

JOURNAL OF THE HOUSE.

Monday, October 26, 2015.

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.

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 Zachary Guy Stockwell on receiving the Eagle Scout Award of the Boy Scouts of America; Zachary Stockwell.

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Tyler J. Thomas on receiving the Eagle Scout Award of the Boy Scouts of America; Tyler Thomas.

Resolutions (filed by Mr. Muradian of Grafton) honoring the memory of United States Army Corporal John M. Dawson on the dedication of Cpl. John Dawson Square in the town of Northbridge; Northbridge,—
John Dawson Square.

Resolutions (filed by Mr. Roy of Franklin and other members of the House) promoting the relationship between the State of Israel and the Commonwealth; and Israel.

Resolutions (filed by Mr. Zlotnik of Gardner) recognizing Butch Hebert in celebration of his ninety-fifth birthday; Butch Hebert.

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

Papers from the Senate.

House bills

Authorizing the town of Tyngsborough to grant additional licenses for the sale of alcoholic beverages (House, No. 3691), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the following: Tyngsborough,—
liquor licenses.

“SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Tyngsborough may grant 10 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138; provided, however, that 1 such license shall be restricted to an entity located in the town center, a designated economic development zone which is 2,000 feet from the intersection of Middlesex road and Kendall road with a maximum of 50 seats; provided further, that 1 such license

Tyngsborough,—
liquor
licenses.

shall be restricted to an entity located in the town center with a maximum of 75 seats; and provided further, that 1 such license shall be restricted to an entity located in the town center with a maximum of 100 seats. The licenses authorized in this subsection shall be subject to all of said chapter 138 except said section 17.

(b) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Tyngsborough may grant 2 additional licenses for the sale of wines and malt beverages to be drunk on the premises pursuant to section 12 of said chapter 138; provided, however, that 1 such license shall be restricted to an entity located in the town center with a maximum of 50 seats. The licenses authorized in this subsection shall be subject to all of said chapter 138 except said section 17.

(c) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Tyngsborough may grant 2 additional licenses for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of said chapter 138; provided, however, that the licenses shall be restricted to entities located on the east side of the Merrimack river. The licenses authorized in this subsection shall be subject to all of said chapter 138 except said section 17.

(d) Notwithstanding subsections (a) and (b), 1 license for the sale of all alcoholic beverages to be drunk on the premises under said subsection (a) or 1 license for the sale of wines and malt beverages to be drunk on the premises under said subsection (b) shall be further restricted to an entity with frontage on Kendall road, Middlesex road or Pawtucket boulevard and such frontage shall be as required by the zoning by-laws of the town or by variance or shall be a legal pre-existing, nonconforming lot.

(e) Once issued, the licensing authority of the town of Tyngsborough shall not approve the transfer of a license issued pursuant to this act to any other person, partnership, corporation, limited liability company, organization or other entity for 3 years after the date of original issuance but it may approve the transfer of any such license to another location, subject to any restrictions applicable to that license. Thereafter, if a license is transferred it may be granted to a new applicant if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(f) If a license granted pursuant to this section is cancelled, revoked or no longer in use, the license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant under the same conditions as specified in the original authorization.

SECTION 2. This act shall take effect upon its passage.”; and

Establishing a state workforce development board (House, No. 3772), came from the Senate passed to be engrossed, in concurrence, with amendments in section 1 (as published), in line 18, inserting after the word “associations” the words “, at least one of which must be appointed by the Massachusetts Manufacturing Extension Partnership”, after line 40, inserting the following paragraph:

Workforce
development
board.

“(b½) The membership of the board shall include women, people of color, veterans and persons with disabilities, or representatives of industry or workforce associations representative of their perspectives, in such proportion as these groups exist in the commonwealth’s population as periodically determined by the state secretary as the commonwealth’s chief census officer.”; and, in line 53, inserting after the word “improvement” the words “, shall develop recommended strategies to promote the proportionate workforce participation of women, people of color, veterans, and persons with disabilities across industry sectors in the commonwealth.”;

The amendments severally were referred, under Rule 35, to the committee on Bills in the Third Reading.

Bills

Relative to enhanced enforcement of civil penalties (Senate, No. 967) (on a petition); and

Civil penalties.

Relative to fairness in worker’s compensation disfigurement benefits (Senate, No. 2033, amended by inserting after section 2 the following section:

Worker’s compensation,—
disfigurement
benefits.

“SECTION 2A. Item 0810-0399 of section 2 of chapter 46 of the acts of 2015 is hereby amended by inserting after the words ‘by law’ the following words:— and those who may seek to defraud the system”; and in section 3, in line 9, by striking out the words “claims filed” and by inserting in place thereof the words “personal injuries occurring”) (on Senate bill No. 968);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

A Bill authorizing the city of Lynn to grant 1 additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2038) (on Senate bill No. 40) [Local Approval Received], passed to be engrossed by the Senate was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Lynn,—
liquor
license.

A report of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 428) of Donald F. Humason, Jr., Bruce E. Tarr and Paul R. Heroux for legislation relative to firearms and recreational vehicles, and recommending that the same be referred to the committee on Public Safety and Homeland Security,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Recreational
vehicles,—
firearms.

A petition (accompanied by resolve) of Thomas Emswiler for legislation relative to studying the impacts of changing the Massachusetts time zone, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Economic Development and Emerging Technologies.

Time zone,—
change.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2040) was referred, in concurrence, to the committee on Economic Development and Emerging Technologies.

Reports of Committees.

Bail
decisions,—
appeals.

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 petition of Angelo J. Puppolo, Jr., Michael J. Finn, and others for legislation to authorize the Commonwealth to file appeals of bail decisions. Under suspension of the rules, on motion of Mr. Smizik of Brookline, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Salem,—
board of
health.

Mr. Sánchez of Boston, for the committee on Health Care Financing, that the Bill relative to the compensation of the Salem Board of Health (House, No. 3344) [Local Approval Received] ought to pass. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Honor and
Remember
Flag.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill relative to recognition of the “Honor and Remember” Flag in the Commonwealth (House, No. 3305). Read; and referred, under Rule 33, to the committee on Ways and Means.

Pappas
Rehabilitation
Hospital.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill designating the Massachusetts Hospital School as the Pappas Rehabilitation Hospital for Children (House, No. 2739).

Maffie
hoop court.

By the same member, for the same committee, on a petition, a Bill relative to Richard “Jazz” Maffie (House, No. 2760).

Sleep
awareness
week.

By the same member, for the same committee, on a petition, a Bill relative to sleep deprivation avoidance and promotion of good sleeping practices (House, No. 2805).

Purple
Heart
State.

By the same member, for the same committee, on a petition, a Bill designating the Commonwealth of Massachusetts as a Purple Heart State (House, No. 2839).

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

Emergency Measures.

Public art
commission,—
establish.

The engrossed Bill establishing a public art commission (see House, No. 3667, 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 3 to 0. Sent to the Senate for concurrence.

Bill
re-enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and Senate to the Senate.

The engrossed Bill establishing a sick leave bank for Shannon Griffin, an employee of the Department of Developmental Services (see House, No. 3791), 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. Shannon Griffin,—
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.

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 Senate to the Senate. Bill enacted.

Engrossed Bills.

Engrossed bills

Establishing a department of public works in the town of Abington (see Senate, No. 1996) (which originated in the Senate); and Bills enacted.

Designating a certain area in the Dorchester section of the city of Boston in memory of Trooper Mark S. Charbonnier and Deputy Sheriff Sgt. Richard “Ricky” Dever (see House, No. 692) (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 they were signed by the acting Speaker; and sent to the Senate.

Orders of the Day.

Senate bills

Increasing in the membership of the board of selectmen for the town of Brimfield (Senate, No. 22, changed) (its title having been changed by the committee on Bills in the Third Reading); and Third reading bills.

Establishing a sick leave bank for Susan Metheny, an employee of the Executive Office of Health and Human Services (Senate, No. 1998, amended);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Relative to certain elections by the city council in the city of Lawrence (House, No. 3600); and Id.

Relative to members of the city council for the city of Lawrence (House, No. 3601);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill authorizing the town of Wayland to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3722) (its title having been changed by the committee on Bills in the Third Reading) reported by said committee to be correctly, was read a third time. Wayland,—
liquor license.

Wayland,—
liquor
license.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it in section 1, in lines 14 to 21, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following two paragraphs:

“(c) If a license granted pursuant to this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant under the same conditions as specified in this act if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid; provided, however, that the licensing authority shall not issue a license to a new applicant pursuant to this subsection for a period of 3 years from the date of original issuance.

(d) In the event that the license authorized by this act is issued to Eastbrook, Inc. to be exercised at 87 Andrew avenue, Eastbrook, Inc. shall surrender to the licensing authority the license it currently holds at said location for the sale of wines and malt beverages not to be drunk on the premises pursuant to said section 15 of said chapter 138.”

The amendment was adopted; and the bill, as amended, was passed to be engrossed. The bill (House, No. 3722, amended) then was sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

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