

## JOURNAL OF THE HOUSE.

Wednesday, May 10, 2017.

Met at twelve minutes after eleven o'clock A.M., with Mrs. Haddad of Somerset 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: Prayer.

Great and Loving God, may Your spirit of peace come upon all who enter this House Chamber today, whether to work or to simply visit this historic room.

God of Creation and Bounty we remember this month the official fish of Massachusetts, the cod. For over 200 years, the emblem of the cod has remained a symbol of the Commonwealth's economic beginnings, as the fishing industry provided the Puritans with food, fertilizer, and revenue for trade. A wooden sculpture of this important fish hangs from the ceiling of this room. Known as the "Sacred Cod" since 1895, this particular icon has watched over the proceedings of the House since the establishment of the United States of America.

May God continue to bless our Commonwealth.

At the request of the Chair (Mrs. Haddad), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag. Pledge of allegiance.

### *Silent Prayer.*

During the session, at the request of Speaker DeLeo of Winthrop and all the members of the House, the members, guests and employees, including an assemblage of uniformed State House Rangers, stood in a moment of silent tribute to the memory of Edward T. (Teddy) Fusco, Jr., 41, of East Boston, formerly of the town of Winthrop. Edward T. (Teddy) Fusco, Jr.

The Speaker spoke of the memory of Teddy, saying that he "came to the State House as a ranger in 1999. He has been part of our State House family for many, many years. He typically worked the 3-11 shift, where he often worked with Debbie McNamara, whom we lost tragically a little more than a month ago. Captain Owens has a photo capturing a moment of joy: Teddy and Debbie having cold water poured on them as part of the ice bucket challenge."

The Speaker then commended the State House Rangers for their commitment to duty, and extended to them his condolences on behalf of all of the members of the House.

### *Statement of Mr. Walsh of Framingham.*

A statement of Representative 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 I am unable to be present in the House Chamber for today's sitting due to the fact that I will be undergoing chemotherapy treatment at Dana Faber this week. The current scheduling of the treatments does Statement of Mr. Walsh of Framingham.

not permit me to be present at this particular formal session. My missing of roll calls today is due entirely to the reason stated.

*Resolutions.*

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

- June Kennedy. Resolutions (filed by Mr. Arciero of Westford) congratulating June W. Kennedy on being named the 2017 Westford Kiwanis Person of the Year;
  - Benjamin Dombrowski. Resolutions (filed by Messrs. Calter of Kingston and Muratore of Plymouth) congratulating Benjamin Thomas Dombrowski on receiving the Eagle Award of the Boy Scouts of America;
  - Boating safety week. Resolutions (filed by Mr. Cantwell of Marshfield and other members of the House) recognizing boating safety week;
  - Foster children. Resolutions (filed by Ms. Dizoglio of Methuen and other members of the House) recognizing foster kids in the Commonwealth;
  - Therese Ledoux. Resolutions (filed by Mr. Koczera of New Bedford) congratulating Therese Ledoux on her one hundredth birthday;
  - Vincent Andreotolla. Resolutions (filed by Mr. McMurtry of Dedham) congratulating Vincent Andreotolla on receiving the Eagle Award for the Boy Scouts of America;
  - Nicholas Fusco. Resolutions (filed by Mr. McMurtry of Dedham) congratulating Nicholas Fusco on receiving the Eagle Award for the Boy Scouts of America;
  - Shawn Medsker. Resolutions (filed by Mr. McMurtry of Dedham) congratulating Shawn Medsker on receiving the Eagle Award for the Boy Scouts of America;
  - Daniel O'Connor. Resolutions (filed by Mr. McMurtry of Dedham) congratulating Daniel O'Connor on receiving the Eagle Award for the Boy Scouts of America; and
  - Liam O'Connor. Resolutions (filed by Mr. McMurtry of Dedham) congratulating Liam O'Connor on receiving the Eagle Award for the Boy 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. Garballey of Arlington, 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*

- Dukes County Registry,—technology fund. From the Dukes County Registry of Deeds (see to Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Technological Fund [copies of said plan forwarded to the committees on Ways and Means and Post Audit and Oversight, as required by statute];
- Gaming Commission,—audit. From the Massachusetts Gaming Commission (see Section 65 of Chapter 23K of the General Laws) submitting the 2016 Annual Gaming Audit [copy of said audit forwarded to the committee on Ways and Means, as required by statute]; and

From the Public Employee Retirement Administration Commission submitting an interim report of the Special Commission on Pension Forfeiture established (see Section 151 of Chapter 133 of the Acts of 2016, as most recently amended by Chapter 5 of the Acts of 2017) to review the decision of the Supreme Judicial Court in Public Employee Retirement Admission Commission v. Edward A. Bettencourt, 474 Mass. 60 (2016);

Pension forfeiture.

Severally were placed on file.

*Special Report.*

A special report of the Secretary of the Commonwealth (under the provisions of Section 2JJJ of Chapter 29 of the General Laws) submitting the Registers Technology Fund Spending Plan for the registers of deeds in the Commonwealth [copies of said report forwarded to the committee on Ways and Means and committee on Post Audit and Oversight as required by statute], was placed on file.

Registers of Deeds,—technology fund.

*Petitions.*

Petitions (having been returned by the State Secretary, under the provision of Chapter 3 of the General Laws, with memoranda relative thereto) severally were referred, under Rule 24, as follows:

- By Mr. Kafka of Stoughton, petition (accompanied by bill, House, No. 3690) that the Massachusetts Credit Union Share Insurance Corporation be authorized to create and maintain a fund for the insurance of shares and deposits of members of the Central Credit Union Fund, Inc. To the committee on Financial Services.
  - By Mr. Vega of Holyoke, petition (accompanied by bill House, No. 3691) relative to authorizing the merger of the Salvation Army of Massachusetts, Inc. into the Salvation Army, a New York Corporation. To the committee on State Administration and Regulatory Oversight.
- Severally sent to the Senate for concurrence.

Massachusetts Credit Union Share Insurance Corporation.

Salvation Army,—merger.

Petitions severally were presented and referred as follows:

By Miss Gregoire of Marlborough, a petition (accompanied by bill, House, No. 3688) of Danielle W. Gregoire and others (by vote of the town) that the town of Westborough be authorized to grant an additional liquor license for the sale of wine and malt beverages not to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure.

Westborough,—liquor license.

By Mr. Crocker of Barnstable, a petition (accompanied by bill, House, No. 3673) of William L. Crocker, Jr., Randy Hunt and Timothy R. Whelan (by vote of the town) relative to the sewer construction and private way maintenance and improvement fund in the town of Barnstable; and

Barnstable,—sewer regulations.

By Messrs. Hecht of Watertown and Lawn of Watertown, a petition (accompanied by bill, House, No. 3689) of Jonathan Hecht, John J. Lawn, Jr., and William N. Brownsberger (with the approval of the town council) that the city known as the town of Watertown be authorized to pay certain funeral and burial expenses of Joseph Toscano.

Watertown,—Toscano funeral expenses.

Severally to the committee on Municipalities and Regional Government. Severally sent to the Senate for concurrence.

Ruth Centola,—  
sick leave.

Ms. Khan of Newton presented a petition (subject to Joint Rule 12) of Kay Khan for legislation to establish a sick leave bank for Ruth A. Centola, an employee of the Trial Court; and the same was referred, under Rule 24, to the committee on Rules.

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 Ms. Peake of Provincetown, 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.

Military,—  
college credits.

Mr. Moran of Lawrence presented a petition (subject to Joint Rule 12) of Frank A. Moran relative to the transfer of college credits by certain military personnel and veterans to certain institutions of higher education; and the same was referred, under Rule 24, to the committee on Rules.

*Papers from the Senate.*

Templeton,—  
town meeting.

A message from His Excellency the Governor (pursuant to Article II, Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating actions taken by the town of Templeton at the annual town meeting held on November 9, 2015 (Senate, No. 2064), was referred, in concurrence, to the committee on Municipalities and Regional Government.

Id.

A message from His Excellency the Governor (pursuant to Article II, Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken by the town of Templeton at the annual town meeting held on May 14, 2016 (Senate, No. 2065), was referred, in concurrence, to the committee on Municipalities and Regional Government.

The following notice was received from the Clerk of the Senate, to wit:—

May 9, 2017.

Honorable Robert A. DeLeo  
*Speaker of the House of Representatives*  
Room 356, State House  
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the following appointments have been announced, as follows:

Malnutrition  
Prevention  
Commission.

The Honorable Stanley C. Rosenberg, President of the Senate, announced the appointment (pursuant to Section 42 of Chapter 19A of the General Laws) of Ms. Mary Giannetti of Fitchburg to the Malnutrition Prevention Commission;

The Honorable Walter F. Timilty, Chair, Joint Committee on State Administration and Regulatory Oversight, announced the designation of Senator Joan B. Lovely (pursuant to Chapter 4 of the Resolves of 2016, as amended by Chapter 5 of the Acts of 2017) as his representative to the Task Force on Integrity in State and Local Government; and

Integrity in  
State and Local  
Government  
Task Force.

The Honorable Michael J. Rodrigues, Chair, Senate Committee on Ethics, announced the designation of Senator Cynthia S. Creem (pursuant to Chapter 4 of the Resolves of 2016, as amended by Chapter 5 of the Acts of 2017) as his representative to the Task Force on Integrity in State and Local Government.

Id.

*Respectfully submitted,*

WILLIAM F. WELCH,  
*Clerk of the Senate.*

*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 Daniel Cahill relative to discounted prices for alcoholic beverages. To the committee on Consumer Protection and Professional Licensure.

Alcohol,—  
discounted  
prices.

Petition (accompanied by bill) of James M. Murphy relative to property tax exemptions for surviving parents of certain deceased members of the armed forces. To the committee on Revenue.

Gold Star  
parents,—  
taxes.

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

By Ms. Benson of Lunenburg, for the committee on Consumer Protection and Professional Licensure, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2811) of Paul Brodeur and others relative to debt collection,— and recommending that the same be referred to the committee on Financial Services.

Debt  
collection.

By Ms. Hogan of Stow, for the committee on Public Health, asking to be discharged from further consideration:

Of the petition (accompanied by bill, House, No. 1218) of Jeffrey Sánchez relative to making technical changes to the Betsy Lehman Center for patient safety and medical error reduction enabling law; and

Betsy  
Lehman  
Center.

Of the petition (accompanied by bill, House, No. 2452) of Paul J. Donato and others relative to nurses and nurse anesthetists;

Nurses and  
anesthetists.

And recommending that the same severally be referred to the committee on Health Care Financing.

By Mr. Michlewitz of Boston, for the committee on Financial Services, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2172) of Kenneth I. Gordon and others relative to establishing a paid family and medical leave insurance program,— and recommending that the same be referred to the committee on Labor and Workforce Development.

Family and  
medical  
leave.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

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

- Veterans. Enhancing the volunteer service tax reduction for veterans (House, No. 1602);
  - Businesses. Supporting local business retention (House, No. 3352);
  - Valentino. Designating a bench in memory of Ambrose Valentino (House, No. 3686); and
  - John Paul Park. Relative to Saint Pope John Paul Park (House, No. 3687);
- Under suspension of Rule 7A, in each instance, on motion of Mr. Hill of Ipswich, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Cider,—taxation. By Mr. Kaufman of Lexington, for the committee on Revenue, on a petition, a Bill relative to the taxation of cider (printed as Senate, No. 1565).

Interest rate parity. By the same member, for the same committee, on Senate, Nos. 1573 and 1604 and House, Nos. 1550 and 1614, a Bill providing interest rate parity (printed as Senate, No. 1604).

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

Deerfield,—land. By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a message from His Excellency the Governor, a Bill relative to the conveyance of a certain parcel of land by the town of Deerfield (printed in House, No. 3670). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Emergency Measure.*

Gail Normandin,—sick leave. The engrossed Bill establishing a sick leave bank for Gail Normandin, an employee of the Executive Office of Labor and Workforce Development (see Senate, No. 2059), 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 7 to 0. Sent to the Senate for concurrence.

*Recess.*

Recess. At twenty-three minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mrs. Haddad of Somerset being in the Chair), the House recessed until one o'clock P.M.; and at three minutes after one o'clock P.M., the House was called to order with the Speaker in the Chair.

*Joint Session of the Two Houses to Consider Specific Amendments to the Constitution.*

At four minutes past one o'clock P.M., the two branches met in JOINT SESSION.

and were called to order by the Honorable Stanley C. Rosenberg, who made the following observations:

"Pursuant to an order previously adopted, the two houses are in joint session for the purpose of considering various proposals for amendment to the Constitution. The matters that have been called for consideration are now seasonably laid before the Joint Session in conformity with the provisions of Articles XLVIII and LXXXI of the Constitution."

The following initiative proposal and legislative proposals for amendments to the Constitution were seasonably laid before the joint session for consideration:

Proposal for an Initiative amendment to the Constitution to provide resources for education and transportation through an additional tax on incomes in excess of one million dollars (see Senate, No. 10 of 2017), having received, in joint session, the affirmative votes of not less than one-fourth of all members elected [see House, No. 3933, of 2016], has been referred, in accordance with Article XLVIII of the Amendments to the Constitution, to the present General Court;

Proposal for a legislative amendment to the Constitution establishing an independent redistricting commission (see Senate, No. 11),—with reference to which the committee on Election Laws has reported, recommending that the amendment ought NOT to pass;

Proposal for a legislative amendment to the Constitution prohibiting eminent domain (see Senate, No. 14), with reference to which the committee on the Judiciary has reported, recommending that the amendment ought NOT to pass;

Proposal for a legislative amendment to the Constitution requiring a supermajority vote for the utilization of rainy day funds (see Senate, No. 15),—with reference to which the committee on State Administration and Regulatory Oversight has reported, recommending that the amendment ought NOT to pass, the time within which the said committee was required to report having expired;

Proposal for a legislative amendment to the Constitution relative to creating an independent redistricting commission (see House, No. 59),—with reference to which the committee on Election Laws has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass;

Proposal for a legislative amendment to the Constitution relative to term limits for judges (see House, No. 61),—with reference to which the committee on the Judiciary has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass;

Proposal for a legislative amendment to the Constitution relative to prohibiting eminent domain takings (see House, No. 62),—with reference to which the committee on the Judiciary has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass;

Corporations,—  
rights.

Proposal for a legislative amendment to the Constitution to declare rights afforded to the human inhabitants of the Commonwealth are not applicable to corporations, limited liability companies or any other corporate entities (see House, No. 63),— with reference to which the committee on the Judiciary has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass;

Lieutenant-Governor,—  
vacancies.

Proposal for a legislative amendment to the Constitution to define the succession plan for a vacancy in the office of Lieutenant-Governor (see House, No. 64),— with reference to which the committee on the Judiciary has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass; and

Initiative  
petitions.

Proposal for a legislative amendment to the Constitution relative to the subject matter of initiative petitions (see House, No. 65),— with reference to which the committee on the Judiciary has reported, in accordance with Joint Rule 23, that the amendment ought to pass, with an amendment substituting therefor a bill with the same title (see Senate, No. 2055).

Without action on the matters duly and constitutionally assigned for consideration, on motion of Ms. Chandler, at five minutes past one o'clock P.M., the joint session was recessed until one o'clock P.M., on Wednesday, June 14, 2017; and the Senate withdrew from the House Chamber under the escort of the Sergeant-at-Arms.

At five minutes after one o'clock P.M., the House reconvened with the Speaker in the Chair.

*Engrossed Bill — Land Taking.*

Hingham,—  
bathhouse  
facility.

The engrossed Bill authorizing the trustees of the bathing beaches in the town of Hingham to enter into a lease for the operation of the bathhouse facility and surrounding grounds (see Senate, No. 22) (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.

Bill enacted  
(land taking),—  
yea and nay  
No. 55.

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 150 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 55 in Supplement.]**

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

*Orders of the Day.*

Mrs. Haddad of Somerset being in the Chair,—

Senate bills

Establishing a sick leave bank for Gary Kellenberger, an employee of the Department of Mental Health (Senate, No. 2043); and

Establishing a sick leave bank for Ramona Foster, an employee of the Department of Elementary and Secondary Education (Senate, No. 2054);

Third  
reading  
bills.

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

The Senate Bill amending the charter of the city of Lowell (Senate, No. 1125), was read a second time; and it was ordered to a third reading. Second reading bill.

The House Bill relative to naming a state-owned bridge in the town of Amherst after Ellen Story (House, No. 1837), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time. Ellen Story bridge.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Ms. Hogan of Stow; and on the roll call 150 members voted in the affirmative and 0 in the negative. Bill passed to be engrossed,— yea and nay No. 56.

**[See Yea and Nay No. 56 in Supplement.]**

Therefore the bill was passed to be engrossed. Sent to the Senate for concurrence.

Prior to the noon recess, the House Bill establishing the Massachusetts pregnant workers fairness act (House, No. 3659), was read a second time. Second reading bill amended.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 3680),— was adopted.

The substituted bill then was ordered to a third reading. Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Brodeur of Melrose, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill to be engrossed, Ms. Ferrante of Gloucester then moved to amend it by adding the following section:

“SECTION 3. The executive office of health and human services, in consultation with the department of public health and the assistant secretary for MassHealth, shall investigate and study methods to improve access to online resources available to low-income pregnant women seeking information about state programs or assistance, including, but not limited to eligibility information for the MassHealth program and the supplemental nutrition assistance program. The investigation shall include, but not be limited to: a review of existing state agency websites dedicated to providing information and resources to low income pregnant women; recommendations for improving access to such websites, including a determination about whether the websites are search engine optimized and measures necessary improve the availability of such websites through the use of online search engines; and the feasibility of creating a comprehensive state resource website for low-income pregnant women. The executive office of health and human services shall file a report of its findings and recommendations with the house and senate committees on ways and means and the joint

committee on children, families and persons with disabilities not later than January 1, 2018.”.

The amendment was adopted.

Mr. Lyons of Andover then moved to amend the bill in section 1, in line 4, by inserting after the word “to” the following: “the health of the unborn child.”.

Point of  
order.

Mr. Speliotis of Danvers thereupon raised a point of order that the amendment offered by the gentleman from Andover was improperly before the House for the reason that it went beyond the scope of the pending bill.

In answer to the point of order, the Chair (Mrs. Haddad of Somerset) stated that the bill currently before the House and its basis pertain exclusively to discrimination imposed upon a mother or expectant mother. The amendment offered by the gentleman from Andover would add protections for “health of the unborn child”, which would expand upon the provisions of the legislation. The Chair therefore ruled that the amendment was beyond the scope of the measure before the House; and it was laid aside accordingly.

Appeal from  
decision of  
Chair.

Mr. Lyons thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Lombardo of Billerica.

The question then was put: “Shall the decision of the Chair stand as the judgment of the House?”.

Decision of  
Chair  
sustained,—  
yea and nay  
No. 57.

After remarks, the sense of the House was taken by yeas and nays, at the request of Mr. Lyons; and on the roll call 116 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 57 in Supplement.]**

Therefore the decision of the Chair was sustained.

Bill passed to  
be engrossed,—  
yea and nay  
No. 58.

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. Brodeur of Melrose; and on the roll call 150 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 58 in Supplement.]**

Therefore the bill (House, No. 3680, amended) was passed to be engrossed. 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 tomorrow at eleven o’clock A.M.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty minutes before three o’clock P.M., on motion of Mr. Hill of Ipswich (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following day at eleven o’clock A.M., in an Informal Session.