

JOURNAL OF THE HOUSE.

Monday, June 16, 2014.

Met at eleven minutes after 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.

Messages from the Governor.

Millis,—
town
meeting.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to Article 6 of the town of Millis May 12, 2014 Annual Town Meeting (House, No. 4182), was filed in the office of the Clerk on Thursday, June 12.

Warren,—
town
election.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at the May 6, 2014 Annual Town Election held by the town of Warren (House, No. 4183), was filed in the office of the Clerk on Thursday, June 12.

The messages severally were read; and they were referred, under Rule 30, with the accompanying drafts of two bills, to the committee on Election Laws.

Severally sent to the Senate for concurrence.

Resolutions.

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

Timothy
Elofson.

Resolutions (filed by Representatives Barrows of Mansfield, Poirier of North Attleborough and Kafka of Stoughton) congratulating Timothy Elofson on receiving the Eagle Award of the Boy Scouts of America;

Michael
Healy.

Resolutions (filed by Representatives Barrows of Mansfield, Poirier of North Attleborough and Kafka of Stoughton) congratulating Michael Healy on receiving the Eagle Award of the Boy Scouts of America;

Corey John
DeChristopher.

Resolutions (filed by Representatives Canavan of Brockton, Brady of Brockton and Cronin of Easton) congratulating Corey John DeChristopher on receiving the Eagle Award of the Boy Scouts of America;

Fred Edouard
Mathelier, Jr.

Resolutions (filed by Representatives Canavan of Brockton, Brady of Brockton and Cronin of Easton) congratulating Fred Edouard Mathelier, Jr., on receiving the Eagle Award of the Boy Scouts of America;

John
Hoffman.

Resolutions (filed by Representatives Ehrlich of Marblehead, Fennell of Lynn and Wong of Saugus) congratulating John Hoffman on the occasion of his retirement;

Admetech
Foundation.

Resolutions (filed by Mr. Kulik of Worthington and other members of the House) commending Admetech Foundation on hosting the sixth

annual Prostate Cancer Awareness Day at the Massachusetts State House on June 19, 2014;

Resolutions (filed by Mr. Kulik of Worthington) congratulating the Polish Genealogical Society of Massachusetts on its twenty-fifth anniversary celebration;

Polish genealogists.

Resolutions (filed by Mr. O'Day of West Boylston) congratulating David Morin on his retirement from the Department of Social Services;

David Morin.

Resolutions (filed by Representatives Petrolati of Ludlow and Andrews of Orange) honoring William R. Barnett for his many years of service to the town of Belchertown; and

William R. Barnett.

Resolutions (filed by Mr. Stanley of Waltham) congratulating Arthur R. Colangelo on the occasion of his ninetieth birthday;

Arthur R. Colangelo.

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

Petition.

Mr. Hunt of Sandwich (by request) presented a petition (subject Joint Rule 12) of Richard Buguey relative to the unlawful withholding of nutrition and hydration; and the same was referred, under Rule 24, to the committee on Rules.

Nutrition and hydration,—withholding.

Papers from the Senate.

A report, in part, of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments of the Senate Bill restoring the minimum wage and providing unemployment insurance reforms (Senate, No. 2123) (for report, see Senate, No. 2195), having been accepted by the Senate, was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Minimum wage and unemployment insurance.

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, the question, being on acceptance.

The House Bill relative to the substitution of interchangeable biosimilars (House, No. 3734), came from the Senate passed to be engrossed, in concurrence, with an amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2176, amended in section 4, in lines 45 to 48, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following three paragraphs:

Interchangeable biosimilars.

“(d) Within a reasonable time following any such substitution, the dispensing pharmacist or the pharmacist’s designee shall notify the prescribing practitioner of the substitution. The notification shall be conveyed by a notation in the interoperable electronic health record of the patient, as defined by section 1 of chapter 118I.

If the pharmacist does not have the ability to make a notation in the patient’s interoperable health record, then the notification shall be conveyed by facsimile, electronic transmission or by making a notation in

Interchangeable biosimilars. the patient's record maintained by the pharmacy, which is accessible to the practitioner by request.

A pharmacist who utilizes an interoperable electronic prescribing technology shall enter the substitution into the patient's electronic health record.”; and striking out the title and inserting in place thereof the following title: “An Act relative to the substitution of biosimilars.”).

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

Bills

Cambridge,—
parkland.

Authorizing the Department of Conservation and Recreation to lease certain parkland in the city of Cambridge (Senate, No. 1966) (on a petition); and

Artists and entertainers,—
protect.

Protecting the commercial value of artists, entertainers and other notable personalities (Senate, No. 2022) (on Senate, No. 1630);

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

Barre American
Legion bridge.

Designating a certain bridge in the town of Barre as the Barre American Legion bridge (Senate, No. 1874) (on a petition); and

Barre,—
Basil D. Izzi
bridge.

Designating a certain bridge in the town of Barre as the Basil D. Izzi bridge (Senate, No. 2043) (on a petition);

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.

Petitions severally were referred, in concurrence, as follows:

Ipswich,—
liquor
license.

Petition (accompanied by bill, Senate, No. 2194) of Bruce E. Tarr and Bradford Hill (by vote of the town) for legislation to authorize the town of Ipswich to issue two additional licenses for the sale of all alcoholic beverages to be drunk on the premises. To the Committee on Consumer Protection and Professional Licensure.

Westport,—
public safety
personnel.

Petition (accompanied by bill, Senate, No. 2193) of Michael J. Rodrigues and Paul A. Schmid III (by vote of the town) for legislation to authorize the board of selectmen of the town of Westport to borrow money for the payment of certain medical expenses for certain public safety personnel. To the committee Municipalities and Regional Government.

Id.

Petition (accompanied by bill, Senate, No. 2192) of Michael J. Rodrigues and Paul A. Schmid III (by vote of the town) for legislation to authorize the town of Westport to assess additional amounts of real estate and personal property taxes to pay certain medical expenses incurred by certain public safety personnel. To the committee on Revenue.

Reports of Committees.

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:

High school
athletics.

Petition (accompanied by bill) of John W. Scibak and others relative to the scheduling of high school athletic contests. To the committee on Education.

Petition (accompanied by bill) of Nick Collins that the Department of Conservation and Recreation designate the street hockey arena in the city of Boston as the Donald F. Higgins memorial street hockey arena. To the committee on Environment, Natural Resources and Agriculture. Boston,— Higgins street hockey arena.

Petition (accompanied by bill) of Bruce J. Ayers for legislation to establish a sick leave bank for Lana A. Soricelli, an employee of the Executive Office for Administration and Finance. Lana A. Soricelli,— sick leave.

Petition (accompanied by bill) of Christine E. Canavan for legislation to establish a sick leave bank for Mariange Robert, an employee of the Department of Correction. Mariange Robert,— sick leave.

Severally to the committee on Public Service.

Petition (accompanied by bill) of Peter J. Durant and Richard T. Moore for legislation to designate the last Tuesday of May as Southbridge Lions Club bow ties for esophageal cancer awareness day. To the committee on State Administration and Regulatory Oversight. Esophageal cancer awareness day.

Petition (accompanied by bill) of John V. Fernandes and Richard T. Moore for legislation to eliminate the annual fee for veterans distinctive license plates. To the committee on Transportation. Veterans license plates.

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.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain Senate and House documents concerning matters relating to the judiciary (House, No. 4180) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1486) of Elizabeth A. Malia and others relative to the use of solitary confinement in correctional facilities,— and recommending that the same be recommitted to the committee on the Judiciary. Under Rule 42, the report was considered forthwith; and it was accepted. Correctional facilities,— solitary confinement.

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

Of the Bill to provide counseling services and medical leave for crew members of a railroad company involved in an accident resulting in loss of life or serious bodily injury (House, No. 3024),— and recommending that the same be referred to the committee on Labor and Workforce Development. Railroad crews,— accident counseling.

Of the Bill to provide an income tax exemption for families caring for their elderly relatives at home (House, No. 80),— and recommending that the same be referred to the committee on Revenue. Home care,— tax exemptions.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Michlewitz of Boston, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Andrea Thomas, an employee of the Division of Capital Asset Management and Maintenance (House, No. 4177). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Andrea Thomas,— sick leave.

Andrea Thomas,—
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.

Reports

Mental Health, etc.,
residents.

Of the committee on Health Care Financing, that the House Bill relative to ensuring the safety of residents of facilities under the authority of the Department of Mental Health and the Department of Developmental Services (House, No. 141) ought NOT to pass (under Joint Rule 10); and

Seniors and disabled,—
technology.

Of the same committee, that the House Bill relative to living at home with use of technology for people with disabilities and seniors (House, No. 150) ought NOT to pass (under Joint Rule 10).

Under suspension of the Rules, in each instance, on motion of Ms. Benson of Lunenburg, the reports were considered forthwith; and, pending the question: “Shall this bill be rejected?”, they were recommended, in each instance, on further motion of the same member.

Domestic workers,—
rights.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill establishing the domestic workers bill of rights (Senate, No. 2132), ought to pass. 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 said rule, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Consumer Protection and Professional Licensure,—
study.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning the environment (House, No. 4042), reported, in part, asking to be discharged from further consideration:

Phlebotomists,—
board.

Of the petition (accompanied by bill, House, No. 220) of Susan Williams Gifford for legislation to establish a board of registration of phlebotomists; and

Bellingham,—
liquor license.

Of the petition (accompanied by bill, House, No. 3636) of Kevin J. Kuros and Richard T. Moore (by vote of the town) that the town of Bellingham be authorized to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises;

And recommending that the same severally be recommitted to the committee on Consumer Protection and Professional Licensure.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

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

Bills

Drug rehabilitation.

To study the need for drug rehabilitation for Department of Children and Families’ clients (House, No. 84); and

Acupuncture.

Relative to the practice of acupuncture (House, No. 3972); and the

Resolve providing for an investigation and study by a special commission relative to child suicide (House, No. 3741);
 Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Child suicide,—
 study.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, that the Bill providing for a viral hepatitis prevention, screening, treatment and education program (House, No. 2021), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4179). Read; and referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

Viral hepatitis.

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 361 and House, No. 657, a Bill to protect the natural resources of the Commonwealth (House, No. 657).

Public lands.

By Mr. Markey of Dartmouth, for the committee on the Judiciary, on Senate, No. 2008 and House, No. 1426, a Bill relative to juvenile life sentences (House, No. 4184).

Juveniles,—
 life sentences.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill further amending the lease agreement for the land in the town of Tewksbury and [sic] the Division of Capital Asset Management and Maintenance and the Tewksbury Hospital Equestrian Farm now known as Strongwater Farm (House, No. 4085).

Tewksbury,—
 land.

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

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

Senate bills

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

Liability coverage.

Authorizing the town of Heath to continue the employment of Margo Ann Newton as police chief (Senate, No. 1789, amended) [Local Approval Received];

Heath,—
 police chief.

Relative to the charter of the town of Bellingham (Senate, No. 2066) [Local Approval Received]; and

Bellingham,—
 charter.

Authorizing the town of Plymouth to establish an 1820 courthouse fund (Senate, No. 2136) [Local Approval Received]; and

Plymouth,—
 courthouse.

House bills

Relative to the do not call list law to regulate certain charitable solicitations (House, No. 190);

Charitable solicitations.

Relative to use of shotguns (House, No. 711);

Shotguns.

Relative to use of crossbows for hunting (House, No. 713);

Crossbows.

Relative to advertising by a Justice of the Peace (House, No. 1362);

Advertising.

Regarding independent contractors (House, No. 1711); and

Contractors.

Providing for recall elections in the town of Hinsdale (House, No. 4064) [Local Approval Received];

Hinsdale,—
 recall elections.

Severally placed in the Orders of the Day for the next sitting for a second reading.

Taunton,—
liquor
licenses.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass, on the 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, be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting, the question, being on acceptance.

Emergency Measure.

Marcy L.
Bray,—
sick leave.

The engrossed Bill establishing a sick leave bank for Marcy L. Bray, an employee of the Department of Developmental Services (see House, No. 4041), 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 8 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

Bill
enacted.

The engrossed Bill relative to natural gas leaks (see House, No. 4164) (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; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Senate bills

Third
Reading
bills.

Authorizing the town of Chesterfield to continue the employment of police chief Gary Wickland (Senate, No. 2051);

Authorizing the Massachusetts Department of Transportation to grant an interest in land in the town of Petersham (Senate, No. 2124);

Establishing a sick leave bank for Alexis Baez, an employee of the Department of Mental Health (Senate, No. 2154); and

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

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

Id.

Authorizing the reinstatement of Kenneth G. Laxton as a reserve police officer in the town of Southwick (House, No. 3853);

Extending the authority of the traffic commission in the city of Medford to include public off-street parking areas (House, No. 4095) (its title having been changed by the committee on Bills in the Third Reading); and

Establishing a highway buffer zone in the town of Needham (House, No. 4156) (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.

Senate bills

Relative to the state highway Route 116 scenic byway corridor (Senate, No. 1656); Second reading bills.

Relative to certain designations in the towns of Northbridge, Uxbridge and Dudley (Senate, No. 1759, amended);

Directing the city of Boston Police Department to waive the maximum age requirement for police officer Edward Grace (Senate, No. 2002); and

Relative to the financing and construction of a sanitary sewer extension in the town of Hardwick (Senate, No. 2081); and

House bills

Protecting engineers, architects, environmental professionals, landscape architects, planners, land surveyors, licensed site professionals, and contractors who render voluntary services at the scene of a disaster or catastrophe (printed as Senate, No. 795);

Relative to special alcohol licenses for nonprofit organizations (House, No. 271);

Relative to continuity of care for families enrolled in MassHealth (House, No. 1058);

Relative to MassHealth readmission payments (House, No. 1060);

Bill to designate the courthouse in the Roxbury section of the city of Boston as the Edward O. Gourdin Courthouse (House, No. 1324);

Relative to Medicaid spending (House, No. 1818);

Relative to the naming of the Stephen M. Brewer fishing area (House, No. 4032);

Designating the Essex Probate and Family Court as the Thaddeus Buczko Building (House, No. 4124); and

Decriminalizing non-violent and verbal student misconduct (House, No. 4132);

Severally were read a second time; and they were ordered to a third reading.

Reports

Of 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; Vehicle repair and diagnostic information.

Of 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; Danvers,—liquor license.

Of 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; Revere,—secondhand dealers licenses.

Municipal
liquor
licenses.

Of 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; and

Home health
services,—
certificate
of need.

Of 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 were accepted.

University of
Massachusetts,—
police.

The Senate Bill relative to the University of Massachusetts Police Department (Senate, No. 2045) (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.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Speliotis of Danvers moved to amend it by striking out section 3.

The amendment was adopted; and the bill, as amended, was passed to be engrossed, in concurrence. The bill (Senate, No. 2045, amended) then was sent to the Senate for concurrence in the amendment.

Recess.

Recess.

At five minutes before twelve o'clock noon, on motion of Mrs. Gifford of Wareham (Mr. Donato of Medford being in the Chair), the House recessed until half past two o'clock P.M.; and at that time, the House was called to order with Mr. Donato in the Chair.

Report of a Committee.

Sewer
betterment
assessments.

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 petition of Timothy R. Madden relative to regulating sewer betterment assessments. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue. Sent to the Senate for concurrence.

Order.

Next
sitting.

On motion of Mr. DeLeo of Winthrop,—
Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

At twenty-seven minutes before three o'clock P.M., on motion of Mrs. Gifford of Wareham (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.