

JOURNAL OF THE HOUSE.

Monday, June 30, 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).

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.

Silent Prayer.

Former
Kingston
Police Chief
Joe Rebello.

At the request of Mr. Calter of Kingston, the members, guests and employees stood in a moment of silent prayer in respect to the memory of former Kingston Police Chief Joe Rebello who was killed in a motorcycle accident on Sunday morning, June 29, in Vermont. Chief Rebello led three Massachusetts departments over the course of 23 years and served as the president of the Massachusetts Chiefs of Police Association. The House of Representatives extends its thoughts and prayers to his wife, Kathy, and children, Devin and Michael.

Messages from the Governor.

Information
technology,—
bonds.

A message from His Excellency the Governor recommending legislation relative to providing the terms of certain bonds financing information technology equipment and related projects (House, No. 4240), was filed in the office of the Clerk on Thursday, June 26.

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.

Economic
growth,—
bonds.

A message from His Excellency the Governor recommending legislation relative providing the terms of certain bonds for economic growth in the Commonwealth (House, No. 4241), was filed in the office of the Clerk on Thursday, June 26.

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.

Statement of Ms. Andrews of Orange.

A statement of Ms. Andrews of Orange was spread upon the records of the House, as follows:

Statement of
Ms. Andrews
of Orange.

MR. SPEAKER: I would like to call to the attention of the House the fact that as result of my absence from the State House on June 18, 2014, due to being out of state on a previously scheduled family commitment. I was unable to be recorded on roll calls held during that day's sitting of the House. Had I been present I would have voted in the affirmative on roll calls numbered 393, 394, 395 and 401 and in the negative on roll call numbered 400.

Annual Report.

The annual report of the special commission established (pursuant to Chapter 313 of the Acts of 2010) to make an investigation and study of the issue of postpartum depression [copies of said report forwarded to the committees on Financial Services and Public Health], was placed on file.

Postpartum depression.

Petitions.

Petitions severally were presented and referred as follows:

By Representative Dykema of Holliston and Senator Eldridge, a joint petition (accompanied by bill, House, No. 4238) of Carolyn C. Dykema (by vote of the town) that the town of Southborough be authorized to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises; and

Southborough,—alcoholic beverages.

By the same members, a joint petition (accompanied by bill, House, No. 4239) of Carolyn C. Dykema (by vote of the town) that the town of Southborough be authorized to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises;

Id.

Severally to the committee on Consumer Protection and Professional Licensure.

Severally sent to the Senate for concurrence.

Order.

The following order (filed by Mr. Naughton of Clinton) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Safety and Homeland Security be granted until Thursday, June 26, 2014, within which to make its final report on current House documents numbered 47, 2131, 2181, 2182, 2183, 2184, 2188, 2198, 2199, 3235, 3236, 3237, 3238, 3244, 3245, 3247, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3263, 3264, 3265, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3279, 3282, 3316, 3362 and 3430.

Public Safety and Homeland Security committee,—extension of time for reporting.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Naughton, the order was considered forthwith.

Pending question on the adoption of the order, the same member moved to amend it by striking out the date “June 26” and inserting in place thereof the date “July 3”. The amendment was adopted.

The order, as amended, then also was adopted. Sent to the Senate for concurrence.

Papers from the Senate.

The House Bill relative to the preparation of certain bilingual ballots in the city of Boston (House, No. 4089), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 4, in line 29, inserting after the word “surnames.” the following sentence: “The board’s determination shall be made in recognition of its duty under this act to provide the necessary voter assistance to the city’s Chinese and Viet-

Boston,—bilingual ballots.

Boston,—
bilingual
ballots.

name speaking communities.”. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Subsequently, the amendment (having been reported by said committee to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Flood
insurance.

The House Bill relative to flood insurance (House, No. 3783, 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 2229; striking out the emergency preamble (inserted by amendment by the House); and striking out the title and inserting in place thereof the following title: “An Act further regulating flood insurance.”. The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

Brookline,—
air rights.

The House Bill authorizing air rights over a portion of a municipal off-street parking area (House, No. 4120), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 27, inserting after the year “2013” the following paragraph:

“A lease entered into under this act shall be subject to subsections (a), (b) and (g) of section 16 of chapter 30B of the General Laws.”.

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Broadband
Institute.

A Bill relative to the Massachusetts Broadband Institute (Senate, No. 2184) (on Senate No. 2020), passed to be engrossed by Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Westport,—
tax
assessments.

Authorizing 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 (Senate, No. 2192) (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 recommending 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

Local
roads.

Further regulating mutual aid agreements for roadway reconstruction (Senate, No. 933) (House, No. 1856); and

Alzheimer's,
etc.—
advisors.

Relative to the Massachusetts Alzheimer's and Related Dementia Acute Care Advisory Committee (Senate, No. 1882) (on Senate, No. 295);

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:

A petition (accompanied by bill, Senate, No. 2233) of Kenneth J. Donnelly, Jay R. Kaufman and James J. Dwyer (with the approval of the mayor and city council) for legislation to authorize the licensing authority of the city of Woburn to issue additional licenses for the sale of all alcoholic beverages to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure. Woburn,—
liquor
license.

A petition (accompanied by bill, Senate, No. 2227) of Harriette L. Chandler, John J. Mahoney, Michael O. Moore, John J. Binienda and other members of the General Court (with the approval of the mayor and city council) for legislation to amend chapter 422 of the acts of 2006 relative to the Worcester DCU Arena and Convention Center. To the committee on Municipalities and Regional Government. Worcester
DCU Arena
and
Convention
Center.

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:

Petition (accompanied by bill) of Paul R. Heroux that the State Board of Retirement shall grant an increased accidental disability retirement allowance to Howard S. Levine. To the committee on Public Service. Howard S.
Levine,—
benefits.

Petition (accompanied by bill) of Timothy J. Toomey, Jr., and Sal N. DiDomenico for legislation to authorize the Commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Cambridge. To the committee on State Administration and Regulatory Oversight. Cambridge,—
land.

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

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 Ruth B. Balsler, Kay Khan and Cynthia S. Creem relative to authorizing the State Retirement Board to increase the survivor benefits of Renee Brant, widow of the Honorable Jonathan Brant. To the committee on Public Service. Renee
Brant,—
benefits.

Petition (accompanied by bill) of John J. Lawn, Jr., Michael Barrett and Thomas M. Stanley for legislation to authorize the Commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the city of Waltham. To the committee on State Administration and Regulatory Oversight. Waltham,—
land.

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

By Mr. Markey of Dartmouth, for the committee on the Judiciary, on House, Nos. 1182, 1243, 1278, 1319, 1496, 1551, 2870, 3261, 3312, 3692 and 3748, an Order relative to authorizing the committee Judiciary,—
study.

Judiciary,—
study.

on the Judiciary to make an investigation and study of certain House documents concerning the judiciary (House, No. 4233). 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.

Animal
abuse,—
penalty.

Mr. Binienda of Worcester, for the committee on Rules, on the foregoing Order, then reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1182) of Bruce J. Ayers relative to the penalty for killing, maiming or poisoning of animals,— 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.

Health Care
Financing,—
study.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, on House, Nos. 75, 79, 95, 160, 369, 539, 541, 542, 544, 548, 843, 933, 1001, 1003, 1004, 1005, 1007, 1010, 1011, 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1022, 1025, 1026, 1030, 1031, 1033, 1034, 1035, 1036, 1037, 1038, 1040, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1051, 1052, 1053, 1054, 1055, 1057, 1059, 1783, 1787, 1789, 1790, 1791, 1795, 1797, 1798, 1800, 1801, 1808, 1809, 1810, 1811, 1812, 1815, 1816, 1879, 1900, 1902, 1903, 1969, 1971, 1976, 1984, 1993, 2007, 2028, 2033, 2044, 2048, 2063, 2066, 2072, 2074, 2078, 2080, 2100, 2108, 3346, 3360, 3665, 3974, 3976, 4005, 4006 and 4016, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of certain House documents concerning health care financing (House, No. 4234). 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.

Salem,—
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 land containing the Salem District Court Building to the Salem Redevelopment Authority (House, No. 2838), 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 the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, 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. 4237).

Real lives.

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment previously recommended by the committee on Health Care Financing,— to amend the bill by substitution of a bill with the same title (House, No. 4151),— and the amendment recommended by the committee on Ways and Means, pending.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, then reported that the matter be scheduled for consideration by the House, with the amendments pending.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment previously recommended by the committee on Health Care Financing was rejected.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill (House, No. 4237) was ordered to a third reading.

By Mr. Michlewitz of Boston, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Kimberley DeSiata, an employee of the Department of State Police (House, No. 4230). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Kimberley DeSiata,— sick leave.

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.

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

Relative to sons and daughters of corrections officers (House, No. 2411);

Corrections.

Authorizing the appointment of special police officers in the town of Barnstable (House, No. 3643) [Local Approval Received];

Barnstable,— police.

To validate the proceedings of the town of Ashby relative to Chapter 32B (House, No. 4100) [Local Approval Received];

Ashby,— town proceedings.

Relative to validating the actions taken at the May 6, 2014 annual town election held by the town of Warren (printed in House, No. 4183);

Warren,— town meeting.

Exempting the town of Nantucket from the provisions of MGL and the code of Massachusetts regulations regarding funeral directors, embalmers, funeral homes, and crematories (House, No. 4227) [Local Approval Received];

Nantucket,— funeral personnel.

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

Emergency Measure.

Northbridge,
Uxbridge, and
Dudley,—
designations.

The engrossed Bill relative certain designations in the towns of Northbridge, Uxbridge, and Dudley (see Senate, No. 1759, 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 7 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and Senate to the Senate.

Engrossed Bills.

Engrossed bills

Bills
enacted.

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

Authorizing the town of Holliston to establish a department of public works (see House, No. 3961); and

Relative to the traffic commission in the city of Medford (see House, No. 4095);

(Which severally 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.

Recess.

Recess.

At nine 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 ten minutes after one o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Quorum.

Quorum.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,—
yea and nay
No. 406.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 145 members were recorded as being in attendance.

[See Yea and Nay No. 406 in Supplement.]

Therefore a quorum was present.

Reports of Committees.

Pharmaceutical
compounding.

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 con-

tained in Senate document numbered 1907) of the House Bill relative to pharmacy practice in the Commonwealth (House, No. 3672, amended), reported recommending passage of a bill with the same title (House, No. 4235). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Sánchez of Boston, the report was considered forthwith.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 151 members voted in the affirmative and 0 in the negative.

Conference committee report accepted,—yea and nay No. 407.

[See Yea and Nay No. 407 in Supplement.]

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence

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 amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3756) of the Senate Bill to foster economic independence (Senate, No. 1806), recommending passage of a bill with the same title (Senate, No. 2211), accepted by the Senate, was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Welfare, EBT cards, etc.

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

Under suspension of said rule, on motion of Mr. Conroy of Wayland, the report was considered forthwith.

On the question on acceptance of the report, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 151 members voted in the affirmative and 0 in the negative.

Conference committee report accepted,—yea and nay No. 408.

[See Yea and Nay No. 408 in Supplement.]

Therefore the report of the committee of conference was accepted, in concurrence.

A report, in part, of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3756) of the Senate Bill to foster economic independence (Senate, No. 1806), recommending passage of a bill with the same title (Senate, No. 2212), accepted by the Senate, was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Welfare, EBT cards, etc.,—appropriations.

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

Under suspension of said rule, on motion of Mr. Conroy of Wayland, the report was considered forthwith.

Conference committee report accepted,—yea and nay No. 409.

On the question on acceptance of the report, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 150 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 409 in Supplement.]

Therefore the report of the committee of conference was accepted, in concurrence.

Reports of Committees.

General Appropriation Bill.

Mr. Dempsey of Haverhill, for 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 2160) of the House Bill making appropriations for the fiscal year 2015 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4001), reported recommending that the House concur with the Senate in its amendment with a further amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4242 [Total Appropriation: \$36,507,840,831.00]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Dempsey, the report was considered forthwith.

Pending the question on acceptance of the report, Mr. Peterson of Grafton moved that further consideration thereof be postponed, until Wednesday, July 2.

Motion to postpone negatived,—yea and nay No. 410.

After remarks on the motion to postpone, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 28 members voted in the affirmative and 123 in the negative.

[See Yea and Nay No. 410 in Supplement.]

Therefore the motion to postpone was negatived.

Conference committee report accepted,—yea and nay No. 411.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call 144 members voted in the affirmative and 7 in the negative.

[See Yea and Nay No. 411 in Supplement.]

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

Substance abuse,—recovery.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Senate Bill to increase opportunities for long-term substance abuse recovery (Senate, No. 2142), ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4236. 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 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.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2142, amended) was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Hunt of Sandwich moved to amend it by adding the following section:

“SECTION 36. There is hereby established a special commission for the purposes of investigating and studying the development of criteria for mandated treatment or monitoring of nonviolent offenders with substance addictions and to expand effective, evidence based addiction treatment programs for nonviolent substance addicted offenders. The commission shall consist of the court administrator or a designee, who shall serve as co-chair; the director of the bureau of substance abuse services or a designee, who shall serve as co-chair; the chief justice of the trial court or a designee; the attorney general or a designee; the secretary of public safety and security or a designee; the commissioner of the department of correction or a designee; the chair of the parole board or a designee; the commissioner of the department of probation or a designee; the chief counsel of the committee for public counsel services or a designee; the commissioner of the department of mental health or a designee; the secretary of the department of veterans’ services or a designee; 2 members of the senate, 1 of whom shall be appointed by the senate president and 1 of whom shall be appointed by the senate minority leader; 2 members of the house of representatives, 1 of whom shall be appointed by the speaker of the house and 1 of whom shall be appointed by the house minority leader; the president of the Massachusetts District Attorneys Association or a designee; the president of the Massachusetts Bar Association or a designee; and 2 members appointed by the governor, 1 of whom shall be a substance addiction treatment expert and 1 of whom shall be a mental health treatment expert. Such investigation and study shall include, but not be limited to: (a) an evaluation of the application and effectiveness of “Standards on Substance Abuse,” approved by the justices of the supreme judicial court on April 28, 1998, and recommendations to improve and ensure the consistent application of the standards in the courts; (b) an evaluation and recommendations for improvement of specialty courts that address substance addictions, including current eligibility requirements or practices, availability of such courts and use of best practices in establishing quality of services; (c) the optimum number and estimated expansion costs associated with the drug courts necessary to meet the needs of the total annual number of nonviolent substance addicted offenders; (d) an evaluation of the number and type of nonviolent offenses committed by substance addicted defendants adjudicated in the commonwealth; (e) the development of a definition

Substance
abuse,—
recovery.

of nonviolent substance addicted offender; (f) an examination of best practices relative to specialty courts that deal with substance addicted offenders, both within the commonwealth and in other states; (g) an assessment of the quantity, quality and availability of effective, evidence based addiction treatment programs in the commonwealth; and (h) an assessment of the cost of expanding addiction treatment resources to meet the needs of the total annual number of nonviolent substance addicted offenders. The commission shall submit its report and findings, along with any draft of legislation, to the house and senate committees on ways and means, the joint committee on the judiciary, the joint committee on public health, the joint committee on mental health and substance abuse, and the clerks of the house of representatives and the senate on or before December 31, 2015.”

The amendment was adopted.

The same member then moved to amend the bill by adding the following section:

“SECTION 37. (a) There shall be a Massachusetts Interagency Council on Substance Abuse and Prevention. The interagency council shall: (i) support the efforts of the department of public health to supervise, coordinate and establish standards for the operation of substance use prevention and treatment services; (ii) oversee implementation of initiatives and programs that effectively direct the existing resources and minimize the impact of substance abuse; (iii) develop and recommend formal policies and procedures for the coordination and efficient utilization of programs and resources across state agencies and secretariats; (iv) develop an annual report and submit to the governor, on or before November 30 of each year, all activities of the council and recommend further efforts and resource needs; and (v) review the role and functions of the advisory council on alcoholism, and the drug rehabilitation advisory board pursuant to chapter 118E, and recommend changes as necessary. (b) The interagency council shall consist of the following members or their designees: the secretary of health and human services, who shall serve as chair; the secretary of public safety; the secretary of elder affairs; the secretary of veterans affairs; the commissioner of education; the commissioner of correction; the chair of the parole board; the commissioner of probation; the commissioner of public health; the commissioner of youth services; the commissioner of mental health; the commissioner of developmental services; the commissioner of the Massachusetts rehabilitation commission; the commissioner of transitional assistance; the commissioner of children and families; the commissioner of the center for health information and analysis; the commissioner for the deaf and hard of hearing; the commissioner for early education and care; the assistant commissioner of public health for substance abuse services; the director of the office of Medicaid; a representative of the juvenile court; a representative of the superior court; a representative of the district court; a representative of the governor’s office; 1 private citizen who is recovering from substance abuse problems, appointed by the governor; 1 member appointed by the president of the senate; 1 member appointed by the speaker of the house; 1 member appointed by the senate minority leader; 1 member appointed by the house minority leader; and other appropriate representatives as determined by the governor. The council may appoint an executive director to perform administrative

functions and advocate on behalf of the council. All members shall serve without compensation in an advisory capacity and at the pleasure of the governor. (c) The interagency council shall meet at least 4 times annually and shall establish task groups, meetings, forums and any other activity deemed necessary to carry out its mandate. (d) The interagency council will establish an executive committee composed of a minimum of 11 members that will meet on a bi-monthly basis to provide guidance on the recommendations of the council. At minimum, the executive committee will be comprised of the following members or their designees: the secretary of health and human services, the secretary of public safety; the commissioner of public health; the commissioner of children and families; the commissioner of correction; the commissioner of mental health; the commissioner of youth services; the director of the office of Medicaid; the assistant commissioner of public health for substance abuse services; and at least 2 additional members from the council. (e) All affected agencies, departments and boards of the commonwealth shall fully cooperate with the interagency council. The council may call and rely upon the expertise and services of individuals and entities outside of its membership for research, advice, support or other functions necessary and appropriate to further accomplish its mission.”.

The amendment was adopted.

Mrs. O’Connell of Taunton then moved to amend the bill by inserting after section 18 the following section:

“SECTION 18A. Chapter 94C of the General Laws, as so appearing, is hereby further amended by inserting after section 36 the following section:—

Section 36A. (a) Any person who is incapacitated by drugs in a public place may be assisted by a police officer with or without his consent to his residence, to a facility for substance abuse treatment or to a police station. To determine for purposes of this section only, whether or not such person is incapacitated by drugs, the police officer, following a standard, uniform procedure developed by the state police, may request the person to submit to a test, as approved by the department of public health, the bureau of substance abuse services and the state police, to determine whether the person is incapacitated due to drug use.

(b) Any person assisted by a police officer to a police station shall have the right, and be informed in writing of said right, to request and be administered said test. If evidence from said test indicates that the person is incapacitated by drugs, the person shall be placed in protective custody at a police station or transferred to a facility for substance abuse treatment. If evidence from said test indicates that the person is not incapacitated by drugs, the person shall be released from custody forthwith. If evidence from said test is inconclusive, there shall be no presumption made based solely on said test. In such instance a reasonable test of coordination or speech coherency must be administered to determine if said person is incapacitated by drugs. Only when such test of coordination or speech coherency indicates said person is incapacitated by drugs shall he be placed in protective custody at a police station or transferred to a facility for substance abuse treatment.

(c) Any person presumed incapacitated by drugs and to be held in protective custody at a police station shall, immediately after such

Substance
abuse,—
recovery.

presumption, have the right and be informed of said right to make one phone call at his own expense and on his own behalf. Any person assisted by a police officer to a facility for substance abuse treatment under this section shall have the right to make one phone call at his own expense on his own behalf and shall be informed forthwith upon arriving at the facility of said right. The parent or guardian of any person, under the age of 18, to be held in protective custody at a police station shall be notified forthwith upon his arrival at said station or as soon as possible thereafter.

(d) If any incapacitated person is assisted to a police station, the officer in charge or his designee shall notify forthwith the nearest facility for substance abuse that the person is being held in protective custody. If suitable treatment services are available at a facility, the department of public health shall thereupon arrange for the transportation of the person to the facility.

(e) No person assisted to a police station pursuant to this section shall be held in protective custody against his will; provided, however, that if suitable treatment at a facility is not available, an incapacitated person may be held in protective custody at a police station until he is no longer incapacitated or for a period of not longer than twelve hours, whichever is shorter.

(f) A police officer acting in accordance with the provisions of this section may use such force as is reasonably necessary to carry out his authorized responsibilities. If the police officer reasonably believes that his safety or the safety of other persons present so requires, he may search such person and his immediate surroundings, but only to the extent necessary to discover and seize any dangerous weapons which may on that occasion be used against the officer or other person present; provided, however, that if such person is held in protective custody at a police station all valuables and all articles which may pose a danger to such person or to others may be taken from him for safekeeping and if so taken shall be inventoried.

(g) A person assisted to a facility or held in protective custody by the police pursuant to the provisions of this section, shall not be considered to have been arrested or to have been charged with any crime. An entry of custody shall be made indicating the date, time, place of custody, the name of the assisting officer, the name of the officer in charge, whether the person held in custody exercised his right to make a phone call, whether the person held in custody exercised his right to take a test to determine incapacity, and the results of the test to determine incapacity if taken, which entry shall not be treated for any purposes, as an arrest or criminal record.

(h) This section shall not apply to any person whom the police have reasonable cause to believe has committed a misdemeanor, in addition to being incapacitated by drugs in a public place; nor to any person whom the police have reasonable cause to believe has committed any felony.”.

After debate the amendment was rejected.

Mr. Madden of Nantucket then moved to amend the bill in section 29, in line 425, by inserting after the word “report” the words “, and shall provide at least one hearing in each county of the Commonwealth prior to the issuance of a final report”. The amendment was adopted.

Mr. Basile of Boston then moved to amend the bill by adding the following section:

“SECTION 38. Chapter 17 of the General Laws is hereby further amended by inserting after section 20 the following new section:—

Section 21. Regional Walk-in Centers

Section 21. Subject to appropriation the department of public health shall promulgate regulations that govern the establishment of regional walk-in centers that provide assessment, liaison with central intake to place a person in the best treatment setting, daily open clinically run group sessions, and emergency one on one counseling. These walk-in centers shall coordinate with the Central Navigation System in Section 20 of this Chapter.”.

The amendment was adopted.

The same member then moved to amend the bill by adding the following section:

“SECTION 39. The department of public health in consultation with the center for health information and analysis shall publish an annual report on the effectiveness of substance abuse disorder treatment and prevention interventions across the commonwealth. The report should document year-to-year progress in achieving the goals of improving access to substance abuse disorder services and outcomes. The report shall include year-to-year changes in reported opioid-related overdose cases; mortality rates; geographic disparities in opioid-related overdose cases; and total section 35 civil commitments. The report shall also include an analysis of utilization patterns for substance use disorder services, across the continuum of care, including number and length of withdrawal management services, clinical stabilization services, inpatient stays, outpatient visits, community-based therapies, and medication assisted therapies. The department shall publish an annual report, not later than December 31 of each year, of its findings. The report shall be posted on the department’s website and shall be filed with the house of representatives and senate clerks, the house and senate committees on ways and means, the joint committee on mental health and substance abuse and the health policy commission.”.

The amendment was adopted.

Mr. Michlewitz of Boston then moved to amend the bill by adding the following section:

“SECTION 40. (a) There shall be a special commission to investigate the expansion and enhancement of the Massachusetts Behavioral Health Access (MABHA) website, operated by the office of Medicaid’s behavioral health vendor. The commission shall make recommendations on ways to improve provider, carrier and public search capabilities to locate inpatient beds, services and placement for individuals with mental health and substance abuse needs in real-time for the purpose of referring individuals in need of services. The committee shall (1) develop a list of additional services and facilities to include as part of the website, (2) develop requirements for submission of information on service availability and publication of the information on the website in real-time, including requirements for frequency of data submission and reporting, and (3) develop requirements for additional information to be posted on the website, including any admission requirements or restrictions. (4) develop recommendations that the

Substance
abuse,—
recovery.

department of mental health; the department of public health and other appropriate state agencies may take under existing regulatory authority to create and enhance access for said placement services. (5) develop recommendations as to whether the website shall should be a state run and operated function.

(b) The special committee shall be comprised of the following 9 members: The commissioner of the department of mental health or designee, who shall serve as chair, the commissioner of the department of public health or designee, the director of the office of Medicaid or designee, 1 representative of each of the following 6 organizations: the Massachusetts Behavioral Health Partnership, the Massachusetts Association of Health Plans, the Massachusetts Hospital Association, the Massachusetts Medical Society, the Massachusetts Association of Behavioral Health Systems, and the Massachusetts College of Emergency Physicians.

(c) The commission shall hold its first meeting within 90 days after passage of this act. The commission shall file a report detailing its work and findings, including any legislative or regulatory recommendations, with the house and senate committees on ways and means, the joint committee on health care financing, the joint committee on mental health and substance abuse and the clerks of the house of representatives and the senate on or before December 31, 2014.”.

The amendment was adopted.

Mr. Cusack of Braintree then moved to amend the bill in section 2, in line 8, by striking out the figures “15” and inserting in place thereof the figures “16”, and in line 13, by inserting after the word “pharmacist” the words “; a person with experience in insurance pharmacy benefit design”. The amendments were adopted.

Mr. Fennell of Lynn then moved to amend the bill by adding the following section:

“SECTION 41. Section 12A of Chapter 112 of the Massachusetts General Laws, as appearing in the 2012 official edition, is hereby amended by inserting at the end thereof the following:— In cases of physician examination or treatment of a person with injuries resulting from opiate, illegal, or illicit drug overdose, a hospital, community health center, or clinic shall report such de-identified, aggregate information in such a manner as to be determined by the department of public health.”.

The amendment was adopted.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Scaccia of Boston; and on the roll call 149 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 412 in Supplement.]

Therefore the bill, as amended was passed to be engrossed, in concurrence (for text of bill as amended by the House, see House document numbered 4248). The bill (Senate, No. 2142, amended) then was sent to the Senate for concurrence in the amendment.

Emergency Measures.

The engrossed Bill making appropriations for the fiscal year 2015 for the maintenance of the departments, boards, commission, institu-

Bill passed to
be engrossed,—
yea and nay
No. 412.

General
Appropriation
Bill.

tions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4001, 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 38 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 put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a "loan" bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 142 members voted in the affirmative and 7 in the negative.

Bill enacted
(state loan),—
yea and nay
No. 413.

[See Yea and Nay No. 413 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill to foster economic independence (see Senate, No. 2211), 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.

Welfare
EBT cards,
etc.

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 34 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 Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill to foster economic independence (see Senate, No. 2212), 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.

Welfare
EBT cards,
etc.,—
appropriations.

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 31 to 0. Sent to the Senate for concurrence.

The engrossed Bill relative to pharmacy practice in the Commonwealth (see House, No. 4235), 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.

Pharmacy
practice.

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 20 to 0. Sent to the Senate for concurrence.

*Motion to Discharge Certain Matters
in the Orders of the Day.*

Salem,—
mayor's
term.

The House Bill relative to the term of mayor of the city of Salem (House, No. 3915), 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 forthwith, under suspension of Rule 47, on motion of Mr. Keenan of Salem; and it was passed to be engrossed. Sent to the Senate for concurrence.

Salem,—
Thaddeus
Buczko
court
building.

The House Bill designating the Essex Probate and Family Court as the Thaddeus Buczko Building (House, No. 4124), 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 forthwith, under suspension of Rule 47, on motion of Mr. Keenan of Salem.

Pending the question on passing the bill to be engrossed, the same member 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 designate forthwith a certain building in the city of Salem in honor of the Honorable Thaddeus Buczko, 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 (House, No. 4124, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Orders of the Day.

Third
reading
bill.

The Senate Bill establishing a sick leave bank for Kyle Melvin, an employee of the Department of Correction (Senate, No. 2155), 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.

House bills

Third
reading
bills.

Exempting the position of deputy chief of police in the town of Natick from the civil service law (House, No. 3552);

Filling vacancies in ward seats of the city council and school committee by special election in the city of Springfield (House, No. 3696) (its title having been changed by the committee on Bills in the Third Reading);

Increasing the number of licenses for the sale of alcoholic beverages in the town of Easton (House, No. 4198); and

Establishing a sick leave bank for Lana A. Soricelli, an employee of the Executive Office of Administration and Finance (House, No. 4202);

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. Severally sent to the Senate for concurrence.

Third reading
bill amended.

The House Bill relative to the compensation of the Soldiers' Memorial Commission of the city of Holyoke (House, No. 4029) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a bill with the same title (House, No. 4247); and the report was accepted.

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

The Senate Bill relative to the department of community development in the town of Ware (Senate, No. 2109); and

Second reading bills.

House bills

To enhance agricultural operations (House, No. 4061);

Relative to the town of Fairhaven restructuring the board of public works (House, No. 4128);

Relative to the town of Fairhaven establishing the position of town administrator (House, No. 4129);

Validating the actions taken at the May 5, 2014 annual town election held by the town of Southampton (printed in House, No. 4161);

Providing for a town administrator in the town of Sherborn be authorized to approve warrants for the payment from town funds [sic] (House, No. 4168);

Increasing the number of selectmen in the town of Sherborn from three to five members (House, No. 4169);

Relative to the collector of taxes in the town of Blandford (House, No. 4170);

Relative to the town treasurer in the town of Blandford (House, No. 4171);

Relative to an increase in the exemption for residential real property in the city of Somerville from 30 per cent to 35 per cent (House, No. 4188); and

To exempt the deliberation of public bodies at town meetings from the open meeting law (House, No. 4208);

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

The House Bill establishing a sick leave bank for Mariange Robert, an employee of the Department of Correction (House, No. 4203), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Mariange Robert,—sick leave.

Pending the question on passing the bill to be engrossed, Ms. Canavan of Brockton 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 sick leave for a certain employee of the department of correction, 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 (House, No. 4203, 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 the following Thursday at eleven o'clock A.M.

Next sitting.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-three minutes after five 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 Thursday at eleven o'clock A.M., in an Informal Session.