

JOURNAL OF THE HOUSE.

Thursday, November 12, 2015.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag. Pledge of allegiance.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to complying with the Uniform Interstate Family Support Act (House, No. 3848), was filed in the office of the Clerk on Tuesday, November 10. Uniform Interstate Family Support Act.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Judiciary. Sent to the Senate for concurrence.

Resignation of Representative Brady of Brockton.

The following communication was read; and spread upon the records of the House, as follows:

November 9, 2015.

The Honorable Steven T. James, *Clerk*
Office of the Clerk of the House
State House, Room 145
Boston, MA 02133

Dear Clerk James,

As of today, Monday, November 9, 2015, I respectfully submit my resignation as State Representative from the 9th Plymouth District, due to my election as State Senator in the 2nd Plymouth and Bristol District. Resignation of Representative Michael D. Brady of Brockton.

The untimely passing of my good friend, Senator Thomas P. Kennedy, last June, precipitated the Special Election which I fortunately won. I will do my utmost to uphold the values and commitments that Senator Kennedy possessed. It has been an honor and a privilege to serve the constituents of the 9th Plymouth District since 2009.

I would like to extend my heartfelt thanks to you, Mr. Clerk, the Leadership, and my colleagues of the House of Representatives for your support and guidance. I cherish the friendships I made during this time and look forward to continued working with everyone in my new role as a State Senator on behalf of the residents of the Commonwealth of Massachusetts.

Sincerely,

MICHAEL D. BRADY,
State Representative/Senator-elect.

Resignation of Representative DiNatale of Fitchburg.

The following communication (received from the office of the Speaker of the House on Tuesday, November 10, 2015) was read; and spread upon the records of the House, as follows:

November 6, 2015.

Speaker Robert A. DeLeo
Massachusetts House of Representatives
State House, Room 356
Boston, MA 02133

Dear Mr. Speaker:

Resignation of Representative Stephen L. DiNatale of Fitchburg.

This letter is to inform you that I am thankful to the people of Massachusetts for the privilege of serving the third Worcester District for the past 9 years. It is with great pride in what I have been able to contribute to our Commonwealth; I hereby resign my seat in the Massachusetts House of Representatives effective Sunday, January 3rd at 12:00 A.M. in order to assume the responsibility of Mayor of the city of Fitchburg.

Respectfully,

STEPHEN L. DINATALE,
State Representative.

Orders.

The following order (filed by Speaker DeLeo of Winthrop) was referred, under Rule 85, to the committee on Rules:

Ninth Plymouth Representative District,—time for election to fill vacancy.

Ordered, That the precept to be issued by the Speaker, under the provisions of Section 141 of Chapter 54 of the General Laws, appointing a time for the election to fill the vacancy existing in the office of Representative in the General Court from the 9th Plymouth District shall designate Tuesday, March 1, 2016, as the time ordered by the House of Representatives for said election.

Mr. Galvin of Canton, for said committee, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Ultrino of Malden, the order was considered forthwith; and it was adopted.

The following order (filed by Speaker DeLeo of Winthrop) was referred, under Rule 85, to the committee on Rules:

Third Worcester Representative District,—time for election to fill vacancy.

Ordered, That the precept to be issued by the Speaker, under the provisions of Section 141 of Chapter 54 of the General Laws, appointing a time for the election to fill the vacancy existing in the office of Representative in the General Court from the 3rd Worcester District shall designate Tuesday, March 1, 2016, as the time ordered by the House of Representatives for said election.

Mr. Galvin of Canton, for said committee, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Ultrino of Malden, the order was considered forthwith; and it was adopted.

Appointment of the Minority Leader.

The Minority Leader announced that he had appointed Michael A. Prisco of North Reading to the Economic Empowerment Trust Fund (under Section 31 of Chapter 46 of the Acts of 2015) to encourage and facilitate economic empowerment throughout the Commonwealth.

Economic Empowerment Trust Fund.

Statement of Representative Mom of Lowell.

A statement of Mr. Mom of Lowell was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was absent from the House Chamber for a portion of the session held on Wednesday, November 4 due to official business in my district. Had I been present, I would have voted in the affirmative, in each instance, on passing to be engrossed the following measures that I consider critically important to protecting the honor and dignity of those who have served in our military further they afford our service members the thanks and appreciation they have earned:

Statement of Mr. Mom of Lowell.

The House Bill relative to veterans' grave markers (House, No. 1306);

The House Bill relative to the false representation of military status (House, No. 1641);

The House Bill relative to the removal of veterans, police and fire, commemorative flag holders (House, No. 3173); and

The House Bill providing free park access to Purple Heart Recipients (House, No. 3243).

My missing of roll calls that day was due entirely to the reason stated.

Guests of the House.

At the beginning of the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced, seated in the House Chamber, students from Fayerweather Street School in Cambridge. They were accompanied by their teachers and chaperones. At the invitation of the Chair, the students participated in the pledge of allegiance to the flag. They were the guests of Ms. Decker of Cambridge.

Cambridge,—Fayerweather Street School.

Resolutions.

Resolutions (filed with the Clerk by Mr. Zlotnik of Gardner) celebrating the one hundred and eighty-fifth anniversary of the founding of the First Baptist Church of Gardner, were referred, under Rule 85, to the committee on Rules.

Gardner,—First Baptist Church.

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

Petitions.

Representative Murphy of Weymouth and Senator Timilty presented a joint petition (subject to Joint Rule 12) of James M. Murphy and James E. Timilty relative to healthcare premiums of certain retired public

Public employees,—health care premiums.

Public employees,— health care premiums.

employees; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Galvin of Canton, 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. Smizik of Brookline, 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.

Petitions severally were presented and referred as follows:

Motor vehicle noise.

By Mr. Galvin of Canton (by request), a petition (subject to Joint Rule 12) of Mr. Rick Couto relative to motor vehicle exhaust sound levels.

Springfield,— land.

By Mr. Tosado of Springfield, a petition (subject to Joint Rule 12) of Jose F. Tosado for legislation to authorize the Division of Capital Asset Management and Maintenance to convey certain parcels of land in the city of Springfield.

Linda Vitt,— sick leave.

By Mr. Ultrino of Malden, a petition (subject to Joint Rule 12) of Steven Ultrino for legislation to establish a sick leave bank for Linda Vitt, an employee of the Trial Court.

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

Paper from the Senate.

Milton,— liquor license.

A Bill authorizing the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (Senate, No. 2051) (on Senate bill No. 1991) [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.

Reports of Committees.

Lynnfield,— land.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the conveyance of a certain parcel of land in the town of Lynnfield (House, No. 3834) [Local Approval Received], be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Day of Stoneham, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Jones of North Reading, the bill (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. Sent to the Senate for concurrence.

Westwood,— civil service.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill exempting the fire department of the town of Westwood from civil service laws (House, No. 3198) [Local Approval Received], be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Day of Stoneham, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Galvin of Canton, for the committees on Rules of the two branches, acting concurrently, that the Bill relative to substance use prevention (Senate, No. 2022), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Substance
use
prevention.

Engrossed Bill.

The engrossed Bill establishing a town administrator in the town of Plainville (see Senate, No. 1962) (which originated in the Senate), 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.

Bill
enacted.

Orders of the Day.

The House Bill relative to town meetings in the town of Framingham (House, No. 3195) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Third
reading
bill.

The Senate amendments of the House Bill authorizing the town of Stoughton to grant 6 licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3695), reported by the committee on Bills in the Third Reading to be correctly drawn, were considered.

Stoughton,—
liquor
licenses.

Mr. Speliotis of Danvers then moved that the House concur with the Senate in its amendments with a further amendment by striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the following:

“SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Stoughton may grant 6 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to establishments located within the town’s central business district, as that district is defined by the town’s zoning map, as it existed as of May 1, 2014, upon approval of and under conditions set by the licensing authority of the town. The licenses shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall not approve the transfer of any license granted pursuant to this act to any location outside of the central business district, but it may grant the license to a new applicant at a location within the central business district provided that the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(c) If a license granted pursuant to this act is cancelled, revoked or no longer in use, the license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority of the town of Stoughton and the licensing authority may then grant the license to a new applicant at a location within the central business district under the same conditions as specified in this act.

Stoughton,—
liquor
licenses.

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

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 amendment.

Norwood,—
liquor
licenses.

The House Bill authorizing the town of Norwood to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3684), 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. Rogers of Norwood moved to amend it by adding the following two sections:

“SECTION 2. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Norwood may grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138, to establishments located within the town’s South Norwood Central Business District, as that district is defined as extending from Short Street north along Washington Street to Lenox Street, as shown on a certain plan contained in a ‘Vision Plan & Action Strategy, dated November 10, 2003, prepared by Larry Koff & Associates’ and approved by the Planning Board and the Board of Selectmen on December 16, 2003. The licenses shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall not approve the transfer of a license granted pursuant to this section to a location outside of the town’s South Norwood central business district. A license issued under this section shall be clearly marked on its face ‘South Norwood Central Business District Only’.

(c) If a license granted pursuant to this section is cancelled, revoked or no longer in use at the location of original issuance, the license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant in the town’s central business district under the same conditions as specified in this section if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

SECTION 3. This act shall take effect upon its passage.”

The amendment was adopted; and the bill (House, No. 3684, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Salem,—
liquor
license.

The House Bill authorizing the city of Salem to convert 1 seasonal license to an annual license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3740), 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 1, in line 15, by striking out the words “the department” and inserting in place thereof the words “those departments”.

The amendment was adopted; and the bill (House, No. 3740, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

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. Next sitting.

At fourteen minutes before twelve o'clock noon, on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.