

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, SEPTEMBER 27, 2018.

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JOURNAL OF THE HOUSE.

Thursday, September 27, 2018.

Met twelve minutes after eleven o'clock A.M., in an Informal Session, with Mr. Kafka of Stoughton 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 Fathers, Chaplain of the House, as follows:

Loving and Gracious God, we give thanks today for the many blessings the Commonwealth of Massachusetts enjoys as we enter the season of Autumn and its accompanying harvests.

Prayer.

We pray for the legislators of this House and their staff. We pray too for the safety and welfare of the many visitors to this historic chamber.

We pray in thanksgiving for the courage and tenacity of an early patriot, Samuel Adams who was born on this day in Boston in 1722. Adams' efforts to make British taxation less oppressive to Massachusetts Bay and other American colonies gradually led him to promote independence from Britain. Adams went on to serve his home state as its fourth governor, succeeding John Hancock.

May God continue to bless our Commonwealth.

At the request of the Chair (Mr. Kafka), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of allegiance.

Silent Prayer.

At the request of Ms. Ehrlich of Marblehead the members, guests and employees stood in a moment of silent tribute to the memory of David E. Namet of Swampscott.

Former House Counsel David E. Namet.

A graduate of Boston College and Boston College Law School, David served the House of Representatives with distinction as Assistant Counsel to the House from 1980 to 1988; Associate Counsel to the House from 1989 to 2000; Deputy Counsel to the House from 2001 to 2008; and Acting Counsel to the House of Representatives in the year 2009.

David is survived by his wife, Susan; their two sons, Matthew Namet and Kevin Namet, both of Swampscott; and many close and dear friends. He was the brother of the late Francis Namet.

Resolutions.

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

Resolutions (filed by Mr. Cabral of New Bedford and other members of the House) commending the Fishing Partnership on its celebration of Massachusetts Seafood Day;

Fishing Partnership.

UNCORRECTED PROOF.

Resolutions (filed by Mr. Roy of Franklin) congratulating Maxwell Ryan McGuire on receiving the Eagle Award of the Boy Scouts of America; and

Maxwell McGuire.

Resolutions (Filed by Mr. Roy of Franklin) congratulating Jared Oliver Winiker on receiving the Eagle Award of the Boy Scouts of America;

Jared Winiker.

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

Petitions.

Mr. Koczera of New Bedford and Senator Montigny presented a joint petition of Robert M. Koczera and Mark C. Montigny for legislation to establish a sick leave bank for Susan Fermino, an employee of the Department of Mental Health; and the same was referred, under Rule 24, to the committee on Rules.

Susan Fermino,—
sick leave.

Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, reported that Joint Rule 12 be suspended on the joint petition. Under suspension of the rules, on motion of Mr. Moran of Boston, the report was considered forthwith. Joint Rule 12 then was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Mr. Kafka of Stoughton presented a petition (accompanied by bill, House, No. 4918) of Louis L. Kafka, William C. Galvin and Walter F. Timilty (by vote of the town) that the town of Stoughton be authorized to appoint special police officers in said town; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

Stoughton,—
special police.

Petitions severally were presented and referred as follows:

By Mr. Donato of Medford, a petition (subject to Joint Rule 12) of Paul J. Donato, Christine P. Barber and Sean Garballey for legislation to provide for the conveyance of certain land owned by the Commonwealth in the city of Medford.

Medford,—
land.

By Mr. McMurtry of Dedham, a petition (subject to Joint Rule 12) of Paul McMurtry, John J. Lawn, Jr., and Joan Meschino relative to making changes to the motor vehicle “Right to Repair” law, so-called.

Right to Repair.

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

Papers from the Senate.

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 certain proceedings of the town of Concord (Senate, No. 2665), was referred, in concurrence, to the committee on Municipalities and Regional Government.

Concord,—
town meeting.

A petition (accompanied by bill, Senate, No. 2664) of Patricia D. Jehlen, Denise Provost, Christine P. Barber and Mike Connolly (with approval of the mayor and city council) for legislation to amend the charter of the city of Somerville, was referred, in concurrence, to the committee on Municipalities and Regional

Somerville,—
charter.

Government.

Reports of Committees.

By Mr. Sánchez of Boston, for the committee on Ways and Means, that the Bill providing for a Red Star/Blue Star license plate to survivors of firefighters and police officers who have died in the line of duty (House, No. 2762, changed), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

License plates,—
line of duty
survivors.

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

Under suspension of Rule 7A, on motion of Mrs. Campbell of Methuen, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of Mr. Frost of Auburn (Mr. Moran of Boston being in the Chair), the bill (having been reported by the committee on Bills in the Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: “An Act authorizing the Registrar of Motor Vehicles to issue a Red Star or Blue Star license plate to survivors of firefighters and police officers who have died in the line of duty.” The bill (House, No. 2762, changed) then was sent to the Senate for concurrence.

By Mr. Sánchez of Boston, for the committee on Ways and Means, that the Bill regarding the use of inserts to accompany municipal property tax bills in the city of Medford (House, No. 4848, changed) [Local Approval Received], ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Medford,—
tax bills.

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

Under suspension of Rule 7A, on motion of Mr. Tucker of Salem, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently under further suspension of the rules, on motion of Mr. Frost of Auburn (Mr. Moran of Boston being in the Chair), the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: “An Act authorizing the city of Medford to designate a check-off on its municipal property tax bills”.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by striking out section 1 and inserting in place thereof the following:

“SECTION 1. The city of Medford may designate a place on its municipal property tax bills, or mail with such municipal property tax bills a separate form, whereby taxpayers of the city may voluntarily check-off, donate or pledge an amount of money, which shall increase the amount otherwise due and which shall be used to assist in the construction or renovation of the buildings that serve the city of Medford police, fire or library departments.”

The amendment was adopted; and the bill (House, No. 4848, amended) was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Sánchez of Boston, for the committee on Ways and Means, that the Bill relative to the city of Methuen’s petition to borrow to address the school budget deficit (House, No. 4905, changed) [Local Approval Received], ought to pass.

Methuen,—
school
budget.

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 Rule 7A, on motion of Mrs. Campbell of Methuen, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently under further suspension of the rules, on motion of Mr. Frost of Auburn (Mr. Moran of Boston being in the Chair), the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act relative to the financial condition of the city of Methuen".

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by striking out section 1 and inserting in place thereof the following section:

"SECTION 1. (a) As used in this act, the following terms shall, unless the context clearly requires otherwise, have the following meanings:-

'Chief administrative and financial officer', chief administrative and financial officer of the city of Methuen appointed pursuant to section 3.

'City', city of Methuen.

'Director of accounts', the director of accounts in the department of revenue.

'Finance control board', the finance control board for the city of Methuen created pursuant to section 10.

'Fiscal overseer' or 'overseer', fiscal overseer for the city of Methuen appointed by the secretary of administration and finance pursuant to section 8.

'Fiscal stability officer', fiscal stability officer for the city of Methuen appointed by the secretary of administration and finance pursuant to section 7.

'School committee', school committee of the city of Methuen.

'Secretary', the secretary of administration and finance.

(b) Notwithstanding any general or special law, city charter provision or local ordinance to the contrary, the city of Methuen, with the approval of the director of accounts, in the department of revenue, may borrow sums, approved by the city council and the director of accounts, to achieve a balanced budget for fiscal years 2019 and 2020; provided, however, that the aggregate of such sums shall not exceed \$4,000,000. The director of accounts may limit the amount borrowed to less than the amount approved by the city council. Notwithstanding chapter 44A of the General Laws, but subject to section 12 of said chapter 44A, bonds or notes issued for the purposes of this act may be issued, with the approval of the director of accounts, for a term of not more than 10 years and shall be backed by the full faith and credit of the city and shall be eligible to be issued as qualified bonds or notes. Indebtedness incurred pursuant to this act shall not be included in determining the statutory limit of indebtedness of the city under section 10 of chapter 44 of the General Laws, but, except as provided in this act, shall otherwise be subject to said chapter 44. Amounts raised to pay indebtedness incurred pursuant to this section shall be subject to section 21C of chapter 59 of the General Laws.

(c) The maturity of the bonds or notes authorized pursuant to this act, including any refunding bonds, may, if approved by the city officers authorized to issue and approve bonds or notes and by the director of accounts, be arranged so that for each issue the amounts payable in the several years for principal and interest combined are as nearly equal as is practicable in the opinion of the officers authorized to issue and approve the bonds or notes or, in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.

(d) Proceeds of any bonds or notes authorized by this act shall be deposited in

the general fund of the city of Methuen.

(e) The director of accounts may establish rules and procedures relating to the accounting standards applicable to the city of Methuen for the purposes of this act and otherwise.”.

The amendment was adopted.

The same member then moved to amend the bill in section 2, in lines 45 and 46, by striking out the sentence contained in those lines and inserting in place thereof the following sentence: “The screening committee shall be formed not later than 21 days after the notice is sent.”, in line 54, by inserting after the word “the”, the second time it appears, the word “screening”, in line 143, by striking out the word “officers” and inserting in place thereof the following word “offices”; in section 3 (as published), in line 163, by inserting after the year: “2019” the following: “, not later than 10 days after the effective date of this act,”, in line 165, by striking out the words “Methuen, or” and inserting in place thereof the words “Methuen or”; in section 7 (as published), in line 296; and in section 9 (as published), in line 376, by inserting after the word “department”, in each instance, the words “on or after the effective date of this act,”.

The amendments were adopted; and the bill (House, No. 4905, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Murphy of Weymouth, for the committee on Steering, Policy and Scheduling, that the House Bill Groton charter [sic] (House, No. 4893) [Local Approval Received], be scheduled for consideration by the House.

Groton,—
charter.

Under suspension of Rule 7A, on motion of Mr. Cassidy of Brockton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Murphy of Weymouth, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Ayer to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4907) [Local Approval Received], be scheduled for consideration by the House.

Ayer,—
liquor
license.

Under suspension of Rule 7A, on motion of Mr. Moran of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Marco Adorno, an employee of the Massachusetts Department of Transportation (see Senate, No. 2634) 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.

Marco
Adorno,—
sick leave.

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 6 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed Bills.

Engrossed bills

UNCORRECTED PROOF.

Establishing a sick leave bank for Pamela Lopez, an employee of the Department of Developmental Services (see Senate, No. 2550) (which originated in the Senate);

Bills
enacted.

Establishing a sick leave bank for Paul Walsh, an employee of the Department of Correction (see House, No. 4452, amended);

Establishing a sick leave bank for Amy Burlingame, an employee of the Department of Children and Families (see House, No. 4896, amended);

Establishing a sick leave bank for Julie A. Jennings, an employee of the Department of Mental Health (see House, No. 4897);

(Which severally originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Engrossed bills

Relative to the General Lafayette Trail (see Senate, No. 2265);

Bills
enacted.

Authorizing the city of Worcester to convey a certain parcel of land (see Senate, No. 2629);

(Which severally originated in the Senate);

Authorizing the town of Falmouth to continue the employment of police chief Edward Dunne (see House, No. 4548); and

Authorizing the town of Andover to establish a means-tested senior citizen property tax exemption (see House, No. 4661);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate amendment of the House Bill authorizing the town of Brookline to grant 12 additional licenses for the sale of all alcoholic beverages to be drunk on the premises in certain target commercial areas (House, No. 4428, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was adopted, in concurrence.

Brookline,—
liquor
licenses.

Recess.

At twenty-six minutes before twelve o'clock noon, on motion of Mr. Frost of Auburn (Mr. Kafka of Stoughton being in the Chair), the House recessed subject to the call of the Chair; and at twenty-one minutes after two o'clock P.M. the House was called to order with Mr. Moran of Boston in the Chair.

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.

UNCORRECTED PROOF.

At twenty-seven minutes after two o'clock P.M., on motion of Mr. Frost of Auburn (Mr. Moran of Boston being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.