

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE HOUSE.**



**WEDNESDAY, JULY 18, 2018.**

[79]\*

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# JOURNAL OF THE HOUSE.

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Wednesday, July 18, 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.

### *Silent Prayer.*

During the session (the Speaker having taken the Chair), at the request of Messrs. Murphy of Weymouth and Mariano of Quincy, the members, guests and employees stood in a moment of silent tribute in respect to the memory of Weymouth Police Sergeant Michael C. Chesna, age 42, who was tragically killed in the line of duty on Sunday, July 15th. Sergeant Chesna was a Weymouth native, and Monday would have marked his 6 years of service to the Weymouth Police Department. Prior to becoming a police officer, he proudly served his country in the United States Army, where he did tours in Iraq and Afghanistan. He joined the military out of love for his country, and his greater sense of service to others.

Weymouth  
Police Sergeant  
Michael C.  
Chesna.

It was his lifelong dream to become a law enforcement officer, and Sergeant Chesna will be remembered as a consummate professional who was dedicated to the job he loved. His compassion and commitment to doing what was right will forever serve as an example for others. Members of the community have given him the highest praise, describing him as the police officer you would want to see when you need help. He will also be remembered as a wonderful family man as he was a loving father to his two children and a devoted husband to his wife, Cynthia. Our thoughts are with Sergeant Chesna's family, his fellow officers at the Weymouth Police Department, and the entire Weymouth community as they mourn their tragic loss.

### *Guests of the House.*

During the session, the Chair (Mr. Donato of Medford), declared a brief recess and recognized Gabriela Taveras of Lawrence. Ms. Taveras is the current Miss Massachusetts. She was the guest of Representatives Moran of Lawrence, Matias of Lawrence and DiZoglio of Methuen.

Miss  
Massachusetts.

During the session, the Chair (Mr. Donato of Medford), declared a brief recess, and introduced, seated in the Chamber, members of the Weymouth senior centers. They were the guest of Representative Murphy of Weymouth.

Weymouth  
senior centers.

During the session, the Chair (Mr. Donato of Medford), turned the gavel over to Mr. Rushing of Boston for the purpose of making special recognition. Mr.

Mandela  
Washington  
Fellowship.

Rushing then introduced members of the Mandela Washington Fellowship, an organization that aims to empower young people through academic coursework, leadership training, and networking. The fellows were at the State House celebrating Mandela Day, an annual international day in honor of Nelson Mandela, celebrated each year on 18<sup>th</sup> of July, Mandela's birthday. They were the guests of Representative Rushing.

*Resolutions.*

Resolutions (filed with the Clerk by Mr. Cabral of New Bedford) commending Consul General José Rui Velez Carço for completing his tenure as Consul General of Portugal to the United States in Boston, were referred under Rule 85, to the committee on Rules.

José Rui Velez  
Carço.

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

*Appointment to a Special Commission.*

The Minority Leader announced that he had appointed Mr. Vieira of Falmouth to serve as his designee on the special commission established (under Section 26 of Chapter 113 of the Acts of 2018) to investigate and study the feasibility of establishing a Cape Verdean cultural center in the city of Boston.

Boston Cape  
Verdean  
cultural  
center.

*Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Scibak of South Hadley, a petition (accompanied by bill, House, No. 4779) of John W. Scibak (by vote of the town) that the town of Hatfield be authorized to grant one additional annual license for the sale of all alcoholic beverages not to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure.

Hatfield,—  
liquor  
license.

By Ms. Balser of Newton, a petition (accompanied by bill, House, No. 4780) of Ruth B. Balser and others (with the approval of the mayor and city council) that the city of Newton be authorized to amend the income qualifications for a certain tax deferral program in said city. To the committee on Revenue.

Newton,—  
tax deferral  
program.

Severally sent to the Senate for concurrence.

*Reports of Committees.*

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

Senate bills

Relative to the provision of group health insurance benefits in the town of Athol (Senate, No. 1418) [Local Approval Received]; and

Athol,—  
benefits.

Authorizing the town of Sturbridge to issue one additional license for the sale of all-alcoholic beverages not to be drunk on the premises at 122 Main Street (Senate, No. 2507) [Local Approval Received]; and

Sturbridge,—  
liquor license.

House bills

Authorizing the city of Beverly to issue additional liquor licenses (House, No. 4628) [Local Approval Received];

Beverly,—  
liquor licenses.

Repealing the act establishing the Nantucket Mosquito Control Project (House, No. 4644) [Local Approval Received];

Nantucket mosquito  
control.

Authorizing the town of Orleans to establish an affordable housing trust fund (House, No. 4645) [Local Approval Received];

Orleans,—  
housing trust.

To remove auditor position from city charter to instead create position under city ordinance, remove residency requirement, and to set term limits (House, No. 4652) [Local Approval Received];

Holyoke,—  
charter.

Relative to the powers and duties of the town manager in the town of Hanover (House, No. 4658) [Local Approval Received]; and

Hanover,—  
town manager.

Authorizing the town of Foxborough to grant one additional license for the sale of all alcoholic beverages not to be consumed on the premises (House, No. 4768) [Local Approval Received];

Foxborough,—  
liquor license.

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

By Mr. Michlewitz of Boston, for the committee on Financial Services, on House, Nos. 36, 39, 44, 476, 477, 478, 479, 480, 481, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 495, 496, 497, 498, 499, 501, 502, 503, 504, 505, 506, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 522, 523, 524, 525, 527, 528, 530, 531, 532, 533, 537, 538, 539, 540, 541, 542, 543, 544, 545, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 568, 569, 571, 572, 573, 574, 579, 580, 582, 583, 584, 585, 586, 588, 589, 590, 1198, 1408, 2157, 2158, 2161, 2162, 2163, 2164, 2165, 2167, 2168, 2169, 2173, 2175, 2176, 2177, 2178, 2180, 2181, 2182, 2183, 2184, 2185, 2188, 2189, 2190, 2191, 2194, 2196, 2197, 2198, 2199, 2200, 2203, 2204, 2205, 2206, 2207, 2208, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2956, 2957, 2958, 2959, 2961, 2962, 2963, 2964, 2967, 2968, 2970, 2971, 2972, 2975, 2976, 2977, 2978, 2979, 2980, 3487, 3488, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3661, 3676, 3728, 3743, 3878, 3903 and 3969, an Order relative to authorizing the committee on Financial Services to make an investigation and study of certain House documents concerning financial services (House, No. 4778). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Financial  
services,—  
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. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill to support the transition to adult services for persons with disabilities (House, No. 1953, changed in section 1, in line 18, by striking out the figures: “32” and inserting in place thereof the figures: “33”, in line 22 by striking out the figures: “26” and inserting in place thereof the figure: “6”, in line 27 by striking out the figures: “16” and inserting in place thereof the figures: “17”, in line 33 by striking out the figures: “41” and inserting in place thereof the figures: “37”, in line 36 by striking out the figures: “52” and inserting in place thereof the following: “44-45”, in lines 39 and 40 by striking out the following: “60-61” and inserting in place thereof the figures: “56”, in line 42 by striking out the

Adult services,—  
persons with  
disabilities.

figures: “69” and inserting in place thereof the figures: “65”, in line 45 by striking out the figures: “87” and inserting in place thereof the following: “74-75”, in line 47 by inserting after the word “disability” the following paragraph:

“Said Section 12C of chapter 71B is amended by striking “disabled person” on line 92 and inserting in place thereof the words – person with disability”;

In section 6, in line 107 and also in section 7, in line 117, by striking out the year: “2018” and inserting in place thereof, in each instance, the year: “2019”). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill to provide an income tax exemption for families caring for their elderly relatives at home (House, No. 82, changed in section 1, in line 8, by striking out the word “thirty” and inserting in place thereof the word “forty”, and in section 4, in line 20, by striking out the year “1998” and inserting in place thereof the year “2018”).

Elder home care,—  
exemption.

By the same member, for the same committee, on a petition, a Bill relative to programs to promote self-sufficiency and decrease dependence on government provided assistance (House, No. 91, changed in line 2, by striking out the following: “5H” and inserting in place thereof the following: “5N”; and in line 3, by striking out the following: “5I” and inserting in place thereof the following: “5O”).

Self-employment assistance.

By the same member, for the same committee, on a petition, a Bill requiring the Department of Transitional Assistance to track and report on the use of emergency shelter services by families (House, No. 94, changed in line 1, by striking out the following: “Paragraph B of Section 2 of chapter 18” and inserting in place thereof the following: “Paragraph (F) of Section 30 of chapter 23B”, in line 4, by striking out the words “transitional assistance” and inserting in place thereof the words “housing and community development” and in the title by striking out the words “Transitional Assistance” and inserting in place thereof the words “Housing and Community Development”).

Emergency shelter services.

By the same member, for the same committee, on a petition, a Bill preventing funds deposited in children’s savings accounts from counting against cash assistance benefits (House, No. 121, changed in section 1, in line 1, by inserting after the following: “SECTION 1.” the following: “Chapter 18 of the General Laws is hereby amended by inserting after section 39 the following section:- Section 40.”.

Benefits.

By the same member, for the same committee, on a petition, a Bill establishing an independent office of quality assurance for developmentally disabled persons (House, No. 2805).

Quality assurance.

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

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

The House Bill relative to the Lancaster sewer district (House, No. 3217), 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. Naughton of Clinton.

Lancaster,—  
sewer district.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by adding the following section:

“SECTION 2. This act shall take effect upon its passage.”.

The amendment was adopted; and the bill (House, No. 3217, amended) was

passed to be engrossed. Sent to the Senate for concurrence.

The House Bill establishing a sick leave bank for Joseph Mele, an employee of the Department of Mental Health (House, No. 4715), 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. Roy of Franklin.

Joseph Mele,—  
sick leave.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of mental health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted; and the bill (House, No. 4715, amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Recess.*

At twelve 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 one o'clock P.M.; and at four minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

*Orders.*

On motion of Mr. Galvin of Canton,—

*Ordered*, That, notwithstanding any rule to the contrary, a court officer shall be assigned to cast roll call votes, except quorum roll calls, for Representatives Cronin of Easton, Lawn of Watertown and DeCoste of Norwell, during conference committee negotiations during today's session.

Veterans conferees,—  
voting.

Mr. Petrolati of Ludlow being in the Chair,—

On motion of Mr. Galvin of Canton,—

*Ordered*, That, notwithstanding any rule to the contrary, a court officer shall be assigned to cast roll call votes, except quorum roll calls, for Representatives Mariano of Quincy, Roy of Franklin and Hunt of Sandwich, during conference committee negotiations during today's session.

Health care conferees,—  
voting.

*Reports of Committees.*

Mr. Donato of Medford being in the Chair,—

Mr. Sánchez of Boston, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2530) of the House Bill making appropriations for the fiscal year 2019 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4401), reported, in part, a bill with the same title (House, No. 4800) [Appropriation:

General Appropriation Bill.

\$41,883,307,801.00].

The same member then moved that the rules be suspended in order that the report of the committee on conference might be considered forthwith.

On the motion to suspend the rules, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 107 members voted in the affirmative and 36 in the negative.

[See Yea and Nay No. 407 in Supplement.]

Therefore the rules were suspended.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of the Mr. Sánchez of Boston; and on the roll call 143 members voted in the affirmative and 6 in the negative.

[See Yea and Nay No. 408 in Supplement.]

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

Rules  
suspended,—  
yea and nay  
No. 407.

Conference  
committee report  
accepted,—  
yea and nay  
No. 408.

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

Mr. Petrolati of Ludlow being in the Chair,—

The Senate Bill negating archaic statutes targeting young women (Senate, No. 2260, amended), 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. Cronin of Easton.

After debate on the question on passing the bill to be engrossed, Mr. Lyons of Andover and other members of the House then moved to amend it by adding the following section:

“Section 4- 1. Except in the case of a medical emergency or when the abortion is medically necessary, a physician shall not perform an abortion unless the physician has tested the pregnant woman as specified in this subsection, to determine if a fetal heartbeat is detectable.

a. In testing for a detectable fetal heartbeat, the physician shall perform an abdominal ultrasound, necessary to detect a fetal heartbeat according to standard medical practice and including the use of medical devices, as determined by standard medical practice and specified by rule of the board of medicine.

b. Following the testing of the pregnant woman for a detectable fetal heartbeat, the physician shall inform the pregnant woman, in writing, of all of the following:

(1) Whether a fetal heartbeat was detected.

(2) That if a fetal heartbeat was detected, an abortion is prohibited.

c. Upon receipt of the written information, the pregnant woman shall sign a form acknowledging that the pregnant woman has received the information as required under this subsection.

2. a. A physician shall not perform an abortion upon a pregnant woman when it has been determined that the unborn child has a detectable fetal heartbeat, unless, in the physician’s reasonable medical judgment, a medical emergency exists, or when the abortion is medically necessary.

b. Notwithstanding paragraph ‘a’, if a physician determines that the probable postfertilization age of the unborn child is twenty-four or more weeks, the physician shall not perform an abortion upon a pregnant woman when it has been determined that the unborn child has a detectable fetal heartbeat, unless in the physician’s reasonable medical judgment the pregnant woman has a condition which the physician deems a medical emergency or the abortion is necessary to preserve the

Reproductive  
health.

life of an unborn child.

3. A physician shall retain in the woman's medical record all of the following:

a. Documentation of the testing for a fetal heartbeat as specified in subsection 1 and the results of the fetal heartbeat test.

b. The pregnant woman's signed form acknowledging that the pregnant woman received the information as required under subsection 1.

4. This section shall not be construed to impose civil or criminal liability on a woman upon whom an abortion is performed in violation of this section."

Mr. Day of Stoneham 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 was beyond the scope of the pending bill.

Point of order.

The Chair (Mr. Petrolati of Ludlow) stated that the bill currently before the House, and the measures upon which it is based, contain provisions that would make it less restrictive for a woman to obtain an abortion. The amendment offered by the gentleman from Andover goes beyond the scope of those provisions, since it would prohibit abortions in almost all instances, contradicting the intent of the petitioners. The Chair ruled that the point of order was well taken, and the amendment will be laid aside accordingly.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Ms. Cronin of Easton; and on the roll call 137 members voted in the affirmative and 9 in the negative.

Bill passed to be engrossed,—  
yea and nay  
No. 409.

**[See Yea and Nay No. 409 in Supplement.]**

Therefore the bill (Senate, No. 2260, amended) was passed to be engrossed, in concurrence.

Mr. Rushing of Boston moved that this vote be reconsidered; and, there being no objection, the motion to reconsider was considered forthwith and it was negatived. The bill then was sent to the Senate for concurrence in the amendment [for text of House amendment, see House document numbered 4470].

*Recess.*

At seventeen minutes after four o'clock P.M., on motion of Mr. Golden of Lowell (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at seven minutes after five o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

*Paper from the Senate.*

The House Bill protecting youth from the health risks of tobacco and nicotine addiction (House, No. 4486), 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 2585. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading. Subsequently the amendment (having been reported by said committee to be correctly drawn) was considered forthwith.

Youth,—  
smoking.

Ms. Hogan of Stow then moved that the House concurred with the Senate in its amendment with a further amendment striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the text contained in House document numbered 4874.



**UNCORRECTED PROOF.**

After remarks on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 146 members voted in the affirmative and 3 in the negative.

**[See Yea and Nay No. 410 in Supplement.]**

Therefore the further amendment was adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Further amendment adopted,—  
yea and nay  
No. 410.

*Emergency Measure.*

The engrossed Bill making appropriations for the fiscal year 2019 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4800), 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 10 to 0. Sent to the Senate for concurrence.

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. Sánchez of Boston; and on the roll call (Mr. Donato having returned to the Chair) 143 members voted in the affirmative and 6 in the negative.

**[See Yea and Nay No. 411 in Supplement.]**

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

General Appropriation Bill.

Bill enacted,—  
yea and nay  
No. 411.

*Engrossed Bill.*

The engrossed Bill relative to the Municipal Police Training Fund (see House, No. 4516), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

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. Peterson of Grafton (Mr. Donato of Medford being in the Chair); and on the roll call 143 members voted in the affirmative and 5 in the negative.

**[See Yea and Nay No. 412 in Supplement.]**

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

Municipal Police Training Fund.

Bill enacted,—  
yea and nay  
No. 412.

*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.

**UNCORRECTED PROOF.**

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at four minutes before six o'clock P.M., on motion of Mrs. Ferguson of Holden (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.