

JOURNAL OF THE HOUSE.

Wednesday, December 24, 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).

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 Mr. Dooley of Norfolk) congratulating Benjamin H. Grant on receiving the Eagle Award from the Boy Scouts of America; Benjamin H. Grant.

Resolutions (filed by Mr. Smola of Warren) commemorating the retirement of Chief Robert Frydryk from the Palmer Police Department; and Robert Frydryk.

Resolutions (filed by Ms. Vincent of Revere) congratulating Ermanno A. Belgiorno on the occasion of his one hundredth birthday; Ermanno A. Belgiorno.

Ms. Hogan of Stow, 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. Wong of Saugus, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

A communication from the Center for Health and Information Analysis (see sections 9, 10, 20 to 27, inclusive, of Chapter 258 of the Acts of 2014) detailing the results of its analysis and evaluation of mental health and substance use disorder screening mandated insurance benefits under the law increasing opportunities for long-term substance abuse recovery, was placed on file. Mental health and substance abuse,—mandated insurance.

Annual Report.

The annual report of the Chief Justice for Administration and Management of the Trial Court (under Section 5 of Chapter 205 of the Acts of 2008) relative to the prosecution and disposition of cases involving certain offenses against children for the fiscal year ending June 30, 2014, was placed on file. Offenses against children,—cases.

Papers from the Senate.

The House Bill establishing 6-year career plans for all Massachusetts public school students (House, No. 4527), 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 2420. Students,—career plans.

Students,—
career
plans.

The amendment was referred to the committee on Bills in the Third Reading. Said committee then reported that the amendment was correctly drawn; and it was adopted, in concurrence.

Fire districts,—
indemnification.

The House Bill relative to the indemnification of certain fire districts (House, No. 3953), 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 2419. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Falmouth,—
sewer
service.

A Bill authorizing the town of Falmouth to expend borrowed funds to offset certain costs associated with the installation of low pressure pumps on private property in the little pond sewer service area (Senate, No. 2412) (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.

Reports of Committees.

By Ms. Hogan of Stow, 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:

John
Morrill,—
sick leave.

Petition (accompanied by bill) of Paul R. Heroux and Richard J. Ross for legislation to establish a sick leave bank for John Morrill, an employee of the Trial Court. To the committee on the Judiciary.

Marie
Silva,—
sick leave.

Petition (accompanied by bill) of Paul R. Heroux and Richard J. Ross for legislation to establish a sick leave bank for Marie Silva, an employee of the Department of Developmental Services. To the committee on Public Service.

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

Jay
Viveiros,—
sick leave.

By Mr. Michlewitz of Boston, for the committee on Public Service, on a joint petition, a Bill establishing a sick leave bank for Jay Viveiros, an employee of Board of State Examiners for Plumbers and Gas Fitters (House, No. 4546); and

Lisa
Renaud,—
sick leave.

By the same member, for the same committee, on a joint petition, a Bill establishing a sick leave bank for Lisa Renaud, an employee of the Massachusetts Department of Correction (House, No. 4566).

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.

Notaries
public.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill regulating notaries public to protect consumers and the validity and effectiveness of recorded instruments (Senate, No. 2306, amended), ought to pass with an amendment in section 3, in lines 75

and 76, by striking out the words “shall be appointed by the secretary of the commonwealth”. 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 Rule 7A, 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. 2306, amended) was ordered to a third reading.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Matthew McConville, an employee of the Department of Revenue (see House, No. 4541, 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.

Matthew
McConville,—
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, 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 sent to the Senate.

Bill
enacted.

Engrossed Bills.

The engrossed Bill relative to pesticide licensing and mosquito control (see House, No. 3568, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Id.

Engrossed bills

Relative to the Department of Public Works in the town of Carver (see Senate, No. 2365) (which originated in the Senate);

Bills
enacted.

Establishing a task force to protect Massachusetts children against child sexual abuse (see House, No. 4305, amended);

Relative to credit for reinsurance requirements (see House, No. 4326, amended);

Relative to the leasing of certain land owned by the Worcester City Campus Corporation banks (see House, No. 4379);

Increasing the amount of money that may be borrowed by the Thorndike Fire and Water District in the town of Palmer (see House, No. 4503); and

Establishing a special events fund in the city of Boston (see House, No. 4530);

(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.

Mr. McMurtry of Dedham being in the Chair,—

Bill
enacted.

The engrossed Bill relative to retail licenses for the sale of all alcoholic beverages at continuing care retirement communities (see House, No. 4347, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Mr. Donato of Medford being in the Chair,—

Retail
theft.

The engrossed Bill to improve criminal laws relative to organized retail theft (see House, No. 1474), which had been returned to the House by His Excellency the Governor with recommendation of amendments (for message, see House, No. 4427), was considered.

The committee on Bills in the Third Reading then reported that the amendment recommended by the Governor be considered in the following form:

By striking out section 3 (as appearing in Senate document numbered 2346) and inserting in place thereof the following section:

“SECTION 3. Said chapter 266 is hereby amended by striking out section 60, as appearing in the 2012 Official Edition, and inserting in place thereof the following section:—

Section 60. Whoever buys, receives or aids in the concealment of stolen or embezzled property, knowing it to have been stolen or embezzled, or whoever with intent to defraud buys, receives or aids in the concealment of property, knowing it to have been obtained from a person by false pretense of carrying on a business in the ordinary course of trade or whoever obtains or exerts control over property in the custody of any law enforcement agency, or any individual acting on behalf of a law enforcement agency, which is explicitly represented to such person by any law enforcement officer or any individual acting on behalf of a law enforcement agency as being stolen and who intends to deprive its rightful owner permanently of the use and enjoyment of said property shall be punished as follows: if the value of such property does not exceed \$250, for a first offense by imprisonment in the house of correction for not more than 2½ years or by a fine of not more than \$1,000; if the value of such property does not exceed \$250, for a second or subsequent offense by imprisonment in the house of correction for not more than 2½ years or by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$5,000, or by both such fine and imprisonment; or if the value of such property exceeds \$250 by imprisonment in the house of correction for not more than 2½ years or by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$5,000 or by both such fine and imprisonment.

It shall not be a defense that the property was obtained by means other than through the commission of a theft offense if the property was explicitly represented to the accused as having been obtained through the commission of a theft offense.”

The amendment was adopted.

Mr. Linsky of Natick then moved to amend the bill in section 2, in line 39 (as appearing in Senate document numbered 2346), by striking out the words "allow the or removal" and inserting in place thereof the words "allow the removal"; and, in line 54 (as appearing in Senate document numbered 2346), by striking out the words "or merchandise"; and the amendments were adopted.

Sent to the Senate for its action.

The Senate amendment of the House Bill relative to driver's licenses and identification cards photographs (House, No. 4369, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was adopted, in concurrence.

ID cards,—
photographs.

The Senate Bill relative to the Glenwood Cemetery Perpetual Care Fund (Senate, No. 2408), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bill.

House bills

Relative to the registration of antique snowmobiles (House, No. 3858); and

Third
reading
bills.

Authorizing the board of selectmen of the town of Clinton to appoint the town collector (House, No. 4507);

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. Sent to the Senate for concurrence.

The House Bill regarding rights of persons receiving services from program or facilities of the Department of Mental Health (House, No. 3804), was read a second time; and it was ordered to a third reading.

Second
reading
bill.

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 twenty-four minutes after eleven o'clock A.M., on motion of Mr. D'Emilia of Bridgewater (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.