

JOURNAL OF THE HOUSE.

Wednesday, May 28, 2014.

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.

Guests of the House.

During the session, Mr. O'Day of West Boylston took the Chair, declared a brief recess, and introduced the Burncoat High School Choir of Worcester. Led by choir director, Dave Twiss, the choir performed the National Anthem and "MLK". They were the guests of Mr. O'Day. Burncoat High School Choir.

Annual Report.

The annual report of the Massachusetts Advisory Council on Organ and Tissue Transplants and Donations (under Section 15 of Chapter 17 of the General Laws) submitting its "Year One Final Report" for the calendar year 2013, was placed on file. Organ and tissue donations.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Straus of Mattapoissett, a petition (accompanied by bill, House, No. 4127) of William M. Straus (by vote of the town) that the town of Fairhaven be authorized to establish a per acre shellfish aquacultural license fee in said town. To the committee on Environment, Natural Resources and Agriculture. Fairhaven,—aquacultural licenses.

By the same member, a petition (accompanied by bill, House, No. 4128) of William M. Straus (by vote of the town) that the town of Fairhaven be authorized to restructure the board of public works of said town; and Fairhaven,—public works.

By the same member, a petition (accompanied by bill, House, No. 4129) of William M. Straus (by vote of the town) that the town of Fairhaven be authorized to establish the position of town administrator in said town; Fairhaven,—town administrator.

Severally to the committee on Municipalities and Regional Government. Severally sent to the Senate for concurrence.

Papers from the Senate.

A Bill directing the city of Boston Police Department to waive the maximum age requirement for police officer Edward Grace (Senate, No. 2002) (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. Boston,—Edward Grace.

Petitions severally were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Asset
recovery.

Petition (accompanied by bill, Senate, No. 2158) of Bruce E. Tarr, Robert L. Hedlund, Donald F. Humason, Jr., Richard J. Ross and others for legislation to recover assets used in the commission of sexual offenses. To the committee on Consumer Protection and Professional Licensure.

Pesticide
applications.

Petition (accompanied by bill, Senate, No. 2159) of Bruce E. Tarr for legislation relative to pesticide applications. To the committee on Environment, Natural Resources and Agriculture.

Municipal
expenditures.

Petition (accompanied by bill, Senate, No. 2161) of Bruce E. Tarr, James R. Miceli, Matthew A. Beaton, Shawn Dooley and other members of the General Court for legislation relative to the expenditure of certain municipal and district monies.

Capital
projects
fund.

Petition (accompanied by bill, Senate, No. 2162) of Bruce E. Tarr, James R. Miceli, Matthew A. Beaton, Shawn Dooley and other members of the General Court for legislation to increase the amount that can be appropriated from the balance of a capital project fund.

Severally to the committee on Municipalities and Regional Government.

Reimbursement
equity.

Petition (accompanied by bill, Senate, No. 2163) of Bruce E. Tarr, Robert L. Hedlund, Donald F. Humason, Jr., Richard J. Ross and other members of the General Court for legislation to ensure compliance and equity in state reimbursement. To the committee on State Administration and Regulatory Oversight.

Reports of Committees.

Seniors,—
flu shots.

Report of the committee on Public Health, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4044) of Mark J. Cusack relative to immunizations against the influenza virus to all inpatients 65 years of age and older.

Under suspension of the rules, on a motion of Mr. Cusack of Braintree, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Sánchez of Boston.

North Adams,—
finances.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to the financial condition of the city of North Adams (Senate, No. 2089) [Local Approval Received], 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.

Prisoners,—
mental
illness.

By Mr. Markey of Dartmouth, for the committee on the Judiciary, on House, No. 1189, a Bill relative to the treatment of mentally ill in prisons (House, No. 4122). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Juveniles,—
petitions.

By Mr. Markey of Dartmouth, for the committee on the Judiciary, on a petition, a Bill relative to special juveniles (House, No. 1414).

Court
clerks.

By the same member, for the same committee, on a petition, a Bill relative to the clerks of courts (House, No. 3747).

By the same member, for the same committee, on House, No. 1674, a Bill to require national background checks (House, No. 4125). Background checks.

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

By Mr. Markey of Dartmouth, for the committee on the Judiciary, on a petition, a Bill to designate the courthouse in the Roxbury section of the city of Boston as the Edward O. Gourdin Courthouse (House, No. 1324). Roxbury,—Gourdin courthouse.

By the same member, for the same committee, on a petition, a Bill relative to advertising by a justice of the peace (House, No. 1362). Justices of the peace.

By the same member, for the same committee, on House, No. 1211, a Bill relative to certain judicial procedures (House, No. 4123). Judicial procedures.

By the same member, for the same committee, on House, No. 1425, a Bill designating the Essex Probate and Family Court as the Thaddeus Buczko Building (House, No. 4124). Thaddeus Buczko Court.

By the same member, for the same committee, on Senate, No. 633 and House, No. 1455, a Bill extending the statute of limitations in civil child sexual abuse cases (House, No. 4126). Children,—sexual abuse cases.

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

Recess.

At a seven minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at twenty-two minutes after one o'clock the House was called to order with Mr. Donato in the Chair. Recess.

Engrossed Bill.

Mrs. Haddad of Somerset being in the Chair,—

The engrossed Bill making appropriations for the fiscal year 2014 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4081, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage. Supplemental appropriations.

After remarks on the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 122 members voted in the affirmative and 29 in the negative. Bill enacted,—yea and nay No. 379.

[See Yea and Nay No. 379 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 authorizing the Department of Fish and Game to acquire certain parcels of land in the town of Grafton from the Grafton Water District (see House, No. 3775, amended) (which originated in the House), 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. Grafton,—land.

Grafton,—
land.

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 57 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Bills
enacted.

Authorizing the town of Milton to assess an additional amount of real estate and personal property taxes (see Senate, No. 1872);

Authorizing the city of Northampton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 1962, amended); and

Amending the charter of the city known as the town of Greenfield (see Senate, No. 2103);

(Which severally originated in the Senate);

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.

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

Boston
Convention
and
Exhibition
Center.

The House Bill relative to the expansion of the Boston Convention and Exhibition Center (House, No. 4111), 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, under suspension of Rule 47, on motion of Mr. Kocot of Northampton.

After debate on the question on passing the bill to be engrossed, Mr. Jones of North Reading and other members of the House moved to amend it in section 10, in lines 254 to 289, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“(c) Notwithstanding any general or special law to the contrary, no awarding authority shall require or prohibit bidders, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or related projects, or discriminate against bidders, contractors, subcontractors, or operators for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or other related public works projects.”

The amendment was rejected.

Bill passed to
be engrossed,—
yea and nay
No. 380.

On the question on passing the bill to be engrossed, the sense of the House taken by yeas and nays, at the request of Mr. Kocot of Northampton; and on the roll call 131 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 380 in Supplement.]

Therefore the bill was passed to be engrossed. Sent to the Senate for concurrence.

Orders of the Day.

Third
Reading
bill.

The Senate Bill relative to the disability retirement of Woburn police officer Robert DeNapoli (Senate, No. 2134), 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.

The House Bill establishing a sick leave for Marcy L. Bray, an employee of the Massachusetts Department of Developmental Services (House, No. 4041), 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. Sent to the Senate for concurrence.

Third Reading bill.

The Senate Bill establishing Ataxia awareness day (Senate, No. 2007); and House bills
 Relative to reckless endangerment of persons with disabilities (House, No. 122);
 Relative to patient access to information regarding breast reconstructive surgery (House, No. 1959);
 Relative to physician assistants and interscholastic athletic head injuries (House, No. 1983);
 To eliminate antiquated hospital bed de-licensure rules (House, No. 2050); and
 Relative to dangerous weapons (House, No. 3258);
 Severally were read a second time; and they were ordered to a third reading.

Second reading bills.

The Senate Bill designating June 14 as the birthday of the United States Army and June 9 as General Sylvanus Thayer Day (Senate, No. 1963), reported by the committee on Bills in the Third Reading to correctly drawn, was read a third time.

General Thayer Day.

Pending the question on passing the bill to be engrossed, Mr. Cusack of Braintree moved to amend it by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a day in June honoring General Sylvanus Thayer and the formation of the United States Army, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted; and the bill (see Senate, No. 1963, amended) was sent to the Senate for concurrence in the amendment.

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.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at three o’clock P.M., on motion of Mr. Hill of Ipswich (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following day at eleven o’clock A.M., in an Informal Session.