

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, JUNE 20, 2018.

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JOURNAL OF THE HOUSE.

Wednesday, June 20, 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 Truth and Freedom, we ask for Your Blessing upon the men and women of this branch of government. We ask you to assist the elected leadership and their staff in their efforts to use their gifts at the service of their fellow citizens.

May God continue to bless our Commonwealth.

Prayer.

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.

Guest of the House.

During the session, Ms. Tyler of Boston took the Chair, declared a brief recess, offered welcoming remarks and introduced BeBe Winans. Mr. Winans then briefly addressed the House and sang *God Bless America*. He was the guest of Representatives Tyler of Boston, Rushing of Boston, Carvalho of Boston, Holmes of Boston, and Williams of Springfield.

BeBe Winans.

Resolutions.

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

Resolutions (filed by Representatives Haddad of Somerset, Silvia of Fall River, Schmid of Westport, Fiola of Fall River and Howitt of Seekonk) congratulating the Honorable Judge Gilbert J. Nadeau, Jr. on the occasion of his retirement;

Gilbert Nadeau.

Resolutions (filed by Mr. Gordon of Bedford) congratulating Richard J. Connors on the occasion of his retirement;

Richard Connors.

Resolutions (filed by Mr. Howitt of Seekonk) honoring David Katseff on receiving the Lifetime Achievement Award at the MASC and Mass Joint Conference; and

David Katseff.

Resolutions (filed by Mr. Kelcourse of Amesbury) congratulating Ben Jackson on receiving the Eagle Award of the Boy Scouts of America;

Ben Jackson.

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

Petitions.

Petitions severally were presented and referred as follows:

By Representative Barrows of Mansfield and Senator Feeney, a joint petition (accompanied by bill, House, No. 4642) of F. Jay Barrows and Paul R. Feeney (by vote of the town) that the town of Foxborough be authorized to grant one additional license for the sale of all alcoholic beverages not to be drunk on the premises in said town; and

Foxborough,—
liquor
license.

By Ms. Peake of Provincetown, a petition (accompanied by bill, House, No. 4643) of Sarah K. Peake and Julian Cyr (by vote of the town) that the town of Orleans be exempt from certain provisions of the state plumbing code at all municipal seasonal beach facilities in said town;

Orleans,—
beaches.

Severally to the committee on Consumer Protection and Professional Licensure.

By Mr. Fernandes of Falmouth, a petition (accompanied by bill, House, No. 4644) of Dylan Fernandes and Julian Cyr (by vote of the town) that the town of Nantucket be authorized to repeal the act establishing the Nantucket Mosquito Control Project. To the committee on Environment, Natural Resources and Agriculture.

Nantucket,—
mosquito
control.

By Ms. Peake of Provincetown, a petition (accompanied by bill, House, No. 4645) of Sarah K. Peake and Julian Cyr (by vote of the town) that the town of Orleans be authorized to establish an affordable housing trust fund. To the committee on Municipalities and Regional Government.

Orleans,—
fund.

Severally sent to the Senate for concurrence.

Papers from the Senate.

A Bill establishing a sick leave bank for Elizabeth Fontaine, an employee of the Department of Children and Families (Senate, No. 2560, amended by inserting before the enacting clause the following emergency preamble:

Elizabeth
Fontaine,—
sick leave.

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is establish forthwith a sick leave bank for a certain employee of the department of children and families, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”) (on a petition), passed to be engrossed by the Senate, was read; and it was 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. Mahoney of Worcester, the bill was read a second time forthwith; and it was ordered to a third reading.

A petition of Marc R. Pacheco and Susan Williams Gifford for legislation to establish a sick leave bank for Norma Jean Silva, an employee of the Trial Court, came from the Senate referred, under suspension of Joint Rule 12, to the committee on the Judiciary.

Norma Jean
Silva,—
sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2572) was referred, in concurrence, to the committee on the Judiciary.

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 Jennifer E. Benson for legislation to establish a sick leave bank for Carol Poladian, an employee of the Public Employee Retirement Administration Commission. Under suspension of the rules, on motion of Mr. Mahoney of Worcester, 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.

Carol
Poladian,—
sick leave.

Report of the committee on Labor and Workforce Development, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 1042) of RoseLee Vincent and others relative to the equality of Sunday pay for retail workers, was considered forthwith, under suspension of the rules, on motion of Mr. Sánchez of Boston.

Retail
workers,—
wages.

Pending the question on acceptance of the report, the petition was referred to the committee on Ways and Means, on motion of the same member.

By Mr. Galvin of Canton, for the committees on Rules, that the Resolve establishing a special commission to study the effects of coastal and ocean acidification and its existing and potential effects on species that are commercially harvested and grown along the Massachusetts coast (House, No. 4133), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Coastal
acidification.

By Ms. Peisch of Wellesley, for the committee on Education, on House, Nos. 279, 292, 317, 2024, 2880, 3481 and 3765, an Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning education. (House, No. 4641). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Schools, etc.,—
study.

Subsequently, Mr. Galvin of Canton, for said committees, reported asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

By Ms. Benson of Lunenburg, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill authorizing the sale of real property in Chelmsford (House, No. 4510).

Chelmsford,—
property.

By the same member, for the same committee, on a petition, a Resolve reviving and further continuing the special commission established to investigate and report on the preservation of Polish culture and history in the Pioneer Valley (House, No. 4543).

Polish
culture,—
commission.

By the same member, for the same committee, on House, No. 4511, a Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Grafton (House, No. 4636) [Local Approval Received].

Grafton,—
land.

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

By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on House, No. 4598, a Bill authorizing the city of Cambridge to use certain land used for open recreational purposes for traffic reconfiguration (House, No. 4634) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Cambridge,—
land.

By Mr. Sánchez of Boston, for the committee on Ways and Means, on Senate, No. 1004 and House, Nos. 1042, 1544, 1595, 2172 and 2365, a Bill relative to minimum wage, paid family medical leave and the sales tax holiday (House, No. 4640) [Representatives Boldyga of Southwick and Campanale of Leicester dissenting]. Read; and referred, under Rule 7A, to the committee on Steering Policy and Scheduling.

Wages,
medical leave
and sales tax.

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. Brodeur of Melrose, the bill was read a second time forthwith.

On the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Hill of Ipswich; and on the roll call 112 members voted in the affirmative and 37 in the negative.

Bill ordered
to a third
reading,—
yea and nay
No. 377.

[See Yea and Nay No. 377 in Supplement.]

Therefore the bill was ordered to a third reading.

Subsequently under further 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 remarks on the question on passing the bill to be engrossed, Mr. Lyons of Andover and other members of the House moved to amend it by adding the following section:

“SECTION 38. Section 2 of Chapter 64H of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking ‘6.25 per cent’ and replacing it with ‘5 per cent’.”

Mr. Kulik of Worthington thereupon raised a point of order that the amendment offered by the gentleman from Andover was beyond the scope of the subject-matter currently before the House.

Point of
order.

In answer to the point of order, the Chair (Mr. Donato of Medford) stated that the amendment offered by the gentleman from Andover would reduce the meals tax rate. Neither the bill currently before the House nor any of the bills in its basis would provide for such reduction. This amendment presents an entirely new topic to the measure before the House. Offering such new subject-matter in the form of an amendment from the floor of the House, and thereby by-passing the deliberative steps required under our rules for the passage of a bill, would violate the essence of the legislative process. The Chair is therefore compelled to rule that the amendment is beyond the scope of the measure before the House; and it will be laid aside accordingly.

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

Appeal from
decision of
Chair.

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

After remarks 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. Lombardo; and on the roll call 116 members voted in the affirmative and 34 in the negative.

Decision
of Chair
sustained,—
yea and nay
No. 378.

[See Yea and Nay No. 378 in Supplement.]

Therefore the decision of the Chair was sustained.

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

“SECTION 38. Section 2 of Chapter 64I of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking ‘6.25 per cent’ and replacing it with ‘5 per cent’.”

Mr. Kulik of Worthington thereupon raised a point of order that the amendment offered by the gentleman from Andover was beyond the scope of the subject-matter currently before the House.

Point of order.

In answer to the point of order, the Chair (Mr. Donato of Medford) stated that the amendment offered by the gentleman from Andover would reduce the sales tax rate. Neither the bill currently before the House nor any of the bills in its basis would provide for such reduction. This amendment presents an entirely new topic to the measure before the House. Offering such new subject-matter in the form of an amendment from the floor of the House, and thereby by-passing the deliberative steps required under our rules for the passage of a bill, would violate the essence of the legislative process. The Chair is therefore compelled to rule that the amendment is beyond the scope of the measure before the House; and it will be laid aside accordingly.

Mr. Lombardo of Billerica 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. Lombardo of Billerica; and on the roll call 115 members voted in the affirmative and 35 in the negative.

Decision of Chair sustained,—yea and nay No. 379.

[See Yea and Nay No. 379 in Supplement.]

Therefore the decision of the Chair was sustained.

Messrs. Hill of Ipswich and Barrows of Mansfield then moved to amend the bill by adding the following section:

“SECTION 38. Section 1 of Chapter 151, as appearing in the 2016 Official Edition, is hereby amended by adding at the end of the first paragraph the following:— ‘provided further, this section shall not apply to anyone under the age of 18 and further the wage of \$11 shall be considered the minimum wage for employees under the age of 18.’”

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 Mr. Hill; and on the roll call 35 members voted in the affirmative and 116 in the negative.

Amendment rejected,—yea and nay No. 380.

[See Yea and Nay No. 380 in Supplement.]

Therefore the amendment was rejected.

Mr. Scaccia of Boston then moved to amend the bill by striking out sections 5 to 16, inclusive. After debate the amendment was rejected.

Mr. Sánchez of Boston then moved to amend the bill by striking out section 27 and inserting in place thereof the following section:

“SECTION 27. Said section 7 of said chapter 151, as appearing in the 2016 Official Edition, is hereby further amended by inserting after the words ‘section 1’, in line 36, the following words:— ; provided, however, that an employer shall calculate the amount required by clause (2) at the completion of each shift worked by the employee, with payments to the employee to be consistent with section 148 of chapter of 149.”;

In section 29, in line 355, by striking out the words “commissioner of

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unemployment assistance” (as published) and inserting in place thereof the word “department”, in line 497 by striking out the word “A” and inserting in place thereof the words “For medical leave, a”; and in line 531 by striking out the following: “section 2” and inserting in place thereof the words “this chapter”.

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. Brodeur of Melrose; and on the roll call 126 members voted in the affirmative and 25 in the negative.

[See Yea and Nay No. 381 in Supplement.]

Therefore the bill, as amended, was passed to be engrossed. Mr. Scaccia of Boston then moved that this vote be reconsidered; and the motion to reconsider was considered forthwith; and it was negatived. The bill (House, No. 4640, amended) then was sent to the Senate for concurrence.

Bill passed to
be engrossed,—
yea and nay
No. 381.

Recess.

At a quarter before three o’clock P.M., on motion of Mr. D’Emilia of Bridgewater (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twenty-five minutes after seven o’clock, the House was called to order with Mr. Donato in the Chair.

Recess.

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

The House Bill establishing a sick leave bank for Zelpha Bennett, an employee of the Operational Services Division (House, No. 4119) (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. Cullinane of Boston; and it was passed to be engrossed. Sent to the Senate for concurrence.

Zelpha
Bennett,—
sick leave.

The House Bill authorizing the city known as the town of Amherst to hold a special election on November 6, 2018 (House, No. 4482), 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. Goldstein-Rose of Amherst; and it was passed to be engrossed. Sent to the Senate for concurrence.

Amherst,—
special
election.

Engrossed Bill.

The engrossed Bill relative to minimum wage, paid family medical leave and the sales tax holiday (see House, No. 4640, amended) having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Wages,
medical leave
and sales tax.

After debate on the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Gordon of Bedford; and on the roll call 119 members voted in the affirmative and 24 in the negative.

Bill enacted,—
yea and nay
No. 382.

[See Yea and Nay No. 382 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting

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Speaker and sent to the Senate.

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.

Mr. D'Emilia of Bridgewater 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 seven minutes before eight 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., in an Informal Session.