
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, JULY 31, 2019.

[81]*

JOURNAL OF THE HOUSE.

Wednesday, July 31, 2019.

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.

Statement of Representative Ehrlich of Marblehead.

A statement of Ms. Ehrlich of Marblehead was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I cannot be present in the House Chamber for the remainder of today's sitting due to illness. If the House votes to suspend Rule 1A to allow the House to meet beyond the hour of nine o'clock P.M., I would vote in the affirmative. My missing of any roll calls this evening and for the remainder of today's sitting will be due entirely to the reason stated.

Statement of
Ms. Ehrlich of
Marblehead.

Special Recognitions.

During the Session, the Speaker took the Chair and paid special recognition to the Sergeant-at-Arms of the House, Raymond J. Amaru, who is celebrating his 80th birthday and 61 years of dedicated service to the House of Representatives.

The Speaker also recognized Assistant Sergeant-at-Arms, Eugene F. DiPersio, and congratulated Gene on 50 years of exemplary service to the House.

Raymond J.
Amaru and
Eugene
DiPersio.

Guests of the House.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced interns from the Department of Mental Health (DMH) along with department staff Steve Cidlevich, Legislative Director, and Avayama Jusu and Michelle Cormier.

The DMH Student Intern Program provides experience and knowledge to students interested in the mission and vision of DMH. The interns also gain comprehensive knowledge and understanding of what it means to work in public service. It is, additionally, a prodigious way for the department to receive assistance on unique projects and initiatives.

They were the guests of Representative Cabral of New Bedford.

Department
of Mental
Health,—
interns and
staff.

Paper from the Senate.

A petition of Marc R. Pacheco and Angelo L. D'Emilia for legislation to

Bridgewater,—

authorize the transfer of care and control of certain parcels of land in the town of Bridgewater from the Department of Correction to the Department of Fire Services, came from the Senate referred, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

land.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2306) was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.

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 William McGowan relative to requiring valid photo identification at real estate open houses. To the committee on Consumer Protection and Professional Licensure.

Open houses,—
identification.

Petition (accompanied by bill) of Joan Meschino and Patrick M. O'Connor for legislation to establish a sick leave bank for Thelma J. Williams, an employee of the Commission for the Blind. To the committee on Public Service.

Thelma
Williams,—
sick leave.

Petition (accompanied by bill) of Michael J. Moran for legislation to create a community process to supervise the disposition of a certain parcel of land on Leo M. Birmingham Parkway in the Allston-Brighton section of the city of Boston. To the committee on State Administration and Regulatory Oversight.

Boston,—
land.

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

By Mr. Petrolati of Ludlow, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House:

The Senate Bill allowing the city of Westfield to set the salary of the city clerk as the clerk of the city council through local process (Senate, No. 2197) [Local Approval Received]; and

Westfield,—
city clerk.

House bills

Relative to failed septic systems (House, No. 869);

Septic systems.

Relative to designating a certain bridge in the town of Falmouth as the Deputy John Robert Kotfila [sic] Jr. memorial bridge (House, No. 3170); and

Falmouth,—
Kotfila bridge.

Establishing a sick leave bank for Robert Jaillet, an employee of the Department of Correction (House, No. 3981);

Robert Jaillet,—
sick leave.

Under suspension of Rule 7A, in each instance, on motion of Mr. Kafka of Stoughton, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Mr. Galvin of Canton, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the House Bill relative to children's health and wellness (House, No. 4012) [for order, see House, No. 4013]. The order was adopted.

Children,—
health and
wellness.

Recess.

At twenty-nine minutes after eleven o'clock A.M., on motion of Mr. D'Emilia

Recess.

of Bridgewater (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at nine minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

Message from the Governor — Disapprovals and Recommendations of Amendments in General Appropriation Bill.

A message from His Excellency the Governor returning with his disapproval of parts of certain items, and also with recommendations of amendments of certain sections contained in the engrossed Bill making appropriations for the fiscal year 2020 for the maintenance of the departments, board, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements [see House, No. 4000] (for message, see House, No. 4014), filed this day in the office of the Clerk, was read.

General
Appropriation
Bill,—
disapprovals and
amendments.

So much of the message as relates to the disapprovals were referred, under Rule 30, to the committee on Ways and Means.

So much of the message as relates to the sections returned with recommendations of amendments were referred, as follows:

- Section 14 — Printed as House, No. 4016;
- Section 47 — Printed as House, No. 4017;
- Section 59 — Printed as House, No. 4018;
- Sections 69, 103, 104, and 108 — Printed as House, No. 4019;
- Section 89 — Printed as House, No. 4020; and
- Section 97 — Printed as House, No. 4021.

Severally, on motion of Mr. Speliotis of Danvers, to the committee on Bills in the Third Reading.

Subsequently the same member, for said committee, reported recommending that the amendment recommended by His Excellency the Governor, to the engrossed Bill relative to grants from the Massachusetts Tourism Trust Fund (see House, No. 4016), be considered in the following form:

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

“SECTION 1. Grants from the amounts collected pursuant to subsection (a) of section 13T of chapter 23A of the General Laws allocated to regional tourism councils pursuant to clause (ii) of subsection (d) of said section 13T of said chapter 23A for fiscal year 2020 shall be distributed not later than September 1, 2019.

Tourism
Trust Fund,—
grants.

SECTION 2. This act shall take effect as of July 1, 2019.”; and the report was accepted.

The amendment then was considered forthwith; and it was adopted. Sent to the Senate for its action.

Subsequently Mr. Speliotis, for the committee on Bills in the Third Reading, reported recommending that the amendment recommended by His Excellency the Governor, to the engrossed Bill relative to offshore wind contract pricing (see House, No. 4019), be considered in the following form:

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

“SECTION 1. Subsection (b) of section 83C of chapter 169 of the acts of 2008, as inserted by section 12 of chapter 188 of the acts of 2016, is hereby amended by striking out, in the fifth sentence, the following words:— provided, however, that the department of public utilities shall not approve a long-term contract that results

Offshore
wind,—
pricing.

from a subsequent solicitation and procurement period if the levelized price per megawatt hour, plus associated transmission costs, is greater than or equal to the levelized price per megawatt hour plus transmission costs that resulted from the previous procurement.

SECTION 2. Subsection (b) of section 83C of chapter 169 of the acts of 2008, as inserted by section 12 of chapter 188 of the acts of 2016, is hereby amended by adding, in the fifth sentence, the following words:— provided, however, that the department of public utilities shall not approve a long-term contract that results from a subsequent solicitation and procurement period if the levelized price per megawatt hour, plus associated transmission costs, is greater than or equal to the levelized price per megawatt hour plus transmission costs that resulted from the previous procurement.

SECTION 3. Section 1 shall apply to any long-term contract that results from a solicitation issued in calendar year 2019.

SECTION 4. Section 1 is hereby repealed.

SECTION 5. Sections 2 and 4 shall take effect on January 1, 2021.

SECTION 6. Except as otherwise specified this act shall take effect as of July 1, 2019.”; and the report was accepted.

The amendment then was considered forthwith; and it was adopted. Sent to the Senate for its action.

Subsequently Mr. Speliotis of Danvers, for the committee on Bills in the Third Reading, reported recommending that the amendment recommended by His Excellency the Governor, to the engrossed Bill establishing a restaurant promotion commission (see House, No. 4020), be considered in the following form:

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

“SECTION 1. Subsection (a) of section 6A of chapter 64H of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting, in line 9, after the word ‘motorboats’ the words:— , meals.

Restaurant
promotion
commission.

SECTION 2. (a) There shall be a special commission, known as the restaurant promotion commission to review and develop recommendations and best practices for the promotion and continued growth and vitality of the restaurant industry in the commonwealth. The commission shall consist of the following 11 members: the house and senate chairs of the joint committee on tourism, arts and cultural development; 3 persons to be appointed by the speaker of the house of representatives; 3 persons to be appointed by the president of the senate; 1 person to be appointed by the minority leader of the house of representatives; 1 person to be appointed by the minority leader of the senate; and the executive director of the Massachusetts office of travel and tourism, or the executive director’s designee, who shall serve as chair of the commission.

(b) The commission shall examine ways to increase promotion of and visitation to restaurants operating in the commonwealth, including but not limited to: challenges to maintaining and operating restaurants, including issues related to the training, development and retention of the industry’s workforce; barriers to establishing new restaurants; licensing and permitting issues impacting emerging business models; strategies for increased marketing to attract visitors to the commonwealth’s restaurants; and strategies for cross-promotional partnerships, including but not limited to partnerships with the hospitality, agriculture and seafood industries. The commission shall consider successful programs and national and local best practices.

(c) The commission shall recommend programs for the use of the funds

available in item 7008-1024. The commission shall hold its first meeting not later than 30 days after the effective date of this act and shall meet not less frequently than monthly thereafter. The commission shall hold meetings in various geographic regions of the commonwealth. The chair of the commission shall work to facilitate information and data requests of the commission members, ensure that the work of the commission incorporates feedback from the industry statewide and coordinate interagency cooperation. The commission shall submit a report of its review and its recommendations, if any, together with drafts of legislation necessary to carry those recommendations into effect by filing the same with the clerks of the house of representatives and the senate not later than January 31, 2020.

SECTION 3. This act shall take effect as of July 1, 2019.”; and the report was accepted.

The amendment then was considered forthwith; and it was adopted. Sent to the Senate for its action.

Paper from the Senate.

Prior to the noon recess, the House Bill relative to simulcasting and racing (House, No. 4003), came from the Senate with the endorsement that said branch had insisted on its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2305) (in which the House had non-concurred).

Simulcasting.

The House then insisted on its non-concurrence with the Senate in its amendment, on motion of Mr. Michlewitz of Boston. Sent to the Senate endorsed accordingly.

Subsequently, the noon recess having terminated, the bill (House, No. 4003) came from the Senate with the endorsement that said branch had again insisted on its amendment.

On motion of the same member, the House receded from its non-concurrence with the Senate in its amendment.

Messrs. Michlewitz and Chan of Quincy then moved that the House concur with the Senate in its amendment with a further amendment by striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the text contained in House document numbered 4023.

The further amendment was adopted. The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Engrossed Bill – Land Taking.

The engrossed Bill providing for the assignment of a perpetual conservation restriction in the town of Middleborough (see Senate, No. 2292) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Middleborough,—
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 157 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 86.

[See Yea and Nay No. 86 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Emergency Measure.

The engrossed Bill relative to collective bargaining dues (see House, No. 3854, 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.

Collective bargaining dues.

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 18 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) (which had been returned by His Excellency the Governor with recommendation of amendment) was put upon its final passage.

On the question on passing the bill to be re-enacted, the sense of the House was taken by yeas and nays at the request of Mr. Brodeur of Melrose; and on the roll call 156 members voted in the affirmative and 1 in the negative.

Bill re-enacted,—yea and nay No. 87.

[See Yea and Nay No. 87 in Supplement.]

Therefore the bill was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

Reports of Committees.

Prior to the noon recess, By Mr. Michlewitz of Boston, for the committee on Ways and Means, on Senate, No. 2295 and House, Nos. 124, 913 and 1141, that the Bill to increase consumer transparency about insurance provider networks (House, No. 913), ought to pass with an amendment substituting therefor a Bill relative to children's health and wellness (House, No. 4012). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Children,—health and wellness.

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

Under suspension of Rule 7A, on motion of Ms. Cronin of Easton, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Ms. Benson of Lunenburg, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill to be engrossed, Mrs. Haddad of Somerset asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (the Speaker being in the Chair) 154 members were recorded as being in attendance.

Quorum,—yea and nay No. 88.

[See Yea and Nay No. 88 in Supplement.]

Therefore a quorum was present.

After remarks on the question on passing the bill to be engrossed, Mr. Michlewitz of Boston moved to amend it in section 6, in line 202, by striking out the figure: “7” and inserting in place thereof the figure: “9”, in line 205 by striking out the figure: “4” and inserting in place thereof the figure: “6”; and in line 209 by inserting after the abbreviation “Inc.” the following: “, 1 of whom shall be a representative of the Massachusetts Association of Behavioral Health Systems, Inc., 1 of whom shall be a representative of the Massachusetts chapter of the American Academy of Pediatrics.”; and

In section 7, in line 217, by striking out the figures: “21” and inserting in place thereof the figures: “23”, in line 223 by striking out the figures: “14” and inserting in place thereof the figures: “16”; and in line 236 by inserting after the abbreviation “Inc.,” the following: “1 of whom shall be a representative of Massachusetts Psychiatric Society, Inc.; 1 of whom shall be a representative of the office of the child advocate;”.

The amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Ms. Benson of Lunenburg; and on the roll call (Mr. Donato of Medford being in the Chair) 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 89 in Supplement.]

Therefore the bill (House, No. 4012, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed to be engrossed,—
yea and nay
No. 89.

Suspension of Rule 1A.

The Chair (Mr. Donato of Medford) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o’clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 125 members voted in the affirmative and 31 in the negative.

[See Yea and Nay No. 90 in Supplement.]

Therefore Rule 1A was suspended.

Suspension of
Rule 1A.

Rule 1A
suspended,—
yea and nay
No. 90.

Emergency Measures.

The engrossed Bill relative to grants from the Massachusetts Tourism Trust Fund (see House, No. 4016, 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.

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 26 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) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Tourism
fund,—
grants.

The engrossed Bill relative to offshore wind contract pricing (see House, No.

Offshore

4019, 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.

wind,—
pricing.

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 29 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) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill establishing a restaurant promotion commission (see House, No. 4020, 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.

Restaurants,—
promotion.

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 39 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) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to simulcasting and racing (see House, No. 4003, 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.

Simulcasting.

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 38 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.

Motion to Discharge a Certain Matter in the Orders of the Day.

The House Bill authorizing the city of Lowell to appoint retired police officers as special police officers within said city for paid detail assignments (House, No. 3824), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Nangle of Lowell.

Lowell,—
police.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by substitution of a bill with the same title (House, No. 4022), which was read.

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

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Next
sitting.

At ten minutes after twelve o'clock A.M. (Thursday, August 1), on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet at eleven o'clock A.M., in an Informal Session.