

# JOURNAL OF THE HOUSE.

Monday, January 5, 2015.

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).

Pledge of allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### *Resolutions.*

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

Michael Ryan Moitoza.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Michael Ryan Moitoza on receiving the Eagle Award of the Boy Scouts of America; and

William J. Gustus.

Resolutions (filed by Mr. Jones of North Reading) recognizing William J. Gustus for his twelve years of dedicated service to the town of Lynnfield;

Ms. Hogan of Stow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. O'Day of West Boylston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### *Annual and Special Reports.*

#### Annual reports

Clean Water Trust.

The annual report of the Massachusetts Clean Water Trust (under Section 17 of Chapter 29C of the General Laws) for the fiscal year ended June 30, 2014 [copies of the report forwarded to the Speaker and the House committee on Ways and Means, in accordance with said law]; and

MassDOT,—performance management.

The fifth annual report of the Massachusetts Department of Transportation (MassDOT) (under Section 6(b) of Chapter 6C of the General Laws) submitting the fourth annual Performance Management Report of said department for the fiscal year 2014; and

#### Reports

Employer medical assistance.

Of the Employer Medical Assistance Contribution Board (under Section 189(g) of Chapter 149 of the General Laws) regarding the number of employers paying an employer medical assistance contribution, the amount collected in the fund, the amount needed to administer the fund, the amount transferred and how the funds were used by the program; and

EZ-ID License Plate Task Force.

Of the special task force established (under Section 271 of Chapter 165 of the Acts of 2014) to analyze the feasibility of a vehicle registration plate system that utilizes non-alphanumeric symbols as part of the registration identification for plates issued by the Registrar of Motor Vehicles;

Severally were placed on file.

*Papers from the Senate.*

The engrossed Bill relative to direct wine shipper licenses (House, No. 4571, amended), came from the Senate with an amendment striking out all after the enacting clause (as amended by the House) and inserting in place thereof the following:

Direct wine shipper licenses.

“Subsection (g) of section 19B of chapter 138 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following 5 clauses:—

(6) at wholesale in kegs, casks, barrels or bottles to a person licensed pursuant to section 12, 13 or 14;

(7) at wholesale for the sole purpose of resale in containers in which wine was delivered to any person licensed pursuant to section 15;

(8) at wholesale to a person licensed pursuant to section 19 or this section;

(9) at wholesale to churches and religious societies, educational institutions, incorporated hospitals, homes for the aged, manufacturers of food products and manufacturers of drugs and chemicals pursuant to section 28; or

(10) at wholesale to a registered pharmacist holding a certificate of fitness pursuant to section 30.”

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

A Bill establishing a sick leave bank for Sharon Jones, an employee of the Department of Environmental Protection (Senate, No. 2423) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Sharon Jones,—sick leave.

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

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

**Bills**

Making corrective changes to certain general and special laws (Senate, No. 2424) (on a communication); and

Corrective changes.

Relative to the special election in the city known as the town of Greenfield (Senate, No. 2425) (on Senate bill No. 2406) [Local Approval Received];

Greenfield,—election.

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

*Reports of Committees.*

By Mr. Honan of Boston, for the committee on Housing, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4554) of Steven S. Howitt and James E. Timilty (by vote of the town) that the town of Rehoboth be authorized to lease a certain parcel of land for housing purposes,— and recommending that the same be referred to the committee on Municipalities and Regional Government. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Rehoboth,—housing.

John Morrill,—  
sick leave.

By Mr. Markey of Dartmouth, for the committee on the Judiciary, on a joint petition, a Bill establishing a sick leave bank for John Morrill, an employee of the Attleboro District Court (House, No. 4569). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Emergency 911  
communication  
districts.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to regional 911 emergency communication districts (Senate, No. 1199), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Kafka, the bill, reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Clinton,—  
town  
treasurer.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the board of selectmen of the town of Clinton to appoint the town treasurer (Senate, No. 2377) [Local Approval Received], be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Kafka, the bill, reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

#### *Orders of the Day.*

Town  
meeting  
notices.

The Senate further amendment of the Senate Bill further regulating town meeting notices (Senate, No. 2121, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was adopted, in concurrence.

Federal  
Home Loan  
Bank.

The Senate amendment of the House Bill relative to certain loans by the Federal Home Loan Bank (House, No. 3810), reported by the committee on Bills in the Third Reading to be correctly drawn, was adopted, in concurrence.

Wellfleet,—  
parking.

The Senate amendment of the House Bill relative to parking violations in the town of Wellfleet (House, No. 4175), reported by the committee on Bills in the Third Reading to be correctly drawn, was adopted, in concurrence.

Senate bills

Exempting the Harbor and Shellfish Advisory Board membership from conflict of interest regarding discussion of shellfish licensing (Senate, No. 979); Third reading bills.

Relative to local commissions on disability (Senate, No. 1985);

Designating a certain bridge in the town of Barre as the U.S.N. S2/C Basil D. Izzi Memorial Bridge (Senate, No. 2043);

Relative to disability pension benefits and earnings (Senate, No. 2343);

Authorizing the appointment of special police officers in the town of Dartmouth (Senate, No. 2363, amended);

Authorizing certain investments by the treasurer of the city of Peabody (Senate, No. 2382);

Relative to the financial condition of the town of Winchendon (Senate, No. 2405); and

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

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Relative to rights of persons receiving services from program or facilities of the Department of Mental Health (House, No. 3804) (its title having been changed by the committee on Bills in the Third Reading); Id.

Relative to the Milford Water Company (House, No. 4531); and

Establishing a sick leave bank for Jay Viveiros, an employee of the Division of Professional Services (House, No. 4546) (its title having been changed by the committee on bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

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The Senate Bill to improve access to child and adolescent mental health services (Senate, No. 2416), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time. Child and adolescent mental health services.

Pending the question on passing the bill to engrossed, Mr. Jones of North Reading moved to amend it by inserting after section 1 the following section:

“SECTION 1A. Section 22 of chapter 32A of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following:—

For the purposes of this section, ‘licensed mental health professional’ shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse mental health clinical specialist, or a licensed educational psychologist within the lawful scope of practice for such educational psychologist, provided, however that this shall not include a licensed educational

Child and  
adolescent  
mental health  
services.

psychologist in the course of his or her responsibilities as an employee or as a consultant to a public or private school, college or university.”; by inserting after section 2 the following section:

“SECTION 2A. Section 47B of chapter 175 of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following:—

For the purposes of this section, ‘licensed mental health professional’ shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse mental health clinical specialist, or a licensed educational psychologist within the lawful scope of practice for such educational psychologist, provided, however that this shall not include a licensed educational psychologist in the course of his or her responsibilities as an employee or as a consultant to a public or private school, college or university.”; by inserting after section 3 the following section:

“SECTION 3A. Section 8A of chapter 176A of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following:—

For the purposes of this section, ‘licensed mental health professional’ shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse mental health clinical specialist, or a licensed educational psychologist within the lawful scope of practice for such educational psychologist, provided, however that this shall not include a licensed educational psychologist in the course of his or her responsibilities as an employee or as a consultant to a public or private school, college or university.”; by inserting after section 4 the following section:

“SECTION 4A. Section 4A of chapter 176B of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following:—

For the purposes of this section, ‘licensed mental health professional’ shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse mental health clinical specialist, or a licensed educational psychologist within the lawful scope of practice for such educational psychologist, provided, however that this shall not include a licensed educational psychologist in the course of his or her responsibilities as an employee or as a consultant to a public or private school, college or university.”; and by inserting after section 5 the following section:

“SECTION 5A. Section 4M of chapter 176G of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following:—

For the purposes of this section, ‘licensed mental health professional’ shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse mental health clinical specialist, or a licensed educational psychologist within the lawful scope of practice for such educational psychologist, provided, however that this shall not include a licensed educational

psychologist in the course of his or her responsibilities as an employee or as a consultant to a public or private school, college or university.”.

The amendments were rejected.

Pending the question on passing the bill to be engrossed, in concurrence, further consideration thereof was postponed, at the request [Informal Session] of Mr. Wong of Saugus, until the following day.

*Recess.*

At twenty minutes after eleven o'clock A.M., on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at three minutes before two o'clock, the House was called to order with Mr. Donato in the Chair.

Recess.

*Emergency Measure.*

The engrossed Bill promoting environmentally sound transportation of agricultural products (see Senate, No. 1635), 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.

Farm products,—  
transportation.

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 5 to 0. Sent to the Senate for concurrence.

*Engrossed Bills.*

The engrossed Bill establishing a sick leave bank for Marc Glazebrook, an employee of the Department of Correction (see Senate, No. 2418) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill validating the actions taken at a certain state election in the town of Mattapoisett (see House bill printed in House, No. 4511) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Id.

Engrossed bills

Exempting the Harbor and Shellfish Advisory Board membership from conflict of interest regarding discussion of shellfish licensing (see Senate, No. 979);

Bills enacted.

Designating a certain bridge in the town of Barre as the U.S.N. S2/C Basil D. Izzi Memorial Bridge (see Senate, No. 2043);

Further regulating town meeting notices (see Senate, No. 2121, amended);

To clarify the definition of a personal care attendant (see Senate, No. 2277, amended);

Regulating notaries public to protect consumers and the validity and effectiveness of recorded instruments (see Senate, No. 2306, amended);

Bills  
enacted.

Authorizing the appointment of special police officers in the town of Dartmouth (see Senate, No. 2363, amended);

Authorizing certain investments by the Treasurer of the city of Peabody (see Senate, No. 2382);

Authorizing the town of Falmouth to expend borrowed funds to offset certain costs associated with the installation of low pressure pumps on private property in the Little Pond sewer service area (see Senate, No. 2412);

(Which severally originated in the Senate); and

Relative to parking violations in the town of Wellfleet (see House, No. 4175, amended) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

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

Next  
sitting.

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At twenty-six minutes after two o'clock P.M., on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.