

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, APRIL 5, 2018.

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JOURNAL OF THE HOUSE.

Thursday, April 5, 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).

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 Cantwell of Marshfield.

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

April 2, 2018

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

Dear Mr. Clerk:

Thank you for your dedication to making our Massachusetts House of Representatives operate in a productive, efficient, and orderly manner. I appreciate your personal friendship and the many kindnesses you have bestowed upon me over these ten years.

I'm writing to provide notice that I have accepted a new position in public service as State Director for US Senator Ed Markey's Office. Accordingly, I will resign as a member of the House of Representatives, representing the people of the 4th Plymouth District, at the end of business on Friday, April 6.

This is a bittersweet decision for me. It has been the greatest honor of my professional life to serve the people of Marshfield and Scituate as their State Representative. I've been blessed to serve with great legislators and terrific personal staff, including: Michael Verseckes, Micah Flores, Meghan McDonald, Ben Thomas, and Gigi Mirarchi. Working as a team with some very talented legislators, staff, and residents we've made significant improvements to our collective quality of life in Massachusetts; on issues that run the gambit (A-Z), from autism to zoning reform. I'm specifically proud of work we have done on coastal adaptation, creating a coastal protection/seawall fund, combating opioid abuse, promoting the Massachusetts seafood industry, and protecting the civil rights of the disabled. I'm most proud of having been appointed by Speaker DeLeo as the House Chair of the Legislative Commission on Behavioral Health Promotion and Upstream Prevention. In fact, I'll be filing the Commission's final report with you this week! I will always

Resignation of
Representative
James M.
Cantwell of
Marshfield.

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look back on my years as a State Rep. with pride and welcome new challenges and opportunities as Senator Markey's State Director.

Best wishes for you and all here at the State House for your dedication and service to our Commonwealth.

Sincerely,
JAMES M. CANTWELL
State Representative
4th Plymouth District

Valedictory Address.

The Speaker being in the Chair,—

There being no objection, Mr. Cantwell of Marshfield addressed the House regarding his departure from service in the House of Representatives.

Valedictory address.

Distinguished Guests.

The Speaker announced that in attendance, during the session, were many distinguished guests, including United States Senator Edward M. Markey, State Auditor Suzanne M. Bump, Senator Patrick M. O'Connor, former Congressman William D. Delahunt and former Secretary of Human Services of Massachusetts Philip W. Johnston.

Distinguished guests.

Statement Concerning Representative Fernandes of Falmouth.

A statement of Mrs. Haddad of Somerset concerning Mr. Fernandes 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 Fernandes 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 State House. His missing of roll calls today and tomorrow will be due entirely to the reason stated.

Statement concerning Mr. Fernandes of Falmouth.

Statement of Representative Gentile of Sudbury.

A statement of Mr. Gentile of Sudbury was spread upon the records of the House, as follows:

MADAM. SPEAKER: I would like to call to the attention of the House the fact that I was not be present in the House Chamber for a portion of yesterday's sitting due to official business in another part of the State House, during which I not informed of the taking of Yea and Nay No. 321. If I had been present for that roll call, I would have voted in the affirmative.

Statement of Mr. Gentile of Sudbury.

Statement Concerning Representative Silvia of Fall River.

A statement of Mr. Moran of Boston concerning Mr. Silvia of Fall River 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

Statement concerning

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one of our colleagues, Representative Silvia of Fall River, 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 is due entirely to the reason stated.

Mr. Silvia
of Fall River.

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.

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 Thomas Scott Surette on receiving the Eagle Award of the Boy Scouts of America;

Thomas
Surette.

Resolutions (filed by Ms. DiZoglio of Methuen) recognizing the U.S. Navy Petty Officer Caitlin E. Trask Memorial Bridge;

Caitlin
Trask Bridge.

Resolutions (filed by Mr. Dooley of Norfolk) congratulating Kathleen A. Parker on a lifetime of service to the town of Plainville;

Kathleen
Parker.

Resolutions (filed by Mr. Dooley of Norfolk) congratulating Robert Rose on a lifetime of service to the town of Plainville;

Robert
Rose.

Resolutions (filed by Mr. Galvin of Canton) honoring Francis A. Hegarty for his longtime, exemplary service to the town Avon, Massachusetts; and

Francis
Hegarty.

Resolutions (filed by Mr. Roy of Franklin) congratulating Joshua Lauterbach on achieving the rank of Eagle Scout by the Boy Scouts of America;

Joshua
Lauterbach.

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

Communication.

A communication from the Office of the State Auditor (see Section 17 of Chapter 11 of the General Laws) submitting a report of the Bureau of Special Investigations for the period from July 1, 2016 to June 30, 2017, was placed on file.

Bureau of
Special
Investigations.

Petition.

Mr. Boldyga of Southwick presented a petition (subject to Joint Rule 12) of Nicholas A. Boldyga relative to vehicle registrations for certain recreation vehicles at sanctioned races, rallies or events; and the same was referred, under Rule 24, to the committee on Rules.

Recreational
vehicles,—
registrations.

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 petition of Andres X. Vargas for legislation to establish a sick leave bank for Sonia Morales, employee of the Department of Youth Services. Under suspension of the rules, on motion Mr. Kaufman of Lexington, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Sonia
Morales,—
sick leave.

By Mr. Chan of Quincy, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill relative to medical physics (House, No. 151).

Medical
physics,—
registration.

By the same member, for the same committee, on a petition, a Bill to provide increased access to hearing aids (House, No. 195).

Hearing aids,—
access.

By the same member, for the same committee, on a petition, a Bill establishing a dentist diversion program (House, No. 1980).

Dentists,—
diversion.

By the same member, for the same committee, on a petition, a Bill providing for the licensing of applied behavior analysts (House, No. 1998).

Behavior
analysts.

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

By Mr. Chan of Quincy, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill authorizing the sale of farmer-distiller products at farmers' markets (House, No. 198).

Farmer-
distillers,—
products.

By the same member, for the same committee, on a petition, a Bill relative to thoroughbred breeding (House, No. 1978).

Thoroughbred
breeding.

By the same member, for the same committee, on a petition, a Bill regulating secondary metals dealings (House, No. 1984).

Secondary
metals.

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

By Mr. Chan of Quincy, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill prohibiting robocalls to all mobile telephone devices (House, No. 201).

Robocalls,—
prohibition.

By the same member, for the same committee, on a petition, a Bill relative to updating the used car law (House, No. 207).

Used car law.

By the same member, for the same committee, on a petition, a Bill relative to used police cars sold at auction (House, No. 210).

Auctions,—
police cars.

By Mr. Parisella of Beverly, for the committee on Public Service, on a petition, a Bill relative to the classification of certain employees of the South Essex Sewerage District (House, No. 4253).

South Essex
Sewerage
District.

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

Recess.

At seven 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 half

Recess.

past one o'clock P.M.; and at nineteen minutes before two o'clock the House was called to order with Mrs. Haddad of Somerset in the Chair.

Paper from the Senate.

A petition of Cynthia Stone Creem and Lori A. Ehrlich for legislation to require public pension fund divestment from ammunition and firearms, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Pension fund,— divestment.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2407) was referred, in concurrence, to the committee on Public Service.

Reports of a Committee.

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:

Joint petition (accompanied by bill) of Lori A. Ehrlich, Cynthia Stone Creem and others for legislation to require the public pension fund to divest from ammunition and firearms; and

Pension fund,— divestment.

Petition (accompanied by bill) of John W. Scibak for legislation to establish a sick leave bank for Bethany Ryan, an employee of the Hampshire County Sheriff's Department;

Bethany Ryan,— sick leave.

Severally to the committee on Public Service.

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

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

The House Bill financing improvements to municipal roads and bridges (House, No. 4367), 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 Mr. Straus of Mattapoissett.

Municipal roads and bridges.

After remarks on the question on passing the bill to be engrossed, Mr. Sánchez of Boston moved to amend it by adding the following section:

“SECTION 4. Notwithstanding any general or special law to the contrary, the department shall report to the house and senate committees on ways and means not later than December 31, 2018 on the impact of traffic volume on the disbursement of funds available in this act.”

The amendment was adopted.

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. Straus of Mattapoissett; and on the roll call 145 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,— yeas and nays No. 322.

[See Yeas and Nays No. 322 in Supplement.]

Therefore the bill (House, No. 4367, amended) was passed to be engrossed. Sent to the Senate for concurrence.

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), 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 Mr. Sánchez of Boston.

Pending the question on passing the bill to be engrossed, Mr. Donato of Medford moved to amend it in section 2 by adding the following item:

“0521-0000.....\$19,189”;

and the amendment was adopted.

Mr. Durant of Spencer then moved to amend the bill by adding the following section:

“SECTION 12. Item 7008-0900 of section 2 of chapter 47 of the acts of 2017 is hereby amended by striking out the words ‘Centro Las Americas Inc.’s Latino Elders Program in the town of Southbridge’ and inserting in place thereof the following words:- the Latino Elders Program in the town of Southbridge to be administered by the town of Southbridge.”.

The amendment was adopted.

Messrs. Ryan of Boston and Collins of Boston then moved to amend the bill in section 2 by inserting after item 7061-0012 the following item:

“7061-9010.....\$2,500,000”;

and the amendment was adopted.

Mr. Lyons of Andover then moved to amend the bill by adding the following two sections:

“SECTION 13. Class A of section 31 of chapter 94C of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following substances including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designations:

- (1) Acetyl Fentanyl
- (2) Carfentanil
- (3) Fentanyl
- (4) Cyclopropyl fentanyl
- (5) Furanyl fentanyl
- (6) 3-methylfentanyl
- (7) 3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide
- (8) Any synthetic opioid controlled in Schedule I of 21 C.F.R. 1308.11 or Schedule II of 21 C.F.R. 1308.12, unless specifically excepted or unless listed in another class in this section.

SECTION 14. Subsection (b) of Class B of said section 31 of said chapter 94C, as so appearing, is hereby amended by striking out clauses (1) to (21), inclusive, and inserting in place thereof the following 20 clauses:-

- (1) Alphaprodine
- (2) Anileridine
- (3) Bezitramide
- (4) Dihydrocodeine
- (5) Diphenoxylate
- (6) Isomethadone
- (7) Levomethorphan

- (8) Levorphanol
- (9) Metazocine
- (10) Methadone
- (11) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane
- (12) Moramide-Intermediate, 2-methyl-3 morpholine-1, 1-diphenyl-propane carboxylic acid
- (13) Pethidine
- (14) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine
- (15) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate
- (16) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid
- (17) Phenazocine
- (18) Piminodine
- (19) Racemethorphan
- (20) Racemorpham”.

The amendment was rejected.

The same member then moved to amend the bill by adding the following five sections:

“SECTION 13. Section 31 of chapter 94C of the General Laws as appearing in the 2016 Official Edition is hereby amended by adding to ‘CLASS A’ the following subsection:—

(d) Any substance controlled in Schedule I of Title 21 of the Code of Federal Regulations Part 1308.11 unless specifically excepted or unless listed in another class in this section.

SECTION 14. Said section 31 of said chapter 94C, as so appearing, is hereby further amended by adding to ‘CLASS B’ the following subsection:—

(f) Any substance controlled in Schedule II of Title 21 of the Code of Federal Regulations Part 1308.12, unless specifically excepted or unless listed in another class in this section.

SECTION 15. Said section 31 of said chapter 94C, as so appearing, is hereby further amended by adding to ‘CLASS C’ the following subsection:—

(g) Any substance controlled in Schedule III of Title 21 of the Code of Federal Regulations Part 1308.13, unless specifically excepted or unless listed in another class in this section.

SECTION 16. Said section 31 of said chapter 94C, as so appearing, is hereby further amended by adding to ‘CLASS D’ the following subsection:—

(c) Any substance controlled in Schedule IV of Title 21 of the Code of Federal Regulations Part 1308.14, unless specifically excepted or unless listed in another class in this section.

SECTION 17. Said section 31 of said chapter 94C, as so appearing, is hereby further amended by adding to ‘CLASS E’ the following subsection:—

(c) Any substance controlled in Schedule V of Title 21 of the Code of Federal Regulations Part 1308.15, unless specifically excepted or unless listed in another class in this section.”.

After remarks the amendment was rejected.

After remarks on the question on passing the bill, as amended, to be engrossed, Mr. Sánchez of Boston moved to amend it in section 2A, in item 1070-0841, by adding the words “; provided, that the commission shall enter into an interagency service agreement with the department of public health to establish the public awareness campaigns”;

By inserting after item 1599-4448 the following item:

“1599-5000 For a reserve for reimbursement to the towns of Buckland,

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Colrain and Hawley for costs incurred during tropical storm Irene; provided, that not less than \$520,895 shall be provided as reimbursement to the town of Buckland; provided further, that not less than \$258,000 shall be provided as reimbursement to the town of Colrain; and provided further, that not less than \$117,081 shall be provided as reimbursement to the town of Hawley.....\$895,576”,

In item 7002-1506 by striking out the words “provided further, that the Federal Reserve Bank of Boston shall identify additional program eligibility requirements; and provided further, that the private sector and other institutions shall contribute to this program an amount that is at least equal to the total state appropriation for this program” and inserting in place thereof the words: “provided further, that the executive office of housing and economic development shall include additional program eligibility requirements identified by Federal Reserve Bank of Boston; and provided further, that the executive office of housing and economic development shall only expend funds in amount equal to contributions by the private sector and other institutions”;

By striking out section 6 and inserting in place thereof the following section:

“SECTION 6. Item 2030-1004 of said section 2 of said chapter 47 is hereby amended by striking out the figure ‘\$333,000’, each time it appears, and inserting in place thereof, in each instance, the following figure:- \$370,000.”;

By striking out sections 8 and 9 and inserting in place thereof the following three sections:

“SECTION 8. Item 4513-1012 of said section 2 of said chapter 47 is hereby amended by striking out the figure ‘\$26,200,000’, each time it appears, and inserting in place thereof, in each instance, the following figure:- \$26,800,000.

SECTION 9. Item 4590-0912 of said section 2 of said chapter 47 is hereby amended by striking out the figure ‘\$21,650,862’, each time it appears, and inserting in place thereof, in each instance, the following figure:- \$22,650,862.

SECTION 9A. Item 7004-0108 of said section 2 of said chapter 47 is hereby amended by inserting after the words ‘permanent sustainable housing’, the following words:- ; provided further, that the undersecretary of housing and community development may transfer surplus funds appropriated in this item to item 7004-0101 to address deficiencies in item 7004-0101; provided further, that not more than \$3,000,000 shall be transferred from this item in fiscal year 2018.”; and

By striking out section 11 and inserting in place thereof the following section:

“SECTION 11. The salary adjustments and other economic benefits authorized by the following collective bargaining agreements shall be effective for the purposes of section 7 of chapter 150E of the General Laws:

- (1) Between the Commonwealth of Massachusetts and the American Federation of State, County and Municipal Employees, Unit 2; and
- (2) Between the Commonwealth of Massachusetts and the Service Employees International Union, Local 509, Units 8 and 10.”.

The amendments were adopted.

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. Kulik of Worthington; and on the roll call 146 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 323 in Supplement.]

Therefore the bill (House, No. 4382, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed to
be engrossed,—
yea and nay
No. 323.

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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.

Mr. Hill of Ipswich 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 twenty-seven minutes before four o'clock P.M. (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.