

## JOURNAL OF THE HOUSE.

Thursday, May 26, 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).

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. Pledge of  
allegiance.

### *Guests of the House.*

At the beginning of the session, Mr. Murphy of Weymouth took the Chair and introduced, seated in the House Chamber, a group of Weymouth veterans who were accompanied by George Pontes, the Director of Veterans Services in Weymouth; and a group of students and their teachers from the William Seach Primary School in Weymouth. At the invitation of the Chair, the veterans and students participated in the pledge of allegiance to the flag. A prayer was then offered by the Reverend Brad Hultman of Weymouth. They were the guests of Mr. Murphy of Weymouth. Weymouth,—  
students and  
veterans.

### *Resolutions.*

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

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Kevin William McAvoy on receiving the Eagle Award of the Boy Scouts of America; Kevin  
McAvoy.

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Matthew William Shaw on receiving the Eagle Award of the Boy Scouts of America; Matthew  
Shaw.

Resolutions (filed by Messrs. Fernandes of Milford and Roy of Franklin) congratulating Michael Victor Green on receiving the Eagle Award of the Boy Scouts of America; Michael  
Green.

Resolutions (filed by Mr. Galvin of Canton and other members of the House) commemorating the fiftieth anniversary of the Blue Hills Regional Technical High School; Blue Hills  
Technical  
School.

Resolutions (filed by Representatives Heroux of Attleboro and Poirier of North Attleborough) congratulating Ryan Beck on receiving the Eagle Award of the Boy Scouts of America; Ryan  
Beck.

Resolutions (filed by Representatives Heroux of Attleboro and Poirier of North Attleborough) congratulating Jacob Blackwell on receiving the Eagle Award of the Boy Scouts of America; Jacob  
Blackwell.

Resolutions (filed by Representatives Heroux of Attleboro and Poirier of North Attleborough) congratulating Matthew McKearney on receiving the Eagle Award of the Boy Scouts of America; Matthew  
McKearney.

Resolutions (filed by Representatives Heroux of Attleboro and Poirier of North Attleborough) congratulating Tim O'Brien on receiving the Eagle Award of the Boy Scouts of America; Tim  
O'Brien.

Kaelan O'Neil. Resolutions (filed by Representatives Heroux of Attleboro and Poirier of North Attleborough) congratulating Kaelan O'Neil on receiving the Eagle Award of the Boy Scouts of America;

Timothy Vermilyea. Resolutions (filed by Representatives Heroux of Attleboro and Poirier of North Attleborough) congratulating Timothy Vermilyea on receiving the Eagle Award of the Boy Scouts of America;

Craft beer week. Resolutions (filed by Mr. Kulik of Worthington and other members of the House) recognizing June 11 through June 18, 2016 as Western Massachusetts Craft Beer Week;

Declan Heaslip. Resolutions (filed by Mr. McMurtry of Dedham) congratulating Declan Heaslip on receiving the Eagle Award of the Boy Scouts of America;

Charles Faris. Resolutions (filed by Representatives Naughton of Clinton, Gregoire of Marlborough and Mahoney of Worcester) congratulating Charles J. Faris on the occasion of his retirement from Spectrum Health Systems Inc.;

Brandon Hooper. Resolutions (filed by Representatives Peake of Provincetown and Whelan of Brewster) congratulating Brandon Scott Hooper on receiving the Eagle Award of the Boy Scouts of America;

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

Enchanted Circle. Resolutions (filed by Mr. Vega of Holyoke) congratulating Enchanted Circle on the occasion of its fortieth anniversary;

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

Orders.

The following order (filed by Mr. Wagner of Chicopee) 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 Economic Development and Emerging Technologies be granted until Wednesday, June 15, 2016, within which time to make its final report on current House document numbered 3983.

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4344), ought to be adopted. Under suspension of the rules, on motion of Mr. Wagner, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Michlewitz of Boston) 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 Financial Services be granted until Wednesday, July 6, 2016, within which time to make its final report on current Senate documents numbered 483, 485, and 551, and House documents numbered 792, 800, 843, 866, 879, 891, 920, 925, 926, 948, 958 and 3488.

Economic Development and Emerging Technologies committee,—extension of time for reporting.

Financial Services committee,—extension of time for reporting.

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4309), ought to be adopted. Under suspension of the rules, on motion of Mr. Michlewitz, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Kocot of Northampton) 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 State Administration and Regulatory Oversight be granted until Friday, June 10, 2016, within which time to make its final report on current House documents numbered 4130 and 4151.

State Administration and Regulatory Oversight committee,—extension of time for reporting.

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4342), ought to be adopted. Under suspension of the rules, on motion of Mr. Kocot, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petitions.

Petitions severally were presented and referred as follows:

By Ms. Atkins of Concord, a petition (accompanied by bill, House, No. 4345) of Cory Atkins (by vote of town) that the town of Carlisle be authorized to recall elected officials of said town. To the committee on Election Laws.

Carlisle,—recalls.

By Mr. Cutler of Duxbury, a petition (accompanied by bill, House, No. 4346) of Josh S. Cutler (by vote of the town) that the town of Pembroke be authorized to issue bonds for certain municipal improvements. To the committee on Municipalities and Regional Government.

Pembroke,—bonds.

By Ms. Atkins of Concord, a petition (accompanied by bill, House, No. 4347) of Cory Atkins (by vote of the town) that the town of Carlisle be authorized to assess fines to utility companies which fail to relocate utility wires, cables and attachments which it is responsible for in said town. To the committee on Telecommunications, Utilities and Energy.

Carlisle,—utility wires.

By Mr. Hunt of Boston, a petition (accompanied by bill, House, No. 4349) of Daniel J. Hunt and others (with the approval of the mayor and city council) that the city of Boston be authorized set the speed limit to 20 miles per hour on public ways in thickly settled or business districts in said city. To the committee on Transportation.

Boston,—speed limits.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Walsh of Peabody (by request), a petition (subject to Joint Rule 12) of John DiPaolo for legislation to establish a sick leave bank for John DiPaolo, an employee of the Middlesex County Sheriff's Office.

John DiPaolo,—sick leave.

By Mr. Donato of Medford, a petition (subject to Joint Rule 12) of Paul J. Donato relative to the retirement benefits of special investigators of the Alcohol Beverage Control Commission.

Alcohol Beverage Commission.

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

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:

Condominium owners' rights. Provincetown,—land title.

Petition (accompanied by bill) of Raymond M. Lee relative to condominium owners' rights. To the committee on the Housing.  
Petition (accompanied by bill) of Sarah K. Peake relative to confirming title to a certain property in the town of Provincetown taken by eminent domain. To the committee on the Judiciary.

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

Peace Officer Standards and Training.

By Mr. Galvin of Canton, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration of the Resolve providing for a "Special Commission on Peace Officer Standards and Training" to study and make recommendations concerning the implementation of a Peace Officers Standards and Training (POST) system (House, No. 2192, changed),— 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.

Subsequently Mr. Galvin of Canton, for said committee, reported that the foregoing Resolve providing for a "Special Commission on Peace Officer Standards and Training" to study and make recommendations concerning the implementation of a Peace Officers Standards and Training (POST) system (House, No. 2192, changed), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

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

Easthampton,—liquor licenses.

The Senate 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) [Local Approval Received]; and

Motorcycles. Hingham,—fund.

House bills  
Relative to motorcycle safety (House, No. 3011); and  
Making a corrective change for a certain reserve fund in the town of Hingham (House, No. 4051) [Local Approval Received];

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

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:

Hearing aids. Diabetes. Vision health.

To provide increased access to hearing aids (House, No. 262);  
Improving students' access to life saving treatments (House, No. 417);  
Relative to assessing the Commonwealth's eye care and vision health needs (House, No. 2046);

Emergency providers. Compartments.

Relative to critical incident intervention by emergency service providers (House, No. 2113);  
Relative to hidden compartments (House, No. 2121);

Relative to bank robberies and collection of fraudulent checks (House, No. 2132);

Bank robberies.

To exempt the deliberation of public bodies at town meeting from the open meeting law (House, No. 2774);

Open meeting law exemptions.

To clarify penalties for violations occurring while driving with a hardship license (House, No. 3032); and

Hardship licenses.

Granting equal access to original birth certificates to all persons born in Massachusetts (House, No. 4307);

Birth certificates.

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

By Ms. Benson of Lunenburg, for the committee on Consumer Protection and Professional Licensure, on House, No. 237, a Bill to reform the issuance and sale of sports and entertainment tickets (House, No. 4335).

Tickets,—resale.

By Mr. Golden of Lowell, for the committee on Telecommunications, Utilities and Energy, on House, No. 2881, a Bill to promote energy diversity (House, No. 4336).

Energy diversity.

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

By Ms. Benson of Lunenburg, for the committee on Consumer Protection and Professional Licensure, that the Bill requiring transparency in telephone solicitations (House, No. 4180), ought to pass with an amendment substituting a bill with the same title (House, No. 4334). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Telephone solicitations.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Senate Bill relative to transgender anti-discrimination (Senate, No. 735, amended) ought to pass with amendments by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4343; and by striking out the emergency preamble [Representatives Miceli of Wilmington, Garry of Dracut, Boldyga of Southwick and Dooley of Norfolk dissenting]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Transgender discrimination.

Orders of the Day.

The House Bill establishing a sick leave bank for David J. Saulnier, an employee of the Middlesex Sheriff's Office (House, No. 4291), 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.

The House Bill relative to certain loans by the Federal Home Loan Bank (House, No. 912), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Federal Home Loan Bank.

Federal  
Home Loan  
Bank.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it inserting after section 3 the following section:

"SECTION 3A. Said section 180A of said chapter 175, as so appearing, is hereby further amended by striking out, in line 2 and in line 89, the figure '180L½' and inserting in place thereof, in each instance, the following figure:— 180L¾."

The amendment was adopted; and the bill (House, No. 912, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Agricultural  
operations.

The House Bill relative to agricultural operations (House, No. 3030), 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. Speliotis of Danvers moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

"Section 9 of chapter 90 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following 13 sentences:—

A tractor, trailer, truck or all-terrain vehicle may be operated without such registration upon any way for a distance not exceeding ½ mile, if said tractor, trailer, truck or all-terrain vehicle is used exclusively for agricultural purposes, or between ½ mile and 10 miles if said tractor, trailer, truck or all-terrain vehicle is used exclusively for agricultural purposes and the owner thereof maintains in full force a policy of liability insurance which conforms to the provisions of section 113A of chapter 175 or for a distance not exceeding 300 yards, if such tractor, trailer or truck is used for industrial purposes other than agricultural purposes, for the purpose of going from property owned or occupied by the owner of such tractor, trailer or truck to other property so owned or occupied. Persons operating all-terrain vehicles under these provisions shall annually notify the police department in the municipalities in which they are to operate of the public way and sections of public way on which they operate in the course of agricultural purposes. For the purposes of this section the term 'all-terrain vehicle' means a motorized recreational vehicle designed or modified for travel on 4 low pressure tires and having a seat designed to be straddled by the operator and handlebars for steering control in conformance with section 20 of chapter 90B. All-terrain vehicles operating under this section shall be equipped with at least 1 stop light or a flashing red light to the rear and shall display a safety flag of not less than 36 square inches in area which shall be elevated to no less than 6 feet from the ground. If the all-terrain vehicle is designed to operate at 25 miles an hour or less, it shall also comply with section 7 and display the required slow-moving vehicle emblem. If an all-terrain vehicle is towing a sled, trailer or other vehicle, the vehicle being towed shall display the safety flag and said slow moving vehicle emblem. The operation of such all-terrain vehicles exclusively for agricultural purposes, for the limited distances authorized on a public way herein, shall be further limited to operation on public ways during the period from ½ hour before sunrise to ½ hour after sunset. Any person who operates an all-terrain vehicle on a public way for agricultural purposes as authorized by this section

but who fails to notify the police department in any municipality, in advance, of his or her intended route on a particular way or ways in that municipality, may be subject to a fine for his or her failure to provide advance notice to police if found operating therein or thereon Any person who operates an all-terrain vehicle exclusively for agricultural purposes who violates any of the above provisions shall be subject to a fine under section 20. No person shall operate an unregistered tractor, trailer, truck or all-terrain vehicle on a public way, as authorized by this section, without having in his or her possession a valid driver license for the vehicle being operated and the operator of an all-terrain vehicle shall have at least a Class D license. Such person shall be subject to all traffic laws and regulations of the commonwealth while operating such vehicle on a public way. No person may operate an all-terrain vehicle on a public way for recreational or other purposes, even if in possession of a valid driver license, except as authorized by this section and section 25 of chapter 90B. Whoever operates an all-terrain vehicle on a public way without being authorized to do so, other than for failure to notify police of the intended route while using the vehicle exclusively for agricultural purposes as required above, may be cited for operating an unregistered vehicle under this section and if not in possession of a valid driver license for the vehicle being operated, may also be cited under section 10."

The amendment was adopted; and the bill (House, No. 3030, amended) was passed to be engrossed. Sent to the Senate for concurrence.

#### *Recess.*

At fourteen minutes after eleven o'clock A.M., on motion of Mrs. Orrall of Lakeville (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after twelve o'clock noon; and at twenty-seven minutes before one o'clock P.M., the House was called to order with Mr. Donato in the Chair.

Recess.

#### *Reports of Committees.*

By Mr. Sánchez of Boston, for the committee on Health Care Financing, on Senate, No. 574, a Bill relative to equitable health care pricing (House, No. 4348) [Cost: Greater than \$100,000.00].

Equitable  
health care  
pricing.

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.

Subsequently under further suspension of the rules, on motion of Mr. Sánchez, the bill (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. Sánchez of Boston 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 equitable health care pricing, 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. 4348, amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Recesses.*

Recess.

At nineteen minutes before one o'clock P.M., on motion of Mrs. Orrall of Lakeville (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair, and at twenty-three minutes after two o'clock P.M., the House was called to order with Mr. Donato being in the Chair.

The House thereupon took a further recess, on further motion of Mrs. Orrall, subject to the call of the Chair; and at two minutes after four o'clock P.M., the House was called to order with Mr. Donato of Medford in the Chair.

*Emergency Measure.*Equitable  
health care  
pricing.

The engrossed Bill relative to equitable health care pricing (see House, No. 4348, 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 2 to 0. Sent to the Senate for concurrence. pricing.

Bill  
enacted.

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.

*Order.*Next  
sitting.

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

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At eleven minutes after four o'clock P.M., on motion of Mrs. Orrall of Lakeville (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Tuesday at eleven o'clock A.M., in an Informal Session.