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**The Commonwealth of Massachusetts**

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**JOURNAL OF THE HOUSE.**



**WEDNESDAY, SEPTEMBER 27, 2023.**

[84]\*

# JOURNAL OF THE HOUSE.

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Wednesday, September 27, 2023.

Met according to adjournment at eleven o'clock A.M. 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.

## *Silent Tributes.*

During the session the Chair (Mr. Donato of Medford) declared a brief recess; and at the request of Representatives Day of Stoneham and Jones of North Reading, the members, guests and employees stood in a moment of silent tribute in respect to the memory of former state Representative Sherman Whipple Saltmarsh, Jr., of Winchester, who passed away peacefully on September 21, 2023. "Whip," as he was called by his many friends and constituents, was a pillar of the community who embodied the very highest ideals of American public service.

Sherman  
Whipple  
Saltmarsh, Jr.

Whip enlisted and served honorably in the United States Navy and is a Korean War Veteran. From 1974 to 1989, Whip selflessly represented the people of Winchester and Stoneham in this chamber as an exemplary State Representative. Whip was especially proud of his Alma Mater Boston College and remained a fierce Eagle and lifelong superfan. While at the Heights, Whip played for the varsity hockey team, participating in the very first Boston Bean Pot tournament. Whip was inducted into the Boston College Athletic Hall of Fame as well as the Winchester High School Hall of Fame for his prowess and accomplishments in ice hockey.

He was married to the love of his life, Ruby, for 33 years. Whip is survived by his four step-children, six grandchildren and a huge contingent of admirers. Whip was a living legend in Winchester, at Boston College, in the State House and beyond.

We pause now in a moment of silent tribute to his memory.

During the session the Chair (Ms. Hogan of Stow) declared a brief recess; and at the request of Representatives Lombardo of Billerica, Rogers of Cambridge, Garballey of Arlington, and Hamilton of Methuen, the members, guests and employees stood in a moment of silent tribute in respect to the memory of Charles H. Lyons who passed on September 25<sup>th</sup>. Charlie passed peacefully at home surrounded by his wife Leanne, his children, and sister Peggy.

Charles  
H. Lyons.

Charlie served as superintendent of Shawsheen Valley Technical High School in Billerica for nearly 29 years. Under his leadership, Shawsheen became one of the best vocational technical schools in the country.

At the age of 18, Charlie was elected to the Arlington School Committee. He was then elected and served as an Arlington selectman from 1981 to 2005. He is the only selectman ever elected to serve as president of the National League of Cities, the nation's oldest organization representing cities and towns throughout the United States.

Charlie truly made a positive and lasting impact on the Massachusetts vocational technical system and on the lives of countless students. He will be sorely missed and may he rest in peace.

*Statement Concerning Representative Scarsdale of Pepperell.*

A statement of Ms. Peisch of Wellesley concerning Ms. Scarsdale of Pepperell was spread upon the records of the House, as follows:

MADAM SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Scarsdale of Pepperell, had to leave today's session, subsequent to roll call number 49, due to official business in her district. If she had been present, she would have voted in the affirmative in each instance on roll call numbers 50 to 57, inclusive. Her missing of roll calls today was due entirely to the reason stated.

Statement concerning Ms. Scarsdale of Pepperell.

*Distinguished Guest of the House.*

During the session, the Chair (Ms. Hogan of Stow) declared a brief recess, and there being no objection, introduced Marek Magierowski, Ambassador of the Republic of Poland to the United States of America. Ambassador Magierowski then addressed the House. He was the guest of Representative Kushmerek of Fitchburg.

Polish Ambassador.

*Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representative Cutler of Duxbury and other members of the House) recognizing October 4, 2023 as National Energy Efficiency Day in the Commonwealth; and

Energy Efficiency Day.

Resolutions (filed by Representative Soter of Bellingham) congratulating Lieutenant Kevin Ranieri on the occasion of his retirement;

Kevin Ranieri.

Mr. Galvin of Canton, 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.

*Petition.*

Representative Holmes of Boston presented a petition (subject to Joint Rule 12) of Russell E. Holmes for legislation to require automated external defibrillators at sporting events; and the same was referred, under Rule 24, to the committee on Rules.

Sports,—defibrillators.

*Paper from the Senate.*

A Bill authorizing the appointment of special police officers in the town of Charlton (Senate, No. 2416) (on Senate, No. 1653) [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.

Charlton,—special police.

*Reports of Committees.*

By Mr. Galvin of Canton, 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:

Petition (accompanied by bill) of Michael S. Day that a certain overpass over state Route 28 in the town of Stoneham be designated as the State Trooper Tamar A. Bucci memorial bridge; and

Stoneham,—  
Bucci bridge.

Petition (accompanied by bill) of David F. DeCoste, Patrick M. O'Connor and Patrick Joseph Kearney for legislation to designate a certain bridge spanning the North River in the towns of Marshfield and Norwell as the Lt. David S. Cutler memorial bridge;

Marshfield  
and Norwell,—  
Cutler bridge.

Severally to the committee on Transportation.

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

By Ms. Decker of Cambridge, for the committee on Public Health, on a petition, a Bill authorizing a 90-day supply of medically necessary testosterone therapy medication (House, No. 2194).

Testosterone  
therapy.

By the same member, for the same committee, on Senate, No. 1436 and House, No. 2247, a Bill relative to safe patient handling and mobility in certain health facilities (House, No. 2247).

Patients,—  
safe handling.

By the same member, for the same committee, on a petition, a Bill to increase access to blood donation (House, No. 3611).

Blood  
donations.

By the same member, for the same committee, on Senate, No. 515 and House, No. 3622, a Bill relative to protecting public health and reducing health care costs (House, No. 3622).

Health  
impacts.

By the same member, for the same committee, on a petition, a Bill relative to clinical laboratories (House, No. 3628).

Clinical  
laboratories.

By the same member, for the same committee, on Senate, No. 1384 and House, No. 3629, a Bill relative to the prescription monitoring program (House, No. 3629).

Prescription  
monitoring.

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

*Recess.*

At four minutes after eleven o'clock A.M., on motion of Mrs. Kane of Shrewsbury (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at twenty-three minutes after one o'clock, the House was called to order with the Speaker in the Chair.

Recess.

*Reports of Committees.*

Mr. Michlewitz of Boston, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2406) of the House Bill to improve the Commonwealth's competitiveness, affordability, and equity (House, No. 3770), reported, in part, a bill

State tax  
competitiveness,  
affordability,  
and equity.

with the same title (House, No. 4104). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Honan of Boston, for said committee, then reported, that the matter be scheduled for consideration by the House.

Under suspension of said rule, on motion of Mr. Michlewitz of Boston, the report was considered forthwith.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call (Ms. Hogan of Stow being in the Chair) 155 members voted in the affirmative and 1 in the negative.

[See [Yea and Nay No. 33](#) in Supplement.]

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

Mr. Michlewitz of Boston, for the committee on Ways and Means, on a message from Her Excellency the Governor (for message, see House, No. 4055), returning with her disapproval of certain items and sections and parts of certain items, and reductions in certain items, and also with recommendation of amendment of certain sections contained in the engrossed Bill making appropriations for the fiscal year 2024 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4040), reported, in part, that parts of certain items stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Honan of Boston, for said committee, reported, in each instance, that the matters be scheduled for consideration by the House. Under suspension of Rule 7A, in each instance, on motion of Mr. Michlewitz of Boston, the matters were considered forthwith, as follows:

Item 1231-1000 (contained in section 2) (sewer rate relief funding), which had been disapproved by the Governor, then was considered.

After remarks on the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See [Yea and Nay No. 34](#) in Supplement.]

Therefore item 1231-1000 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 3000-1042 (contained in section 2) (center-based child care rate increase), which had been disapproved by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 155 members voted in the affirmative and 1 in the negative.

[See [Yea and Nay No. 35](#) in Supplement.]

Therefore item 3000-1042 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 3000-5000 (contained in section 2) (grants to Head Start programs), which had been disapproved (in part) by the Governor, then was considered.

Conference committee report accepted,—yea and nay No. 33.

General Appropriation Bill.

Sewer rate relief funding item 1231-1000 stands,—yea and nay No. 34.

Center-based child care rate increase item 3000-1042 stands,—yea and nay No. 35.

The Governor had reduced said item from \$17,500,000 to \$16,500,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 156 members voted in the affirmative and 0 in the negative.

**[See [Yea and Nay No. 36](#) in Supplement.]**

Therefore item 3000-5000 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 3000-7052 (contained in section 2) (parent-child plus program), which had been disapproved (in part) by the Governor, then was considered.

The Governor had reduced said item from \$4,250,000 to \$4,000,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 131 members voted in the affirmative and 24 in the negative.

**[See [Yea and Nay No. 37](#) in Supplement.]**

Therefore item 3000-7052 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4405-2000 (contained in section 2) (state supplement to supplemental security income), which had been disapproved (in part) by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$209,700,528 to \$202,700,528.

On the question on passing said item, notwithstanding the actions of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 151 members voted in the affirmative and 2 in the negative.

**[See [Yea and Nay No. 38](#) in Supplement.]**

Therefore item 4405-2000 passed, notwithstanding the actions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4513-1027 (contained in section 2) (Samaritans, Inc. suicide prevention Services), which had been disapproved (in part) by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$1,800,000 to \$400,000.

On the question on passing said item, notwithstanding the actions of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See [Yea and Nay No. 39](#) in Supplement.]**

Therefore item 4513-1027 passed, notwithstanding the actions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4590-0915 (contained in section 2) (public health hospitals), which had been disapproved (in part) by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$194,767,937 to \$194,067,937.

Grants to Head Start programs item 3000-5000 stands,—  
yea and nay  
No. 36.

Parent-child plus program item 3000-7052 stands,—  
yea and nay  
No. 37.

State supplement to supplemental security income item 4405-2000 stands,—  
yea and nay  
No. 38.

Samaritan, Inc. suicide prevention services item 4513-1027 stands,—  
yea and nay  
No. 39.

On the question on passing said item, notwithstanding the actions of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 129 members voted in the affirmative and 25 in the negative.

**[See [Yea and Nay No. 40](#) in Supplement.]**

Therefore item 4590-0915 passed, notwithstanding the actions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4590-0925 (contained in section 2) (prostate cancer research), which had been disapproved (in part) by the Governor, then was considered.

The Governor had reduced said item from \$1,250,000 to \$1,000,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See [Yea and Nay No. 41](#) in Supplement.]**

Therefore item 4590-0925 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7003-1206 (contained in section 2) (Massachusetts Service Alliance), which had been disapproved (in part) by the Governor, then was considered.

The Governor had reduced said item from \$2,280,000 to \$1,400,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 130 members voted in the affirmative and 24 in the negative.

**[See [Yea and Nay No. 42](#) in Supplement.]**

Therefore item 7003-1206 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Subsequently a statement of Mr. Xiarhos of Barnstable 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 on the previous roll call it was my intention to vote in the affirmative. However, I now find that, for some inexplicable reason, I was recorded in the negative.

Item 7004-0104 (contained in section 2) (home and healthy for good program), which had been disapproved (in part) by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$8,890,000 to \$6,390,000.

On the question on passing said item, notwithstanding the actions of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 153 members voted in the affirmative and 0 in the negative.

**[See [Yea and Nay No. 43](#) in Supplement.]**

Therefore item 7004-0104 passed, notwithstanding the actions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7004-3036 (contained in section 2) (housing services and counseling), which had been disapproved (in part) by the Governor, then was considered.

The Governor had reduced said item from \$10,474,000 to \$9,700,000.

Public health hospitals item 4590-0915 stands,—  
yea and nay  
No. 40.

Prostate cancer research item 4590-0925 stands,—  
yea and nay  
No. 41.

Massachusetts Service Alliance item 7003-1206 stands,—  
yea and nay  
No. 42.

Statement of Mr. Xiarhos of Barnstable.

Home and healthy for good program item 7004-0104 stands,—  
yea and nay  
No. 43.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 129 members voted in the affirmative and 25 in the negative.

**[See [Yea and Nay No. 44](#) in Supplement.]**

Therefore item 7004-3036 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7006-0011 (contained in section 2) (loan originator administration and consumer counseling), which had been disapproved (in part) by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$3,050,000 to \$1,550,000.

On the question on passing said item, notwithstanding the actions of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See [Yea and Nay No. 45](#) in Supplement.]**

Therefore item 7006-0011 passed, notwithstanding the actions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7006-0071 (contained in section 2) (Department of Telecommunications and Cable), which had been disapproved (in part) by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$3,332,411 to \$3,307,411.

On the question on passing said item, notwithstanding the actions of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 129 members voted in the affirmative and 25 in the negative.

**[See [Yea and Nay No. 46](#) in Supplement.]**

Therefore item 7006-0071 passed, notwithstanding the actions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7007-0150 (contained in section 2) (regional economic development grants), which had been disapproved (in part) by the Governor, then was considered.

The Governor had reduced said item from \$2,000,000 to \$1,500,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See [Yea and Nay No. 47](#) in Supplement.]**

Therefore item 7007-0150 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7035-0035 (contained in section 2) (advanced placement math and science programs), which had been disapproved (in part) by the Governor, then was considered.

The Governor had reduced said item from \$3,392,809 to \$3,292,809.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter

Housing services and counseling item 7004-3036 stands,—  
yea and nay  
No. 44.

Loan originator administration and consumer counseling item 7006-0011 stands,—  
yea and nay  
No. 44.

Department of Telecommunications and Cable item 7006-0071 stands,—  
yea and nay  
No. 45.

Regional economic development grants item 7007-0150 stands,—  
yea and nay  
No. 46.

Advanced placement



I, Section I, Article II of the Constitution; and on the roll call 151 members voted in the affirmative and 3 in the negative.

**[See [Yea and Nay No. 48 in Supplement.](#)]**

Therefore item 7035-0035 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 8000-0655 (contained in section 2) (pre- and post-release services grant program), which had been disapproved (in part) by the Governor, then was considered.

The Governor had reduced said item from \$7,000,000 to \$6,000,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 130 members voted in the affirmative and 25 in the negative.

**[See [Yea and Nay No. 49 in Supplement.](#)]**

Therefore item 8000-0655 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 8000-1127 (contained in section 2) (nonprofit security grant pilot program), which had been disapproved (in part) by the Governor, then was considered.

The Governor had reduced said item from \$4,000,000 to \$1,500,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 130 members voted in the affirmative and 24 in the negative.

**[See [Yea and Nay No. 50 in Supplement.](#)]**

Therefore item 8000-1127 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 1595-0115 (contained in section 2) (civics education trust fund), which had been disapproved (in part) by the Governor, then was considered.

The Governor had reduced said item from \$2,500,000 to \$1,500,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 151 members voted in the affirmative and 3 in the negative.

**[See [Yea and Nay No. 51 in Supplement.](#)]**

Therefore item 1595-0115 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4510-0811 (contained in section 2) (children's advocacy centers), which had been disapproved (in part) by the Governor, then was considered.

The Governor had reduced said item from \$5,000,000 to \$4,050,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See [Yea and Nay No. 52 in Supplement.](#)]**

Therefore item 4510-0811 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

math and science programs  
item 7035-0035  
stands,—  
yea and nay  
No. 48.

Pre- and post-  
release services  
grant program  
item 8000-0655  
stands,—  
yea and nay  
No. 49.

Nonprofit  
security grant  
pilot program  
item 8000-1127  
stands,—  
yea and nay  
No. 50.

Civics education  
trust fund  
item 1595-0115  
stands,—  
yea and nay  
No. 51.

Children's  
advocacy centers  
item 4510-0811  
stands,—  
yea and nay  
No. 52.

Item 4512-2022 (contained in section 2) (grants to local boards of health), which had been disapproved (in part) by the Governor, then was considered.

The Governor had reduced said item from \$15,050,000 to \$10,061,320.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 152 members voted in the affirmative and 2 in the negative.

**[See [Yea and Nay No. 53](#) in Supplement.]**

Therefore item 4512-2022 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4800-0200 (contained in section 2) (family resource centers), which had been disapproved (in part) by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$33,800,000 to \$27,807,519.

On the question on passing said item, notwithstanding the actions of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See [Yea and Nay No. 54](#) in Supplement.]**

Therefore item 4800-0200 passed, notwithstanding the actions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7002-2022 (contained in section 2) (community foundation grants), which had been disapproved by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 129 members voted in the affirmative and 25 in the negative.

**[See [Yea and Nay No. 55](#) in Supplement.]**

Therefore item 7002-2022 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7002-0025 (contained in section 2) (community action agency operating and outreach), which had been disapproved by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 129 members voted in the affirmative and 25 in the negative.

**[See [Yea and Nay No. 56](#) in Supplement.]**

Therefore item 7002-0025 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7004-0102 (contained in section 2) (homeless individuals shelters), which had been disapproved (in part) by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$110,792,398 to \$110,752,398.

On the question on passing said item, notwithstanding the actions of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 130 members voted in the affirmative and 24 in the negative.

Grants to local boards of health item 4512-2022 stands,—  
yea and nay No. 53.

Family resource centers item 4800-0200 stands,—  
yea and nay No. 54.

Community foundation grants item 7002-2022 stands,—  
yea and nay No. 55.

Community action agency operating and outreach item 7002-0025 stands,—  
yea and nay No. 56.

Homeless individuals shelters item 7004-0102 stands,—

[See [Yea and Nay No. 57](#) in Supplement.]

yea and nay  
No. 57.

Therefore item 7004-0102 passed, notwithstanding the actions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

*Orders of the Day.*

Mr. Donato of Medford being in the Chair, —

The engrossed Bill relative to requiring the Highway Division of the Massachusetts Department of Transportation to establish a department and licensure process to oversee quarries producing concrete aggregate (see House, No. 4050), being a printed copy of Sections 8 and 101 contained in the engrossed Bill making appropriations for the fiscal year 2024 (see House, No. 4040), which had been returned by Her Excellency the Governor with recommendation of amendment (for message see Attachment C of House, No. 4055), was considered.

Quarries,—  
oversight.

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

By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Chapter 6C of the General Laws is hereby amended by adding the following section:—

Section 79. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

‘Aggregate’, granular materials such as gravel, sand and crushed rock that may be used individually or are combined for a particular purpose.

‘Certified professional geologist’, a professional geologist certified by the American Institute of Professional Geologists.

‘Concrete aggregate’, natural sand, natural gravel or crushed aggregate products produced from ledge rock.

‘Licensed professional geologist’, a professional geologist certified by: (i) examination through the National Association of State Boards of Geology; or (ii) a state’s licensing authority that follows the national standards of the National Association of State Boards of Geology’s licensing program or its equivalent.

(b) Any person seeking to mine, expand, excavate or otherwise operate a quarry, sand and gravel operation or any other aggregate source for the purpose of producing concrete aggregate for sale or use in foundations, structural elements or infrastructure, including, but not limited to, roadways and bridges, shall submit to the department and the state geologist an application for a license to conduct such activity.

Each license application shall consist of: (i) a description of the geographic location of the aggregate source; (ii) an operations plan, including, but not limited to, mining, processing, storage and quality control methods; (iii) a geological source report, consistent with subsection (c); and (iv) the results of aggregate testing for the presence of pyrite and pyrrhotite, consistent with subsection (d). Each license application shall be accompanied by a fee as established by the department. Fees received by the department under this section shall be used to implement this section; provided, however, that any surplus fee receipts shall be deposited into the General Fund.

(c) An applicant under this section shall prepare a geological source report as required under subsection (b). Such report shall be prepared by a certified professional geologist, licensed professional geologist or an equivalent acceptable to

the state geologist in a form and manner prescribed by the department, developed in consultation with the state geologist, a representative nominated by the Massachusetts Aggregate & Asphalt Pavement Association, Inc. and a representative nominated by the Massachusetts Concrete & Aggregate Producers Association, Inc., and shall include, but shall not be limited to: (i) a description of the characteristics of the aggregate to be excavated at the aggregate source location; (ii) a description of the products to be produced at such location; and (iii) a copy of the results of an inspection of face material and geologic log analysis, which shall be conducted not more than 60 days prior to the date of the report. A geological source report prepared under this subsection shall be valid for a period of 1 year from the date of preparation.

(d) Aggregate testing to identify the presence of pyrite and pyrrhotite required under subsection (b) shall include, but shall not be limited to, a total sulfur test to measure total sulfur content in a representative sample. Aggregate testing shall be performed by an accredited laboratory in accordance with applicable standards established by American Society of Testing and Materials International or alternate standards to be determined by the department in consultation with the state geologist.

(e) The secretary or a designee, in consultation with the state geologist, shall review each license application submitted pursuant to this section and notify each applicant whether the license has been approved and any applicable conditions of operation. If the application is denied, the notification shall include the reason for denial. A license granted under this section shall be valid for 1 year from the date of approval; provided, however, that a license may be renewed after it expires. The department shall state the aggregate testing requirements established under subsection (d) in the license application; provided, however, that the state geologist may request additional testing or information during the review of a license application. The department may modify testing requirements and application criteria at its discretion.

The department may issue a license valid for more than 1 year to an applicant that has submitted geological source reports and been approved for a license for 5 consecutive years; provided, however, that the licensee shall be required to submit annual geologic source reports as a condition for receiving such license.

(f) A person owning or operating an aggregate source, subject to licensure pursuant to this section, shall maintain all records relevant to such licensure and operation, including, but not limited to, a record of sale for all aggregate, for not less than 30 years.

(g) A person owning or operating a concrete production facility for the purpose of producing concrete for sale or use in foundations, structural elements or infrastructure, including, but not limited to, roadways and bridges, and who is in receipt of aggregate material from a source licensed pursuant to this section, shall maintain a record of the aggregate used in individual concrete batches for not less than 30 years.

(h) The department, in consultation with the state geologist, shall maintain all data collected under this section.

(i) Nothing in this section shall affect the operations of quarries producing aggregate for purposes other than those described in subsection (b).

(j) The department, in consultation with the state geologist, shall promulgate regulations to implement this section.

SECTION 2. Section 79 of chapter 6C of the General Laws, inserted by section 1, shall take effect on July 1, 2024; provided, however, that entities licensed to operate a quarry or sand and gravel operation in the commonwealth before the effective date of this act that are affected by said section 79 of said chapter 6C shall meet the requirements of said section 79 of said chapter 6C not later than July 1, 2024; and

provided further, that any work conducted by such an entity prior to July 1, 2024 shall comply with existing regulations.”.

The report was accepted.

The amendment recommended by the Governor then was adopted. Sent to the Senate for its action.

The engrossed Bill providing for unlimited free phone calls to incarcerated individuals (see House, No. 4052), being a printed copy of Sections 50, 85 and 111 contained in the engrossed Bill making appropriations for the fiscal year 2024 (see House, No. 4040), which had been returned by Her Excellency the Governor with recommendation of amendment (for message see Attachment E of House, No. 4055), was considered.

Incarcerated  
individuals,—  
phone calls.

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

By striking all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Chapter 127 of the General Laws is hereby amended by inserting after section 87 the following section:—

Section 87A. (a) For the purposes of this section, the terms ‘state correctional facility’, ‘state prison’ and ‘county correctional facility’ shall have the same meanings as those terms are defined in section 1 of chapter 125.

(b) The department of correction and sheriffs shall provide any person committed to a state correctional facility, state prison or county correctional facility, including a jail or house of correction, with voice communication services, including phone calls, free of charge to the person initiating and the person receiving the communication; provided, however, that voice communication services shall be maximized to the extent possible and no facility shall offer access to voice communication services less than were offered and available at such facilities on December 1, 2023; provided further, that the department of correction and sheriffs shall ensure adequate infrastructure for voice communication services; and provided further, that nothing in this section shall prohibit in-person contact visits.

(c) The department of correction and sheriffs may supplement voice communication services with other communication services, including, but not limited to, video and electronic communication services; provided, however, that other communication services shall not replace voice communication services; and provided further, that other communication services shall be provided free of charge to the person initiating and the person receiving the communication.

SECTION 2. (a) Notwithstanding any general or special law to the contrary, no voice communication services contract in force on the effective date of this act shall be affected by section 87A of chapter 127 of the General Laws, as inserted by section 1; provided, however, that voice communication services shall be free of charge to the person initiating and the person receiving the communication beginning on December 1, 2023; provided further, that other communication services offered pursuant to said section 87A of said chapter 127, including, but not limited to, video and electronic communication services, shall be offered free of charge to the person initiating and the person receiving the communication beginning on December 1, 2023.

(b) Notwithstanding any general or special law to the contrary, upon the expiration of any contract for voice communication services, the department of correction and the sheriffs shall seek to maximize purchasing power and consolidate contracts to the extent feasible; provided, that not later than January 1, 2024, the

department of correction and the sheriffs shall report to the house and senate committees on ways and means and the joint committee on the judiciary on the status of any communication services contracts and plans to consolidate contracts to maximize purchasing power for voice communication services.

(c) Notwithstanding any general or special law to the contrary, any financial incentive received in connection with a voice communication services or other communication services contract, including, but not limited to, a commission, shall revert to the General Fund.

SECTION 3. Section 87A of chapter 127 of the General Laws, as inserted by section 1, shall take effect December 1, 2023.”; and the report was accepted.

The amendment recommended by the Governor then was rejected.

Mr. Michlewitz of Boston then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following three sections:

“SECTION 1. Chapter 127 of the General Laws is hereby amended by inserting after section 87 the following section:

Section 87A. (a) For the purposes of this section, the terms ‘state correctional facility’, ‘state prison’ and ‘county correctional facility’ shall have the same meanings as those terms are defined in section 1 of chapter 125.

(b) The department of correction and sheriffs shall provide any person committed to a state correctional facility, state prison or county correctional facility, including a jail or house of correction, with voice communication services, including phone calls, free of charge to the person initiating and the person receiving the communication; provided, however, that voice communication services shall be maximized to the extent possible and no facility shall offer access to voice communication services less than were offered and available at such facilities on July 1, 2023; provided further, that the department of correction and sheriffs shall ensure adequate infrastructure for voice communication services; and provided further, that nothing in this section shall prohibit in-person contact visits.

(c) The department of correction and sheriffs may supplement voice communication services with other communication services, including, but not limited to, video and electronic communication services; provided, however, that other communication services shall not replace voice communication services; and provided further, that other communication services shall be provided free of charge to the person initiating and the person receiving the communication.

SECTION 2. (a) Notwithstanding any general or special law to the contrary, no voice communication services contract in force on the effective date of this act shall be affected by section 87A of chapter 127 of the General Laws, as inserted by section 1; provided, however, that voice communication services shall be free of charge to the person initiating and the person receiving the communication beginning on December 1, 2023; provided further, that other communication services offered pursuant to said section 87A of said chapter 127, including, but not limited to, video and electronic communication services, shall be offered free of charge to the person initiating and the person receiving the communication beginning on December 1, 2023.

(b) Notwithstanding any general or special law to the contrary, upon the expiration of any contract for voice communication services, the department of correction and the sheriffs shall seek to maximize purchasing power and consolidate contracts to the extent feasible; provided, that not later than January 1, 2024, the department of correction and the sheriffs shall report to the house and senate committees on ways and means and the joint committee on the judiciary on the status

of any communication services contracts and plans to consolidate contracts to maximize purchasing power for voice communication services.

(c) Notwithstanding any general or special law to the contrary, any financial incentive received in connection with a voice communication services or other communication services contract, including, but not limited to, a commission, shall revert to the General Fund.

SECTION 3. Section 87A of chapter 127 of the General Laws, as inserted by section 1, shall take effect on December 1, 2023.”

The amendment was adopted; and the bill (see House, No. 4052, amended) then was sent to the Senate for its action.

The engrossed Bill relative to the paid family and medical leave program (see House, No. 4053), being a printed copy of Section 57 contained in the engrossed Bill making appropriations for the fiscal year 2024 (see House, No. 4040), which had been returned by Her Excellency the Governor with recommendation of amendment (for message see Attachment F of House, No. 4055), was considered.

Paid family and medical leave program.

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

By striking all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 3 of chapter 175M of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 43 and 44, the words ‘or (ii) a paid family, or medical leave policy of an employer’ and inserting in place thereof the following words: (ii) a paid family or medical leave policy of an employer; or (iii) any accrued sick or vacation pay or other paid leave provided under an employer policy, including, but not limited to, any leave provided under a collective bargaining agreement.

SECTION 2. Section 1 shall take effect 180 days after the passage of this act; provided, however, section 1 shall apply to all claims eligible under section 3 of chapter 175M of the General Laws filed for leave taken on or after July 1, 2023.”; and by striking out the emergency preamble.

The report was accepted; and the amendment recommended by the Governor then was rejected.

Mr. Michlewitz of Boston then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 3 of chapter 175M of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 43 and 44, the words ‘or (ii) a paid family, or medical leave policy of an employer’ and inserting in place thereof the following words: (ii) a paid family or medical leave policy of an employer; or (iii) any accrued sick or vacation pay or other paid leave provided under an employer policy, including, but not limited to, any leave provided under a collective bargaining agreement.

SECTION 2. Section 1 shall take effect for claims filed on or after November 1, 2023.”

The amendment was adopted; and the bill (see House, No. 4053, amended) then was sent to the Senate for its action.

The engrossed Bill relative to the rate of payment for certain MassHealth ground ambulance services (see House, No. 4054), being a printed copy of Section 87 contained in the engrossed Bill making appropriations for the fiscal year 2024 (see House, No. 4040), which had been returned by Her Excellency the Governor with

MassHealth,— ambulance services.

recommendation of amendment (for message see Attachment G of House, No. 4055), was considered.

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

By striking out all after the enacting clause and inserting in place thereof the following:

“Notwithstanding any general or special law to the contrary and subject to federal approval, all ambulance ground transportation provided to MassHealth fee-for-service and managed care plan members who are also Medicare eligible shall be paid at the applicable Medicare rate.”.

The report was accepted.

The amendment recommended by the Governor then was adopted. Sent to the Senate for its action.

*Order.*

On motion of Mr. Mariano of Quincy,—

*Ordered*, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next  
sitting.

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Representatives Day of Stoneham and Jones of North Reading move that when the House adjourns today, it do so in respect to the memory of Sherman W. Saltmarsh, Jr., a member of the House from Winchester from 1975 to 1988; and the motion prevailed.

Accordingly, at sixteen minutes after five o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.