

## JOURNAL OF THE HOUSE.

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Thursday, August 14, 2014.

Met at ten 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 — Economic Growth Bill Returned  
with Recommendations of Amendments.*

Economic  
growth.

A message from His Excellency the Governor returning with recommendation of amendment of sections 51, 64 and 98 of the engrossed Bill promoting economic growth across the Commonwealth [see House, No. 4377] (for message, see House, No. 4405), was filed in the office of the Clerk on Wednesday, August 13.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment."

Angel  
investors  
tax credit.

Pending the question on adoption of the amendment recommended by the Governor, the text of the sections (published as House, No. 4402), was referred, on motion of Mr. Speliotis of Danvers, to the committee on Bills in the Third Reading.

Economic  
growth.

A message from His Excellency the Governor returning with recommendation of amendment of section 90 of the engrossed Bill promoting economic growth across the Commonwealth [see House, No. 4377] (for message, see House, No. 4406), was filed in the office of the Clerk on Wednesday, August 13.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment."

Reverse  
mortgages.

Pending the question on adoption of the amendment recommended by the Governor, the section (published as House, No. 4403), was referred, on motion of Mr. Speliotis of Danvers, to the committee on Bills in the Third Reading.

*Message from the Governor — Economic Growth Bill Returned  
with Disapprovals.*

Economic  
growth.

A message from His Excellency the Governor returning with his disapproval of sections 52, 65, 97, 101 and 115 of the engrossed Bill promoting economic growth across the Commonwealth (see House, No. 4377) (for message, see House, No. 4404), was filed in the office of the Clerk on Wednesday, August 13.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

*Message from the Governor.*

A message from His Excellency the Governor recommending legislation to regulate the use of non-competition agreements, enhance protection of trade secrets and provide for local control of liquor licensing (House, No. 4401), was filed in the office of the Clerk on Wednesday, August 13.

Non-competition agreements, etc.

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

*Resolutions.*

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

Resolutions (filed by Messrs. Moran of Boston, Carvalho of Boston and Rushing of Boston) urging the Census Bureau to provide redistricting data that counts prisoners in a manner consistent with the principles of "One Person, One Vote"; and

Prisoners,—redistricting data.

Resolutions (filed with the Clerk by Mr. Naughton of Clinton and other members of the House) acknowledging serious concerns over the proposed Kinder Morgan Northeast Energy Direct Project and calling for an immediate halt in further developments to allow for deliberations from citizens and the General Court;

Kinder Morgan Project.

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

*Communications.*

A communication from the Insurance Fraud Bureau (see Section 1 (k) of Chapter 338 of the Acts of 1990, as most recently amended by Section 5 of Chapter 279 of the Acts of 2002) submitting a semi-annual report relative to referrals involving automobile insurance fraud, workers' compensation fraud and other insurance fraud [copies of said report were forwarded, as requested by the bureau, to the committees on Financial Services and Labor and Workforce Development], was sent to the Senate for its information.

Insurance fraud.

*Communications*

From the Massachusetts Clean Energy Technology Center indicating that it will not complete by the August 15 deadline certain reports required (under Section 5 of Chapter 23J of the General Laws) relative to its operations, expenditures, investments and clean energy technologies;

Clean Energy Center.

From the Massachusetts District Attorneys Association (under Section 20D of Chapter 12 of the General Laws) submitting its annual report on the status of child abuse and neglect cases;

District Attorneys,—child abuse.

Health Care  
Workforce  
Center.

From the Department of Public Health (see Section 72 of chapter 224 of the Acts of 2012) submitting the Health Care Workforce Center report for 2012-2013 regarding to access to health and behavioral, substance use disorder and mental health care services;

Dukes  
County,—  
technology  
fund.

From the Dukes County Registry of Deeds (under Section 2KKK of Chapter 29 of the General Laws) submitting a request for expenditure of technological improvements from the County Registers Technological Fund [copies of said report forwarded to the committee on Ways and Means and committee on Post Audit and Oversight, as required by said law]; and

Norfolk  
County,—  
technology  
fund.

From the Norfolk County Registry of Deeds (under Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure of technological improvements from the County Registers Technological Fund [copies of said report forwarded to the committee on Ways and Means and committee on Post Audit and Oversight, as required by said law];

Severally were placed on file.

#### *Petitions.*

Petitions severally were presented and referred as follows:

Marshfield,—  
designation.

By Mr. Cantwell of Marshfield, a petition (subject to Joint Rule 12) of James M. Cantwell for legislation to erect a marker on Route 3 designating Marshfield as the home of Senator Daniel Webster and Governor Edward Winslow.

MBTA,—  
cleaning  
contracts.

By Mr. Michlewitz of Boston, a petition (subject to Joint Rule 12) of Aaron Michlewitz for legislation to authorize the State Auditor to conduct a review of the cleaning contracts entered into by the Massachusetts Bay Transportation Authority.

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

#### *Papers from the Senate.*

Plainville,—  
gaming  
revenue  
fund.

A petition (accompanied by bill, Senate, No. 2354) of Richard J. Ross and Shawn Dooley (by vote of the town) for legislation to establish a gaming revenue stabilization fund in the town of Plainville, was referred, in concurrence, to the committee on Municipalities and Regional Government.

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

Frances M.  
Vadnais,—  
sick leave.

Petition (accompanied by bill, Senate, No. 2357) of Marc R. Pacheco and Patricia A. Haddad for legislation to establish a sick leave bank for Frances M. Vadnais, an employee of the Department of Developmental Services.

Timothy  
Maxfield,—  
sick leave.

Petition (accompanied by bill, Senate, No. 2356) of Karen E. Spilka and Jeffrey N. Roy for legislation to establish a sick leave bank for Timothy Maxfield, an employee of the Department of Mental Health.

Severally to the committee on Public Service.

#### *Reports of Committees.*

Michael J.  
Macuch,—  
sick leave.

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 Susan Williams Gifford relative to establishing a sick leave bank for Michael J. Macuch, an employee of the Bay State Correctional Center.

Under suspension of the rules, on motion of Mr. Galvin of Canton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the Resolve providing for an investigation and study by a special commission relative to robotic surgery in the Commonwealth (Senate, No. 2261), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Robotic surgery,— study.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, that the Bill reforming the delivery of forensic mental health services (House, No. 4367), ought to pass. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Forensic mental health services.

By Ms. Peake of Provincetown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to private road maintenance (House, No. 4336) [Local Approval Received].

Private road maintenance.

By the same member, for the same committee, on a joint petition, a Bill relative to the town clerk in the town of Edgartown (House, No. 4340) [Local Approval Received].

Edgartown,— town clerk.

By the same member, for the same committee, on a petition, a Bill relative to vocational-technical school teacher compensation (House, No. 4389).

Teachers,— compensation.

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

*Emergency Measure.*

The engrossed establishing a sick leave bank for Athanasios Gougoulias, an employee of the Department of Developmental Services (see House, No. 4267), 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.

Athanasios Gougoulias,— sick leave.

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 5 to 0. Sent to the Senate for concurrence.

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

Bill enacted.

*Engrossed Bills.*

The engrossed Bill relative to the vote in the Berkshire Hills Regional School District (see Senate, No. 2302) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered.

Berkshire Hills Regional School District.

Rule 40  
suspended.

Pending the question on passing the bill to be enacted, Mr. Pignatelli of Lenox moved that Rule 40 be suspended; and the motion prevailed.

The same member then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Notwithstanding any general or special law to the contrary, the towns of Stockbridge, West Stockbridge and Great Barrington may hold a special election, relative to the Berkshire Hills Regional School District incurring debt for construction at Monument Mountain High School, on November 4, 2014 with concurrent polling hours as the state election, provided that the Berkshire Hills Regional School District shall provide notice to the towns of Stockbridge, West Stockbridge and Great Barrington forty-five days before November 4, 2014 with the exact wording of the question.

SECTION 2. This act shall take effect upon its passage.”

The amendment was adopted; and the bill (see Senate, No. 2302, amended) was sent to the Senate for concurrence in the amendment.

Easton,—  
liquor  
license.

The engrossed Bill increasing the number of licenses for the sale of alcoholic beverages in the town of Easton (see House, No. 4198) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered.

Rule 40  
suspended.

Pending the question on passing the bill to be enacted, Ms. Cronin of Easton moved that Rule 40 be suspended; and the motion prevailed.

The same member then moved to amend the bill in section 1, by striking out the following: “; provided further that no license shall be re-issued for use in the same location within 6 months from the date that the prior license was revoked or terminated, unless” and inserting in place thereof the word:— “if”.

The amendment was adopted; and the bill (see House, No. 4198, amended) was sent to the Senate for concurrence in the amendment.

Bills  
enacted.

#### Engrossed bills

Establishing Ataxia Awareness Day (see Senate, No. 2007);

Relative to rock wall climbing safeguards (see Senate, No. 2253);

Protecting animal welfare and safety (see Senate, No. 2345, amended);  
(Which severally originated in the Senate);

Authorizing the appointment of Billy Ray Hawkins, Jr. as a firefighter in the city of Haverhill notwithstanding the maximum age requirement (see House, No. 3228);

Authorizing the town of Dartmouth to accept certain roadways as public ways (see House, No. 3697);

Increasing the number of selectmen in the town of Sherborn (see House, No. 4169); and

Authorizing the city of Chicopee to change the use of the Chicopee Falls Branch Public Library (see House, No. 4221);

(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.

*Orders of the Day.*

## House bills

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

Relative to the board of selectmen-town manager in the town of Great Barrington (House, No. 4192); and

Relative to the town manager in the town of Dedham (House, No. 4261);

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.

The Senate Bill relative to improving notice requirements for self-storage (Senate, No. 2297), 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 on Monday next at eleven o'clock A.M. Next sitting.

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At ten minutes before twelve o'clock noon, on motion of Mr. Smola of Warren (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.