

JOURNAL OF THE HOUSE.

Thursday, September 21, 2017.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, 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:

God of Power and Might, we pray today for the many people in the world who are suffering from the recent spate of natural destruction of wind, water, fire and earthquake. We pray for our own residents who have family members and friends who are suffering from these onslaughts. We pray for our Massachusetts men and women who have gone to various places to help rebuild and provide medical assistance and other aid.

We remember that it was on this day in 1938 a hurricane slammed into our state killing 99 residents. The eye of the storm went up the Connecticut River Valley into central Massachusetts. Residents of Ware were stranded for days and relied on air-dropped food and medicine. The storm surge left parts of Falmouth and New Bedford under eight feet of water. Two-thirds of the boats sank in New Bedford harbor. The Blue Hills Observatory registered sustained winds of 121 miles per hour and a peak gust of 186 miles per hour.

We pray that the engineering efforts to protect our Massachusetts coast and our cities and towns in advance of future storms and rising sea levels will be sufficient. May God continue to bless this 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.

Appointments of the Speaker.

The Speaker announced that he had made the following appointments:

That Ms. Liz Friedman of Northampton and Ms. Jean Cotter Fox of Freetown had been appointed (under Section 66 of Chapter 3 of the General Laws) to the permanent Commission on the Status of Women; and

That Representative Meschino of Hull had been appointed (under Section 4C of Chapter 21A of the General Laws) to the Ocean Advisory Commission.

Communication from Representative Meschino of Hull.

A communication from Representative Meschino of Hull was spread upon the records of the House, to wit:—

Prayer.

Pledge of allegiance.

Status of women commission.

Ocean Advisory Commission.

September 9, 2017.

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

Dear Clerk James,

I am writing today to announce the intention to form a new caucus in the House of Representatives, the Fair Skies Caucus. The caucus will bring together legislators from both the Massachusetts House of Representatives and the Massachusetts State Senate that represent districts affected by overflights from local airports, including Logan Airport, Worcester Airport, and Hanscom Field.

The Fair Skies Caucus aims to encourage bipartisan and bicameral collaboration on legislation and budget matters relevant to the caucus and its members. The caucus will unite the advocacy efforts of its individual members in order to more effectively collaborate with Massport and other agencies.

In addition to creating a forum for legislators to work jointly on issues pertaining to airplane noise, the caucus will allow for increased collaboration with members of the Massport Community Advisory Committee (Massport CAC). By optimizing advocacy efforts, the caucus will work to find meaningful solutions to an issue affecting communities across the Commonwealth.

We believe that we can offer valuable insight and we welcome the opportunity to organize and make our voices heard.

Sincerely,

JOAN MESCHINO,  
Co-Chair, Fair Skies Caucus.

Fair Skies  
Caucus,—  
creation.

Resolutions.

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

Resolutions (filed by Mr. Jones of North Reading) congratulating the L.D. Batchelder School on its one hundredth anniversary;

Batchelder  
School.

Resolutions (filed by Mr. Collins of Boston) recognizing Pvt. Brian R. Mahoney for his outstanding military service and a life spent in public service;

Pvt. Brian  
Mahoney.

Resolutions (filed by Messrs. Dwyer of Woburn and Kaufman of Lexington) congratulating Howard R. Johnson on his ninetieth birthday; and

Howard  
Johnson.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Wellesley High School on their 2016-2017 athletic accomplishment;

Wellesley  
High School.

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 Ms. Gifford of Wareham, 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:

Marlene Ayash,—  
sick leave.

By Ms. Balser of Newton, a petition (subject to Joint Rule 12) of Ruth B. Balser and Cynthia S. Creem for legislation to establish a sick leave bank for Marlene M. Ayash, an employee of the Trial Court.

Paola Pol,—  
sick leave.

By Mr. Tucker of Salem, a petition (subject to Joint Rule 12) of Paul Tucker for legislation to establish a sick leave bank for Paola Pol, an employee of the Trial Court.

Severally, under Rule 24, to the committee on Rules.

*Papers from the Senate.*

Schools,—  
radiation  
exposure.

A report of the committee on Education, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2079) of Kristin Beatty for legislation to reduce non-ionizing radiation exposure in schools, and recommending the same be referred to the committee on Public Health,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Petitions severally were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Cape Cod,—  
water trust.

Petition (accompanied by bill, Senate, No. 2163) of Julian Cyr and Sarah K. Peake for legislation to establish the Cape Cod Water Protection Trust; and

Pollinators,—  
protection.

Petition (accompanied by bill, Senate, No. 2164) of James B. Eldridge, Carolyn C. Dykema and Jason M. Lewis for legislation to protect Massachusetts pollinators;

Severally to the committee on Environment, Natural Resources and Agriculture.

Service  
animals,—  
protection.

Petition (accompanied by bill, Senate, No. 2165) of Richard J. Ross and Jeffrey N. Roy for legislation relative to the protection of service animals. To committee on the Judiciary.

Donna  
Paul,—  
sick leave.

Petition (accompanied by bill, Senate, No. 2166) of Richard J. Ross and Elizabeth A. Poirier for legislation to establish a sick leave bank for Donna Paul, an employee of the Department of Correction. To committee on Public Service.

*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:

Early  
literacy.

Petition (accompanied by bill) of Michael S. Day for legislation to establish early literacy education grant programs within the departments of Elementary and Secondary Education and Early Education and Care. To the committee on Education.

Pesticides.

Petition (accompanied by bill) of Dylan Fernandes relative to the powers of cities and town to regulate, restrict or prohibit the use, application or disposal of certain pesticides. To the committee on Environment, Natural Resources and Agriculture.

Temporary  
guardianship,—  
payments.

Petition (accompanied by bill) of Bradford R. Hill and Joan B. Lovely relative to court ordered payment of expenses to temporary guardians. To the committee on the Judiciary.

Petition (accompanied by bill) of David M. Nangle for legislation to establish a sick leave bank for Brenda Fitzgerald-Mello, an employee of the Department of Children and Families. To the committee on Public Service.

Brenda  
Fitzgerald-  
Mello,—  
sick leave.

Under suspension of the rules, on motion of Ms. Gifford of Wareham, 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:

Relative to the payment of bills of prior years by the town of Harvard (House, No. 3773) [Local Approval Received]; and

Harvard,—  
bills.

Relative to boat excise tax revenue for the Chatham waterfront (House, No. 3909) [Local Approval Received];

Chatham,—  
boat excise.

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

By Mr. Sánchez of Boston, for the committee on Ways and Means, that the following bills ought to pass:

Relative to certain affordable housing in the East Boston section of the city of Boston (House, No. 2243) [Local Approval Received]; and

Boston,—  
housing.

Relative to certain affordable housing in the South End section in the city of Boston (House, No. 3540) [Local Approval Received].

Id.

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

By Mr. Sánchez of Boston, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Asset Management and Maintenance to grant easements to the town of Lanesborough for the reconstruction of the Narragansett Avenue Bridge over Lake Pon-toosuc (House, No. 3767), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 3920). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Lanesborough,—  
bridge.

By Mr. Kaufman of Lexington, for the committee on Revenue, on Senate, No. 1530 and House, Nos. 1497 and 1643, a Bill to establish the family caregiver tax credit (House, No. 3911). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Caregivers,—  
tax credits.

By Mr. Pignatelli of Lenox, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to the feeding of wildlife (House, No. 408).

Wildlife,—  
feeding.

By Mr. Kaufman of Lexington, for the committee on Revenue, on Senate, No. 1535 and House, Nos. 1603, 3702 and 3707, a Bill establishing a local option gasoline and diesel fuel excise (House, No. 3912) [Senator Fattman dissenting].

Gasoline tax,—  
local option.

By the same member, for the same committee, on Senate, No. 1634 and House, No. 2592, a Bill relative to the fairness of marine vessel reporting and fishermen exemptions (House, No. 3913).

Vessels and  
fishermen,—  
exemptions.

Taxes,—  
assistance  
and credits.

By the same member, for the same committee, on Senate, No. 1674 and House, No. 2587, a Bill to support voluntary income tax assistance sites and expand access to the earned income tax credit (House, No. 3914) [Senator Fattman dissenting].

Farms,—  
estate tax.

By the same member, for the same committee, on Senate, No. 1584 and House, Nos. 2618 and 3323, a Bill to establish estate tax valuation for farms (House, No. 3915).

Rolling stock,—  
taxation.

By the same member, for the same committee, on Senate, No. 1612 and House, No. 1545, a Bill relative to the taxation of rolling stock (House, No. 3916).

Room  
occupancy  
excise.

By the same member, for the same committee, on Senate, Nos. 1553 and 1616 and House, Nos. 2586, 2628, 2642 and 3525, a Bill updating and modernizing the room occupancy excise (House, No. 3917) [Senator Fattman dissenting].

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

#### *Orders of the Day.*

Third  
reading  
bill.

The House Bill authorizing the town of Milford to appoint water commissioners (House, No. 3784) (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; and it was passed to be engrossed. Sent to the Senate for concurrence.

Barnstable,—  
charter.

The House Bill amending the charter of the city known as the town of Barnstable (House, No. 3706) (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.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by striking out section 2;

By striking out section 5 and inserting in place thereof the following four sections:

"SECTION 5. Part III of said charter is hereby amended by striking out section 3-1 and inserting in place thereof the following section:—

Section 3-1. Elective Offices in General

In addition to the town council, the offices to be filled by the voters shall be a school committee, a town clerk and a housing authority and such other regional authorities, districts, or committees as may be established by law or interlocal agreement.

SECTION 5A. Part III of said charter is hereby further amended by striking out section 3-5.

SECTION 5B. Part III of said charter is hereby further amended by renumbering section 3-6 to be renumbered as section 3-5.

SECTION 5C. Part III of said charter is hereby further amended by striking out section 3-7 and inserting in place thereof the following section:—

Section 3-6. Filling Vacancies

If any vacancy occurs in the office of town clerk whether by failure to elect or otherwise, the town council shall, within thirty days following the date such vacancy is declared to exist, act to fill the said

vacancy. The town council shall choose from among the voters, a person to serve for the balance of the unexpired terms. Any person so chosen shall be sworn and commence to serve forthwith.

If a vacancy occurs in the membership of the school committee or housing authority whether by failure to elect or otherwise, the president of the town council shall, within thirty days following the date such vacancy is declared to exist, call a joint meeting of the town council and the remaining membership of whichever agency in which a vacancy is declared to exist, to act to fill the said vacancy. At any such joint meeting a majority of those present and voting shall choose from among the voters, a person to serve for the balance of the unexpired term. Any person so chosen shall be sworn and commence to serve forthwith. Participants in such joint meeting to fill a vacancy in the school committee or housing authority shall give consideration to whichever of the defeated candidates for the seat in which the vacancy is declared to exist who received the highest number of votes at the last regular town election immediately preceding the date the vacancy is declared to exist.”;

In section 7, in line 107, by inserting after the word “year.” the following sentence: “There shall be no preliminary town elections.”; and

In section 11, in lines 153 and 154, by striking out the words “the Town of Barnstable shall be taken to have accepted the amendments to the Charter of the Town of Barnstable” and inserting in place thereof the following: “sections 1 through 10, inclusive, of this act shall take effect”.

The amendments were adopted; and the bill (House, No. 3706, amended) was passed to be engrossed. Sent to the Senate for concurrence.

#### *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.

Representative Schmid of Westport then moved that when the House adjourns today, it do so in respect to the memory of Donald R. Gaudette, a member of the House from New Bedford from 1967 to 1976, inclusive; and the motion prevailed.

Accordingly, at sixteen minutes after eleven o'clock A.M., on motion of Ms. Gifford of Wareham (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.