
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, APRIL 20, 2023.

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JOURNAL OF THE HOUSE.

Thursday, April 20, 2023.

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.

Guests of the House.

During the Session, the Chair (Mr. Donato of Medford), declared a brief recess, and introduced the Corporal Nicholas G. Xiarhos Young Marines of Cape Cod, who participated in the Pledge of Allegiance to the Flag. The young marines were accompanied by family members and Unit Commander, United States Marine Vietnam War combat veteran George Challies of Sandwich. They were the guests of Mr. Xiarhos of Barnstable.

Corporal
Nicholas G.
Xiarhos Young
Marines of
Cape Cod.

Mr. Xiarhos then took the Chair and read and presented to Unit Commander Challies Citations of the House of Representatives offering the sincerest congratulations of the House to the Corporal Nicholas G. Xiarhos Young Marines in recognition of their courage, honor and commitment to the Cape and Islands and the entire Xiarhos Gold Star family.

Appointment of the Minority Leader.

The Minority Leader announced that he had appointed Representative Vaughn of Wrentham as his designee (under Section 68 of Chapter 23K of the General Laws) to the Gaming Policy Advisory Committee, replacing his current appointee, Representative Angelo L. D'Emilia of Bridgewater.

Gaming Policy
Advisory
Committee.

Statement of Representative Muratore of Plymouth.

A statement of Mr. Muratore of Plymouth was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House that I was unable to be present in the House Chamber or participate in the session of Thursday, April 13 due to a family commitment. If I could have been present for that session, I would have voted as follows:

Statement of
Mr. Muratore
of Plymouth.

- Roll call No. 14 on Mr. Jones's amendment #2, Strikes section 10 of the bill regarding adjustments to how Chapter 62F tax cap credits are distributed by making the credit amount equal per taxpayer rather than proportional to the amount a taxpayer contributed would have been yea/affirmative.

- Roll call No. 15 on Mr. Jones's amendment #3, Strikes section 1 of the bill which increases the cap for which funds are transferred from the Stabilization Fund

to the Tax Reduction Fund from the current structure of the Fund's balance exceeding 15% of the budgeted revenues and other financial resources pertaining to the budgeted funds, to 25.5% would have been yeay/affirmative.

- Roll call No. 16 on the engrossment of H 3770, An Act to improve the Commonwealth's competitiveness, affordability, and equity would have been yeay/affirmative.

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

Resolutions.

Resolutions (filed with the Clerk by Mrs. Haddad of Somerset) honoring Kenneth J. Pacheco for his years of service to the community of Dighton, were referred, under Rule 85, to the committee on Rules.

Kenneth Pacheco.

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

Communications.

Communications

From the Executive Office for Administration and Finance (see Section 61 of Chapter 7 of the General Laws) submitting the Supplier Diversity Office Comprehensive Annual Report for fiscal year 2022;

Supplier Diversity Office.

From the Division of Capital Asset Management and Maintenance (see Section 6 of Chapter 7C of the General Laws) submitting its Supplier Diversity – Affirmative Marketing Program for Design and Construction annual report for fiscal year 2022 [copies of said report were forwarded to the committee on Ways and Means, and the committee on State Administration and Regulatory Oversight, as required by said law];

DCAMM,—
Supplier Diversity Office.

From the Massachusetts Gaming Commission (see Section 70 of Chapter 23K of the General Laws) submitting its fiscal year 2022 complete and detailed annual report of the commission's activities, including a review of the implementation and enforcement of the governance structure established by said law; and

Gaming Commission.

From the Executive Office of Health and Human Services (see item 4000-0300 of Section 2 of Chapter 126 of the Acts of 2022) submitting a report for total spending related to pharmaceutical utilization for fiscal year 2022; and estimated spending related to pharmaceutical utilization for fiscal year 2023;

Pharmaceutical utilization.

Severally were placed on file.

Quarterly Reports.

Quarterly reports

Of the Executive Office of Labor and Workforce Development (under Section 14F of Chapter 151A of the General Laws) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund through April, 2023; and containing updated projections for estimated contributions, benefit payments, and Unemployment Insurance Trust Fund balances for the five-year outlook period beginning January 1, 2023 and ending December 31, 2027; and

Unemployment Insurance Trust Fund.

Of the Sheriff's Department of Plymouth County (under Section 40 of Chapter 126 of the General Laws) submitting the aggregate data on the population of the Plymouth County Correctional Facility for the first quarter of the calendar year 2023; Severally were placed on file.

Plymouth
County
Correctional
Facility.

Petitions.

The following additional petitions (having been deposited in the office of the Clerk of the House, previously to five o'clock in the afternoon on Friday, January 20, 2023) were referred, under Rule 24 and Joint Rule 13, as follows:

By Representative Diggs of Barnstable, a petition (accompanied by bill, House, No. 3780) of Kip A. Diggs relative to broadband high-speed internet access. To the committee on Advanced Information Technology, the Internet and Cybersecurity.

High speed
internet.

By Representative Connolly of Cambridge, a petition (accompanied by bill, House, No. 3782) of Mike Connolly relative to the sale of food and alcoholic beverages by restaurants and bars and for the establishment of a special commission (including members of the General Court) of the promotion and discounted sale of alcoholic beverages; and

Discounted
alcoholic
beverages,—
study.

By Representative Fluker Oakley of Boston, a petition (accompanied by bill, House, No. 3783) of Brandy Fluker Oakley and others relative to the promotion, display or advertising of cosmetic products that contain harmful ingredients.

Cosmetic
products,—
advertising.

Severally to the committee on Consumer Protection and Professional Licensure.

By Representative Frost of Auburn (by request), a petition (accompanied by bill, House, No. 3784) of Tammy Winksy relative to teaching certification for persons with certain disabilities. To the committee on Education.

Teaching
certification.

By Representative Flanagan of Dennis, a petition (accompanied by bill, House, No. 3785) of Christopher Richard Flanagan relative to establishing a habitat conservation plan for a piping plover municipal technical assistance and monitoring program. To the committee on Environment and Natural Resources.

Piping
plovers,—
monitoring.

By Representative Diggs of Barnstable, a petition (accompanied by bill, House, No. 3786) of Kip A. Diggs and Paul R. Feeney for legislation to protect victims and the public from sexual assault and other violent crimes;

Victims,—
protection.

By Representative Haddad of Somerset, a petition (accompanied by bill, House, No. 3787) of Patricia A. Haddad that the Probate and Family Court Department be authorized to conduct a study of guardians ad litem; and

Guardians
ad litem,—
study.

By Representative Vieira of Falmouth, a petition (accompanied by bill, House, No. 3788) of David T. Vieira and others relative to providing notification to victims and family members of victims when notices of temporary restraining orders or other abuse prevention orders have been successfully served.

Temporary
restraining
orders,—
notification.

Severally to the committee on the Judiciary.

By Representative Cruz of Salem, a petition (accompanied by bill, House, No. 3789) of Manny Cruz relative to authorizing municipalities to waive certain fees for the use of municipal-owned land by non-profit and charitable organizations; and

Municipal
owned land,—
fees.

By Representative LeBoeuf of Worcester, a petition (accompanied by bill, House, No. 3790) of David Henry Argosky LeBoeuf for legislation to establish a "Plan G" form of city government.

City
counsel.

Severally to the committee on Municipalities and Regional Government.

By Representative Cruz of Salem, a petition (accompanied by bill, House, No. 3791) of Manny Cruz and Vanna Howard relative to seatbelts on school buses. To the committee on Public Safety and Homeland Security.

School buses,—
seatbelts.

By Representative Blais of Deerfield and Senator Mark, a joint petition (accompanied by bill, House, No. 3792) of Natalie M. Blais (by vote of the town) that the town of Conway be authorized to continue the employment of Kenneth Ouimette, a member of the police department of said town;

Kenneth
Ouimette,—
employment.

By Representative Cusack of Braintree, a petition (accompanied by bill, House, No. 3793) of Mark J. Cusack for legislation to provide local option for retirement boards to grant retirement to totally and permanently incapacitated workers;

Incapacitated
workers,—
retirement.

By Representative Flanagan of Dennis, a petition (accompanied by bill, House, No. 3794) of Christopher Richard Flanagan relative to higher education incentives for certain municipal employees; and

Municipal
employees,—
incentives.

By Representatives Garcia of Chelsea and Lewis of Framingham, a petition (accompanied by bill, House, No. 3795) of Judith A. Garcia, Jack Patrick Lewis and others for legislation to include 911 emergency communicators in the heart law, so-called.

911 emergency
communicators.

Severally to the committee on Public Service.

By Representative Flanagan of Dennis and Senator Cyr, a joint petition (accompanied by bill, House, No. 3796) of Christopher Richard Flanagan, Julian Cyr and others (by vote of the town) relative to authorizing the town of Yarmouth to establish a tourism revenue preservation fund. To the committee on Revenue.

Yarmouth,—
tourism
fund.

By Representative LeBoeuf of Worcester, a petition (accompanied by bill, House, No. 3781) of David Henry Argosky LeBoeuf for legislation to simplify the language used on the state website by executive offices and agencies. To the committee on State Administration and Regulatory Oversight.

State website
language.

By Representative Frost of Auburn, a petition (accompanied by bill, House, No. 3797) of Paul K. Frost relative to electric vehicles and electric vehicle charging stations;

Electric
vehicles,—
charging.

By the same member, a petition (accompanied by bill, House, No. 3798) of Paul K. Frost relative to electric vehicle charging and fueling;

Id.

By the same member, a petition (accompanied by bill, House, No. 3799) of Paul K. Frost relative to infrastructure for electric vehicles; and

Electric
vehicles.

By Representative Kerans of Danvers and Senator Lovely, a joint petition (accompanied by bill, House, No. 3800) of Sally P. Kerans and Joan B. Lovely relative to notice to abutter communities of applications to the Department of Public Utilities.

Abutter
communities,—
notice.

Severally to the committee on Telecommunications, Utilities and Energy.

Severally sent to the Senate for concurrence.

Paper from the Senate.

A petition (accompanied by bill) of Brendan P. Crighton and Jennifer Balinsky Armini for legislation to establish a sick leave bank for Amelia Alex, an employee of the Department of Social Services, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Amelia Alex,—
sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2382) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

By Mr. Day of Stoneham, for the committee on the Judiciary, asking to be discharged from further consideration:

Of the petition (accompanied by bill, House, No. 1435) of Josh S. Cutler and others relative to discrimination against buyers using cash payments,— and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure.

Cash paying buyers,— discrimination.

Of the petition (accompanied by bill, House, No. 1434) of Josh S. Cutler and others for legislation to prohibit the use of consumer reports for employment purposes and to reduce barriers to employment through credit discrimination,— and recommending that the same be referred to the committee on Labor and Workforce Development.

Credit discrimination,— barrier reduction.

Of the petition (accompanied by bill, House, No. 1698) of Brian W. Murray for legislation to establish a penalty for the retrofitting of certain Diesel-powered vehicles with alternate emission devices,— and recommending that the same be referred to the committee on Transportation.

Diesel-powered vehicles,— retrofitting penalty.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Day of Stoneham, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for William Donahue, an employee of the Trial Court (House, No. 3778).

William Donahue,— sick leave.

By Mr. Gordon of Bedford, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Lisa Balentine, an employee of the Department of Transitional Assistance (House, No. 3779).

Lisa Balentine,— sick leave.

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

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Christopher Trigilio, an employee of the Trial Court of the Commonwealth (see Senate, No. 2376), 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.

Christopher Trigilio,— 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 13 to 0. Sent to the Senate for concurrence.

Orders of the Day.

The House Bill establishing a sick leave bank for David Benway, an employee of the Massachusetts Maritime Academy (House, No. 3739), reported by the committee on Bills in the Third Reading be correctly, was read a third time.

David Benway,— sick leave.

Pending the question on passing the bill to be engrossed, Mr. Walsh of Peabody moved to amend it 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 establish forthwith a sick leave bank for a certain employee of the Massachusetts Maritime Academy, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendment was adopted; and the bill (House, No. 3739, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. Mariano of Quincy,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to print a Calendar for said sitting containing only the General Appropriation Bill.

Next
sitting.

At twelve minutes after eleven o'clock A.M., on motion of Mr. Muradian of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M.