, No. 4361) of F. Jay Barrows (by vote of the town) that the town of Mansfield be authorized to grant two additional licenses for the sale of all alcoholic beverages to be drunk on the premises; and the same was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Kathleen
Restuccia,—
sick leave.

Messrs. McMurtry of Dedham and Murphy of Weymouth presented a petition (subject to Joint Rule 12) of Paul McMurtry, James M. Murphy and Michael F. Rush for legislation to establish a sick leave bank for Kathleen Restuccia, an employee of the Trial Court; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

Real estate
appraisal
management
companies.

The House Bill to regulate real estate appraisal management companies (House, No. 3849, amended), 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 2307. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

The House Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property in the town of Tewksbury (House, No. 4085), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 5, striking out the words “in consultation with” and inserting in place thereof the words “upon approval from”. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Tewksbury,—
land.

The House Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Westborough (House, No. 4157, amended), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 5, striking out the following: “SECTION 5A” and inserting in place thereof the following: “SECTION 4A”; and in section 6, in line 72, striking out the following: “5A” and inserting in place thereof the following: “4A”. The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

Westborough,—
land.

A Bill increasing the membership of the board of trustees and increasing quorum for the transaction of the corporate business of Amherst College (Senate, No. 2267) (on a petition), passed to be engrossed by Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Amherst
College.

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

Bills

Relative to the licensure of insurance adjusters in the Commonwealth (Senate, No. 435, amended in section 2, in line 14, by striking out the words “as provided in this section” (as changed by the Senate committee on Bills in the Third Reading) (on a petition);

Insurance
adjusters.

Authorizing the Massachusetts Water Resources Authority to dispose of certain real property in the city of Boston and to release an easement upon certain real property in the city of Boston (Senate, No. 2139) (on a petition);

MWRA,—
Boston
land.

Relative to creating a statutory housing restriction and providing remedies related to statutory housing (Senate, No. 2305) (on Senate bill No. 595);

Statutory
housing.

Regulating notaries public to protect consumers and the validity and effectiveness of recorder instructions (Senate, No. 2306, amended in section 7, in lines 310 to 315, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

Notaries
public.

“(e) A notary public who is not an attorney licensed to practice law in the commonwealth shall not conduct a real estate closing and shall not act as a real estate closing agent. Provided however, that a notary public who is employed by an attorney so licensed may notarize a docu-

Notaries
public.

ment in conjunction with a real estate closing conducted by the attorney and a notary public who is employed by a lender may notarize a document in conjunction with the closing of such lender's real estate loans.") (on Senate bill No. 2252, amended);

Recycling.

To require recycling in public buildings (Senate, No. 2308) (on Senate bill No. 398); and

Brookfield,—
bridge.

Authorizing the Division of Capital Asset Management and Maintenance to grant to the town of Brookfield 6 easements over certain parcels of land in the town of Brookfield (Senate, No. 2311) (on Senate bill No. 2108);

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

Boston,—
Gormley
bridge.

A Bill designating a certain bridge in the city of Boston as the Brigadier General William J. Gormley III bridge (Senate, No. 1864), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Public safety
personnel,—
fitness
standards.

A communication from the Human Resources Division of the Executive Office for Administration and Finance (under the provisions of section 61A of Chapter 31 and section 5(3)(e) of Chapter 32 of the General Laws) submitting revisions to regulations for initial medical and physical fitness standards tests of municipal public safety personnel (Senate, No. 2315), was referred, in concurrence, to the committee on Public Service.

Athol,—
retirement
system.

A petition (accompanied by bill, Senate, No. 2300) of Stephen M. Brewer, Denise Andrews and Anne M. Gobi (by vote of the town) for legislation to dissolve the Athol contributory retirement system, was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

Information
technology.

The committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2230) of the House Bill financing information technology equipment and related projects (House, No. 3770, amended), reported recommending passage of a bill with the same title (House, No. 4355). 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; and, under said rule, it was placed in the Orders of the Day for the next sitting, the question being on acceptance.

Tammy S.
Storey,—
sick leave.

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 Todd M. Smola and Stephen M. Brewer for legislation to establish a sick leave bank for Tammy S. Storey, an employee of the Department of Developmental Services. Under suspension of the rules, on motion of Ms. Balsler of

Newton, 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.

By Mr. Michlewitz of Boston, for the committee on Public Service, on a petition, a Bill authorizing the town of Whately to continue the employment of Donald Dufault and John DuBois (House, No. 4222) [Local Approval Received].

Whately,—
employees.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Robert Binton, an employee of the Department of Transportation (House, No. 4318).

Robert
Binton,—
sick leave.

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

Mr. Kafka of Stoughton for said committee then reported, in each instance, that the matters be scheduled for consideration by the House.

Under suspension of the rules, 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.

Report of the committee on Public Service, ought NOT to pass (under Joint Rule 10), on the joint petition (accompanied by bill, House, No. 4195) of Stephen Kulik and Benjamin B. Downing (by vote of the town) that the town of Conway be authorized to continue the employment of police officer David Johnson. Under suspension of the rules, on a motion of Mr. Kafka of Stoughton, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Michlewitz of Boston.

Conway,—
David
Johnson.

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

To promote environmentally sound transportation of agricultural products (Senate, No. 1635);

Agriculture,—
transportation.

Authorizing the Division of Capital Asset Management and Maintenance to sell or lease certain property in the town of Tewksbury (Senate, No. 2053);

Tewksbury,—
land.

Authorizing the Division of Capital Asset Management and Maintenance to grant a sewer easement in certain land in the town of Tewksbury (Senate, No. 2082);

Id.

Relative to the lease of Worcester City Campus Corporation owned land (House, No. 3444);

Worcester,—
land.

To convey a certain parcel of land in the city Marlborough (House, No. 3891); and

Marlborough,—
land.

Relative to preserving a memorial to landing ship tanks in the town of Hingham (House, No. 4232).

Hingham,—
memorial.

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

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

Under suspension of said rule, 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.

MetroWest,—
status of
women.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Senate Bill establishing the MetroWest commission on the status of women and girls (Senate, No. 1920), ought to pass with amendments by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4356; and by striking out the title and inserting in place thereof the following title: "An Act establishing the MetroWest commission on the status of women." Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments 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 amendments recommended by the committee on Ways and Means then were adopted; and the bill (Senate, No. 1920, amended) was ordered to a third reading.

Hubbardston,—
land.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Senate Bill authorizing the transfer of certain parcels of land in the town of Hubbardston (Senate, No. 2288), 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 4357. 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 bill (Senate, No. 2288, amended) was ordered to a third reading.

Waltham,—
land.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the House Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the city of Waltham (House, No. 4252), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4358). 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.

Speedway
Administration
Building.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill to preserve the historic Speedway Administration Building in the Brighton district of the city of Boston (House, No. 4337, changed), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4359). 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.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the 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 Commonwealth (House, No. 4346), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4360). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Weymouth,—
Naval Air
Station.

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.

By Mr. Michlewitz of Boston, for the committee on Public Service, on Senate, No. 1225, a Bill creating a commission to study the feasibility of divestment of fossil fuels from the Commonwealth's pension systems (House, No. 4354). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Retirement
system,—
fossil fuel
divestment.

By Mr. Michlewitz of Boston, for the committee on Public Service, on a petition, a Bill relative to the retirement benefits of state police dispatchers (House, No. 2370).

State police,—
dispatchers.

By the same member, for the same committee, on a petition, a Bill relative to the collective bargaining rights for employees of the Committee on Public Counsel Services (House, No. 2389).

Public
counsels,—
bargaining.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on House, No. 4051, a Bill authorizing the lease, license, and conveyance of certain Commonwealth property located in the city of Boston (House, No. 4353).

Boston,—
land.

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

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, that the Bill relative to expanding access to healthy food choices in vending machines on state property (House, No. 3975), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4351) [Cost: Greater than \$100,000.00].

State
property,—
vending
machines.

By the same member, for the same committee, that the Bill relative to HIV-associated lipodystrophy treatment (House, No. 4141), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4352) [Cost: Greater than \$100,000.00].

HIV-associated
lipodystrophy.

Severally read; and referred, under Rule 33, to the committee on Ways and Means, with the amendments pending.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, that the following bills ought to pass:

Musical instruments.

Relative to the sterilization of musical instruments in schools (House, No. 369) [Cost: Greater than \$100,000.00];

Devic's Disease.

Relative to health insurance coverage for Devic's Disease (House, No. 941) [Cost: Greater than \$100,000.00];

Craniofacial disorders.

Relative to insurance coverage for craniofacial disorders (House, No. 976) [Cost: Greater than \$100,000.00];

Mitochondrial disease.

Providing for care and treatment of patients with mitochondrial disease (House, No. 977) [Cost: Greater than \$100,000.00]; and

Tobacco,— minors.

Modernizing tobacco control and protecting the health of minors (House, No. 3726) [Cost: Greater than \$100,000.00].

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

Hearing aids,— access.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, that the Bill to provide increased access to hearing aids (House, No. 4273), ought to pass. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Adult guardianship.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Senate Bill relative to uniform adult guardianship and protective proceedings jurisdiction (Senate, No. 2249), 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; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House:

Senate bills

Ordinances,— enforcement.

Relative to the effective enforcement of municipal ordinances and by-laws (Senate, No. 944);

Westfield,— road.

Relative to the acceptance of Paper Mill Road as a public way in the city of Westfield (Senate, No. 2169) [Local Approval Received];

Westport,— finances.

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) [Local Approval Received];

Self-storage,— notification.

Relative to improving notice requirements for self-storage (Senate, No. 2297); and

Revolving fund.

Establishing a tax title collection revolving fund (Senate, No. 2298); and

House bills

Sewer,— betterments.

Regulating sewer betterment assessments in the Commonwealth (House, No. 4204);

Milton,— land

Authorizing the town of Milton to acquire certain property and to convey certain property (printed in House, No. 4332); and

Lynn,— salaries.

Relative to certain municipal salaries in the city of Lynn (House, No. 4335) [Local Approval Received];

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

Engrossed Bill.

The engrossed Bill further regulating mercury management (see Senate, No. 2303) (which originated in the Senate), having been certified by the Clerk to 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. Bill enacted.

Orders of the Day.

The Senate amendment of the House Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 3933), reported by the committee on Bills in the Third Reading to be correctly drawn, was considered. Capital repairs.

Pending the question on adoption of the amendment, in concurrence, Mr. Dempsey of Haverhill moved that the House concur with the Senate in its amendment with a further amendment by striking out all after the enacting clause and inserting in place thereof the text contain in House document numbered 4362. The further amendment was adopted.

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

The Senate amendments of the House Bill relative to title protection (House, No. 175), reported by the committee on Bills in the Third Reading to be correctly drawn, were adopted, in concurrence. Title protection.

House bills

Providing equitable treatment for post-acute care hospitals (House, No. 1986); Third reading bills.

Relative to parking tickets fines in the town of Wellfleet (House, No. 4175);

Relative to confidentiality in financial examinations (House, No. 4324); and

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. 4338);

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. Severally sent to the Senate for concurrence.

Recess.

At nineteen minutes before twelve o'clock noon, on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House recessed until a quarter before one o'clock P.M.; and at five minutes after one o'clock the House was called to order with Mr. Donato in the Chair. Recess.

Paper from the Senate.

The House Bill relative to campaign finance disclosure and transparency (House, No. 4226), 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 2304; and inserting before the enacting clause the following emergency preamble: Campaign finance disclosure.

Campaign
finance
disclosure.

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to strengthen forthwith campaign finance reporting and disclosure requirements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

Conference
committee.

Under suspension of the rules, on motion of Mr. Murphy of Weymouth, the amendments were considered forthwith. The House then non-concurred with the Senate in its amendments; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Murphy, Campbell of Methuen and Dooley of Norfolk were appointed the committee on the part of the House. Sent to the Senate to be joined.

Id.

Subsequently notice was received from the Senate that said branch had insisted on its amendments, concurred with the House in the appointment of a committee of conference; and that Senators Finegold, Rosenberg and Hedlund had been appointed the committee on the part of the Senate.

Stoneham,—
liquor
license.

The House Bill authorizing the town of Stoneham to grant additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 3786), came from the Senate with the endorsement that said branch had non-concurred with the House in its further amendment.

On motion of Mr. Speliotis of Danvers, the House then receded from its further amendment.

On the recurring question on concurring with the Senate in its amendment, the same member moved that the House concur in the Senate amendment with a still further amendment by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority of the town of Stoneham may grant up to 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138; provided, however, that such licenses shall be issued to establishments that hold a common victualler’s license pursuant to section 2 of chapter 140 of the General Laws.

(b) A license granted pursuant to this act shall not be transferable to any other person, corporation, organization or location for a period of 3 years from the date of the original issuance. A transfer in violation of this act shall render the license null and void.

(c) If a license granted pursuant to this act is revoked or no longer in use at the location of original issuance, it shall be returned physically, with all the legal rights and privileges pertaining thereto, to the licensing authority, which may then grant the license to a new applicant at the same location only under the same conditions as specified in this act; provided, that the new applicant files with the licensing authority a letter from the department of revenue and a letter from the division of unemployment assistance indicating that the license is in good standing with those entities and all applicable taxes, fees and contributions have been paid.

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

The still further amendment was adopted.

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

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.

At twenty-five 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 day at eleven o'clock A.M.