

JOURNAL OF THE HOUSE.

Monday, May 9, 2016.

Met according to adjournment at 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.

Resolutions.

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

Cameron Hill.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Cameron Joseph Hill on receiving the Eagle Award of the Boy Scouts of America;

Jake Cisternelli.

Resolutions (filed by Ms. Garlick of Needham) congratulating Jake Cisternelli on receiving the Eagle Award of the Boy Scouts of America;

Kevin Murphy.

Resolutions (filed by Ms. Garlick of Needham) congratulating Kevin Richard Murphy on receiving the Eagle Award of the Boy Scouts of America;

Brian Piotrowski.

Resolutions (filed by Ms. Garlick of Needham) congratulating Brian Piotrowski on receiving the Eagle Award of the Boy Scouts of America;

Richard Savage.

Resolutions (filed by Ms. Garlick of Needham) congratulating Richard J. Savage III on receiving the Eagle Award of the Boy Scouts of America;

Taunton,—church.

Resolutions (filed by Mrs. O'Connell of Taunton) celebrating the two hundred twenty fifth anniversary of the West Congregational Church in Taunton; and

Addison Bowden.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Addison Bowden on receiving the Eagle Award of the Boy Scouts of America;

Mr. Galvin of Canton, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

Communications

Elder economic security.

From Representative O'Day of West Boylston and Senator Jehlen submitting a report of the former special commission established (see Section 187 of Chapter 38 of the Acts of 2013 and pursuant to Section 2A of Chapter 4 of the General Laws) to make an investigation and study of elder economic security and to make recommendations to increase elder economic security where appropriate and necessary;

Dukes County,—technology funds.

From the Dukes 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];

From the Department of Public Health (see Section 35X of Chapter 10 of the General Laws) submitting the annual report of the Quality in Health Professions Trust Fund; and

Health profession quality.

From the Executive Office of Public Safety and Security (see Section 18¼ of Chapter 6A of the General Laws) submitting the biennial report on statistics related to firearms crimes, arrests and prosecutions of firearms-related offenses, the effectiveness of firearms-related regulations, aggregate data on the source of firearms that have been confiscated and identified as being used in a crime or in an attempted or completed suicide during the report period and other related matters; Severally were placed on file.

Firearms,—statistical report.

Annual Report.

The annual report of the Department of Public Health (see Section 24A(k) of Chapter 94C of the General Laws) on the effectiveness of the prescription monitoring program, was placed on file.

Prescription monitoring.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Bradley of Hingham, a petition (subject to Joint Rule 12) of Garrett J. Bradley that the Plymouth County Contributory Retirement System be authorized to issue pension funding bonds or notes.

Plymouth County Retirement.

By Miss Garry of Dracut, a petition (subject to Joint Rule 12) of Colleen M. Garry for legislation to limit sick leave and vacation buy backs for public employees.

Public employees,—benefits.

By Messrs. Kelcourse of Amesbury and Mirra of West Newbury, a petition (subject to Joint Rule 12) of James M. Kelcourse and Leonard Mirra for legislation to designate the south bound section of the Interstate 95 bridge between the city of Amesbury and the city of Newburyport as the William Lloyd Garrison bridge.

Amesbury and Newburyport,—bridge.

By Mr. Kulik of Worthington (by request), a petition (subject to Joint Rule 12) of Richard Drury that the Franklin regional retirement board be authorized to grant Richard Drury five years of creditable service for retirement purposes.

Richard Drury,—retirement.

By Mr. Velis of Westfield, a petition (subject to Joint Rule 12) of John C. Velis for legislation to establish a sick leave bank for Christopher Mullen, an employee of the Hampshire County Sheriff's Office.

Christopher Mullen,—sick leave.

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

Papers from the Senate.

The House Bill relative to non-conforming structures (House, No. 3611), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contain in Senate document numbered 2285. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Non-conforming structures.

Shirley,—
recall
elections.

The House Bill providing for recall elections in the town of Shirley (House, No. 3784), came from the Senate passed to be engrossed, in concurrence, with an amendment, in section 4, in line 34, striking out the figures “90” and inserting in place thereof the figures “100”. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Agriculture,—
taxation.

A Bill promoting agriculture in the Commonwealth (Senate, No. 2286) (on Senate bill No. 2258), passed to be engrossed by the Senate, was read; and it was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Foster care,—
guardianship.

A Bill supporting the rights of children in the custody of the Department of Children and Families (Senate, No. 2257, amended by striking out section 1 and inserting in place thereof the following section:

“SECTION 1. Subsection (c) of section 23 of chapter 119 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following 2 paragraphs:—

The department shall seek to identify any minor sibling or half-sibling of the child. The department and the court shall ensure that siblings removed from their home and placed in the department’s care, custody or responsibility are placed in the same foster care, kinship guardianship or adoptive placement with all siblings and half-siblings. If the department is unable to place the siblings and half-siblings in the same foster care, kinship guardianship or adoptive placement, the department shall report to the court within 7 business days and provide the reasons in writing for the lack of joint placement. If the department places siblings or half-siblings in separate placements, the department shall make ongoing efforts to remedy any concerns found by the department that led to the separate placements and shall report to the court on those efforts. The department shall document its efforts in the case plan.

If the department removes a child from their home and does not place the child with their sibling or half-sibling, the department shall provide for frequent visitation or other ongoing interaction between the siblings, unless the department makes a showing to the court by a preponderance of evidence that frequent visitation or other ongoing interaction is contrary to the safety or well-being of any of the siblings or half-siblings. The court shall make written findings, within 30 days, regarding its decision to deny the frequent visitation or other ongoing interaction. A child who is placed apart from a sibling or half-sibling, even if placed with other siblings or half-siblings, may ask the court to review the department’s decision of a separate placement.”; in section 2, in line 39, by striking out the words “vacate the order” and inserting in place thereof the words “reinstate parental rights”; and in line 48 by inserting after the word “motion.” the following sentence: “Upon filing of the motion, the court shall appoint a guardian ad litem who shall investigate and make recommendations to the judge regarding the petition.”) (on Senate bill No. 104), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A Bill authorizing the city of Easthampton to grant 8 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2284) (on Senate bill No. 2055) [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.

Easthampton,—
liquor
licenses.

A petition (accompanied by bill, Senate, No. 2281) of Benjamin B. Downing (by vote of the town) for legislation to authorize the town of Windsor to continue the employment of Police Chief Thomas Barnaby, was referred, in concurrence, to the committee on Public Service.

Windsor,—
Thomas
Barnaby.

A petition (accompanied by bill) of Sal N. DiDomenico and Tackey Chan for legislation to ensure the safety of residents, first responders, and gas workers, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Telecommunications, Utilities and Energy.

First
responder
safety.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2287) was referred, in concurrence, to the committee on Telecommunications, Utilities and Energy.

Reports of Committees.

By Mr. Galvin of Canton, 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 James M. Murphy and Ronald Mariano for legislation to establish a sick leave bank for Kelli Murphy, an employee of Trial Court; and

Kelli
Murphy,—
sick leave.

Petition (accompanied by bill) of Shawn Dooley for legislation to regulate or prohibit the use of marijuana in motor vehicles;

Marijuana,—
cars, etc.

Severally to the committee on the Judiciary.
Petition (accompanied by bill) of Nick Collins relative to the conveyance of a certain parcel of state owned land on East First Street in the South Boston neighborhood of the city of Boston; and

Boston,—
land.

Petition (accompanied by bill) of Michael S. Day and Jason M. Lewis that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land in the town of Stoneham;

Stoneham,—
land.

Severally to the committee on State Administration and Regulatory Oversight.

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

By Ms. Malia of Boston, for the committee on Mental Health and Substance Abuse, on Senate, Nos. 1025, 1026, 1030, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1040, 1041, 1042, 1045, 1046, 1047, 1049, 1050, 1052, 1053, 1054 and 1055 and House, Nos. 1790, 1791, 1792, 1794, 1797, 1800, 1801, 1803, 1813, 1824, 3265, 3459 and 3811, an Order relative to authorizing the committee on Mental Health

Mental Health
and
Substance
Abuse,—
study.

Mental Health and Substance Abuse,— study.

and Substance Abuse to make an investigation and study of certain Senate and House documents concerning behavioral health issues (House, No. 4272). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Mr. Galvin of Canton, 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.

Children,— protection.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on Senate, No. 90 and House, No. 76, a Bill relative to children in the care, protection, and custody of the Commonwealth (House, No. 76).

Child abuse task force.

By the same member, for the same committee, on Senate, No. 84 and House, No. 1432, a Bill to establish an interagency child abuse and neglect prevention task force (House, No. 1432).

First responders,— needle stick injuries.

By Mr. Scibak of South Hadley, for the committee on Labor and Workforce Development, on a petition, a Bill relative to needle stick injuries suffered by first responders (House, No. 1689).

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

Wages and fees.

By Mr. Scibak of South Hadley, for the committee on Labor and Workforce Development, on a petition, a Bill relative to workers [sic] compensation law governing certain applicable wages and fees (House, No. 1686).

Workers' compensation.

By the same member, for the same committee, on a Senate, No. 994 and House, No. 1705, a Bill relative to workers [sic] compensation coverage for officers of non-profit associations (House No. 1705).

Employee protection.

By the same member, for the same committee, on a petition, a Bill extending protections to employees of the Commonwealth (House No. 1721).

Human service workers.

By the same member, for the same committee, on a petition, a Bill relative to establishing an appeals process for private sector human service workers (House No. 1739).

Workers' compensation.

By the same member, for the same committee, on a petition, a Bill to clarify reimbursement of workers [sic] compensation insurers to prevent double recovery by injured workers in third party cases (House No. 3457).

Contractor laws.

By the same member, for the same committee, on a petition, a Bill amending the independent contractor statute (House No. 3608).

Prevailing wages.

By the same member, for the same committee, on House, No. 1753, a Bill relative to prevailing wages (House, No. 4270).

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

Locked out employees,— protection.

By Mr. Scibak of South Hadley, for the committee on Labor and Workforce Development, on a petition, a Bill to protect locked out employees (printed as Senate, No. 2172).

Bullying.

By the same member, for the same committee, on a petition, a Bill prohibiting the bullying of public school employees (House, No. 1728).

By the same member, for the same committee, on House, No. 1703, a Bill relative to apprenticeship programs (House, No. 4269).

Apprenticeship programs.

By the same member, for the same committee, on House, No. 4019, a Bill expanding educational opportunities for vocational students (House, No. 4271).

Vocational students.

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

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

Relative to the disclosure of wetlands on property (House, No. 150);

Wetlands.

Protect bicyclists in bicycle lanes (House, No. 3072);

Bicycle lanes.

To relative to student data privacy (House, No. 4143); and

Student data.

To prohibit negative option sales and disclosure of financial and personal information without a consumer's express agreement (House, No. 4183);

Personal information.

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

Engrossed Bill.

Mr. Kafka of Stoughton being in the Chair,— The engrossed Bill authorizing the town of Sharon to abate certain real property taxes (see House, No. 3595) (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.

Bill enacted.

Orders of the Day.

Mr. Donato of Medford having returned to the Chair,— The House Bill establishing a sick leave bank for Carl Taylor, an employee of the Massachusetts Rehabilitation Commission (House, No. 4191), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Third reading bill.

Order.

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.

Next sitting.

At ten minutes after eleven o'clock A.M., on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.