

JOURNAL OF THE HOUSE.

Monday, June 9, 2014.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Kafka of Stoughton 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. Kafka), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Messages from the Governor.

Capital facility
repairs,—
bond terms.

A message from His Excellency the Governor (under the provisions of section 3 of Article LXII of the Amendments to the Constitution) recommending legislation relative to providing the terms of certain bonds for capital facility repairs and improvements in the Commonwealth (House, No. 4160), was filed in the office of the Clerk on Friday, June 6.

The message was read; and it was referred, under Rule 17G, with the accompanying draft of a bill, to the committee on Bonding, Capital Expenditures and State Assets.

Southampton,—
annual
election.

A message for His Excellency the Governor (under the provisions of section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at the May 5, 2014 annual town election held by the town of Southampton (House, No. 4161), was filed in the office of the Clerk on Friday, June 6.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Election Laws. Sent to the Senate for concurrence.

Guests of the House.

Boyden
Elementary
School.

During the session, the Chair (Mr. Kafka of Stoughton), declared a brief recess and introduced, seated in the House Chamber, a group of 5th grade students and their teachers from Boyden Elementary School in Walpole. They were the guests of Representatives Kafka, Dooley of Norfolk, McMurtry of Dedham and Rogers of Norwood and also of Senator Timilty.

Studley
Elementary
School.

During the session, the Chair (Mr. Kafka of Stoughton), declared a brief recess and introduced, seated in the House Chamber, a group of students and their teachers from Studley Elementary School in Attleboro. They were the guests of Representatives Poirier of North Attleboro, Heroux of Attleboro and also of Senator Timilty.

Resolutions.

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

Resolutions (filed by Mr. Jones of North Reading) recognizing coach Frank Carey for his many years of dedication to North Reading High School baseball; Frank Carey.

Resolutions (filed by Mr. Hill of Ipswich) congratulating Liam Crowley on receiving the Eagle Award of the Boy Scouts of America; Liam Crowley.

Resolutions (filed by Mr. Hill of Ipswich) congratulating Ryan Evaul on receiving the Eagle Award of the Boy Scouts of America; Ryan Evaul.

Resolutions (filed by Mr. Hill of Ipswich) congratulating David Giovannacci on receiving the Eagle Award of the Boy Scouts of America; David Giovannacci.

Resolutions (filed by Mr. Hill of Ipswich) congratulating Peter Mahoney on receiving the Eagle Award of the Boy Scouts of America; Peter Mahoney.

Resolutions (filed by Mr. Hill of Ipswich) congratulating Gregory Sacco on receiving the Eagle Award of the Boy Scouts of America; Gregory Sacco.

Resolutions (filed by Mr. Hill of Ipswich) congratulating Dana Warren on receiving the Eagle Award of the Boy Scouts of America; Dana Warren.

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

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

Resolutions (filed by Mr. Mirra of West Newbury) congratulating Connor O'Grady on receiving the Eagle Award of the Boy Scouts of America; and Connor O'Grady.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Ann Fitzmaurice on her retirement from Newton Public Schools; Ann Fitzmaurice.

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. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

Bills

Relative to missing persons (Senate, No. 2173) (on Senate bill No. 1110); and Missing persons.

Relative to amusement devices (Senate, No. 2174, amended in section 3, in line 25, by inserting after the word "equipment." the following sentence: "This section shall not apply to fixed carousels that are owned and operated by a non-profit corporation; provided, that the non-profit corporation has submitted an inspection report with the department of public safety demonstrating that the fixed carousel is safe; provided further that such an inspection report shall be submitted annually." and, in line 32, by inserting after the word "section." the following sentence: "The commissioner may adopt rules and regulations creating exemptions for other fixed carousels, which do not pose a risk to public safety.") (on Senate bill No. 1184); Amusement devices.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Property insurance.

Relative to liability coverage under the Massachusetts Property Insurance Underwriting Association (Senate, No. 465) (on Senate, No. 474); and

Denise Frost,— sick leave.

Establishing a sick leave bank for Denise Frost, an employee of the Department of Developmental Services (Senate, No. 2175) (on Senate bill No. 2150);

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.

Sex offenses,— asset recovery.

A report of the committee on Consumer Protection and Professional Licensure, asking to be discharged from further consideration of the 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,— and recommending the same be referred to the committee on the Judiciary,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Westfield,— Paper Mill Road.

A petition (accompanied by bill, Senate, No. 2169) of Donald F. Humason, Jr., and John Velis (with the approval of the mayor and city council) for legislation relative to the acceptance of Paper Mill Road as a public way in the city of Westfield, was referred, in concurrence, to the committee on Transportation.

Margaret Poindexter,— sick leave.

A petition (accompanied by bill) of Sal N. DiDomenico and Daniel J. Ryan for legislation to establish a sick leave bank for Margaret Poindexter, an employee of the Massachusetts Department of Transportation, 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. 2185) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

Economic development,— procedures.

Mr. Binienda of Worcester, 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 to promote growth and opportunity (House, No. 4045) (for order, see House, No. 4158). The order was considered forthwith; and it was adopted.

Natural gas leaks.

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 2095) of the House Bill relative to natural gas leaks (House, No. 3873, amended), reported recommending passage of a bill with the same title (House, No. 4164). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Binienda of Worcester, 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 Nick Collins relative to abandoned vessels on certain state property. To the committee on Environment, Natural Resources and Agriculture. Abandoned vessels.

Petition (accompanied by bill) of James R. Miceli and Barry R. Finegold for legislation to establish a sick leave bank for Andrea Thomas, an employee of the Division of Capital Asset Management and Maintenance. To the committee on Public Service. Andrea Thomas,—sick leave.

Petition (accompanied by bill) of Nick Collins for legislation to authorize the Commissioner of the Division of Capital Asset Management and Maintenance to grant easements to NStar Electric Company. To the committee on State Administration and Regulatory Oversight. Boston,—land.

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

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to non-competition agreements (House, No. 4082),—and recommending that the same be referred to the committee on Economic Development and Emerging Technologies. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the reference. Non-competition agreements.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to certain regulations of the Division of Banks (House, No. 874), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4154). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending. Division of Banks,—regulations.

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

Under suspension of said rule, on motion of Mr. Hill of Ipswich, 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.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to public employer self-insurance (House, No. 883), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4155). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending. Public employer self-insurance.

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

Under suspension of said rule, on motion of Mr. Hill of Ipswich, 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.

Needham,—
buffer zone.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill establishing a highway buffer zone in the town of Needham (House, No. 3851), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4156). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

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

Under suspension of said rule, on motion of Mr. Hill of Ipswich, 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.

Westborough,—
land.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Westborough (House, No. 3979), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4157). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

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

Under suspension of said rule, on motion of Mr. Hill of Ipswich, 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.

Economic
growth,—
promotion.

Report of the committee on Economic Development and Emerging Technologies, ought NOT to pass (under Joint Rule 10), on the message from His Excellency the Governor recommending legislation relative to promoting growth and opportunity (House, No. 4045). Under suspension of the rules, on a motion of Mr. McMurtry of Dedham, the report was considered forthwith. Pending the question on acceptance of the report, the subject-matter was recommitted, on motion of Mr. Wagner of Chicopee.

Subsequently the same member, for said committee, reported on the foregoing message (House, No. 4045), a Bill promoting economic growth across the Commonwealth (House, No. 4163). Read; and referred to the committees on Rules of the two branches, acting concurrently.

Mr. Binienda of Worcester, for said committee, then reported that the foregoing Bill promoting economic growth across the Commonwealth (House, No. 4163), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Consumer
Protection and
Professional
Licensure,—
study.

By Mr. Scibak of South Hadley, for the committee on Consumer Protection and Professional Licensure, on Senate, Nos. 82, 94, 96, 102, 106, 109, 117, 135, 144, 160 and 162 and House, Nos. 177, 182, 183, 194, 201, 230, 234, 243, 260, 286, 294, 299, 300, 3305 and 3575, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain Senate and House documents concerning consumer protection and professional licensure issues (House, No. 4153). Referred, under Joint

Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Binienda of Worcester, for said committees, reported asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

The same member, for said committee, on the foregoing Order, then reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 299) of William M. Straus and others relative to prohibiting robocalls, so-called, to mobile telephone devices,— and recommending that the same be recommitted to the committee on Consumer Protection and Professional Licensure. Under Rule 42, the report was considered forthwith; and it was accepted.

Robocalls,—
prohibiting.

By Mr. Sánchez of Boston, for the committee on Public Health, on House, Nos. 678, 727, 1886, 1888, 1891, 1892, 1895, 1896, 1897, 1898, 1899, 1901, 1904, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1915, 1916, 1917, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1929, 1930, 1931, 1933, 1935, 1937, 1940, 1941, 1942, 1943, 1945, 1948, 1951, 1953, 1956, 1957, 1958, 1961, 1962, 1963, 1964, 1965, 1968, 1970, 1973, 1975, 1977, 1978, 1979, 1980, 1988, 1992, 1994, 1995, 1996, 1998, 2000, 2002, 2004, 2005, 2006, 2010, 2012, 2017, 2018, 2019, 2020, 2022, 2023, 2024, 2025, 2030, 2031, 2032, 2034, 2035, 2036, 2038, 2039, 2040, 2041, 2042, 2043, 2045, 2046, 2047, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2061, 2064, 2067, 2075, 2076, 2077, 2081, 2082, 2087, 2088, 2090, 2091, 2092, 2094, 2095, 2096, 2097, 2098, 2099, 2105, 2111, 2112, 2113, 2114, 2415, 3359, 3397 and 3506, an Order relative to authorizing the committee on Public Health to make an investigation and study of certain House documents concerning public health issues (House, No. 4147). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Public Health,—
study.

Subsequently Mr. Binienda of Worcester, for said committees, reported asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, that the Bill relative to real lives (House, No. 4063), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4151) [Cost: Greater than \$100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means.

Disabled,—
assistance.

Mr. Binienda of Worcester, for the committee on Rules, that the Bill relative to the Middlesex Canal Commission (House, No. 767, changed), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Middlesex
Canal
Commission.

Auctions,—
alcohol
sales.

By Mr. Scibak of South Hadley, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill regulating the granting of temporary licenses for the sale of wine, beer, and malt liquor at auctions (House, No. 270, changed in section 1, in line 6, and in section 2, in line 43, by striking out the words “, beers and malt liquors” and inserting in place thereof, in each instance, the words “and malt beverages”; in section 1, in lines 16, 17 and 22, and in section 2, in lines 30 and 39, by striking out the words “, beer, and malt liquor” and inserting in place thereof, in each instance, the words “and malt beverages”; and in section 1, in line 19, and in section 2, in line 40, by striking out the words “, beer, and malt liquor” and inserting in place thereof, in each instance, the words “or malt beverages”). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Gun
violence.

By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to the reduction of gun violence (House, No. 4121) [Senators Timilty, Michael O. Moore and Welch and Representatives Turner of Dennis, Boldyga of Southwick and Vieira of Falmouth, dissenting]. Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Municipal
light plants,—
energy
efficiency
funds.

By Mr. Keenan of Salem, for the committee on Telecommunications, Utilities and Energy, on Senate, Nos. 1572 and 1585 and House, No. 2964, a Bill relative to energy efficiency funds generated by municipal light plants (House, No. 4152). Read; and referred, under Rule 33, to the committee on Ways and Means.

Engrossed Bills.

Engrossed bills

Bills
enacted.

Providing for recall elections in the town of Lancaster (see Senate, No. 2040, changed and amended) (which originated in the Senate);
Relative to Quincy College (House, No. 3814, amended); and
Relative to continuing education requirement for insurance producers (see House, No. 880);

(Severally 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.

Reconsideration.

Pesticide
licensing and
mosquito
control.

Mr. Speliotis of Danvers asked that the vote be reconsidered by which the House, at the preceding sitting, passed to be engrossed, as amended, the House Bill relative to pesticide licensing and mosquito control (House, No. 3568, amended), and the motion to reconsider was entertained; and it prevailed.

The same member then moved that the vote be reconsidered by which the House adopted amendments (offered by him), on Thursday, June 5; and the motion to reconsider prevailed. On the recurring question the amendments were rejected.

Mr. Speliotis then moved to amend the bill in section 5, in line 49, by inserting after the word “sought.” the following sentence: “Upon a

determination that the applicant has satisfied the criteria established for that certification, license or permit, the department shall immediately issue a temporary certification, license or permit to be valid until the applicant is in receipt of a permanent certificate, license or permit.” and in said section by adding the following paragraph:

“(i) The department may impose an administrative or civil penalty on a person, who has not been issued either a temporary or permanent certification, license or permit from the department, who uses a pesticide in a public or private place used for human occupation and habitation, except residential properties with 3 or less dwelling units, of not more than \$500 for a first offense and not more than \$1,000 for any subsequent offense.”; and 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 control of certain mosquito borne diseases, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.”.

The amendments were adopted.

The bill (House, No. 3568, amended) then was passed to be engrossed. Sent to the Senate for concurrence.

Orders of the Day.

The Senate amendment of the House Bill exempting Martin B. Parayno from the maximum age requirement for firefighters in the city of Methuen (House, No. 3637, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was adopted, in concurrence.

Methuen,—
Martin B.
Parayno.

The House Bill establishing a district to operate a regional public safety communications and dispatch center for the city known as the city of Revere and the town of Winthrop (House, No. 3936), 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 House Resolve providing for an investigation and study by a special commission relative to aphasia (House, No. 3455), was read a third time.

Third reading
resolve
amended.

The committee on Bills in the Third Reading reported recommending that the resolve be amended by substitution of a resolve with the same title (House, No. 4162), which was read.

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

The House Bill establishing a voluntary firearm turn-in program (House, No. 3316), was read a second time; and it was ordered to a third reading.

Second
reading
bill.

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.

At eight minutes after twelve o'clock noon, on motion of Mr. Hill of Ipswich (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.