

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE HOUSE.**



**WEDNESDAY, APRIL 4, 2018.**

[37]\*

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# JOURNAL OF THE HOUSE.

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Wednesday, April 4, 2018.

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).

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

God of Justice and Peace we pray for our elected officials and their staff.

Prayer.

Today our nation commemorates the 50<sup>th</sup> anniversary of the assassination of Dr. Martin Luther King Jr.

King earned his doctorate in systematic theology while a student at Boston University from 1951 to 1955. His mentor at B.U. was Howard Thurman, the dean of Marsh Chapel who helped develop King's interest in the notion of civil disobedience.

While a student at B.U., King met his future wife Coretta Scott who was a student at the nearby New England Conservatory School of Music.

We give thanks for this courageous minister of peace and justice and for his legacy that continues to inspire many Americans.

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.

## *Official Memorial Remembrance Ceremony in Respect to the Memory of Representative Peter V. Kocot.*

The Speaker being in the Chair, a memorial remembrance ceremony in respect to the memory of the late Peter V. Kocot, a member of the House of Representatives from Northampton from 2002 to 2018, inclusive, commenced in the House Chamber at half past two o'clock P.M.

Representative Peter V. Kocot of Northampton,—  
memorial ceremony.

## *Message from the Governor.*

A message from His Excellency the Governor recommending legislation relative to consumer access to residential energy information (House, No. 4371), was filed in the office of the Clerk on Tuesday, April 3.

Residential energy.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Telecommunications, Utilities and Energy. Sent to the Senate for concurrence.

## *Appointments of the Minority Leader.*

The Minority Leader announced that he had made the following appointments:

**UNCORRECTED PROOF.**

That he had appointed Frank Cousins, Jr., President of the Greater Newburyport Chamber of Commerce & Industry to the special commission established (under Chapter 1 of the Resolves of 2016) to consider the viability of establishing a designed space or facility on the Esplanade, Madison Park high school or another location in the city of Boston to commemorate the visit of Nelson Mandela to the city of Boston in June 1990 and the speech given by him on the Esplanade and at Madison Park high school; and

Nelson  
Mandela  
visit,—  
commemoration.

That he had appointed Teresita Ramos of Wellesley to the special commission established (under Section 65 of Chapter 138 of the Acts of 2017 and pursuant to section 2A of chapter 4 of the General Laws) to investigate and study the current collection and dissemination of school district and statewide data relative to school-age English learners.

School-age  
English  
learners,—  
data.

*Statement Concerning Representative Calter of Kingston.*

A statement of Mrs. Haddad of Somerset concerning Mr. Calter of Kingston 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 Calter of Kingston, is unable to be present in the House Chamber for today's sitting due to his being on official business outside of the country. His missing of roll calls today and tomorrow will be due entirely to the reason stated.

Statement  
concerning  
Mr. Calter of  
Kingston.

*Statement Concerning Representative Vieira of Falmouth.*

A statement of Mrs. Poirier of North Attleborough concerning Mr. Vieira of Falmouth 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 Vieira of Falmouth, is unable to be present in the House Chamber for today's sitting due to his being on official business outside of the country. His missing of roll calls today and tomorrow will be due entirely to the reason stated.

Statement  
concerning  
Mr. Vieira of  
Falmouth.

*Statement Concerning Representative Walsh of Framingham.*

A statement of Mr. Rushing of Boston concerning Mr. Walsh of Framingham 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 Walsh of Framingham, was unable to be present in the House Chamber for today's sitting due treatment at Dana Farber that does not permit him to be present at the formal session. His missing of roll calls today and tomorrow will be due entirely to the reason stated.

Statement  
concerning  
Mr. Walsh of  
Framingham.

*Guests of the House.*

At the beginning of the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced sixth grade students, including Lillian Golden, the daughter of Representative Thomas A. Golden of Lowell, from Notre Dame Academy in Tyngsboro. They were the guests of Mr. Golden. At the invitation of

Tyngsboro,—  
Notre Dame  
Academy.

the Chair, the students participated in the pledge of allegiance to the flag.

*Resolutions.*

Resolutions (filed with the Clerk by Mr. Kulik of Worthington and other members of the House) commending the Admetech Foundation on hosting the tenth annual Prostate Cancer Awareness Day at the Massachusetts State House on April 12, 2018, were referred under Rule 85, to the committee on Rules.

Prostate Cancer Awareness Day.

Mr. Galvin of Canton, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Golden of Lowell, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Communications.*

Communications

From the Department of Elementary and Secondary Education (see Section 1P(g) of Chapter 284 of the Acts of 2014) submitting the third annual report of the Safe and Supportive Schools Commission; and

Safe and supportive schools.

From the Rose Fitzgerald Kennedy Greenway Conservancy, Inc. (see Section 7 of Chapter 306 of the Acts of 2008) submitting the annual report of said conservancy for calendar year 2017, entitled “The Greenway”;

Rose Fitzgerald Kennedy Greenway.

Severally were placed on file.

*Annual and Special Reports.*

The annual report of the Division of Administrative Law Appeals (pursuant to Section 4H of Chapter 7 of the General Laws) for calendar year 2017; and

Administrative Law Appeals.

A report of the Department of Transportation, Rail and Transit Division (under Subsection 11 of Section 151 of Chapter 127 of the Acts of 1999) submitting a report outlining the net operating investment per passenger mile ratio for fiscal years 2016 through 2020;

Rail and Transit Division,—operating investments.

Severally were placed on file.

*Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Ayers of Quincy, a petition (subject to Joint Rule 12) of Bruce J. Ayers and others for an investigation by a special commission (including members of the General Court) relative to the feasibility of establishing a time limit for handicapped parking placard use in metered spots.

Handicap parking,—study.

By Mr. Diehl of Whitman (by request), a petition (subject to Joint Rule 12) of Sam Bourne relative to housing for persons age 55 and older.

Housing,—over 55.

By Mr. Goldstein-Rose of Amherst, a petition (subject to Joint Rule 12) of Solomon Goldstein-Rose that the commissioner of Energy Resources and the commissioner of Revenue be authorized to ensure that carbon pollution prices are charged on all sales of petroleum.

Petroleum sales—pollution.

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

*Paper from the Senate.*

A petition of Michael D. Brady for legislation to establish a sick leave bank for Shane T. Craven, an employee of the Department of Correction, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Shane Craven,—  
sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2393) was referred, in concurrence, to the committee on Public Service.

*Reports of Committees.*

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 Bill making appropriations for the fiscal year 2018 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4366) (for order, see House, No. 4368). The order was considered forthwith; and it was adopted.

Supplemental appropriations,—  
procedures.

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 Timothy R. Whelan and William L. Crocker, Jr., relative to licensing of liquor retailers. To the committee on Consumer Protection and Professional Licensure.

Liquor retailers,—  
licensing.

Petition (accompanied by bill) of James Arciero and others for legislation to authorize the appointment of retired police officers as school resource officers. To the committee on Education.

School resource officers.

Petition (accompanied by bill) of Daniel Cahill for legislation to authorize rental grow facilities for marijuana plant cultivation. To the committee on Marijuana Policy.

Marijuana,—  
cultivation.

Petition (accompanied by bill) of James J. O'Day and others relative to the treatment of substance use disorders. To the committee on Mental Health, Substance Use and Recovery.

Substance use disorders.

Petition (accompanied by bill) of Frank A. Moran for legislation to establish a sick leave bank for Felix Cruz, an employee of the Department of Youth Services. To the committee on Public Service.

Felix Cruz,—  
sick leave.

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

By Mr. Sánchez of Boston, for the committee on Ways and Means, on House, No. 4231, reported, in part, a Bill making appropriations for the fiscal year 2018 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4366) [Total appropriation: \$131,250,683.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Supplemental appropriations.

Mr. Murphy of Weymouth, for said committee, then reported that the matter be scheduled for consideration by the House.

**UNCORRECTED PROOF.**

Under suspension of the rules, on motion of Mr. Galvin of Canton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Sánchez of Boston, for the committee on Ways and Means, that the Bill financing improvements to municipal roads and bridges (printed in House, No. 4237), ought to pass with an amendment substituting a bill with the same title (House, No. 4367).

Municipal roads and bridges.

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets and the amendment recommended by the committee on Ways and Means, pending.

Mr. Murphy of Weymouth, for the committee on Steering, Policy and Scheduling, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Galvin of Canton, the bill was read a second time forthwith.

The amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets was rejected.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill (House, No. 4367) was ordered to a third reading.

By Mr. Chan of Quincy, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 2808 and 2809, a Bill relative to students of chiropractic (House, No. 2809).

Chiropractic students.

By the same member, for the same committee, on a petition, a Bill providing for provisional licensure for speech-language pathologists (House, No. 2825).

Language pathology.

By the same member, for the same committee, on House, No. 2821, a Bill to establish standards for medical gas piping systems (House, No. 4360).

Medical gas.

By Mr. Michlewitz of Boston, for the committee on Financial Services, on House, No. 2201, a Bill relative to qualified health plans (House, No. 4362).

Qualified health plans.

By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on a petition, a Bill establishing a commission to study post-traumatic stress disorder in law enforcement officers (House, No. 1255).

Law enforcement,—study.

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

By Miss Gregoire of Marlborough, for the committee on Elder Affairs, on a petition, a Bill establishing a commission to study the financial abuse of elders (House, No. 2895). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Elders,—financial abuse.

By Mr. Chan of Quincy, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill relative to sheet metal work (House, No. 193).

Sheet metal.

By the same member, for the same committee, on House, No. 146, a Bill to create a statewide septic license (House, No. 4358).

Septic license.

By the same member, for the same committee, on House, No. 2812, a Bill relative to the licensure of swimming pool builders and service contractors (House, No. 4359).

Pool builders.

By Miss Gregoire of Marlborough, for the committee on Elder Affairs, on a petition, a Bill relative to establishing multi-disciplinary teams with district

Elder abuse.

**UNCORRECTED PROOF.**

attorneys to investigate elder abuse (House, No. 345).

By Mr. Mahoney of Worcester, for the committee on Election Laws, on a petition, a Bill promoting political participation (House, No. 3140) [Representatives Boldyga of Southwick and Lombardo of Billerica dissenting].

By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to jet ski safety (House, No. 1234).

By the same member, for the same committee, on a petition, a Bill relative to the Department of Fire Services Commission (House, No. 1236).

By the same member, for the same committee, on a petition, a Bill to establish a prepaid wireless E911 surcharge (House, No. 1238).

By the same member, for the same committee, on a petition, a Bill relative to fire safety of state-owned buildings, structures and property (House, No. 1244).

By the same member, for the same committee, on a petition, a Bill relative to American Sign Language Training (House, No. 1250).

By the same member, for the same committee, on a petition, a Bill relative to combustible gas detectors (House, No. 1252).

By the same member, for the same committee, on a petition, a Bill to further define public-employee safety with regard to; trenching and excavation; and confined space work [sic] (House, No. 1254).

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

By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to elevator inspections (House, No. 1232).

By the same member, for the same committee, on a petition, a Bill related to state fire code enforcement reporting (House, No. 1256).

By the same member, for the same committee, on a petition, a Bill relative to seat belts on school buses (House, No. 1257).

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

Reports of the committee on Steering, Policy and Scheduling, under the last sentence of Rule 7A, that the following House bills be scheduled for consideration by the House:

Relative to Mass Port police officers (House, No. 1460); and

To improve child safety (House, No. 3657);

Severally placed in the Orders of the Day for the next sitting for a second reading.

*Engrossed Bills.*

Engrossed bills

Designating a certain bridge in the town of Needham as the James J. Delaney II, USMC Veterans Memorial Bridge (see Senate, No. 1985, changed and amended); and

Designating a section of state highway Route 10 and United States highway Route 202 in the town of Southwick as the Purple Heart Trail (see Senate, No. 2105);

(Which severally originated in the Senate);

Political participation.

Jet skis,— safety.

Fire Services Commission.

E911 surcharge.

Fire safety.

Sign language,— training.

Gas detectors.

Trenching and excavation,— safety.

Elevator inspections.

Fire code,— reporting.

School buses,— seatbelts.

Massport.

Child safety.

Bills enacted.

**UNCORRECTED PROOF.**

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.

*Motions to Discharge Certain Matters in the Orders of the Day.*

The House Bill relative to the tenure of office of the city clerk of the city of Revere (House, No. 4264), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Ms. Vincent of Revere.

Revere,—  
city clerk.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by substitution of a bill with the same title (House, No. 4369), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill authorizing the town of Lynnfield to grant 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4289) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Jones of North Reading.

Lynnfield,—  
alcoholic  
beverages.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by substitution of a bill with the same title (House, No. 4370), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

*Recess.*

At twenty minutes after eleven o'clock A.M., on motion of Mrs. Ferguson of Holden (Mr. Donato of Medford being in the Chair), the House recessed until a quarter past one o'clock P.M.; and at nineteen minutes past one o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

*Engrossed Bill – Land Taking.*

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Revere (see House, No. 3995) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Revere,—  
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

Bill enacted  
(land taking),—  
yea and nay  
No. 319.

**[See Yea and Nay No. 319 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.



*Papers from the Senate.*

The House Bill implementing the joint recommendations of the Massachusetts criminal justice review (House, No. 4012), 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 text contained in Senate document numbered 2391.

Criminal  
justice  
review.

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading. Said committee then reported that the amendment was correctly drawn; and it was adopted, in concurrence.

The Speaker being in the Chair,—

A report, in part, of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4043) to the Senate Bill relative to criminal justice reform (Senate, No. 2200, amended), recommending passage of a bill with the same title (Senate, No. 2371), came from the Senate with the endorsement that it had been accepted by said branch.

Criminal  
justice  
reform.

Under suspension of the rules, on motion of Ms. Cronin of Easton, the report (having been reported by the committees on Bills in the Third Reading of the two branches to be correctly drawn) was considered forthwith.

Conference  
committee report  
accepted,—  
yea and nay  
No. 320.

After debate on the question on acceptance of the report, in concurrence, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 148 members voted in the affirmative and 5 in the negative.

**[See Yea and Nay No. 320 in Supplement.]**

Therefore the report of the committee of conference was accepted, in concurrence.

Mr. Donato of Medford being in the Chair,—

A report, on the residue, of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4043) of the Senate Bill relative to criminal justice reform (Senate, No. 2200, amended), recommending passage of a Bill establishing a Garden of Peace trust fund (Senate, No. 2372) (its title having been changed by the committees on Bills in the Third Reading of the two branches), came from the Senate with the endorsement that it had been accepted by said branch.

Garden  
of Peace.

Under suspension of the rules, on motion of Ms. Cronin of Easton, the report (having been reported by the committees on Bills in the Third Reading of the two branches to be correctly drawn) was considered forthwith; and it was accepted, in concurrence.

A petition (accompanied by bill) of Marc R. Pacheco and Keiko M. Orrall for legislation to release certain land in Berkley from the preservation of an agricultural preservation restriction, came from the Senate referred, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

Berkley,—  
land.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2395) was referred, in concurrence, to

the committee on State Administration and Regulatory Oversight.

*Emergency Measure.*

The engrossed Bill relative to criminal justice reform (see Senate, No. 2371), 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.

Criminal  
justice  
reform.

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 17 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 Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

*Engrossed Bill – Land Taking.*

The engrossed Bill establishing a Garden of Peace trust fund (see Senate, No. 2372) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Garden  
of Peace.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 152 members voted in the affirmative and 0 in the negative.

Bill enacted  
(land taking),—  
yea and nay  
No. 321.

**[See Yea and Nay No. 321 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Engrossed Bill.*

The engrossed Bill implementing the joint recommendations of the Massachusetts criminal justice review (see House, No. 4102, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

*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.

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Mr. Wong of Saugus then moved that the House adjourn; and the motion prevailed. Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twelve minutes after five o'clock P.M. (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M.

**UNCORRECTED PROOF.**