

JOURNAL OF THE HOUSE.

Wednesday, October 14, 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 Prayer.

At the request of Messrs. Hunt of Boston, Carvalho of Boston, Cullinane of Boston and Holmes of Boston, the members, guests and employees stood in a moment of silent tribute to the memory of the Honorable David I. Finnegan. The son of Irish immigrants, David was the second youngest of nine children and grew up in the Neponset section of Dorchester. Mr. Finnegan was a member of the Boston School Committee from 1975 to 1979 and served as its President in 1978 and 1979. He was a candidate for mayor of Boston on two occasions. Later, he hosted the Dave Finnegan Show on WBZ Radio, which ran for four years. David I. Finnegan.

Guests of the House.

At the beginning of the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced a group of senior citizens from the Northbridge Senior Center, who were seated in the House Chamber. They were the guests of Mr. Muradian of Grafton. Northbridge Senior Center.

Subsequent to the noon recess, the Chair (Mr. Donato of Medford), declared a brief recess and introduced Allan Ganz of West Peabody. Mr. Ganz currently holds the Guinness World record for the longest career as an ice cream man with 67 years of service. He was accompanied by his wife Roz and their daughter Lisa Ganz Rizzo. They were the guests of Mr. Speliotis of Danvers. Allan Ganz.

Statement Concerning Representative Cronin of Easton.

A statement of Mrs. Haddad of Somerset concerning Ms. Cronin of Easton 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 Cronin of Easton, is unable to be present in the House Chamber for today's sitting due to her being on official business attending a conference. Her missing of roll calls today is due entirely to the reason stated. Statement concerning Ms. Cronin of Easton.

Statement Concerning Representative 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:

Statement concerning Mr. Cusack of Braintree.

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 his being on official business attending a conference. His missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Ferrante of Gloucester.

A statement of Mrs. Haddad of Somerset concerning Ms. Ferrante of Gloucester was spread upon the records of the House, as follows:

Statement concerning Ms. Ferrante of Gloucester.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Ferrante of Gloucester, is unable to be present in the House Chamber for today's sitting due to her being on official business attending a conference. Her missing of roll calls today is due entirely to the reason stated.

Petitions.

Petitions severally were presented and referred as follows:

Electronic surveillance.

By Mr. Cutler of Duxbury, a petition (subject to Joint Rule 12) of Josh S. Cutler relative to the electronic surveillance of persons in private settings.

Jane Mihalich,—sick leave.

By Representative Kane of Shrewsbury and Senator Moore, a joint petition (subject to Joint Rule 12) of Hannah Kane and Michael O. Moore for legislation to establish a sick leave bank for Jane Mihalich, an employee of the Department of Public Health.

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

Paper from the Senate.

Trials,—competence.

The engrossed Bill relative to commitments of persons found incompetent to stand trial or not guilty by reason of mental illness (see House, No. 3672), being section 108 contained in the engrossed Bill making appropriations for the fiscal year 2016 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 3650), which had been returned by His Excellency the Governor with recommendation of amendments (for message, see Attachment I of House, No. 3675), which had been amended by the House by striking out all after the enacting clause and inserting in place thereof the following:

“Subsection (e) of section 16 of chapter 123 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 sentence:— If the superintendent communicates an intention to remove or modify such restriction in writing to the court and the district attorney who has or had jurisdiction of the criminal case and, within 14 days of receipt of notice from the superintendent, neither the court nor the district attorney makes written objection thereto, such restrictions shall be removed by the superintendent” (as changed by the Senate committee on Bills in the Third Reading), came from the Senate with the endorsement that said branch had refused to adopt the amendment, in concurrence, and had amended the bill by striking out all after the enacting clause and inserting in place thereof the following:

“Subsection (e) of section 16 of chapter 123 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 2 sentences:— If the superintendent seeks removal or modification of such restriction, the superintendent shall notify the district attorney which has or had jurisdiction of the relevant criminal case. If, after the superintendent communicates the superintendent’s intention to remove or modify such restriction in writing to the court and the district attorney who has or had jurisdiction of the relevant criminal case, neither the court nor the district attorney makes written objection to such removal or modification within 14 days of receipt of the notice, such restrictions shall be removed by the superintendent.”.

The further amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

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 W. Scibak relative to motor vehicle warranties. To the committee on Consumer Protection and Professional Licensure.

Motor vehicle warranties.

Petition (accompanied by bill) of Diana DiZoglio and others for legislation to regulate the dispensing or distribution of medications containing oxycontin to persons under the age of seventeen. To the committee on Mental Health and Substance Abuse.

Minors,—oxycontin medications.

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

Engrossed Bill.

The engrossed Bill relative to the transfer of certain funds to be credited to the Housing Preservation and Stabilization Trust Fund for fiscal year 2016 (see House, No. 3673, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill re-enacted.

Recess.

At three 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 one o’clock P.M.; and at eight minutes after one o’clock the House was called to order with Mr. Donato in the Chair.

Recess.

The House thereupon, on motion of Mr. Jones of North Reading, recessed until half past one o’clock; and at sixteen minutes before two o’clock P.M., the House was called to order with Mr. Donato of Medford in the Chair.

Orders of the Day.

The House Bill regulating secondary metal dealings (House, No. 3797), was read a second time.

Secondary metal dealings.

Secondary
metal
dealings.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 3806),— was adopted; and the substituted bill was ordered to a third reading.

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

Pending the question on passing the bill to be engrossed, Mr. Jones of North Reading moved to amend it by striking out section 5 and inserting in place thereof the following section:

“SECTION 5. Section 4 shall take effect 90 days after the commissioner promulgates rules and regulations necessary for the implementation of the Massachusetts abandoned property registry.”

The amendment was adopted.

Bill passed to
be engrossed,—
yea and nay
No. 163.

After remarks on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Ms. Benson of Lunenburg; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 163 in Supplement.]

Therefore the bill (House, No. 3806, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Foreclosed
property
titles.

The Senate Bill further regulating the clearing of title to certain foreclosed properties (Senate, No. 2015), was read a second time.

The amendments previously recommended by the committee on Ways and Means, that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3805; and by striking out the title and inserting in place thereof the following title: “An Act clearing titles to foreclosed properties.”, were adopted; and the bill (Senate, No. 2015, amended) was ordered to a third reading.

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

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, Ms. Provost of Somerville moved to amend it in section 1, in line 12; in section 2, in line 16; and also in line 60, by striking out the figure “3” and inserting in place thereof, in each instance, the figures “10;” and, in line 61, by striking out the figure “1” and inserting in place thereof the figure “3”. After debate the amendments were rejected.

Ms. Decker of Cambridge then moved to amend the bill in section 2, in line 16, by striking out the following: “section 14” and inserting in place thereof the following: “section 15”, in line 17, by striking out the word “conclusive” and inserting in place thereof the word “prima facie”; and in line 41, by striking out the words “for the affidavit to become conclusive”. The amendments were rejected.

The same member then moved to amend the bill in section 2 by adding the following paragraph:

“The court may award actual damages and punitive damages for all claims arising out of a failure to comply with this section and sections 14, 35A, and 35 B or any other requirement of law with respect

to the foreclosure. The court may consider the value of a mortgage and any down payment and equity associated with the underlying foreclosed property when assessing damages.”

The amendment was rejected.

Mr. Madden of Nantucket then moved to amend the bill in section 1, in line 12; in section 2, in line 16; and also in section 3, in line 51, by striking out the figure “3” and inserting in place thereof, in each instance, the figure “5;” and in section 3, in line 52, by striking out the figure “1” and inserting in place thereof the figure “3” The amendments were rejected.

Mr. Cullinane of Boston then moved to amend the bill (as changed by the committee on Bills in the Third Reading) by adding the following section:

“SECTION 3. The attorney general, in collaboration with the commissioner of banks, shall work with stakeholders participating in the foreclosure industry and stakeholders participating in foreclosure prevention, reduction or education programs to provide notification of the effects of this act to homeowners facing foreclosure and homeowners who were foreclosed upon. For the purposes of this section “stakeholders” shall include, but not be limited to, participants in the attorney general’s HomeCorps program, grant recipients receiving funding to complement the goals of the HomeCorps program, entities providing information to the division of banks to maintain the foreclosure database, consumer assistance providers at the division of banks’ foreclosure hotline, foreclosure assistance providers referred by the division of banks and participants in the Pro Bono Foreclosure Assistance Hotline. Notification efforts shall include, and may be limited to, providing notice of the effects of this act on a website operated or maintained by the attorney general and the division of banks.

The attorney general shall report to the clerks of the senate and house of representatives not later than December 1, 2016 detailing notification efforts and the implementation of this section.”

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Rushing of Boston; and on the roll call 150 members voted in the affirmative and 2 in the negative.

Amendment adopted,—
yea and nay
No. 164.

[See Yea and Nay No. 164 in Supplement.]

Therefore the amendment was adopted.

Mr. Fernandes of Milford then moved to amend the bill in section 1, in line 6 (as published), by inserting after the word “value,” the words “an arm’s length purchaser who pays valuable consideration, including”. The amendment was adopted.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Fernandes of Milford; and on the roll call 127 members voted in the affirmative and 23 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 165.

[See Yea and Nay No. 165 in Supplement.]

[Ms. Atkins of Concord answered “Present” in response to her name].

Therefore the bill (Senate, No. 2015, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment [for text of House amendment, see House document numbered 3809].

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.

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