

JOURNAL OF THE HOUSE.

Wednesday, May 24, 2017.

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:

Prayer.

God of Creation and Mystery, we give You thanks for the beauty and grandeur of our Commonwealth. We remember that yesterday was the anniversary of the Legislature's declaration of Dighton Rock as the Explorer's Rock of Massachusetts. Dighton Rock can be seen in the same-named State Park located in Berkley, Massachusetts that was once a part of the town of Dighton.

The town of Berkley, the least populated town in Bristol County named after philosopher and bishop, George Berkeley, was given its spelling by a clerk of the General Court who mistakenly left out a letter "e." We ask You God to watch over the proceedings of this Chamber and we give thanks for the fastidious work of today's staff in the House Clerk's office.

May God continue to bless our Commonwealth.

Pledge of allegiance.

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.

Silent Tribute.

During the session, Speaker DeLeo of Winthrop, having taken the Chair, offered a moment of silent tribute; and it was spread upon the records of the House, as follows:

Manchester, England tribute.

As we are all painfully aware, on Monday one of our nation's oldest and closest allies was the victim of an act of unspeakable terror.

Twenty-two people – many women and children – were killed and countless others seriously injured. We can't help but think about what our state experienced a few years back with the Marathon bombings. We know that the people of Manchester, England, with spirit like that of our own, will remain Manchester Strong.

As we begin the session today, I ask for a moment of silence in remembrance of those who lost their lives, in honor of those who were injured and for all the people of Manchester.

Statement Concerning Representative Arciero of Westford.

A statement of Mrs. Haddad of Somerset concerning Mr. Arciero of Westford was spread upon the records of the House, as follows:

Statement concerning Mr. Arciero of Westford.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Arciero of Westford, is unable to be present in the House Chamber for today's sitting due to the serious illness of his mother, which has taken him outside of the

Commonwealth to be with her. His missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Rogers of Norwood.

A statement of Mr. Mariano of Quincy concerning Mr. Rogers of Norwood was spread upon the records of the House, as follows:

Statement concerning Mr. Rogers of Norwood.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Rogers of Norwood, is unable to be present in the House Chamber for today's sitting because he is in Washington, D.C. with his district's federal delegation on official business. His missing of roll calls today is due entirely to the reason stated.

Guests of the House.

At the beginning of the session, Mr. Murphy of Weymouth took the Chair and introduced, seated in the House Chamber, a group of Weymouth veterans who were accompanied by George Pontes, the Director of Veterans Services in Weymouth and Jim Murphy, the father of Representative Murphy; and a group of students and their teachers from the William Seach Primary School in Weymouth. At the invitation of the Chair, the veterans and students participated in the pledge of allegiance to the flag. They were the guests of Mr. Murphy of Weymouth.

Weymouth, — students and veterans.

Resolutions.

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

Resolutions (filed by Speaker DeLeo of Winthrop) commending Pam Wilmot on the occasion of her receiving the John Gardner Public Service Achievement Award;

Pam Wilmot.

Resolutions (filed by Mr. Dooley of Norfolk) congratulating Rian Ahern on receiving the Eagle Award from the Boy Scouts of America;

Rian Ahern.

Resolutions (filed by Mr. Dooley of Norfolk) congratulating Timothy L. Bragaw on receiving the Eagle Award from the Boy Scouts of America;

Timothy Bragaw.

Resolutions (filed by Mr. Dooley of Norfolk) congratulating Joseph B. Bukis on receiving the Eagle Award from the Boy Scouts of America;

Joseph Bukis.

Resolutions (filed by Mr. Dooley of Norfolk) congratulating Samuel H. Colella on receiving the Eagle Award from the Boy Scouts of America;

Samuel Colella.

Resolutions (filed by Mr. Dooley of Norfolk) congratulating Sean Patrick Coleman on receiving the Eagle Award from the Boy Scouts of America;

Sean Coleman.

Resolutions (filed by Mr. Dooley of Norfolk) congratulating James John Manchuso on receiving the Eagle Award from the Boy Scouts of America;

James Manchuso.

Resolutions (filed by Mr. Dooley of Norfolk) congratulating Jack J. Skinner on receiving the Eagle Award from the Boy Scouts of America; and

Jack Skinner.

Resolutions (filed by Mr. Tucker of Salem and other members of the House) congratulating Patricia Maguire Meservey on her retirement from Salem State University;

Patricia Meservey.

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

Petition.

Southborough,—land. Ms. Dykema of Holliston presented a petition (accompanied by bill, House, No. 3717) of Carolyn C. Dykema and James B. Eldridge (by vote of the town) that the town of Southborough be authorized to convey certain parcels of land to St. Mark's School, Inc.; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Paper from the Senate.

Diaper benefits. A petition (accompanied by bill) of Joan B. Lovely for legislation to provide diaper benefits for certain parents, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Children, Families and Persons with Disabilities.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2075) was referred, in concurrence, to the committee on Children, Families and Persons with Disabilities.

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:

Construction liens. Petition (accompanied by bill) of John J. Lawn, Jr., and others relative to liens on certain construction contracts. To the committee on the Judiciary.

Justin Rizzo,—sick leave. Petition (accompanied by bill) of Daniel J. Hunt for legislation to establish a sick leave bank for Justin Michael Rizzo, an employee of the Department of Labor Standards; and

Richard Capone,—sick leave. Petition (accompanied by bill) of Donald H. Wong and Thomas M. McGee for legislation to establish a sick leave bank for Richard Capone, an employee of the Department of Transportation; Severally to the committee on Public Service.

Under suspension of the rules, on motion of Mr. Murphy of Weymouth, 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 House bills be scheduled for consideration by the House:

Regional schools. Relative to the powers and duties of a regional school district (House, No. 249); and

Ruth Centola,—sick leave. Establishing a sick leave bank for Ruth A. Centola, an employee of the Trial Court (House, No. 3695);

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

Orders of the Day.

The House Bill establishing a sick leave bank for Pamela Dube, an employee of the Department of Developmental Services (House, No. 3651) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pamela Dube,—sick leave.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend the bill in lines 7 and 8 by striking out the words "Department of Developmental Disabilities paid" and inserting in place thereof the words "extended illness".

The amendment was adopted; and the bill (House, No. 3651, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At seventeen minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at half past one o'clock P.M., the House was called to order with Mr. Mariano of Quincy in the Chair.

Recess.

Quorum.

Mr. Jones of North Reading thereupon asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 147 members were recorded as being in attendance.

Quorum,—yea and nay No. 59.

[See Yea and Nay No. 59 in Supplement.]

Therefore a quorum was present. Subsequently a statement of Ms. Cronin of Easton 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 on the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House.

Statement of Ms. Cronin of Easton.

Subsequently a statement of Mr. Rogers of Cambridge 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 on the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House.

Statement of Mr. Rogers of Cambridge.

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 Russell E. Holmes for legislation to establish a sick leave bank for Philippe Fauche, an employee of the Department of Mental Health. Under suspension of the rules, on

Philippe Fauche,—sick leave.

Philippe Fauche,— sick leave.

motion of Mr. Donato of Medford, 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.

Prison labor.

By Mr. Murphy of Weymouth, for the committee on Steering, Policy and Scheduling, that the House Bill limiting the use of prison labor (House, No. 3034), be scheduled for consideration of the House.

Under suspension of Rule 7A, on motion of Mr. Cabral of New Bedford, the bill was read a second time forthwith.

On the question on ordering the bill to a third reading, Mr. Jones of North Reading moved that it be referred to the committee on Ways and Means.

Motion to refer to Ways and Means negatived,— yea and nay No. 60.

After remarks on the motion to refer the bill to the committee on Ways and Means, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 36 members voted in the affirmative and 118 in the negative.

[See Yea and Nay No. 60 in Supplement.]

Therefore the motion to refer to the committee on Ways and Means was negatived.

The bill was then ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Cabral of New Bedford, 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, Mr. Jones of North Reading moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. There is hereby established a commission to study the effect of prisoner work programs; reciprocity agreements between the Commonwealth and neighboring states; and the relative costs or savings associated with restricting such programs.

SECTION 2. The commission shall consist of 13 members. 2 members shall be appointed by the governor, with familiarity of Prisoner Reciprocity Programs; 2 members of the House of representatives, 1 appointed by the speaker of the house, and 1 appointed by the house minority leader; 2 members of the senate, 1 appointed by the senate president and 1 appointed by the senate minority leader; 2 members of the Executive Office of Public Safety and Security; the secretary of Administration and Finance, or a designee; 2 members of the Department of Corrections; and 2 members of the Massachusetts Sheriffs Association.

SECTION 3. The commission’s report shall include, but not be limited to: costs associated with prisoner labor work programs; the effect on existing agreements; a standardized corrections officer to inmate ratio for out-of-state programs.

SECTION 4. The commission shall submit its report and findings, along with any draft of legislation, to the house and senate committees on ways and means, the joint committee on public safety and homeland security, the joint committee on the judiciary, and the clerks of the House of Representatives and the Senate no later than October 1, 2017.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 38 members voted in the affirmative and 117 in the negative.

Amendment rejected,— yea and nay No. 62.

[See Yea and Nay No. 62 in Supplement.]

Therefore the amendment was rejected.

Ms. Cronin of Easton then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

“Chapter 125 of the General Laws is hereby amended by adding the following section:

Section 22. No administrator or superintendent of any correctional facility, correctional institution, county correctional facility, penal institution, state correctional facility or state prison shall transfer any inmate or prisoner outside of the commonwealth, and no inmate or prisoner of any correctional facility, correctional institution, county correctional facility, penal institution, state correctional facility or state prison shall be transferred outside of the commonwealth, for the purpose of engaging in labor outside of the commonwealth.”.

Mr. Jones of North Reading thereupon raised a point of order that the amendment offered by the lady from Easton was not appropriately before the House for the reason that it seeks to amend Chapter 125, while the underlying bill only references Chapter 127.

Point of order.

In answer to the point of order, the Chair (Mr. Mariano of Quincy) stated that the amendment was technical in nature and did not change the intent of the legislation; and he therefore ruled that the point of order was not well taken.

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

Appeal from decision of Chair.

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

After debate on the appeal from the decision of the Chair, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 121 members voted in the affirmative and 34 in the negative.

Decision of Chair sustained,— yea and nay No. 63.

[See Yea and Nay No. 63 in Supplement.]

Therefore the decision of the Chair was sustained.

After debate on the question on adoption of the amendment, at twenty-three minutes after four o’clock P.M. (Mr. Mariano of Quincy being in the Chair), Mr. Lyons of Andover moved that the House adjourn.

On the question on adjournment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 31 members voted in the affirmative and 124 in the negative.

Motion to adjourn negatived,— yea and nay No. 64.

[See Yea and Nay No. 64 in Supplement.]

Therefore the motion to adjourn was negatived.

The amendment then was adopted.

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. Cronin of Easton; and on the roll call 120 members voted in the affirmative and 35 in the negative.

Bill passed to be engrossed,— yea and nay No. 65.

[See Yea and Nay No. 65 in Supplement.]

Therefore the bill (House, No. 3034, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Supplemental
appropriations.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, on House, No. 72, reported, in part, a Bill making appropriations for the fiscal year 2017 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3718) [Total Appropriation: \$45,462,481.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Subsequently under suspension of the rules, on motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Bill passed to
be engrossed,—
yea and nay
No. 61.

After remarks 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 the same member; and on the roll call 153 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 61 in Supplement.]

Therefore the bill (House, No. 3718) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

Next
sitting.

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.

At twenty-five minutes before five o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Mariano of Quincy being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.