

## JOURNAL OF THE HOUSE.

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Wednesday, September 30, 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).

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.

### *Silent Prayers.*

At the request of Representatives Gregoire of Marlborough and Gentile of Sudbury, the members, guests and employees stood in a moment of silence in tribute to the memory of Robert Page who died yesterday after battling cancer. Robert Page.

A dedicated city councilor, proud U.S. Army veteran, and a long-time Marlborough resident, Robert is remembered as a hardworking councilor who was devoted to serving the residents of ward 2 through his illness.

Robert's community service was not limited to the city council, he was also a member of the Marlborough Lions Club for more than three decades, served on the Marlborough Veterans Council and organized the city's Memorial Day and Veterans' Day parades.

While he was dedicated to volunteering in the city, Robert was proudest to have served his country for twenty years in the U.S. Army. He fought in the Vietnam War and was stationed in Marlborough as an Army recruiter toward the end of his career.

At the request of Messrs. Whelan of Brewster and Collins of Boston the members, guests and employees stood for a moment of silent tribute in memory of William J. Donovan, Jr., of Quincy and Yarmouth Port, who passed away suddenly while involved in a motorcycle accident on September 19th. William Donovan, Jr.

William was 27, a United States Marine Corps veteran who was stationed at Camp Leatherneck in the Helmand Province of Afghanistan, where he worked alongside a team that cleared roads of improvised explosive devices. In 2011, William received two purple hearts in separate explosions in the line of duty.

William was a loyal member of the Freedom Riders and a strong loyal supporter of the Wounded Warriors Organization. He leaves behind his loving parents Jane Donovan and Jimmy DeLisle of Quincy and William Sr., and Linda Donovan of Yarmouth Port. He was the loving brother of Michael, Stephen, Christine, Lori, Joshua, and Kristina.

### *Resignation of Representative Cole of Peabody.*

The following communication was read; and spread upon the records of the House, as follows:

September 28, 2015.

Steven T. James, *House Clerk*  
State House, Room 145  
Boston, MA 02133

Dear Mr. James:

Resignation of  
Representative  
Leah Cole of  
Peabody.

I am writing today to inform you of my resignation from the House of Representatives, effective today, September 28, 2015, at 5:00 P.M.

Thank you for your help and kindness during my time in the House.

All my best,

LEAH COLE,  
*State Representative.*

*Statement Concerning Representative Dykema of Holliston.*

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

Statement  
concerning  
Ms. Dykema of  
Holliston.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Dykema of Holliston, is unable to be present in the House Chamber for today's sitting due to a previously scheduled commitment to attend the National Juvenile Detention Alternative Initiative Inter-site Conference in Phoenix, Arizona, as part of the Massachusetts delegation. Her missing of roll calls today is due entirely to the reason stated.

*Statement Concerning Representative Fernandes of Milford.*

A statement of Mr. Mariano of Quincy concerning Mr. Fernandes of Milford was spread upon the records of the House, as follows:

Statement  
concerning  
Mr. Fernandes  
of Milford.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Fernandes of Milford, is unable to be present in the House Chamber for today's sitting because he is attending the National Juvenile Detention Alternative Initiative Conference, sponsored by the National Conference of State Legislatures, in Phoenix, Arizona. This conference will involve an exchange of ideas between state legislative leaders from across the country on the subject-matter of juvenile justice reform. Information gathered at this conference will have a direct benefit to the Commonwealth in relation to his duties as House Chairman of the committee on the Judiciary. His missing of roll calls today is due entirely to the reason stated.

*Statement Concerning Representative Markey of Dartmouth.*

A statement of Mrs. Haddad of Somerset concerning Mr. Markey of Dartmouth was spread upon the records of the House, as follows:

Statement  
concerning  
Mr. Markey of  
Dartmouth.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Markey of Dartmouth, is unable to be present in the House Chamber for today's sitting due to a previously scheduled commitment to attend a National Conference of State Legislatures' meeting in California. His missing of roll calls today is due entirely to the reason stated.

*Statement Concerning Representative Vincent of Revere.*

A statement of Mr. Moran of Boston concerning Ms. Vincent of Revere 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 Vincent of Revere, is unable to be present in the House Chamber for today's sitting due to travel outside of the Commonwealth. Her missing of roll calls today is due entirely to the reason stated.

Statement concerning Ms. Vincent of Revere.

*Recognition of the Hispanic Community.*

During the Session, Mr. Sánchez of Boston took the Chair for the purpose of recognizing the contributions to Massachusetts and to the United States of the Hispanic community of the Commonwealth, on the occasion of Hispanic Month. Messrs. Devers of Lawrence, Moran of Lawrence, González of Springfield, Tosado of Springfield, Vega of Holyoke and Sánchez then each read portions of the House Resolutions (adopted this day) honoring the accomplishments and contributions of the Hispanic community to the Commonwealth.

Hispanic Community.

*Guest of the House.*

During the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced the Suffolk Superior Court Clerk, Michael Joseph Donovan. He was the guest of the Chair (Mr. Donato).

Michael Donovan.

*Resolutions.*

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

Resolutions (filed by Ms. Hogan of Stow) congratulating officer Mary B. McCue on the occasion of her retirement from the Maynard Police Department;

Mary B. McCue.

Resolutions (filed by Representatives O'Connell of Taunton, Hadad of Somerset and Orrall of Lakeville) in recognition of the sixty-fifth anniversary of the Taunton Junior Women's Club; and

Taunton Junior Women's Club.

Resolutions (filed by Messrs. Sánchez of Boston, Moran of Boston, González of Springfield, Tosado of Springfield, and Vega of Holyoke) honoring the accomplishments and contributions of the Hispanic community to the Commonwealth;

Hispanic community.

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

*Annual Report.*

The annual report of the Group Insurance Commission for the fiscal year 2015 of the Vendor Quality Improvement Program established (under Section 21 of Chapter 32A of the General Laws) to evaluate and improve all health care services as applied to those contracts and the promotion of customer-oriented quality management techniques, was placed on file.

Vendor Quality Improvement Program.

*Petitions.*

Petitions severally were presented and referred as follows:

Montague,—  
liquor  
license.

By Mr. Kulik of Worthington, a petition (accompanied by bill, House, No. 3783) of Stephen Kulik and Stanley C. Rosenberg (by vote of the town) that the town of Montague be authorized to issue an additional license for the sale of all alcoholic beverages to be drunk on premises. To the committee on Consumer Protection and Professional Licensure.

Shirley,—  
recall  
elections.

By Representative Benson of Lunenburg and Senator Eldridge, a joint petition (accompanied by bill, House, No. 3784) of Jennifer E. Benson and James B. Eldridge (by vote of the town) that the town of Shirley be authorized to conduct recall elections. To the committee on Election Laws.

Severally sent to the Senate for concurrence.

Fall River,—  
overpass.

Ms. Fiola of Fall River presented a petition (subject to Joint Rule 12) of Carole A. Fiola for legislation to designate a certain overpass in the city of Fall River as the Patrolman Edward Joaquin memorial overpass; and the same was referred, under Rule 24, to the committee on Rules.

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 Mr. Mariano of Quincy, 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.

Medication,—  
regulation.

By Ms. DiZoglio of Methuen, a petition (subject to Joint Rule 12) of Diana DiZoglio and others for legislation to regulate the dispensing or distribution of medications containing oxycontin to persons under the age of seventeen.

Harwich,—  
Burns  
bridge.

By Ms. Peake of Provincetown, a petition (subject to Joint Rule 12) of Sarah K. Peake for legislation to designate a certain bridge in the town of Harwich as the U.S. Navy Lt. Jr. [sic] Ralph Wallace Burns memorial bridge.

Disease  
care,—  
study.

By Mr. Smola of Warren, a petition (subject to Joint Rule 12) of Todd M. Smola for an investigation and study by a special commission (including members of the General Court) relative to chronic disease care self-management.

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

*Papers from the Senate.***Bills**

Plainville,—  
treasurer, etc.

Relative to the creation of a treasurer-collector in the town of Plainville (Senate, No. 1961) (on a petition) [Local Approval Received]; and

Plainville,—  
administrator.

Creating a town administrator in the town of Plainville (Senate, No. 1962) (on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*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 Josh S. Cutler and others relative to the privacy of death certificates. To the committee on Public Health. Death certificates.

Petition (accompanied by bill) of Todd M. Smola and Anne M. Gobi for legislation to establish a sick leave bank for Shannon Griffin, an employee of the Department of Developmental Services. To the committee on Public Service. Shannon Griffin,—sick leave.

Petition (accompanied by bill) of Jennifer E. Benson and James B. Eldridge that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land to the town of Acton for general municipal purposes. To the committee on State Administration and Regulatory Oversight. Acton,—land.

Petition (accompanied by bill) of Josh S. Cutler and James M. Cantwell for legislation to authorize the Registry of Motor Vehicles to voluntarily issue driver's licenses and special identification card designations to persons with intellectual disabilities or autism spectrum disorder; and Driver's licenses,—intellectual disabilities.

Petition (accompanied by bill) of Timothy R. Whelan for legislation to designate a certain overpass in the town of Barnstable as the Louis Karras overpass; Louis Karras,—overpass.

Severally to the committee on Transportation.

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

By Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rules 12 and 9 be suspended on the petition of Keiko M. Orrall and Michael J. Rodrigues (by vote of the town) for legislation to authorize the town of Lakeville to convey certain parcels of land to the city of Taunton. Under suspension of the rules, on motion of Mr. Mariano of Quincy, the report was considered forthwith. Joint Rules 12 and 9 were suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence. Lakeville,—land.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Deborah Clay, an employee of the Framingham District Court (House, No. 3764), be scheduled for consideration by the House. Deborah Clay,—sick leave.

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. Speliotis of Danvers, 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 establishing a sick leave bank for Deborah Clay, an employee of the Trial Court."

Deborah Clay,—  
sick leave.

Pending the question on passing the bill to be engrossed, the same member 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 a sick leave bank for a certain employee of the trial court, 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. 3764, amended) was passed to be engrossed. Sent to the Senate for concurrence.

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

Topsfield,—  
liquor  
license.

Authorizing the town of Topsfield to grant additional licenses for the sale of wines and malt beverages not to be drunk on the premises (Senate, No. 1947, amended) [Local Approval Received]; and

Maureen Table,—  
sick leave.

Establishing a sick leave bank for Maureen Table, an employee of the Department of Developmental Services (Senate, No. 2006, amended);

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.

Income tax,—  
credit.

By Mr. Kaufman of Lexington, for the committee on Revenue, on House, No. 2568, a Bill relative to broadened eligibility for relief from disproportionate property tax burdens (House, No. 3779).

Motor  
vehicles,—  
sales tax.

By the same member, for the same committee, on House, No. 3514, a Bill relative to the sales tax of motor vehicles (House, No. 3782).

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

Boston,—  
property tax.

By Mr. Kaufman of Lexington, for the committee on Revenue, on a petition, a Bill concerning long-term homeowners (House, No. 3200) [Local Approval Received].

Seniors,—  
taxes.

By the same member, for the same committee, on House, No. 2655, a Bill enhancing the volunteer service tax reduction for seniors (House, No. 3780).

Property tax,—  
exemption.

By the same member, for the same committee, on House, No. 2690, a Bill relative to reducing tax burden on property owners (House, No. 3781).

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

*Emergency Measures.*

Wendy Savary,—  
sick leave.

The engrossed Bill establishing a sick leave bank for Wendy Savary, an employee of the Department of Unemployment Assistance (see House, No. 3750, 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 4 to 0. Sent to the Senate for concurrence.

The engrossed Bill establishing a sick leave bank for Marian Grant, an employee of the Trial Court (see House, No. 3751), 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.

Marian Grant,—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 4 to 0. Sent to the Senate for concurrence.

*Engrossed Bills.*

Engrossed bills

Authorizing the town of Sturbridge to grant 1 additional license for the sale of wines and malt beverages not to be drunk on the premises (see Senate, No. 30, amended) (which originated in the Senate); and

Bills enacted.

Increasing the expenditure limit of the Fire Department Emergency Medical Services Revolving Fund in the town of Somerset (see House, No. 3573) (which 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 it were signed by the acting Speaker and sent to the Senate.

*Recess.*

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

Recess.

*Orders of the Day.*

The House Bill making appropriations for the fiscal year 2015 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3773), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Supplemental appropriations.

After remarks on the question on passing the bill to engrossed, Miss Gregoire of Marlborough moved to amend it by adding the following section:

“SECTION 82. Subsection (a) of section 5 of chapter 21J of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 7 and 8, the figure ‘\$1,500,000’ and inserting in place thereof, in each instance, the following figure:—\$2,500,000.”

The amendment was adopted.

Mr. Puppolo of Springfield then moved to amend the bill by adding the following section:

“SECTION 83. (A) Subsection (a) of section 22 of Chapter 186 of the General Laws is hereby amended by striking the definition, ‘water company’, and replacing it with the following new definition:— ‘water company’, a company, as defined in section 1 of chapter 165 or a municipal utility or any other waterworks system owned, leased, maintained, operated, managed or controlled by any unit of local government under any general or special law, which company, utility or

Supplemental  
appropriations.

system supplies water to a landlord through metered measurement. Water company shall also include companies that lease, operate, maintain, treat, monitor and/or test private septic systems or private water wells. Any landlord imposing charges on tenants or otherwise engaging in any activity permitted under this section shall not be deemed thereby to be functioning as a water company as defined herein or to be subject to any laws or regulations regulating any such company.

(B) Subsection (c) of said section 22 of Chapter 186 is hereby amended by inserting at the end thereof the following:— If a landlord who is not the original owner when submetering began cannot locate the original certificate after a good faith effort he may verify such certification by filing a new form prior to January 1, 2017 and such certification shall apply as though it was obtained prior to the installation of the submeters. Any landlord that purchases a building shall have one year after the date of purchase to obtain verification of such certification (which, if an original certificate cannot be located after a good faith effort, may be done by filing a new form) and such certification shall apply as though it was obtained prior to the installation of the submeters.

(C) Subsection (g) of said section 22 of Chapter 186 is hereby amended by striking said section and replacing it with the following:—

(g) A landlord shall determine a calculated cost per unit of water consumption by dividing the total amount of any bill or invoice provided to the landlord from the water company for water usage, the customer service charge and taxes, but not including any interest for the late payment, penalty fees or other discretionary assessments or charges, for all water provided to the premises through the water company meter in that billing period, by the total amount of water consumption for the entire premises. The total amount charged separately to each submetered dwelling unit for water usage for any billing period shall not exceed such calculated cost per unit of water multiplied by the number of units of water delivered exclusively to the particular dwelling unit for the same billing period, provided that the landlord has verified that the total costs of water usage billed to all dwelling units does not exceed the total costs of water usage charged by the water company to the landlord for the same period. In the event that a submeter read is not available, the landlord may estimate the dwelling unit consumption for no more than three consecutive months and at a consumption level no higher than 70% of the lesser of (1) the current resident's average historical consumption; or (2) the average historical consumption of all dwelling units during the prior twelve months.”

The amendment was adopted.

Mr. Cantwell of Marshfield then moved to amend the bill by adding the following section:

“SECTION 84: Chapter 176D of the General Laws is hereby amended by inserting after section 3B the following section:—

Section 3C. (a) As used in this section, the following words shall have the following meanings, unless the context clearly requires otherwise:—

‘Ambulance service provider’, a person or entity licensed by the department of public health pursuant to section 6 of chapter 111C to establish or maintain an ambulance service.

‘Emergency ambulance services’, emergency services that an ambulance service provider may render under its ambulance service license when a condition or situation in which an individual has a need for immediate medical attention or if the individual, bystander or emergency medical services provider perceives the potential for the need for immediate medical attention.

‘Insurance policy’ and ‘insurance contract’, any policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within the commonwealth that provides coverage for expenses incurred by an insured for transportation services rendered by an ambulance service provider.

‘Insured’, an individual entitled to ambulance services benefits pursuant to an insurance policy or insurance contract.

‘Insurer’, a person as defined in section 1 of chapter 176D; any health maintenance organization as defined in section 1 of chapter 176G; a non-profit hospital service corporation organized under chapter 176A; any organization as defined in section 1 of chapter 176I that participates in a preferred provider arrangement also as defined in said section 1 of said chapter 176I; any carrier offering a small group health insurance plan under chapter 176J; any company as defined in section 1 chapter 175; any employee benefit trust; any self-insurance plan, and any company certified under section 34A of chapter 90 and authorized to issue a policy of motor vehicle liability insurance under section 113A of chapter 175 that provides insurance for the expense of medical coverage.

(b) In any instance in which an ambulance service provider provides an emergency ambulance service to an insured, but is not an ambulance service provider under contract to the insurer maintaining or providing the insured’s insurance policy or insurance contract, the insurer maintaining or providing such insurance policy or insurance contract shall pay the ambulance service provider directly and promptly for the emergency ambulance service rendered to the insured. Such payment shall be made to the ambulance service provider notwithstanding that the insureds insurance policy or insurance contract contains a prohibition against the insured assigning benefits thereunder so long as the insured executes an assignment of benefits to the ambulance service provider and such payment shall be made to the ambulance service provider in the event an insured is either incapable or unable as a practical matter to execute an assignment of benefits under an insurance policy or insurance contract pursuant to which an assignment of benefits is not prohibited, or in connection with an insurance policy or insurance contract that contains a prohibition against any such assignment of benefits. An ambulance service provider shall not be considered to have been paid for an emergency ambulance service rendered to an insured if the insurer makes payment for the emergency ambulance service to the insured. An ambulance service provider shall have a right of action against an insurer that fails to make a payment to it pursuant to this subsection.

(c) With the exception of non-profit corporations licensed to operate critical care ambulance services that perform both ground and air transports, payment to an ambulance service provider under subsection (b) shall be at a rate equal to the rate established by the municipality from where the patient was transported.

Supplemental appropriations.

(d) An ambulance service provider receiving payment for an ambulance service in accordance with subsections (b) and (c) shall be deemed to have been paid in full for the ambulance service provided to the insured, and shall have no further right or recourse to further bill the insured for said ambulance service with the exception of coinsurance, co-payments or deductibles for which the insured is responsible under the insureds insurance policy or insurance contract.

(e) No term or provision of this section 3C shall be construed as limiting or adversely affecting an insureds right to receive benefits under any insurance policy or insurance contract providing insurance coverage for ambulance services. No term or provision of this section 3C shall create an entitlement on behalf of an insured to coverage for ambulance services if the insureds insurance policy or insurance contract provides no coverage for ambulance services.”.

The amendment was adopted.

Messrs. Speliotis of Danvers and Jones of North Reading then moved to amend the bill by adding the following section:

“SECTION 85. The first sentence of subsection (a) of section 54 of Chapter 286 of the Acts of 2014 is hereby amended by striking out the figure ‘11’ and inserting in place thereof the following figure:— 16.”.

The amendment was adopted.

Mr. Scibak of South Hadley then moved to amend the bill by adding the following four sections:

“SECTION 86. Section 7 of chapter 254 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after subsection (e) the following subsection:—

(f) A lien under section two of this chapter that is dissolved by the filing of a notice under section 10 of this chapter to enable the registration or recording of a first mortgage, which includes the funding, financing or payment of labor, including construction management and general contractor services, and material or rental equipment, appliances, or tools furnished or to be furnished by virtue of the lien claimant’s contract, and is re-filed or re-recorded within 7 days after the registration or recording of such first mortgage, shall be subject to the provisions of subsection (b); provided however that such lien shall also avail against such first mortgage to the extent of all retainage withheld from the lien claimant prior to and after the registration or recording of such first mortgage.

SECTION 87. Section 29E of chapter 149 of the General Laws, as so appearing, is hereby amended by inserting after the word ‘and’, in line 87, the following words:— , except as provided below,.

SECTION 88. Section 29E of said chapter 149 is hereby further amended by inserting after the word ‘payment’, in line 94, the following words:— A lien under section two of chapter 254 that is dissolved and re-filed or re-recorded as provided in section 7(f) of chapter 254 shall not be deemed a dissolution within the meaning of this subsection (e)(2).

SECTION 89. Section 29E of said chapter 149 is hereby further amended by striking out, in line 24, the figure ‘30’ and inserting in place thereof the following figure:— 31.”.

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding the following section:

“SECTION 90. Paragraph (3) of section 14 of chapter 30A, as appearing in the 2014 Official Edition, is hereby amended by adding the following sentence:—

Notwithstanding the foregoing, if the sex offender registry board issues a stay of a final classification in a sex offender registry board proceeding then such stay shall be for not more than 60 days; and if a court issues a stay of a final classification in a court appeal held pursuant to section 178M of chapter 6, then such hearing shall be expedited and such stay shall be for not more than 60 days, without written findings with good cause shown.”.

The amendment was adopted.

Messrs. Cutler of Duxbury and Cantwell of Marshfield then moved to amend the bill by adding the following section:

“SECTION 91. Chapter 36 of the General Laws, as so appearing, is hereby amended by striking out, in lines 8 and 10, ‘June 30, 2018’, and inserting in place thereof the following:— June 30, 2020.”.

The amendment was adopted.

Ms. Hogan of Stow then moved to amend the bill by adding the following section:

“SECTION 92. Section 233 chapter 165 of the acts of 2014 is hereby amended by striking out the section in its entirety and inserting in place thereof the following section:

(a) There shall be a special commission to be known as the 495/MetroWest Suburban Edge Community Commission and to consist of 26 members: 3 members of the senate, 2 of whom shall be appointed by the President, 1 of whom shall serve jointly as a co-chair, and 1 of whom shall be appointed by the minority leader; 3 members from the house of representatives, 2 of whom shall be appointed by the Speaker, 1 of whom shall serve jointly as a co-chair, and 1 of whom shall be appointed by the minority leader; the secretary of housing and economic development or a designee, who shall serve jointly as a co-chair; the secretary of transportation or a designee; the secretary of energy and environmental affairs or a designee; the executive director of the Massachusetts Development Finance Agency or a designee; 1 member selected by the 495/MetroWest Corridor Partnership, Inc.; 1 member selected by the Metropolitan Area Planning Council; 1 member selected by the Massachusetts Municipal Association, Inc.; 1 member selected by the Massachusetts Association of Planning Directors; 1 member selected by NAIOP Massachusetts, Inc.; 1 member selected by Massachusetts Water Works Association Inc.; 1 member selected by the MetroWest Regional Transit Authority; and 9 persons to be appointed by the governor, 1 of whom shall be an academic focused on suburban development, 1 of whom shall be a real estate professional with experience working in edge communities, 1 of whom shall be a water resources expert with experience working in edge communities, 1 of whom shall be a transportation engineer with experience working in edge communities and 5 of whom shall be municipal officials who represent different municipalities served by the 495/MetroWest Corridor Partnership, Inc.

Supplemental appropriations.

(b) The commission shall make an investigation and study relative to development challenges being experienced by edge communities, such as needs to address transportation, water, cellular, and energy infrastructure, transit services, residential development, reuse of former industrial facilities and historic mills, brownfields reclamation, downtown redevelopment and other such constraints. The commission shall hold at least 3 public forums in the region to solicit stakeholders' feedback before developing policy responses and recommendations to ensure that edge communities can participate in state development initiatives and benefit from state resources. The commission shall focus its investigation and study on the 35 municipalities served by the 495/MetroWest Corridor Partnership, Inc. and develop a pilot program to address the issues to be studied and investigated by the commission. The commission shall choose certain municipalities served by the 495/MetroWest Corridor Partnership, Inc. to partake in the pilot program; provided, however, that the 5 municipalities represented by a municipal official chosen by the governor for appointment on the commission shall partake in the pilot program. For purposes of this section, 'edge community' shall mean a municipality with a population of not more than 35,000, with a 5 per cent variance to account for postcensal population estimates.

(c) The commission shall report to the clerks of the senate and the house of representatives and the joint committee on economic development and emerging technologies the results of its investigation and study and its recommendations, if any, by filing the same with the clerks of the senate and the house of representatives by December 31, 2016.

(d) All appointments to the commission shall be made within 90 days of the effective date of this act."

The amendment was adopted.

Messrs. Swan of Springfield and Puppolo of Springfield then moved to amend the bill by inserting after section 84 (as published), the following section:

"SECTION 78A. Notwithstanding the enrollment preferences of section 89 of chapter 71 of the General Laws, and subject to the approval of the Springfield school committee, a Horace Mann charter school in the city of Springfield may limit enrollment or add an enrollment preference using the assignment system of the public schools of Springfield, provided that the original charter of the Horace Mann charter school or an amendment to the charter permits such enrollment limitation or preference. An amendment to the charter of a Horace Mann charter school in the city of Springfield to add such an enrollment limitation or preference shall require only the approval of the Springfield School Committee, the board of trustees of the Horace Mann charter school, and the commissioner."

The amendment was adopted.

Mr. DiNatale of Fitchburg then moved to amend the bill in section 2, in item 1599-0026, by striking out the figures "\$42,296" and inserting in place thereof the figures "\$242,296", and by adding the following section:

"SECTION 93. Item 1599-0026 of said section 2 of said chapter 46 is hereby amended by inserting after the words 'town of Millbury' the

following:— ; provided further, that not less than \$200,000 shall be allocated to Fitchburg High School for continued renovation of the historic Crocker Field Facility.”.

The amendments were rejected.

Mr. Hill of Ipswich then moved to amend the bill by adding the following section:

“SECTION 93. Notwithstanding any general or special law to the contrary, the commissioner of revenue shall make paper tax forms available to any filer that requests such paper tax form.

The Department of Revenue shall establish a fee of \$0.00 to provide and process such forms and subsequently shall assess no penalty for submitting such manual forms.”.

The amendment was rejected.

Mrs. Poirier of North Attleborough then moved to amend the bill by adding the following section:

“SECTION 93. Notwithstanding any general or special law to the contrary, there is hereby established a special commission to study pancreatic cancer. The commission shall consist of 15 members as follows: the secretary of health and human services, or a designee; the commissioner of public health, or a designee; the commissioner of insurance, or a designee; the house and senate chairs of the joint committee on public health; the house minority leader, or a designee; the senate minority leader, or designee; 2 members appointed by the senate president, 1 of whom shall be a person with pancreatic cancer, or a survivor, and 1 of whom is a medical specialist in pancreatic cancer; 2 members appointed by the speaker of the house of representatives, 1 of whom shall be a person with pancreatic cancer, or a survivor, and 1 of whom is a medical specialist in pancreatic cancer; and 4 members appointed by the governor, 1 of whom shall be a person with pancreatic cancer, or a survivor, 1 of whom is a medical specialist in pancreatic cancer, and 2 members of the public with demonstrated expertise in issues relating to the work of the commission, is hereby established for the purpose of making an investigation and study to:

(1) establish a mechanism in order to ascertain the prevalence of Pancreatic Cancer in Massachusetts, and the unmet needs of persons with Pancreatic Cancer and those of their families; collect time of diagnosis statistics and likely risks for Pancreatic Cancer;

(2) study Pancreatic Cancer prevention, screening, education and support programs for Pancreatic Cancer in the Commonwealth;

(3) provide recommendations for additional legislation, support programs and resources necessary to meet the unmet needs of persons with Pancreatic Cancer and their families and how to effectuate an early diagnosis and treatment for Pancreatic Cancer patients.

Vacancies in the membership of the commission shall be filled in the same manner provided for the original appointments.

The commission shall organize within 120 days following the appointment of a majority of its members and shall select a chairperson and vice-chairperson from among the members. The chairperson shall appoint a secretary who need not be a member of the commission.

The public members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties as provided by section 2A of chapter 4 of the General Laws.

Supplemental appropriations.

The commission shall be entitled to call to its assistance and avail itself of the services of the employees of any state, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes.”.

The amendment was adopted.

Mr. Hill of Ipswich then moved to amend the bill by adding the following section:

“SECTION 94. Notwithstanding any general or special law to the contrary any historic property, pursuant to the provision of Section 44 of Chapter 85 of the Acts of 1994 shall not be subject to the provisions of Chapter 59 of the General Laws.”.

The amendment was adopted.

Mrs. Orrall of Lakeville then moved to amend the bill by adding the following four sections:

“SECTION 95. Section 39½ of chapter 119 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in lines 3 and 4, inclusive, the words ‘or manned fire station’ and inserting in place thereof the following:— , manned fire station or with an emergency responder at an agreed upon location following a 911 call.

SECTION 96. Section 39½ of said chapter 119, as so appearing, is hereby amended by striking, in line 6, in the first instance in which it appears, the word ‘an’ and inserting in place thereof the following:— and.

SECTION 97. Section 39½ of said chapter 119, as so appearing, is hereby amended by striking out, in lines 16 and 17, inclusive, the words ‘hospital, police department or manned fire station’ and inserting in place thereof the following:— designated facility.

SECTION 98. Section 39½ of said chapter 119, as so appearing, is hereby amended by inserting, in line 18, after the word ‘police’ the following:— , emergency responder.”.

The amendment was adopted.

Mr. Dempsey of Haverhill then moved to amend the bill in section 2 by inserting before item 0340-0998 the following item:

“0340-0900 ..... \$105,018”;

By striking out item 1599-0026 and inserting in place thereof the following item:

“1599-0026 ..... \$52,296”;

In section 2A, in item 1599-1100, in line 83, by striking out the figure “15” and inserting in place thereof the following figure “17”;

In item 8000-1002, in line 112, by striking out the words “impacting delays” and inserting in place thereof the words “delaying the issuance of license renewals”, and in line 116, by inserting after the word “and” the words “, Stop Handgun Violence”;

In section 2C.I by inserting after item 5046-0000 the following item:

“EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT.

*Massachusetts Office of Travel and Tourism.*

7008-0900 ..... \$662,924”;

By inserting after item 7100-0207 the following two items:

“EXECUTIVE OFFICE OF EDUCATION.

*Cape Cod Community College.*

7504-0102 ..... \$1,433,293;

EXECUTIVE OFFICE OF  
PUBLIC SAFETY AND SECURITY.

*Department of State Police.*

8000-0106 ..... \$237,246”;

and by inserting after item 8324-0000 the following item:

“SHERIFFS.

*Hampden Sheriff’s Department.*

8910-0102 ..... \$240,000”;

By striking out sections 6 and 7 and inserting in place thereof the following two sections:

“SECTION 6. Subsection (a) of section 45 of chapter 7C of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:— 8 members shall be appointed by the governor, 3 of whom shall have not fewer than 15 years of experience as registered architects in the commonwealth, who may be architects emeritus, and shall not have a record of disciplinary action, 3 of whom shall have not fewer than 15 years of experience as registered engineers in the commonwealth and shall not have a record of disciplinary action, and 2 of whom shall be representatives of the public who are not architect designers, engineers or construction contractors.

SECTION 7. Subsection (c) of said section 45 of said chapter 7C, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The board shall employ an executive director, who shall be appointed by the secretary of administration and finance and shall have either (i) not fewer than 15 years of experience as a registered architect or (ii) not fewer than 15 years of experience as a registered engineer , and shall not have a record of disciplinary action, and such other staff or consultants as it may deem necessary, subject to appropriation.”;

By inserting after section 13 the following section:

“SECTION 13A. Section 6I of chapter 40J of the General Laws, as inserted by section 63 of chapter 46 of the acts of 2015, is hereby amended by striking out the words ‘non-state’ and inserting in place thereof the following words:— private.

In section 14, in lines 291 to 294, inclusive, by striking out the subsection contained in those lines and inserting in place thereof the following subsection:

“(q) No early voting ballot cast under this section shall be counted if the officers charged with the duty of counting the same are cognizant of the fact that the voter has died prior to the opening of the polls on the day of the election.”;

In section 20, in line 315, by striking out the figures “655” and inserting in place thereof the figures “660”;

Supplemental  
appropriations.

By striking out section 21;

In section 22, in line 322 by striking out the figures "21" and inserting in place thereof the figures "20";

In section 25, in lines 348 to 378, inclusive, by striking out the text contained in those lines and inserting in place thereof the following:

"(b) There shall be an advisory board to the authority which shall be named the Massachusetts Port Authority Community Advisory Committee which shall consist of 40 voting members, 6 of whom shall be appointed by the chief executive officer of the city of Boston, provided that 1 member from Boston shall be from the East Boston section of the city of Boston and 1 member from Boston shall be from the South Boston section of the city of Boston; 1 of whom shall be appointed by the chief executive officer of the town of Arlington; 1 of whom shall be appointed by the chief executive officer of the town of Bedford; 1 of whom shall be appointed by the chief executive officer of the town of Belmont; 1 of whom shall be appointed by the chief executive officer of the town of Beverly; 1 of whom shall be appointed by the chief executive officer of the town of Braintree; 1 of whom shall be appointed by the chief executive officer of the town of Brookline; 1 of whom shall be appointed by the chief executive officer of the city of Cambridge; 1 of whom shall be appointed by the chief executive officer of the town of Canton; 1 of whom shall be appointed by the chief executive officer of the city of Chelsea; 1 of whom shall be appointed by the chief executive officer of the town of Cohasset; 1 of whom shall be appointed by the chief executive officer of the town of Concord; 1 of whom shall be appointed by the chief executive officer of the city of Everett; 1 of whom shall be appointed by the chief executive officer of the town of Hingham; 1 of whom shall be appointed by the chief executive officer of the town of Hull; 1 of whom shall be appointed by the chief executive officer of the town of Lexington; 1 of whom shall be appointed by the chief executive officer of the town of Lincoln; 1 of whom shall be appointed by the chief executive officer of the city of Lynn; 1 of whom shall be appointed by the chief executive officer of the city of Malden; 1 of whom shall be appointed by the chief executive officer of the town of Marblehead; 1 of whom shall be appointed by the chief executive officer of the city of Melrose; 1 of whom shall be appointed by the chief executive officer of the city of Medford, 1 of whom shall be appointed by the chief executive officer of the town of Milton; 1 of whom shall be appointed by the chief executive officer of the town of Nahant; 1 of whom shall be appointed by the chief executive officer of the city of Quincy; 1 of whom shall be appointed by the chief executive officer of the town of Randolph; 1 of whom shall be appointed by the chief executive officer of the city of Revere; 1 of whom shall be appointed by the chief executive officer of the city of Salem; 1 of whom shall be appointed by the chief executive officer of the town of Scituate; 1 of whom shall be appointed by the chief executive officer of the city of Somerville; 1 of whom shall be appointed by the chief executive officer of the town of Swampscott; 1 of whom shall be appointed by the chief executive officer of the town of Watertown; 1 of whom shall be appointed by the chief executive officer of the town of Weymouth; 1 of whom shall be appointed by the chief executive officer of the city

of Worcester; and 1 of whom shall be appointed by the chief executive officer of the town of Winthrop.

Any vacancy on the committee shall be filled as provided for above; provided, however, that if a chief executive officer fails to appoint a successor within 90 days of a vacancy, the committee shall appoint a qualified person to represent the municipality left unrepresented by the failure of the chief executive officer to act.”;

In section 34, in lines 462 and 463, by striking out the words “the director of the victim services unit of the sex offender registry board or a designee” and inserting in place thereof the words “Chairperson of the sex offender registry board or a designee”;

In lines 463 and 464 by striking out the words “the associate commissioner for the center for the student support of the department of elementary and secondary education or a designee” and inserting in place thereof the words “the commissioner of the department of elementary and secondary education or a designee”;

By striking out section 41 and inserting in place thereof the following section:

“SECTION 41. Item 4000-0700 of said section 2 of chapter 46 is hereby amended by inserting after the words “neonatal intensive care unit cases” the following words:— ; provided further, that MassHealth shall expend not less than \$11,000,000 for payments in addition to its standard payment amount per discharge, or SPAD, above rate year 2013, or of reimbursement provided under any subsequent inpatient payment methodologies, and to provide additional payments above its standard outpatient payment amount per episode, or PAPE, above rate year 2013, or of reimbursement provided under any subsequent outpatient payment methodologies to any acute care hospital that has greater than 63 per cent of its gross patient service revenue from governmental payers and free care as determined by the executive office of health and human services”;

By striking out section 46;

In section 63 (as published), in lines 671, by striking out the figures “11” and inserting in place thereof the figure “12”, in line 680 by inserting after the word “Association” the following: “, 1 of whom shall be a representative of the Massachusetts Biotechnology Council”;

In section 65 (as published), in line 693 by striking out the figures “15” and inserting in place thereof the figures “17”;

By striking out section 68 (as published) and inserting in place thereof the following section:

“SECTION 67. Notwithstanding any general or special law to the contrary, a retired police officer, firefighter or emergency medical technician of a town, city or district who is appointed as a special police officer, call or auxiliary firefighter or a call or auxiliary emergency medical technician of a town, city or district pursuant to any general or special law authorizing such appointment shall be subject to chapter 151A of the General Laws.”;

In section 85 (as published), by striking out the figures “21” and inserting in place thereof the figures “20”; and

In section 86 (as published), by striking out the word “April” and inserting in place thereof, the word “June”.

The amendments were adopted.

Bill passed to  
be engrossed,—  
yea and nay  
No. 157.

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. Dempsey of Haverhill; and on the roll call 152 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 157 in Supplement.]**

Therefore the bill was passed to be engrossed. The bill (House, No. 3785, published as amended) 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 on Thursday next at eleven o'clock A.M.

Next  
sitting.

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At twenty-eight minutes after four o'clock P.M., on motion of Mr. Jones of North Reading (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.