

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



FRIDAY, MARCH 9, 2018.

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JOURNAL OF THE HOUSE.

Friday, March 9, 2018.

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).

Prayer was offered by Father Rick Walsh of the Paulist Center of Boston, Chaplain of the House, as follows:

God of Justice, we pray for our elected members of this House and for their staff. We pray for those employees who keep this historic edifice operating, who keep the lights on, the heat circulating, the water pumping and who maintain all the many daily operations we often take for granted.

Prayer.

God of Compassion, we pray today for those almost 200,000 citizens in our Commonwealth who are in the cold, still without power after Wednesday's storm.

We remember that it was on this day in 1874 that the Plymouth County town of Rockland was incorporated. Rockland was originally settled by Massachusetts Bay colonists in 1673. The first residents came to name their town easily as the land was not suitable for farming. As a result, Rockland came to build factories as the Industrial era came to fruition. It is believed that Rockland factories were responsible for more than half the shoes worn by Union soldiers during the Civil War.

We pray today for Fifth Plymouth District Representative David DeCoste and his staff. May God continue to bless our Commonwealth.

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.

Resignation of Representative Crighton of Lynn.

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

March 7, 2018

The Honorable Steven T. James
Clerk of the House of Representatives
The Massachusetts State House
Room 145
Boston, MA 02133

Dear Mr. Clerk:

I am writing at this time to resign as a member of the House of Representatives, representing the people of the 11th Essex District. It has been my

Resignation of
Representative

distinct honor to have served as a member of the House of Representative for the 11th Essex District since 2015.

During my time in the House, it has been my distinct pleasure to serve the people of Lynn and Nahant, and to advocate for issues that have had an impact on their lives for the better. I look forward to continue serving the constituents of Lynn, Nahant, Swampscott, Marblehead, Lynnfield and Saugus as State Senator of the 3rd Essex District. With this letter, I resign as State Representative from the 11th Essex District as of noontime on March 7, 2018.

Thank you.

Sincerely,
BRENDAN P. CRIGHTON
11th Essex District.

Brendan P.
Crighton
of Lynn.

Resolutions.

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

Resolutions (filed by Mr. Hill of Ipswich) congratulating Cameron Donald Lake on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. McMurtry of Dedham) congratulating Marco D'Angio on receiving the Eagle Award from the Boy Scouts of America;

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

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

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

Resolutions (filed by Mr. Walsh of Peabody) congratulating James Lucas Dean on receiving the Eagle Award of the Boys Scouts of America;

Resolutions (filed by Mr. Walsh of Peabody) congratulating James Patrick Murphy on receiving the Eagle Award of the Boys Scouts of America;

Resolutions (filed by Mr. Walsh of Peabody) congratulating Domenic Anthony Ruocco on receiving the Eagle Award of the Boys Scouts of America;

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

Cameron
Lake.

Marco
D'Angio.

Gregory
Fleming.

Matthew
Montalto.

Sean
Ross.

James
Dean.

James
Murphy.

Domenic
Ruocco.

Communications.

Communications

From the Department of Telecommunications and Cable (see Section 6 of Chapter 25C of the General Laws) submitting the annual report for said department for the fiscal year 2017; and

From the Department of Elementary and Secondary Education (see Section 127 of Chapter 47 of the Acts of 2017) submitting a report on the fiscal conditions in rural school districts;

Telecommunica-
tions and
Cable.

Rural schools,—
fiscal
conditions.

Severally were placed on file.

Annual Report.

The annual report of Rural Policy Advisory Commission submitted (under Section 66 of Chapter 23A of the General Laws) by the Department of Housing and Community Development for the fiscal year 2017 [a copy was forwarded to the committee on Economic Development and Emerging Technologies], was placed on file.

Rural Policy
Advisory
Commission.

Petition.

Representative Cahill of Lynn and Senator Crighton presented a joint petition (subject to Joint Rule 12) of Daniel Cahill and Brendan P. Crighton (with the approval of the mayor and city council) that the city of Lynn be authorized to amend the charter of said city; and the same was referred, under Rule 24, to the committee on Rules.

Lynn,—
charter.

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. Honan of Boston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Papers from the Senate.

Petitions severally were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill Senate, No. 2334) of Barbara A. L'Italien for legislation to extend voting protection to early voting. To the committee on Election Laws.

Early
voting.

Petition (accompanied by bill Senate, No. 2336) of Barbara A. L'Italien, Andres X. Vargas, Sonia Chang-Diaz, Diana DiZoglio and other members of the General Court for legislation to protect consumers by prohibiting blocking, throttling, or paid prioritization in the provision of internet service. To the committee on Telecommunications, Utilities and Energy.

Net
neutrality.

Petition (accompanied by bill, Senate, No. 2335) of Barbara A. L'Italien for legislation to rename a certain bridge over route 38 on interstate 495; and

Tewksbury,—
Tarentino bridge.

Petition (accompanied by bill Senate, No. 2337) of Barbara A. L'Italien, Steven Ultrino, Carmine L. Gentile, James T. Welch and other members of the General Court for legislation to ensure access to state IDs for low-income people;

Low-income,—
identification.

Severally to the committee on Transportation.

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 Ruth B. Balser, Cynthia Stone Creem and

Kosher
certification.

Rachmiel Liberman relative to the revocation of kosher certification; and

Joint petition (accompanied by bill) of Paul W. Mark and Adam G. Hinds that the town of Dalton be authorized to convey certain parcels of land to the Department of Fish and Game;

Dalton,—
land.

Severally to the committee on Environment, Natural Resources and Agriculture.

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

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

The Senate Bill designating certain bridges in the town of Bourne as the U.S. Army Special Forces Staff Sergeant Matthew A. Pucino memorial bridges (Senate, No. 2316); and

Bourne,—
bridges.

House bills

Relative to anti-litigation provisions in condominium documents (House, No. 4235);

Condominiums,—
documents.

Relative to construction defect claims by condominium owners (House, No. 4236); and

Condominiums,—
defects.

Authorizing the city of Newton to lease the John W. Weeks School for a term of years not exceeding ninety-nine years and to grant a lease extension to the current lessee of the former John W. Weeks School without undertaking a procurement process (House, No. 4262) [Local Approval Received];

Newton,—
lease.

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

By Mr. Galvin of Canton, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration of the Bill to eliminate unnecessary laws (House, No. 1680),— and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

Review laws—
commission.

By Mr. Honan of Boston, for the committee on Housing, on House, No. 4167, an Order relative to authorizing the committee on Housing to make an investigation and study of a certain House document concerning condominium law (House, No. 4294) [Senator O'Connor and Representative Diehl of Whitman dissenting].

Housing,—
study.

By Ms. Benson of Lunenburg, for the committee on State Administration and Regulatory Oversight, on House, No. 1721, an Order relative to authorizing the committee on State Administration and Regulatory Oversight to make an investigation and study of a certain House document concerning the state building code (House, No. 4271).

State
Administration
and Regulatory
Oversight,—
study.

By Mr. Lawn of Watertown, for the committee on Veterans and Federal Affairs, on House, Nos. 1926 and 1929, an Order relative to authorizing the committee on Veterans and Federal Affairs to make an investigation and study of certain House documents concerning a United States constitutional amendment and amendments convention (House, No. 4272).

Veterans and
Federal Affairs,—
study.

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently, Mr. Galvin of Canton, for said committees, reported, in each

instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill relative to familial dysautonomia (House, No. 75).

By the same member, for the same committee, on a petition, a Bill relative to health disparities council (House, No. 86).

By the same member, for the same committee, on a petition, a Bill relative to individuals with intellectual or developmental disabilities (House, No. 98).

By the same member, for the same committee, on House, Nos. 92 and 122, a Bill to establish an office of youth development (House, No. 122, changed in section 1, in line 18, by inserting after the word “Springfield” the word “Brockton”).

By Ms. Hogan of Stow, for the committee on Public Health, on House Nos. 1169, 1174 and 2463, a Bill ensuring consumer choice and equal access to eye care (House, No. 1169).

By the same member, for the same committee, on a petition, a Bill relative to a special commission to study electric and magnetic fields (House, No. 1192).

By the same member, for the same committee, on a petition, a Bill recognizing pharmacists as healthcare providers (House, No. 1214).

By the same member, for the same committee, on a petition, a Bill promoting radon testing (House, No. 1215).

By the same member, for the same committee, on a petition, a Bill relative to conducting fetal and infant mortality review (House, No. 1219).

By the same member, for the same committee, on a joint petition, a Bill relative to the restoration of MassHealth adult dental benefits (House, No. 1225).

By the same member, for the same committee, on a petition, a Resolve to re-establish the Brain Injury Commission (House, No. 1956).

By the same member, for the same committee, on a petition, a Bill relative to best management practices for wireless in schools and public institutions of higher education (House, No. 2030).

By the same member, for the same committee, on a petition, a Bill relative to facilitating the utilization of psychologists on the health care team (House, No. 2430).

By the same member, for the same committee, on a petition, a Bill relative to medical peer review (House, No. 2439).

By the same member, for the same committee, on a petition, a Bill relative to protecting senior health (House, No. 2440).

By the same member, for the same committee, on a petition, a Bill relative to firefighters (House, No. 2447).

By the same member, for the same committee, on a petition, a Bill relative to the definition of podiatry (House, No. 2450).

By the same member, for the same committee, on a petition, a Bill to contain health care costs and improve access to value based nurse practitioner care as recommended by the IOM and FTC (House, No. 2451).

By the same member, for the same committee, on a petition, a Bill relating to liability protection for disaster volunteers (House, No. 2457).

By the same member, for the same committee, on a petition, a Bill to establish a children’s vision screening registry (House, No. 3224).

Familial
dysautonomia.

Health disparities
council.

Individuals with
disabilities.

Office of youth
development.

Eye care.

Magnetic fields,—
study.

Pharmacists.

Radon
testing.

Infant
mortality.

Dental
benefits.

Brain Injury
Commission.

Wireless
internet.

Psychologists.

Medical peer
review.

Senior
health.

Firefighters,—
certification fees.

Podiatry,—
definition.

Medical
practitioners.

Disaster volunteer
protection.

Vision screening
registry.

By the same member, for the same committee, on a petition, a Bill relative to emergency medical services oversight (House, No. 3237).

Emergency medical services.

By the same member, for the same committee, on a petition, a Bill to increase access to healthcare in underserved areas of Massachusetts (House, No. 3248).

Healthcare access.

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill affirming inclusion of people with disabilities on commissions of the Commonwealth (House, No. 112).

Commissions,—
people with disabilities.

By the same member, for the same committee, on a joint petition, a Bill establishing a commission on the status of children and youth (House, No. 1968, changed, in section 1, in line 21, by inserting after the word “Campaign” the words “, the Massachusetts Special Commission on Unaccompanied Homeless Youth”; and in line 22 by inserting after the word “Partnership.” the following sentence: “One member is to be a youth aging out of foster care.”).

Commissions,—
status of children and youth.

By Mr. Pignatelli of Lenox, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 439 and House, No. 2944, a Bill to (1) establish a solid waste management council, (2) to require the Department to increase certain types of data collection; (3) to impose a surcharge on waste disposal; (4) to require municipalities to institute pay as you throw programs if they are generating too much waste for disposal per capita; (5) to require that all waste be disposed of in clear plastic bags; (6) to increase recycling to include mattresses, textiles and additional commercial organic material; and (7) to require secondary markets to report contamination (House, No. 2944).

Waste management council.

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill relative to family day care disclosures (House, No. 83).

Day care disclosures.

By the same member, for the same committee, on a petition, a Bill to provide a pilot program for low interest loans to families with a child suffering from a terminal illness (House, No. 88).

Children,—
illness loans.

By the same member, for the same committee, on a petition, a Bill relative to special education funding (House, No. 89).

Special education funding.

By the same member, for the same committee, on a petition, a Bill relative to the tuition of children in department of housing and community development family shelters (House, No. 96).

Family shelters.

By the same member, for the same committee, on a petition, a Bill relative to education or training activities for purposes of meeting the Department of Transitional Assistance work requirement (House, No. 97).

Transitional assistance,—
training.

By the same member, for the same committee, on Senate, No. 67 and House, No. 99, a Bill providing standards for in-home parent coaching (House, No. 99, changed in section 1, in lines 32 and 58, and in section 2, in line 71, by inserting after the word “Trust”, in each instance, the following: “Fund established pursuant to section 50 of chapter 10 of the General Laws”).

Parent coaching.

By the same member, for the same committee, on a petition, a Bill creating a means for tracking the unmet need of individuals with developmental disabilities in the Commonwealth of Massachusetts (House, No. 100).

Developmental disabilities.

By the same member, for the same committee, on a petition, a Bill providing

Neglect

for enhanced protection of children and investigation of abuse and neglect allegations (House, No. 109).

By the same member, for the same committee, on a petition, a Bill affirming inclusion of individuals with disabilities within civil rights protections and nondiscrimination provisions in the Commonwealth of Massachusetts (House, No. 113).

By the same member, for the same committee, on a petition, a Bill to end child homelessness (House, No. 115).

By the same member, for the same committee, on a petition, a Bill relative to a loan repayment program for human service workers (House, No. 116).

By the same member, for the same committee, on a petition, a Bill updating the terminology and investigative practices related to the protection of persons with disabilities (House, No. 1958, changed by striking out section 6 and inserting in place thereof the following section:

“SECTION 6. Said section 1 of said chapter 19C, as so appearing, is hereby further amended by striking out the definitions of ‘Disabled person’ and ‘General counsel’ and inserting in place thereof the following definition:-

‘Person with a disability’, a person between the ages of eighteen to fifty-nine, inclusive, who is a person with an intellectual or developmental disability as defined by section 1 of chapter 123B or who is otherwise mentally or physically disabled and as a result of that mental or physical disability is wholly or partially dependent on others to meet that person’s daily living needs; provided however, that the term ‘person with a disability’ shall replace the term ‘disabled person’ without changing the meaning.”).

By the same member, for the same committee, on House, No. 2796, a Bill providing immediate child care assistance to homeless families (House, No. 4293).

By Mr. Pignatelli of Lenox, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 408 and House, Nos. 412 and 2140, a Bill to reduce packaging waste (House, No. 412).

By the same member, for the same committee, on Senate, No. 443 and House, No. 2946, a Bill relative to solid waste disposal facilities (House, No. 2946).

By Ms. Hogan of Stow, for the committee on Public Health, on a petition, a Bill relating to access to public records (House, No. 1220).

By the same member, for the same committee, on a petition, a Bill relative to food labeling (House, No. 1227).

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

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a joint petition, a Bill to authorize the town of Foxborough to establish additional mandated reporters in the town of Foxborough for the purposes of the protection and care of children (House, No. 76) [Local Approval Received].

By Mr. Pignatelli of Lenox, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 440 and House, No. 2945, a Bill relative to landfills and areas of critical environmental concern (House, No. 2945).

By Mr. O’Day of West Boylston, for the committee on Municipalities and Regional Government, on a joint petition, a Bill providing for the appointment of a treasurer-collector in the town of Stockbridge (House, No. 4162) [Local Approval Received].

By Ms. Hogan of Stow, for the committee on Public Health, on a petition, a Bill relative to agricultural commission input on board of health regulations (House,

allegations.

Nondiscrimination
and civil rights.

Child
homelessness.

Loan
repayments.

Protection of
persons with
disabilities,—
practices.

Child care,—
homeless.

Packaging waste,—
reduction.

Solid waste
disposal.

Public access
records.

Food
labeling.

Foxborough,—
mandated
reporters.

Landfills.

Stockbridge,—
treasurer-collector.

Agricultural,—
health regulations.

No. 2465).

By Mr. Parisella of Beverly, for the committee on Public Service, on a joint petition, a Bill establishing a sick leave bank for Elliot Brown, an employee of the Department of Public Health (House, No. 4267).

Elliot Brown,—
sick leave.

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

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Deidre Dacey, an employee of the Parole Board (see House, No. 4059, 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.

Deidre
Dacey,—
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 5 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 sent to the Senate.

Bill
enacted.

Recesses.

At twelve 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 subject until one o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Recesses.

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

Reports of a Committee.

Mr. Galvin of Canton, for the committee on Rules, reports (under the provisions of House Rule 7C), that the House order relative to updating the structures, policies, procedures and operations of the human resources function for the House of Representatives, including those that relate to ensuring a workplace free of sexual harassment and retaliation (House, No. 4291), ought to be adopted.

Human
resources
policies,—
report.

Pending the question on adoption of the order, further consideration thereof was postponed, on further motion of the same member, until Wednesday, March 14 and specially assigned to the hour of one o'clock P.M.

Mr. Galvin of Canton, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C), an Order relative to special procedures for consideration of the House Order updating the structures, policies, procedures and operations of the human resources function for the House of Representatives, including those that relate to ensuring a workplace free of sexual harassment and retaliation (House, No. 4291), ought to be adopted (for order, see House, No. 4292). The order was considered forthwith; and it was adopted.

Human
resources
function,—
procedures.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Next
sitting.

At eighteen minutes after two o'clock P.M., on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.