

# JOURNAL OF THE HOUSE.

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Wednesday, November 13, 2013.

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.

### *Statement Concerning Ms. Fox of Boston.*

A statement of Mr. Rushing of Boston concerning Ms. Fox of Boston was spread upon the records of the House, as follows:

Statement  
concerning  
Ms. Fox of  
Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Fox of Boston, is unable to be present in the House Chamber for today's sitting due to her attendance at a Women in Government Association meeting in Washington D.C. Her missing of roll calls today is due entirely to the reason stated.

### *Guests of the House.*

Breandán  
O Caollaí.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced Breandán O Caollaí, Consul General of Ireland to Boston. He was the guest of Messrs. Moran of Boston and Murphy of Weymouth.

South Boston  
Stars  
basketball  
team.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced members of the South Boston Stars basketball team, accompanied by their coach, General Court Officer Marc Iannacco. The Chair then congratulated the team upon the completion of their inaugural season. Coach Iannacco and team members Marc Iannacco (son of the coach), Jake Harrison, Joey Brink, Tyler Woolfe, Braeden Kennedy, Paddy Craddock, Chris Fitzgerald, Matiru Mwangi, Zack Mitchell and Jerry Marcs were the guests of Mr. Collins of Boston.

### *Reports of Committees.*

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

Upton,—  
town clerk.

The Senate Bill relative to the town clerk in the town of Upton (Senate, No. 1855); and

Ipswich,—  
election.

The House Bill validating the results of the annual election held in the town of Ipswich on May 21, 2013 (printed in House, No. 3717);

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.

Election  
laws.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the Bill relative to election laws (House, No. 3647), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

By Mr. Michlewitz of Boston, for the committee on Public Service, on a joint petition, a Bill directing the Somerville Retirement Board to retire Mario Oliveira, a police officer of the city of Somerville (House, No. 3654) [Local Approval Received].

Somerville,—  
Mario  
Oliveira.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Chrystal Bonner, an employee of the Executive Office of Health and Human Services (House, No. 3750).

Chrystal  
Bonner  
sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for India Haith, an employee of the Executive Office of Health and Human Services (House, No. 3751).

India  
Haith,—  
sick leave.

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

*Emergency Measures.*

The engrossed Bill establishing a sick leave bank for Jason Saunders, an employee of the Department of Correction (see Senate, No. 1875), 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.

Jason  
Saunders,—  
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 3 to 0. Sent to the Senate for concurrence.

The engrossed Bill establishing a sick leave bank for Jessica Culver, an employee of the Department of Mental Health (see Senate, No. 1888), 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.

Jessica  
Culver,—  
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 3 to 0. Sent to the Senate for concurrence.

The engrossed Bill establishing a sick leave bank for Mary Ford, an employee of the Department of Correction (see House, No. 3620), 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.

Mary  
Ford,—  
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 3 to 0. Sent to the Senate for concurrence.

*Engrossed Bills.*

Engrossed bills

Authorizing the town of Topsfield to grant a license for the sale of wine to be drunk on the premises of a farmer-winery (see Senate, No. 1790, amended);

Bills  
enacted.

Exempting certain positions in the town of Millbury from the civil service laws (see Senate, No. 1791);

(Which severally originated in the Senate);

Bills  
enacted.

Relative to a form of governance for the Boston Housing Authority (see House, No. 1117);

Designating a certain parcel in the city of Cambridge as the Lynch Family Skate Park (see House, No. 2892); and

Relative to the disposal of certain real property in the town of Framingham (see House, No. 3512);

(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.*

Third  
reading  
bill.

The Senate Bill maintaining short-term objectives for students with disabilities (Senate, No. 218) (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; and it was passed to be engrossed, in concurrence.

Second reading  
bill engrossed.

The House Bill to reconcile Chapter 241 and Chapter 368 of the Acts of 2012 (House, No. 3757), was read a second time; and it was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Scibak of South Hadley, the bill (having been 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, its title having been changed by said committee to read: "An Act relative to automotive repair.". Sent to the Senate for concurrence.

Second  
reading  
bills.

The Senate Bill authorizing the lease of certain property in the town of Ludlow (Senate, No. 1769, changed); and

House bills

Authorizing the town of Orleans to grant an additional liquor license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3622);

Relative to a land conveyance in the town of Littleton (House, No. 3642);

Validating the results of the annual town meeting of the town of Ashland held on May 2, 2012 (printed in House, No. 3675); and

Relative to the substitution of interchangeable biosimilars (House, No. 3734);

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

Second reading  
bill amended.

The House Bill relative to acceptable health service training for psychologists (House, No. 1893), was read a second time.

The amendment previously recommended by the committee on Health Care Financing,— that the bill be amended by substitution of a bill with the same title (House, No. 3731),— was adopted; and the substituted bill was ordered to a third reading.

Medical  
examiners,—

The Senate Bill relative to the release of a body by the medical examiner to a person charged with an offense which resulted in the

death of the deceased (Senate, No. 1099, changed and amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time. release of bodies.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Speliotis of Danvers moved to amend it by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3759; and by striking out the title and inserting in place thereof the following title: "An Act relative to the release of a body by the medical examiner to a person suspected or charged with an offense which resulted in the death of the deceased."

The amendments were adopted; and the bill (Senate, No. 1099, changed and amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments adopted by the House.

*Recess.*

At twenty-three minutes after eleven o'clock A.M., on motion of Mrs. Gifford of Wareham (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at seventeen minutes after one o'clock the House was called to order with Mr. Donato in the Chair. Recess.

*Quorum.*

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

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 147 members were recorded as being in attendance. Quorum,—  
yea and nay  
No. 252.

**[See Yea and Nay No. 252 in Supplement.]**

Therefore a quorum was present.

Subsequently a statement of Mrs. Harrington of Groton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that during the quorum roll call, Representatives O'Flaherty of Chelsea, Orrall of Lakeville and I were on official business in another part of the State House participating in a hearing of the committee on the Judiciary, and therefore were not recorded. Statement  
concerning  
Representatives  
Harrington,  
Orrall and  
O'Flaherty.

*Engrossed Bill.*

The engrossed Bill maintaining short-term objectives for students with disabilities (Senate, No. 218) (which originated in the Senate), 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. Bill  
enacted.

*Orders of the Day.*

The House Bill encouraging the improvement, expansion and development of military installations in the Commonwealth (printed in House, No. 3334), was read a second time. Military  
installations.

Military  
installations.

The amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets,— that the bill be amended by substitution of a bill with the same title (House, No. 3718),— was rejected.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 3736),— was considered.

Pending the question on adoption of the amendment, Mr. Jones of North Reading moved to amend the recommended substitute bill in section 2, in line 30, by striking out the word “and” and inserting in place thereof the following: “1 member of the senate appointed by the minority leader of the Senate;”, and in line 31 by inserting after the words “speaker of the house of representatives” (as changed by the committee on Bills in the Third Reading) the following: “1 of whom shall be appointed by the minority leader of the house of representatives;”. The further amendments were adopted.

The amendment, as amended, then also was adopted; and the substituted bill (House, No. 3736, amended) was ordered to a third reading.

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

Pending the question on passing the bill to be engrossed, Mr. Wagner of Chicopee and other members of the House moved to amend it in section 2, in line 9, by inserting after the word “installations” the words “or joint civilian/military facilities”; and in section 5, in line 102, by inserting after the word “government.” the following sentence: “Notwithstanding any general or special law to the contrary, any actions authorized by this section shall be executed with and through the Westover Metropolitan Development Corporation, as those actions involve any portion of Westover Air Reserve Base.”. The amendments were adopted.

Bill passed to  
be engrossed,—  
yea and nay  
No. 253.

After remarks on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Naughton of Clinton; and on the roll call 150 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 253 in Supplement.]**

Therefore the bill (House, No. 3736, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Campaign  
finance  
reporting.

The House Bill to strengthen campaign finance reporting requirements (House, No. 3719), 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 relative to strengthening campaign finance reporting requirements (House, No. 3760), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Subsequently Mr. Murphy of Weymouth moved that this vote be reconsidered; and the motion to reconsider prevailed.

The same member then moved that the vote be reconsidered by which the House adopted the amendment recommended by the committee on Bills in the Third Reading; and the motion prevailed.

After debate on the recurring question, the amendment was adopted.

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

Bill passed to be engrossed,—yea and nay No. 254.

**[See Yea and Nay No. 254 in Supplement.]**

Therefore the bill (House, No. 3760) was passed to be engrossed. Sent to the Senate for concurrence.

Subsequently a statement of Mr. Brady of Brockton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that, during the previous roll call, I was absent from the House Chamber on official business in another part of the State House and therefore I was not recorded. Had I been present, I would have voted in the affirmative.

Statement of Mr. Brady of Brockton.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

*Ordered,* That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next sitting.

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