

JOURNAL OF THE HOUSE.

Wednesday, June 24, 2015.

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.

Guests of the House.

Larry F.
Giordano.

During the session, the Speaker took the Chair, declared a brief recess, and introduced Larry F. Giordano, a former member of the House from Methuen from 1987 to 1992, inclusive, and a foster kids advocate. Representatives DiZoglio of Methuen and Donato of Medford then, in turn, took the Chair, congratulated Larry on his advocacy and presented resolutions of the House (adopted during a previous session) recognizing foster kids in the Commonwealth. Mr. Giordano was the guest of Representatives DiZoglio, Donato and Fox of Boston.

Statement Concerning Representative Cusack of Braintree.

Statement
concerning
Mr. Cusack of
Braintree.

A statement of Mr. Mariano of Quincy concerning Mr. Cusack of Braintree 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 one of our colleagues, Representative Cusack of Braintree, is unable to be present in the House Chamber for today's sitting due to an unexpected medical emergency. His missing of roll calls today is due entirely to the reason stated.

Communications.

Parent and
Guardian
Survey.

A communication from the Office of the Child Advocate (see item 0411-1005 contained in Section 2 and Section 219 of Chapter 165 of the Acts of 2014) submitting a review of the Department of Children and Families' 2014 Parent and Guardian Survey, was placed on file.

Petitions.

Watertown,—
alcoholic
beverages.

Petitions severally were presented and referred as follows:

By Messrs. Hecht of Watertown and Lawn of Watertown, a petition (accompanied by bill, House, No. 3614) of Jonathan Hecht, John J. Lawn, Jr., and William N. Brownsberger (with the approval of the town council) that the town of Watertown be authorized to issue fifteen additional licenses for the sale of alcoholic beverages. To the committee on Consumer Protection and Professional Licensure.

Dighton,—
recall
elections.

By Mrs. Haddad of Somerset, a petition (accompanied by bill, House, No. 3615) of Patricia A. Haddad and Marc R. Pacheco (by vote of the town) that the town of Dighton be authorized to recall elected officials of said town; and

By Miss Gregoire of Marlborough, a petition (accompanied by bill, House, No. 3616) of Danielle W. Gregoire, Carmine Lawrence Gentile and James B. Eldridge (with the approval of the mayor and city council) that the city council of the city of Marlborough be authorized to designate the polling places for each voting precinct in said city;

Marlborough,—
polling
places.

Severally to the committee on Election Laws.

By Ms. Fox of Boston, a petition (accompanied by bill, House, No. 3617) of Gloria L. Fox, Daniel J. Ryan and Russell E. Holmes (with the approval of the mayor and city council) relative to the procurement and awarding of contracts for public housing construction projects in the city of Boston. To the committee on Labor and Workforce Development.

Boston,—
housing
contracts.

By Representative Madden of Nantucket and Senator Wolf, a joint petition (accompanied by bill, House, No. 3618) of Timothy R. Madden and Daniel A. Wolf (by vote of the town) that the town of Nantucket be authorized to change the terms of office for the members of the Nantucket Historic District Commission; and

Nantucket,—
historic
district.

By Representative Madden of Nantucket and Senator Wolf, a joint petition (accompanied by bill, House, No. 3619) of Timothy R. Madden (by vote of the town) that the department of public works of the town of Tisbury be authorized to manage all public works operations of said town;

Tisbury,—
public
works.

Severally to the committee on Municipalities and Regional Government.

Mr. Nangle of Lowell presented a petition (accompanied by bill, House, No. 3620) of David M. Nangle and others (with the approval of the city council) that the city of Lowell be authorized to appoint a fire chief for said city notwithstanding certain provisions of the civil service law. To the committee on Public Service.

Lowell,—
fire chief.

Severally sent to the Senate for concurrence.

Messrs. Honan of Boston and Moran of Boston presented a petition (subject to Joint Rule 12) of Kevin G. Honan, Michael J. Moran and others relative to the Commonwealth Avenue Improvement Project; and the same was referred, under Rule 24, to the committee on Rules.

Commonwealth
Avenue
Improvement
Project.

Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mrs. Haddad of Somerset, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Transportation. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mrs. Ferguson of Holden, a petition (subject to Joint Rule 12) of Kimberly N. Ferguson, Harriette L. Chandler and James J. O'Day for legislation to establish a sick leave bank for Craig Lindberg, an employee of the Department of Children and Families.

Craig
Lindberg,—
sick leave.

By Mr. Kafka of Stoughton, a petition (subject to Joint Rule 12) of Louis L. Kafka, William C. Galvin and Brian A. Joyce for legislation to establish a sick leave bank for Paula Campbell, an employee of the Trial Court.

Paula
Campbell,—
sick leave.

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

Papers from the Senate.

Reports

Of the committee on Education, asking to be discharged from further consideration

Special
education
services

Of the petition (accompanied by bill, Senate, No. 283) of Jennifer L. Flanagan, James J. O'Day, James B. Eldridge and Chris Walsh for legislation to prohibit the Commonwealth from discrimination against those providing special education services to Massachusetts students,— and recommending that the same be referred to the committee on Public Service; and

Adolescent
substance
abuse,—
prevention.

Of the petition (accompanied by bill, Senate, No. 284) of Jennifer L. Flanagan, Brian A. Joyce, Michael O. Moore, Jennifer E. Benson and other members of the General Court for legislation relative to preventing adolescent substance abuse by expanding SBIRT,— and recommending that the same be referred to the committee on Mental Health and Substance Abuse;

Recycling,—
public
space.

Of the committee on State Administration and Regulatory Oversight, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1653) of Anne M. Gobi, Kenneth J. Donnelly, Jay R. Kaufman, Jonathan Hecht and others for legislation relative to public space recycling,— and recommending the same be referred to the committee on Environment, Natural Resources and Agriculture;

Of the committee on Tourism, Arts and Cultural Development, asking to be discharged from further consideration

Elephants,—
treatment.

Of the petition (accompanied by bill, Senate, No. 1801) of Robert L. Hedlund, Kathleen O'Connor Ives, Timothy R. Madden, James M. Cantwell and other members of the General Court for legislation relative to the treatment of elephants,— and recommending that the same be referred to the committee on the Judiciary; and

Municipal
lighting,—
efficiency
funds.

Of the petition (accompanied by bill, Senate, No. 1800) of James B. Eldridge, Jennifer E. Benson, Keiko M. Orrall, Sean Garballey and other members of the General Court for legislation relative to energy efficiency funds generated by municipal lighting plants,— and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy;

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

Boxford Salt
Commission.

A communication submitting a report of the Massachusetts Department of Transportation (submitted by CDM Smith, Inc.) (pursuant to Chapter 199 of the Acts of 2010, as amended by Section 57 of Chapter 239 of the Acts of 2012) on the cumulative and immediate effects of deicing chemical storage and deicing operations on the groundwater aquifers and bedrock fissures within the I-95 corridor [copies of said report were made available to the committees on Environment, Natural Resources and Agriculture and Transportation and the House committee on Ways and Means, as required by statute], was read for the information of the House; and returned to the Senate.

Susan
Welliver,—
sick leave.

A petition (accompanied by bill) of John F. Keenan and Tackey Chan for legislation to establish a sick leave bank for Susan Welliver, an employee of the Massachusetts Department of Transportation, came

from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1954) was referred, in concurrence, to the committee on Public Service.

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 John V. Fernandes and Frank A. Moran relative to discounts for prescription drugs. To the committee on Elder Affairs. Prescription drugs.

Petition (accompanied by bill) a joint petition (subject to Joint Rule 12) of William M. Straus, Viriato Manuel deMacedo and others relative to capturing and trapping furbearing mammals. To the committee on Environment, Natural Resources and Agriculture. Furbearing mammals,—trapping.

Petition (accompanied by bill) of John H. Rogers relative to the employment status of certain former public employees. To the committee on Public Service. Employment status.

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

By Mr. Fernandes of Milford, for the committee on the Judiciary, on a petition a Bill establishing a sick leave bank for Valerie Loiacono Daley, an employee of the Trial Court (House, No. 3606); and Valerie Loiacono Daley.

By Mr. Murphy of Weymouth, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Phanarath Siv, an employee of the Department of Children and Families (House, No. 3578); and Phanarath Siv,—sick leave.

By the same member, for the same committee, on a joint petition, a Bill establishing a sick leave bank for Carol Gulino, an employee of the Massachusetts Rehabilitation Commission (House, No. 3591); Carol Gulino,—sick leave.

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

Mr. Nangle of Lowell, for said committee, then reported that the matters be scheduled for consideration by the House.

Under suspension of the rules, 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 Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the Turners Falls Fire District to establish certain funds (House, No. 1853), be scheduled for consideration by the House. Turners Falls Fire District.

Under suspension of Rule 7A, on motion of Mr. Scaccia of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

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

Randolph,—
tax bills.

The Senate Bill authorizing the town of Randolph to designate a check-off on its tax bills (Senate, No. 23) [Local Approval Received]; and

House bills

Salem,—
sewer district.

Relative to the South Essex Sewerage District in the city of Salem (House, No. 1871);

Framingham,—
government.

To amend Section 7, Chapter 143 of the Acts of 1949, an act establishing in the town of Framingham representative town government by limited town meeting (House, No. 3195) [Local Approval Received];

Holyoke,—
treasurer.

Establishing an appointed treasurer for the city of Holyoke (House, No. 3328) [Local Approval Received];

Holyoke,—
city council.

Reducing the size of the city council in the city of Holyoke (House, No. 3329) [Local Approval Received];

Id.

Establishing a four year term for the office of city councilor of the city of Holyoke (House, No. 3557) [Local Approval Received];

Holyoke,—
mayoral term.

Establishing a four year term for the office of mayor of the city of Holyoke (House, No. 3558) [Local Approval Received];

Springfield,—
land.

Authorizing the sale of certain real property known as 233 Quincy Street in Springfield, from the city of Springfield to Habitat for Humanity (House, No. 3562) [Local Approval Received]; and

Newton,—
charter.

Relative to the charter of the city of Newton (House, No. 3563) [Local Approval Received];

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.

Early
childhood
care.

By Ms. Peisch of Wellesley, for the committee on Education, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 429) of Jay D. Livingstone and others for legislation to increase participation in early childhood care settings,— and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities.

Sharon,—
abatement.

By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3595) of Louis L. Kafka, James E. Timilty and Brian A. Joyce (by vote of the town) that the town of Sharon be authorized to issue an abatement for a portion of real estate taxes assessed on a certain parcel of land in said town,— and recommending that the same be referred to the committee on Revenue.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

Revere and
Winthrop,—
public safety
dispatch.

By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on a joint petition, a Bill relative to the regional public safety communications and dispatch center for the city of Revere and the town of Winthrop (House, No. 3365). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on a petition, a Bill creating a special commission studying cutting, welding and hot work processes regulated by the State Fire Code (House, No. 2111). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

State Fire Code,—study.

By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to the possession of dangerous open flame devices (House, No. 2096).

Open flame devices.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on House, No. 3347, a Bill for a reliable, sustainable Massachusetts Bay Transportation Authority (House, No. 3613).

Transportation authority,—improvement.

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

Recess.

At fourteen minutes after eleven o'clock A.M., on motion of Mr. Smola of Warren (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at ten minutes after one o'clock the House was called to order with the Speaker in the Chair.

Recess.

Quorum.

Mr. Wong of Saugus thereupon asked for a count to ascertain if a quorum was present. The Speaker, 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 142 members were recorded as being in attendance.

Quorum,—yea and nay No. 52.

[See Yea and Nay No. 52 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 on the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House. My missing of the quorum roll call was due entirely to the reason stated.

Statement of Mrs. Harrington of Groton.

Subsequently a statement of Mr. Rogers of Cambridge 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 on the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House. My missing of the quorum roll call was due entirely to the reason stated.

Statement of Mr. Rogers of Cambridge.

Subsequently a statement of Mr. Rogers of Norwood 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 on the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House. My missing of the quorum roll call was due entirely to the reason stated.

Statement of Mr. Rogers of Norwood.

Reports of Committees.

Legal notices,—
electronic
publishing.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill concerning electronic publication of certain legal notices (House, No. 1566), 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; and it was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Fernandes of Milford, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act relative to electronic publication of certain legal notices".

Bill passed to
be engrossed,—
yea and nay
No. 53.

After debate on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call (Mr. Donato of Medford having taken the Chair) 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 53 in Supplement.]

Therefore the bill was passed to be engrossed. The bill (House, No. 1566) then was sent to the Senate for concurrence.

Juries.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill to repeal chapter 234 (House, No. 1354), 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; and it was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Fernandes of Milford, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act relative to juries and the Office of the Jury Commissioner".

Bill passed to
be engrossed,—
yea and nay
No. 54.

After debate on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 54 in Supplement.]

Therefore the bill was passed to be engrossed. The bill (House, No. 1354) then was sent to the Senate for concurrence.

Structures,—
non-conforming.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill to legitimize structures after six or ten years of continuous use (House, No. 3611), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Nangle of Lowell, 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; and it was ordered to a third reading.

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

its title having been changed by said committee to read: "An Act relative to non-conforming structures".

After remarks on the question on passing the bill to be engrossed, 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.

Bill passed to
be engrossed,—
yea and nay
No. 55.

[See Yea and Nay No. 55 in Supplement.]

Therefore the bill was passed to be engrossed. The bill (House, No. 3611) then was 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 tomorrow at eleven o'clock A.M.

Next
sitting.

Mr. Vieira of Falmouth then moved that the House adjourn; and the motion prevailed. Accordingly, without proceeding to the matters in the Orders of the Day, at four minutes after three o'clock P.M. (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.