

JOURNAL OF THE HOUSE.

Monday, December 29, 2014.

Met at eight minutes after 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.

Petitions.

Petitions severally were presented and referred as follows:

Lanesborough,—
Noonan
Bridge.

By Ms. Cariddi of North Adams, a petition (subject to Joint Rule 12) of Gailanne M. Cariddi and Benjamin B. Downing for legislation to designate a certain bridge in the town of Lanesborough as the Sergeant Gregory Aloysius Noonan Bridge.

David
Ogar,—
sick leave.

By Mr. Cullinane of Boston, a petition (subject to Joint Rule 12) of Daniel Cullinane and Brian A. Joyce for legislation to establish a sick leave bank for David Ogar, an employee of the Department of Transportation.

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

Papers from the Senate.

Banking
laws.

The engrossed Bill modernizing the banking laws and enhancing the competitiveness of state-chartered banks (House, No. 4110, amended), came from the Senate with amendments in section 5, in line 15 (as appearing in Senate document numbered 2378), striking out the figure "1206" and inserting in place thereof the figure "1026"; in section 16, in line 75 (as appearing in Senate document numbered 2378), striking out the following: "federal Community Reinvestment Act of 1977" and inserting in place thereof the following "community reinvestment act in section 14"; inserting after section 27 (as appearing in Senate document numbered 2378) the following section:

"SECTION 27A. The second paragraph of section 3 of said chapter 167B, as so appearing, is hereby amended by striking out the last sentence.";

In section 30, in lines 359 and 360 (as appearing in Senate document numbered 2378), striking out the following: " ; provided, however, that 'financial institution' shall mean a bank for the purposes of the first, second and third paragraphs of section 3 and for the purposes of section 4";

In section 35, in line 834 (as appearing in Senate document numbered 2378) (as changed by the House committee on Bills in the Third Reading) striking out the following " ; provided, however, such" and inserting in place thereof the following: ". If, in the opinion of the commissioner, there is an unusual demand by depositors for withdrawals, the bank shall upon the commissioner's order require such a depositor to give written notice of the depositor's intention to withdraw the whole

or any part of such deposits or to apply for a loan secured by such deposit. Such”;

In section 51, in line 1140, also in section 53, in line 2212 (as appearing in Senate document numbered 2378) striking out the word “consistent”, in each instance, and inserting in place thereof the words “not inconsistent”; and by adding the following section:

“SECTION 65. Notwithstanding any general or special law to the contrary, the Massachusetts gaming commission shall prohibit a gaming licensee from (i) installing, owning or operating an automated teller machine in the gaming area, as defined in section 2 of chapter 23K of the General Laws, or (ii) allowing another person to install, own or operate an automated teller machine in the gaming area, as defined in said section 2 of said chapter 23K. For the purposes of this section, the prohibition shall include, but not be limited to, an automated teller machine or electronic branch of any state or federally-chartered bank, state or federally-chartered credit union or foreign bank.”.

The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

The Senate Bill regulating pharmacy audits (Senate, No. 2286, amended), came from the Senate with the endorsement that said branch had concurred with the House in its amendments (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4555) with a further amendment striking out section 2 and inserting in place thereof the following section:

Pharmacy
audits.

“SECTION 2. Section 226 of chapter 139 of the acts of 2012 is hereby amended by striking out the figure ‘2015’ and inserting in place thereof the following figure:— 2017.”.

The further 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.

The House Bill relative to parking violations in the town of Wellfleet (House, No. 4175), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 2 and inserting in place thereof the following three sections:

Wellfleet,—
parking.

“SECTION 2. Chapter 178 of the acts of 1993 is hereby repealed.

SECTION 3. Chapter 20 of the acts of 2004 is hereby repealed.

SECTION 4. This act shall take effect upon its passage.”.

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

The House Bill promoting housing and support services to unaccompanied homeless youth (House, No. 4517, amended), came from the Senate passed to be engrossed, in concurrence, with amendments striking out section 2 and inserting in place thereof the following section:

Homeless
youth.

“SECTION 2. The appointed members of the commission established in section 16W of chapter 6A of the General Laws shall be appointed within 90 days after the effective date of this act.”; and striking out section 4.

The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

Prisons,—
mentally ill
treatment.

The House Bill relative to the treatment of mentally ill in prisons (House, No. 4545), came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in lines 16 and 17, striking out the words “correctional facilities of the commonwealth” and inserting in place thereof the following: “state correctional facilities, as defined in section 1 of chapter 125”; in section 3, in line 31, also in section 3, in lines 32 and 33, striking out the words “correctional institution of the commonwealth” and inserting in place thereof, in each instance, the following: “state correctional facility, as defined in section 1 of chapter 125”; and in section 4, in lines 37 and 38, striking out the words “correctional institution of the commonwealth” and inserting in place thereof the following: “state correctional facility, as defined in said section 1 of said chapter 125”.

The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading. Said committee then reported that the amendments were correctly drawn; and they were adopted, in concurrence.

Bills

Dartmouth,—
special
police.

Authorizing the appointment of special police officers in the town of Dartmouth (Senate, No. 2363, amended in section 1, in line 2, by striking out the word “special”; and by striking out section 10 and inserting in place thereof the following section:

“SECTION 10. This act shall take effect upon its passage.”) (on a petition) [Local Approval Received]; and

Winchendon,—
finances.

Relative to the financial condition of the town of Winchendon (Senate, No. 2405) (on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

Public
employees,—
information
privacy.

By Mr. Markey of Dartmouth, for the committee on the Judiciary, on House, No. 4560, a Bill protecting department of children and families social workers’ home addresses (House, No. 4568). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Emergency Measure.

Janet
Frame,—
sick leave.

The engrossed Bill establishing a sick leave bank for Janet Frame, an employee of the Department of Developmental Services (see House, No. 4539), 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.

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 11 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 validating the results of a certain election held in the town of Chilmark (see House bill printed in House, No. 4543) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate. Id.

Engrossed bills Bills enacted.
 Regulating pharmacy audits (see Senate, No. 2286, amended);
 Relative to the Glenwood Cemetery Perpetual Care Fund (see Senate, No. 2408);
 (Which severally originated in the Senate);
 Validating certain actions, proceedings and policies of the town of Ashby (see House, No. 4100);
 Authorizing the appointment of special police officers in the town of Merrimac (see House, No. 4224);
 Relative to the retirement benefits of the surviving spouse of the Honorable Jonathan Brant (see House, No. 4250);
 Relative to property and casualty actuarial opinions and reports (see House, No. 4323);
 Relative to driver's licenses and identification cards photographs (see House, No. 4369, amended);
 Authorizing the town of Wakefield to designate a check-off box on its tax bills for the Wakefield Veterans Relief Fund (see House, No. 4512);
 Authorizing the town of Wakefield to designate a check off box on its tax bills for the Wakefield Veterans Memorial and Patriotic Celebration Fund (see House, No. 4513);
 Establishing 6-year career plans for all Massachusetts public school students (see House, No. 4527, amended)
 Amending the charter of the city of Chicopee (see House, No. 4528);
 Relative to the Board of Health of the city of Chicopee (see House, No. 4542);
 Relative to the treatment of mentally ill in prisons (see House, No. 4545, amended); and
 Further regulation the licensing requirements for massage therapists (see House, No. 4551);
 (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.

Recess.

At seventeen 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 one o'clock P.M.; and at twenty-one minutes after one o'clock, the House was called to order with Mr. Donato in the Chair. Recess.

Orders of the Day.

Third reading bill.

The Senate Bill authorizing the Wareham fire district to pay a certain unpaid bill (Senate, No. 2366), 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 bills.

The House Bill repealing the city of Lowell financial conditions act (House, No. 4550) (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.

Farm products,— transportation.

The Senate Bill promoting environmentally sound transportation of agricultural products (Senate, No. 1635), 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. Speliotis of Danvers moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 19A of chapter 90 of the General Laws is hereby amended by inserting after the word ‘chassis’, in line 126, as appearing in the 2012 Official Edition, the following words:— ; provided, further that such a vehicle operating under a general registration and general registration number plate issued to a farmer pursuant to section 5 may carry up to its gross weight rating.

SECTION 2. The registrar of motor vehicles shall promulgate any rules and regulations necessary to carry out section 1.

SECTION 3. Section 1 shall take effect March 1, 2015.”; and by inserting before the enacting clause the following emergency preamble:

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith further regulations relative to weight limitations for certain vehicles, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendments were adopted; and the bill (Senate, No. 1635, amended) was passed to be engrossed. Sent to the Senate for concurrence in the amendments.

Auctions,— alcoholic beverages.

The House Bill regulating the granting of temporary licenses for the sale of wine, beer, and malt liquor at auctions (House, No. 270, changed), 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. Scibak of South Hadley moved to amend it by substitution of a Bill relative to direct wine shipper licenses (House, No. 4571), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At half past one o'clock P.M., on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House recessed until half past two o'clock P.M.; and at twenty-six minutes before three o'clock, the House was called to order with Mr. Donato in the Chair. Recess.

Papers from the Senate.

A Bill adjusting the number of race days at Suffolk Downs (Senate, No. 2421) (on Senate bill No. 2289), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means. Suffolk
Downs,—
race days.

Engrossed Bill.

The engrossed Bill authorizing the Wareham fire district to pay a certain unpaid bill (Senate, No. 2366) (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.

Order.

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

At eight minutes before five 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 Wednesday at eleven o'clock A.M., in an Informal Session.