

# JOURNAL OF THE HOUSE.

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Monday, May 19, 2014.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

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

### *Silent Prayer.*

At the request of Mr. Madden of Nantucket, the members, guests and employees stood in a moment of silent tribute to the memory of Francis "Pat" Gregory of West Tisbury. Mr. Gregory, a former West Tisbury School mathematics teacher, served as town moderator since 1991. He had served on many community boards and was the owner of Educomp, a computer and arts supplies business. Pat was taken from us on Friday, May 16 in a tragic and senseless incident while hiking in northern California. Francis "Pat" Gregory.

### *Guests of the House.*

At the beginning of the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced, seated in the House Chamber, 8th grade students from Watertown Middle School. At the invitation of the Chair, the students participated in the pledge of allegiance to the flag. They were the guests of Messrs. Lawn of Watertown and Hecht of Watertown. Watertown Middle School.

### *Resolutions.*

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

Resolutions (filed by Mr. DeLeo of Winthrop and other members of the House) celebrating the one hundredth anniversary of the Dante Alighieri Society of Massachusetts; Dante Alighieri Society.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Samuel Lanciano earning the Eagle Scout Award; Samuel Lanciano.

Resolutions (filed by Ms. Khan of Newton) congratulating Joseph Russo on his retirement from the Newton Public Schools; Joseph Russo.

Resolutions (filed by Mr. Mirra of West Newbury) congratulating Matthew Jelly Chadwick on receiving the Eagle Award of the Boy Scouts of America; Matthew Jelly Chadwick.

Resolutions (filed by Mr. Mirra of West Newbury) congratulating John Anthony Moshon on receiving the Eagle Award of the Boy Scouts of America; John Anthony Moshon.

Resolutions (filed by Mr. Mirra of West Newbury) congratulating Tyler R. Paul on receiving the Eagle Award of the Boy Scouts of America; Tyler R. Paul.

Resolutions (filed by Mr. Mirra of West Newbury) congratulating Evan Sinclair Stentiford on receiving the Eagle Award of the Boy Scouts of America; Evan Sinclair Stentiford.

Lillian  
Lamperti.

Resolutions (filed by Ms. Peake of Provincetown) honoring Lillian Lamperti for her more than forty years of service to the town of Eastham; and

John  
Fortini.

Resolutions (filed by Ms. Peisch of Wellesley) honoring John Fortini for his thirty years as leader of Troop 185 in Wellesley;

Mr. Binienda of Worcester, 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. Kafka of Stoughton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

#### *Communication.*

MBTA,—  
operations  
report.

A communication from MassDOT, Rail and Transit Division (see Section 5 of Chapter 161A of the General Laws) submitting the annual report of operations of the Massachusetts Bay Transportation Authority for the calendar year 2013, was placed on file.

#### *Annual and Special Reports.*

Energy  
resources.

The annual report of the Executive Office of Energy and Environmental Affairs of the Department of Energy Resources (under Section 5 of Chapter 25A of the General Laws) for the fiscal year 2013; and

Tourism  
commission.

A special report of the Tourism Formula Commission (under Section 195 of Chapter 38 of the Acts of 2013) relative to tourism in the Commonwealth and the distribution of funds in the Massachusetts Tourism Fund;

Severally were placed on file.

#### *Petitions.*

Medford,—  
traffic  
commission.

Mr. Donato of Medford and Senator Jehlen presented a joint petition (accompanied by bill, House, No. 4095) of Paul J. Donato and Patricia D. Jehlen (with the approval of the mayor and city council) that the city of Medford be authorized to extend the authority of the traffic commission to include public off-street parking areas, and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Massachusetts  
Bay  
Charter.

By Ms. Atkins of Concord, a petition (subject to Joint Rule 12) of Cory Atkins for legislation to authorize the State Secretary to loan the Charter of the Province of the Massachusetts Bay of 1691.

Thomas D.  
Tierney,—  
sick leave.

By Representative Farley-Bouvier of Pittsfield and Senator Downing, a joint petition (subject to Joint Rule 12) of Tricia Farley-Bouvier and Benjamin B. Downing for legislation to establish a sick leave bank for Thomas D. Tierney, an employee of the Highway Division of the Massachusetts Department of Transportation.

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

#### *Papers from the Senate.*

Minimum  
wage and

The Senate Bill restoring the minimum wage and providing unemployment insurance reforms (Senate, No. 2123), came from the Senate

with the endorsement that said branch had non-concurred with the House in its amendments (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4079; and striking out the title and inserting in place thereof the following title: "An Act relative to workforce reform.").

unemployment insurance.

The bill bore the further endorsement that the Senate had appointed a committee of conference on the disagreeing votes of the two branches; and that Senators Brewer, Wolf and Humason had been appointed to the committee on the part of the Senate.

Committee of conference.

On motion of Mr. Dempsey of Haverhill, the House insisted on its amendments; and concurred with the Senate in the appointment of a committee of conference. Representatives Dempsey, Conroy of Wayland and Peterson of Grafton were appointed the committee on the part of the House. Sent to the Senate to be noted.

Id.

The House Bill authorizing the Department of Fish and Game to exchange a certain parcel of land in the town of Grafton (House, No. 3775, amended), came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2145; striking out the emergency preamble and inserting in place thereof the following emergency preamble:

Grafton,—land.

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the department of fish and game to acquire certain parcels of land in the town of Grafton from the Grafton Water District, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and striking out the title and inserting in place thereof the following title: "An Act authorizing the Department of Fish and Game to acquire certain parcels of land in the town of Grafton from the Grafton Water District."

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

The House Bill releasing certain land in Dracut from operation of an agricultural preservation restriction (House, No. 3800), came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2146; striking out the emergency preamble and inserting in place thereof the following emergency preamble:

Dracut,—land.

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to release forthwith certain land in the town of Dracut from the operation of an agricultural restriction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and striking out the title and inserting in place thereof the following title: "An Act releasing certain land in the town of Dracut from the operation of an agricultural preservation restriction."

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

Cape, etc.,—  
property  
insurance.

A Resolve creating the Cape and Islands Property Insurance Commission (Senate, No. 2144) (on Senate bill, No. 980), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Worcester,—  
board of  
health.

A Bill relative to the board of health in the city of Worcester (Senate, No. 2065) (on a petition) [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.

Mr. Kafka of Stoughton, for said committee, then reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

Lancaster,—  
recall  
elections.

A Bill providing for recall elections in the town of Lancaster (Senate, No. 2040, changed in section 3, in line 25, by striking out the word “forthwith” and inserting in place thereof the following: “within 5 working days”; and amended in section 4, in line 28, by striking out the words “town clerk” and inserting in place thereof the words “board of registrars”, and by adding the following section:

“SECTION 10. This act shall take effect upon its passage.”) (on a petition) [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.

Sturbridge,—  
betterment  
assessment.

A petition (accompanied by bill Senate, No. 2140) of Stephen M. Brewer, Todd M. Smola and Anne M. Gobi (by vote of the town) for legislation relative to a betterment assessment in the town of Sturbridge, was referred, in concurrence, to the committee on Revenue.

Denise  
Frost,—  
sick leave.

A petition (accompanied by bill) of Marc R. Pacheco and Patricia A. Haddad for legislation to establish a sick leave bank for Denise Frost, an employee of the Department of Developmental Services, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2150) was referred, in concurrence, to the committee on Public Service.

### *Reports of Committees.*

Sharks,—  
protection.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to ocean ecology and shark protection (House, No. 3571), ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4088). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of the same member, 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 (House, No. 4088) was ordered to a third reading.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to the preparation of certain bilingual ballots in the city of Boston (House, No. 3914), ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4089). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Boston,—  
bilingual  
ballots.

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

Under suspension of Rule 7A, on motion of the same member, 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 (House, No. 4089) was ordered to a third reading.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill allowing for the appointment of designees to the Inspector General Council (House, No. 3937), ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4090). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Inspector  
General  
Council.

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

Under suspension of Rule 7A, on motion of the same member, 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 (House, No. 4090) was ordered to a third reading.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to improving student achievement (House, No. 3984), ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4091). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Student  
achievement.

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

Under suspension of Rule 7A, on motion of the same member, 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 (House, No. 4091) was ordered to a third reading.

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

The Senate Bill designating a certain bridge in the city of Easthampton as the Korean War Veterans Memorial bridge (Senate, No. 1675); and

Easthampton,—  
bridge.

House bills

Designating a certain bridge in the city of Westfield as the All Westfield Patriots bridge (House, No. 3084); and

Westfield,—  
bridge.

Relative to the compensation of the Soldiers' Memorial Commission of the city of Holyoke (House, No. 4029) [Local Approval Received];

Holyoke,—  
soldiers'  
memorial.

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

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, asking to be discharged from further consideration of the following bills:

Services,—  
equal access. Ensuring equal access to services for all residents of the Commonwealth (House, No. 147);

Medical exams. Relative to impartial medical examiners (House, No. 1697);

Construction  
contracts. To promote responsible contracting on state construction projects (House, No. 2792); and

Chemicals. For healthy families and businesses (House, No. 3997);

And recommending that the same severally be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence, inso-much as relates to the discharge of the committee.

Motor  
vehicles,—  
repairs. By Mr. Scibak of South Hadley, for the committee on Consumer Protection and Professional Licensure, ought NOT to pass, on the petition (accompanied by bill, House, No. 254) of Paul McMurtry and others relative to providing complete repair and diagnostic information to motor vehicle owners and automotive businesses in the repair of motor vehicles.

Danvers,—  
alcoholic  
beverages. By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 288) of Theodore C. Speliotis (by vote of the town) for legislation to authorize the town of Danvers to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises.

Revere,—  
licenses. By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3386) of Kathi-Anne Reinstein and Anthony W. Petrucci (with the approval of the mayor and city council) relative to the issuance of secondhand dealers licenses in the city of Revere.

Alcoholic  
beverages,—  
licensing. By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3420) of Harold P. Naughton, Jr., relative to authorizing municipalities to issue licenses for the sale of alcoholic beverages for consumption both on and off the premises.

Taunton,—  
alcoholic  
beverages. By the same member, for the same committee, ought NOT to pass, on the joint petition (accompanied by bill, House, No. 3874) of John M. McCaul (with the approval of the mayor and municipal council) that the city of Taunton be authorized to issue additional licenses for the sale of all alcoholic beverages and wine and malt beverages not to be drunk on the premises.

Home health  
services,—  
applicants. By Ms. Benson of Lunenburg, for the committee on Health Care Financing, ought NOT to pass, on the petition (accompanied by bill, House, No. 1028) of Kate Hogan and others that applicants to provide home health services submit to a certificate of need review established by the Department of Public Health.

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

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, that the Bill relative to the use and payment of ambulance services (House, No. 862), ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4087) [Cost: Greater than \$100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

Ambulance services.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, that the following bills ought to pass:

Regarding proportional payments of the Massachusetts Child Psychiatry Access Project (House, No. 1784) [Cost: Greater than \$100,000.00]; and

Child psychiatry.

Relative to the registration of podiatrists (House, No. 1938) [Cost: Greater than \$100,000.00].

Podiatrists,— registration.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, that the Bill relative to promoting women's health (House, No. 847), ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4086). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Women's health.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, that the Bill relative to Medicaid spending (House, No. 1818), ought to pass. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Medicaid spending.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, on Senate, No. 528 and House, No. 1009, a Bill relative to review of adult foster care services (House, No. 1009) [Cost: Greater than \$100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means.

Adult foster care,— review.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, on a joint petition, a Bill relative to continuity of care for families enrolled in MassHealth (House, No. 1058).

MassHealth,— continuity.

By the same member, for the same committee, on Senate, No. 565 and House, No. 1060, a Bill relative to MassHealth readmission payments (House, No. 1060).

MassHealth,— readmissions.

By Mr. Michlewitz of Boston, for the committee on Public Service, on a joint petition, a Bill authorizing the reinstatement of Kenneth G. Laxton as a reserve police officer in the town of Southwick (House, No. 3853) [Local Approval Received].

Southwick,— Kenneth G. Laxton.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Marcy L. Bray, an employee of the Massachusetts Department of Developmental Services (House, No. 4041).

Marcy L. Bray,— sick leave.

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

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

- Woburn,—  
Robert  
DeNapoli.      The Senate Bill relative to the disability retirement benefits of  
Woburn police officer Robert DeNapoli (Senate, No. 2134); and  
House bills
- Equine riders.      Requiring the use of helmets for equine riders and drivers (House,  
No. 2158);
- Utility vehicles.      To expand the move over law for utility vehicles (House, No. 3036);
- Motorcycles.      Relative to motorcycle inspections (House, No. 3055);
- Headlights.      Relative to the use of headlights (House, No. 3092);
- Turnpike.      Relative to signs on the Massachusetts Turnpike (House, No. 3094);
- Assault,—  
sentencing.      Relative to mandatory sentences for those committing an assault on  
a law enforcement officer (House, No. 3239);
- Aphasia,—  
study.      Providing for an investigation and study by a special commission  
relative to Aphasia (House, No. 3455);
- Collections.      Streamlining municipal collection (House, No. 3994);
- Agriculture.      To enhance agricultural operations (House, No. 4061); and
- Medicaid,—  
autism  
waiver.      Relative to the definition of autism in childrens autism Medicaid  
waiver (House, No. 4075);
- Severally placed in the Orders of the Day for the next sitting for a  
second reading.

*Emergency Measure.*

The engrossed Bill relative to election laws (see House, No. 3788, 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 4 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.

*Engrossed Bills.*

- Id.      The engrossed Bill designating a certain underpass in the town of Mansfield as the Patrolman Walter P. Langley Memorial Underpass (see House, No. 3922, amended) (which originated in the House), 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.
- Id.      The engrossed Bill increasing the membership of the city of Lowell board of license commissioners from 3 to 5 members (see Senate, No. 935) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.



*Orders of the Day.*

Senate bills

Relative to the Falmouth Historic District Commission (Senate, No. 1941, changed) (its title having been changed by the committee on Bills in the Third Reading); and Third reading bills.

Establishing a charter for the town of Wrentham (Senate, No. 2005);

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.

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The House Bill relative to the Pathfinder Regional Vocational-Technical High School District (House, No. 3941) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time. Pathfinder Regional Vocational-Technical High School District.

Pending the question on passing the bill to be engrossed, Mr. Smola of Warren moved to amend it in section 1, in line 3, by striking out the following: "May, 31" and inserting in place thereof, the following: "June 30".

The amendment was adopted; and the bill (House, No. 3941, amended) 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 on Wednesday next at one o'clock P.M. Next sitting.

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At twenty-six minutes before twelve o'clock noon, on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at one o'clock P.M.