

JOURNAL OF THE HOUSE.

Thursday, September 17, 2015.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. McMurtry of Dedham 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. McMurtry), 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 Mr. Cabral of New Bedford) honoring the New Bedford Symphony Orchestra on the occasion of its one hundredth anniversary; New Bedford Orchestra.

Resolutions (filed by Mr. Collins of Boston) recognizing the contributions of Tom Lyons and the South Boston Vietnam War Veterans; and Tom Lyons.

Resolutions (filed by Mr. Diehl of Whitman) congratulating Iris Carroll on her retirement from Programs for People, Inc.; Iris Carroll.

Mr. Galvin of Canton, for the committee on Rules, reported, that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Tamily of Milton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Mr. Hunt of Boston presented a petition (accompanied by bill, House, No. 3763) of Daniel J. Hunt and others (with the approval of the mayor and city council) that the city of Boston be authorized to appoint Robert J. Butts, III a police officer in said city, notwithstanding the maximum age requirement; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence. Boston,—
Robert Butts.

Petitions severally were presented and referred as follows:

By Mr. Ashe of Longmeadow, a petition (subject to Joint Rule 12) of Brian M. Ashe and others for legislation to further regulate the practice of sheet metal work. Sheet metal.

By Mr. Cutler of Duxbury, a petition (subject to Joint Rule 12) of Josh S. Cutler and others relative to the privacy of death certificates. Death certificates.

By Mr. Devers of Lawrence, a petition (subject to Joint Rule 12) of Marcos A. Devers relative to qualifications for creditable prior service. Prior service.

By Mr. Kulik of Worthington, a petition (subject to Joint Rule 12) of Stephen Kulik and others relative to adjudicatory proceedings involving gas and electric companies. Gas companies.

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

Paper from the Senate.

Holyoke,—
city
council.

The House Bill establishing a 4-year term for the office of City Council of the city of Holyoke (House, No. 3680) (its title having been changed by the Senate committee on Bills in the Third Reading), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 5, in line 23, striking out the figures “60” and inserting in place thereof the figures “35”. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Reports of Committees.

Gloucester,—
elections.

Rockport,—
alcoholic
beverages.

Chelmsford,—
alcoholic
beverages.

Kenneth
Bascomb,—
sick leave.

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

Regulating preliminary elections in the city of Gloucester (Senate, No. 45) [Local Approval Received];

Relative to the granting of licenses for the sale of alcoholic beverages to be drunk on the premises in the town of Rockport (Senate, No. 46, amended) [Local Approval Received];

Authorizing the town of Chelmsford to hold licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 1924) [Local Approval Received]; and

Establishing a sick leave bank for Kenneth Bascomb, an employee of the Department of Correction (Senate, No. 2009);

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

Southborough,—
land.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on House, No. 3548, a Bill directing the Division of Capital Asset Management and Maintenance to lease a certain parcel of land in the town of Southborough (House, No. 3762) [Local Approval Received]. Read; and referred, under Rule 33, to the committee on Ways and Means.

Engrossed Bills.

Bill
re-enacted.

The engrossed Bill relative to the charter of the city of Newton (see House, No. 3563, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bills
enacted.

Engrossed bills

Relative to the town manager in the town of Dedham (see House, No. 3269, changed); and

Changing the name of the State-Boston Retirement System to the Boston retirement system (see House, No. 3612);

(Which severally originated in the House);

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

The engrossed Bill amending the charter for the town of Randolph (see Senate, No. 1942) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final, was put upon its final passage.

Randolph,—
charter.

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

Rule 40
suspended.

Messrs. Timilty, Ayers of Quincy and Cusack of Braintree then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 2-4 of article 2 of the charter of the city known as the town of Randolph, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:—

(a) Salary – Notwithstanding any general or special law to the contrary, commencing on January 1, 2016, each town council member shall be paid an annual salary of \$5,000; provided, however, that the town council members shall not be eligible to receive town benefits as the result of being a town council member, including, but not limited to, town health insurance, town life insurance, town dental insurance, town disability insurance, town sick time, town personal time or town vacation time. Nothing in this subsection shall affect the eligibility of town council members to participate in the Norfolk county retirement system or other retirement systems in the commonwealth, as provided for by law. Nothing in this subsection shall affect any local, state or federal tax withholding requirements or any other federal requirements applicable to paid local elected officials.

SECTION 2. Article 2 of said charter is hereby amended by striking out section 2-5 and inserting in place thereof the following section:—

Section 2-5 General Powers

(a) General Powers – Except as otherwise provided by general or special law or this charter, all powers of the town shall be vested in the town council which shall provide for the exercise thereof and for the performance of all duties and obligations imposed upon the town by such law or charter provision. The town may enter into contracts for the exercise of its corporate powers on the terms and conditions authorized by the town council by ordinance.

(b) License Board – There shall be a license board and it shall be the licensing authority of the town of Randolph and shall, as authorized by the laws of the commonwealth, have all power to issue all licenses, to make all necessary rules and regulations regarding the issuance of the licenses, to attach conditions and restrictions to the licenses as it considers to be in the public interest and to enforce all laws relating to the licenses.

The license board shall consist of 7 full-time members, 3 of whom shall be residents of the town of Randolph. The license board shall have 3 alternates, all of whom shall be residents of the town of Randolph recommended by the council president and confirmed by the town council.

The full-time license board members shall consist of the following: the Randolph police chief; the Randolph fire chief; the Randolph building inspector; the Randolph health inspector; and 3 town residents,

1 of whom shall be recommended by the council president and confirmed by the town council.

Each member shall serve a 2-year term. All license board meetings shall be held at 7:00 P.M. on any weekday except Monday.

No elected official within the commonwealth shall be eligible to serve as a license board member. A license board member shall not be compensated by the town in the member's role as a license board member.

The license board shall have authority and jurisdiction over licenses issued under town by-laws or the General Laws, including licenses issued pursuant to chapter 138 or 140 of the General Laws.

The license board shall have licensing authority and jurisdiction regarding licenses granted under this authority consistent with the board's legal authority to regulate conduct which is in the best interests of the public and is intended to protect the public welfare and safety of the inhabitants of Randolph.

The license board shall regulate common victuallers licenses and entertainment licenses granted under chapter 140 of the General Laws. Nothing in this section shall limit the authority of the license board under the General Laws over which the license board has authority under powers conferred to it by applicable law or the town charter or an applicable town by-law.

SECTION 3. Said article 2 of said charter is hereby amended by striking out section 2-5 and inserting in place thereof the following section:—

Section 2-5 General Powers

(a) General Powers – Except as otherwise provided by general or special law or this charter, all powers of the town shall be vested in the town council which shall provide for the exercise thereof and for the performance of all duties and obligations imposed upon the town by such law or charter provision. The town may enter into contracts for the exercise of its corporate powers on the terms and conditions authorized by the town council by ordinance.

(b) Licensing Board – There shall be a licensing board in the town of Randolph. The town council shall be the licensing board and licensing authority of the town of Randolph. The licensing board shall, as authorized by the laws of the commonwealth, have all power to issue all licenses, to make all necessary rules and regulations regarding the issuance of the licenses, to attach conditions and restrictions to the licenses as it considers to be in the public interest and to enforce all laws relating to the licenses.

The licensing board shall have authority and jurisdiction over licenses issued under town by-laws or the General Laws, including licenses issued pursuant to chapter 138 or 140 of the General Laws.

The licensing board shall have licensing authority and jurisdiction regarding licenses granted under this authority consistent with the board's legal authority to regulate conduct which is in the best interests of the public and is intended to protect the public welfare and safety of the inhabitants of the town of Randolph.

The licensing board shall regulate common victuallers licenses and entertainment licenses granted under chapter 140 of the General Laws. Nothing in this section shall limit the authority of the licensing board under the General Laws over which the licensing board has authority

under powers conferred to it by applicable law or the town charter or an applicable town by-law.

SECTION 4. The town attorney shall cause the following question to be placed on the official ballot to be used in the city known as the town of Randolph at the next town election that is more than 35 days after the effective date of this act:

'Question 1: Shall the town amend the town charter to provide that, notwithstanding any general or special law to the contrary, commencing on January 1, 2016, each town council member shall be paid an annual salary of \$5,000; provided, however, that town council members shall not be eligible to receive any town benefits as the result of being a town council member; and provided further, that nothing herein shall affect the eligibility of council members to participate in the Norfolk county retirement system or other retirement systems in the commonwealth as provided for by law?

Yes _____ No _____

The town attorney for the city known as the town of Randolph shall prepare a summary of the ballot question which shall appear on the ballot along with the question provided in this section.

SECTION 5. The town attorney shall cause the following questions to be placed on the official ballot to be used in the city known as the town of Randolph at the next town election that is more than 35 days after the effective date of this act:

'Question 2: Shall the town amend the town charter to designate a 7-member licensing board consisting of the police chief, the fire chief, the building inspector, the health inspector and 3 town residents as the town licensing authority for all licenses?

Yes _____ No _____

Question 3: Shall the town amend the town charter to designate the town council as the town licensing authority for all licenses?

Yes _____ No _____

The town attorney for the city known as the town of Randolph shall prepare a summary of the ballot questions which shall appear on the ballot along with the questions provided in this section. Instructions to voters regarding the effect of their vote shall also be included on the ballot.

SECTION 6. If the voters in the city known as the town of Randolph approve the question 1 in section 4, then section 1 shall take effect.

SECTION 7. (a) If the voters in the city known as the town of Randolph approve question 2 in section 5, then section 2 shall take effect.

(b) If the voters in the city known as the town of Randolph approve question 3 in section 5, then section 3 shall take effect.

(c) If the voters in the city known as the town of Randolph approve both questions 2 and 3 in section 5, then the question that obtained the highest number of affirmative votes shall be approved and the corresponding section shall take effect in accordance with subsection (a) or (b).

(d) If neither question in section 5 is approved by the voters in the city known as the town of Randolph, then neither section 2 or 3 shall take effect.

SECTION 8. This act shall take effect upon its passage."

The amendment was adopted. Sent to the Senate for concurrence.

*Orders of the Day.*Third
reading
bill.

The House Bill validating the actions taken at the annual town and special state elections held in the town of Westborough (printed in House, No. 59), 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.

Recess.

Recess.

At ten minutes after eleven o'clock A.M., the Chair (Mr. McMurtry of Dedham) declared a recess subject to the call of the Chair; and at twenty-one minutes after two o'clock P.M. the House was called to order with Mr. McMurtry in the Chair.

*Order.*Next
sitting.

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

At twenty-two minutes after two o'clock P.M., on motion of Mr. Wong of Saugus (Mr. McMurtry of Dedham being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.