

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, NOVEMBER 29, 2018.

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JOURNAL OF THE HOUSE.

Thursday, November 29, 2018.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, 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 Fathers, Chaplain of the House, as follows:

God of Creativity and Imagination we give thanks for our Commonwealth's legacy of educators and writers as we remember today the birth anniversaries of Bronson Alcott and his daughter Louisa May.

The educator and philosopher was born in 1799. He founded various schools in and around Boston and employed experimental methods in educating children, often unsuccessfully.

Moving his family 22 times in thirty years brought instability and financial hardship to his wife and children. Despite that, his daughter Louisa May, born on this day in 1832, managed to become a successful author penning her most well-known work, "Little Women" after the American Civil War.

We pray for our legislators as they also put pen to ink in creating legislation to benefit our state's residents. We pray in a special way for 3rd Suffolk Representative Aaron Michlewitz and his staff whose Beacon Hill district includes the house on Louisburg Square where the Alcott father and daughter passed from this life just two days apart in 1888.

May God continue to bless our Commonwealth.

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.

Messages from the Governor.

A message from His Excellency the Governor (under the provisions of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to the retirement benefits of Sean M. Gannon, a fallen police officer in the town of Yarmouth (House, No. 4982), was filed in the office of the Clerk on Tuesday, November 27.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Public Service. Sent to the Senate for concurrence.

A message from His Excellency the Governor (under the provisions of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to the disability retirement of Christopher Van Ness, a police officer in the town of Yarmouth (House, No. 4983), was filed in the office of the Clerk on Tuesday, November 27.

The message was read; and it was referred, under Rule 30, with the

Prayer.

Pledge of
allegiance.

Yarmouth,—
Sean Gannon.

Yarmouth,—
Christopher
Van Ness.

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accompanying draft of a bill, to the committee on Public Service. Sent to the Senate for concurrence.

Guests of the House.

At the beginning of the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced, seated in the Chamber, Boy Scout Troop 511 from Burlington. At the invitation of the Chair, the guests participated in the pledge of allegiance to the flag. They were the guests of Mr. Gordon of Burlington.

Boy Scout
Troop 511.

During the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced, seated in the Chamber, the 5th grade students from the Cottage Street School in Sharon. They were accompanied their teachers Tiffani Caron, Diana Kinney, Amber Matton, and Florence Smith. They were the guests of Representative Kafka of Stoughton and Senator Timilty.

Cottage Street
School.

Resolutions.

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

Resolutions (filed by Mr. Arciero of Westford) commemorating the year 2018 celebration of Chanukah by Chabad of Nashoba Valley;

Chabad of
Nashoba Valley.

Resolutions (filed by Mr. Lewis of Framingham) recognizing Ambassador Glivânia De Oliveira's service to the Commonwealth as Consul-General of Boston;

Glivânia De
Oliveira.

Resolutions (filed by Mr. Nangle of Lowell) congratulating George Bossi on the occasion of his retirement; and

George
Bossi.

Resolutions (filed by filed by Messrs. Roy of Franklin and Murray of Milford) congratulating Justin P. Twamley on receiving the Eagle Award of the Boy Scouts of America;

Justin
Twamley.

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

Petition.

Mr. Vieira of Falmouth presented a petition (accompanied by bill, House, No. 4987) of David T. Vieira and Julian Cyr (by vote of the town) that the town of Mashpee be authorized to establish a sewer construction and water quality maintenance and improvement fund in said town; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Mashpee,—
sewer and
water fund.

Papers from the Senate.

The House Bill establishing a sick leave bank for Heather Tavares, an employee of the Department of Children and Families (House, No. 4900), came from the Senate passed to be engrossed, in concurrence, with an amendment in line

Heather Tavares,—
sick leave.

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4, inserting after the word “Tavares”, the first time it appears, the words “to care for her children”. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading. Said committee then reported that the amendment was correctly drawn; and it was adopted, in concurrence.

A Bill amending the charter of the city of Somerville (Senate, No. 2676) (on Senate bill 2664), passed to be engrossed by the Senate, was read, and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Somerville,—
charter.

The following notice was received from the Clerk of the Senate, to wit:—
November 29, 2018.

Honorable Robert A. DeLeo
Speaker of the House of Representatives
Room 356, State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Karen E, Spilka, President of the Senate, has announced the following appointments:

David Sullivan (pursuant to Section 14 of Chapter 207 of the Acts of 2018) to the Tax Expenditure Commission;

Tax Expenditure,—
commission.

Senator Michael O. Moore, Jill Dixon of Framingham and Lesley Kinney of Medway (pursuant to Section 79 of Chapter 154 of the Acts of 2018) to the Early Education and Care Workforce Council; and

Early Education
and Care Workforce
Council.

Meenakshi Bharath of Hopkinton (pursuant to Section 68 of Chapter 3 of the General Laws) to the Commission on the status of citizens of Asian descent; and

Asian descent,—
commission.

The Honorable Bruce E. Tarr, Senate Minority Leader, has announced the following appointments:

Senator Patrick M. O’Connor (pursuant to Section 95 of Chapter 209 of the Acts of 2018) as his designee to the Special Commission to scope a state grant or low-interest loan program for structural elevation or acquisition of properties prone to flooding in the Commonwealth;

Flooding,—
property.

Senator Donald F. Humason, Jr. (pursuant to Section 103 of Chapter 154 of the Acts of 2018) to the Special Commission to study the financial and economic impacts of crumbling concrete foundations due to the presence of pyrrhotite;

Pyrrhotite,—
commission.

Senator Ryan C. Fattman (pursuant to Section 44 of Chapter 218 of the Acts of 2018) to the Special Commission to study the cost and feasibility of exempting veterans of the Commonwealth due from tuition, fees and associated costs of attending public colleges and universities in the commonwealth, due to recent changes in federal veteran services and benefits related to higher education;

Veterans,—
higher education.

Senator Patrick M. O’Connor (pursuant to Section 97 of Chapter 209 of the Acts of 2018) to the Special Commission to make an investigation and study relative to ocean acidification;

Ocean
acidification,—
commission.

Senator Dean A. Tran (pursuant to Section 76 of Chapter 154 of the Acts of 2018) to the Special Commission on brain injury; and

Brain injury,—
commission.

Senator Ryan C. Fattman (pursuant to Chapter 3 of the Resolves of 2016) to the Special Commission on Local and Regional Public Health replacing Senator Richard J. Ross.

Local and Regional
Public Health,—
commission.

Respectfully submitted,



WILLIAM F. WELCH,
Clerk of the Senate.

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 Angelo J. Puppolo, Jr., and John W. Scibak for legislation to establish a sick leave bank for John S. Gay, an employee of the Trial Court. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

John Gay,—
sick leave.

By Mr. Murphy of Weymouth, for the committee on Steering, Policy and Scheduling, that the House Bill amending the act establishing a finance department in the town of Harvard (House, No. 4947) [Local Approval Received], be scheduled for consideration by the House. Under suspension of Rule 7A, on motion of Mr. Kafka of Stoughton, the bill was read a second time forthwith; and it was ordered to a third reading.

Harvard,—
finance
department.

By Mr. Kaufman of Lexington, for the committee on Revenue, on a message from His Excellency the Governor, a Bill authorizing the town of Hanover to grant abatement of real estate taxes to certain surviving spouse (printed in House, No. 4955).

Hanover,—
tax abatement.

By the same member, for the same committee, on House, No. 4949, a Bill authorizing the town of Harvard to establish a cap on property taxes for means tested seniors (House, No. 4984) [Local Approval Received].

Harvard,—
property
taxes.

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

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Heather Tavares, an employee of the Department of Children and Families (see House, No. 4900, amended), 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.

Heather Tavares,—
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 3 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 House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed Bills.

Engrossed bills

Adding a fifth member to the Board of Elections Commission in the city of Everett (see Senate, No. 2658) (which originated in the Senate);

Designating a certain exit on State Route 18 the Giammalvo Family Memorial Exit (see House, No. 4912); and

Authorizing the city of Chicopee to establish a water and sewer department (see House, No. 4914);

(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.

Bills
enacted.

Orders of the Day.

The engrossed Bill relative to consumer protection from security breaches (see House, No. 4806), which had been returned by His Excellency the Governor with recommendation of amendments (for message see House, No. 4873), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form approved by said committee; and the report was accepted.

Pending the question on adoption of the amendments recommended by the Governor Mr. Speliotis of Danvers moved that they be amended by striking out the text of the proposed section 3 and inserting in place thereof the following:

“SECTION 3. Said chapter 93 is hereby further amended by inserting after section 51A the following section:-

Section 51B. (a) Except for the purposes described in section 51 and in 15 U.S.C. section 1681b, a user shall not obtain, use or seek the consumer report of a consumer in connection with an original or initial application of credit unless the user: (i) obtains the prior written, verbal or electronic consent of the consumer, as is appropriate for the manner in which the transaction or extension of credit was negotiated or entered into; and (ii) discloses, prior to obtaining the consumer’s consent, the user’s reason for accessing the consumer report to the consumer.

(b) This section shall not apply to users who seek or obtain from consumer reporting agencies a consumer report pursuant to section 51 and 15 U.S.C. section 1681b.

(c) Nothing shall prohibit a user who has already secured the consent of the consumer, or an investor or potential investor of an existing credit obligation, from obtaining a consumer report in connection with: (i) the same transaction; (ii) reviewing an existing account; (iii) increasing the credit line on an existing account; (iv) taking collection action on an existing account; (v) providing products and services or offering of products and services to an existing consumer’s account.

(d) A user shall not require or request that a consumer waive this section and any such waiver shall be void. Failure to comply with this section shall be an unfair practice under clause (a) of section 2 of chapter 93A.

(e) Notwithstanding the restrictions of this section, the department of children and families may obtain a consumer report for any child in the department’s custody

Consumer
protection from
security breaches.

who is 14 years of age or older without obtaining the consent of the child or disclosing to the child the department's reason for accessing the consumer report in order to fulfill the department's obligations pursuant to 42 U.S.C. section 675(5)(I), Public Law 113-183 and section 52A, or any other similar requirement of federal or state law."; and in section 10 by adding the following paragraph:

"(f) The department of consumer affairs and business regulation may promulgate regulations interpreting and applying this section and section 3A."

The further amendment was adopted, thus precluding a vote on the Governor's amendment. Sent to the Senate for its action.

House bills

Relative to the powers and duties of the town manager in the town of Hanover (House, No. 4658); and

Authorizing the appointment of special police officers in the town of Stoughton (House, No. 4918);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Sent to the Senate for concurrence.

Third reading bills.

The House Bill establishing a sick leave bank for John Taylor Woodward, an employee of the Hampshire County Sheriff's Department (House, No. 4957), reported by the committee on Bills in the Third reading to be correctly drawn, was read a third time.

John Taylor Woodward,— 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 Hampshire county sheriff's department, 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. 4957, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill establishing a sick leave bank for Gina Parolisi, an employee of the Trial Court (House, No. 4966), (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.

Gina Parolisi,— sick leave.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by substitution of a bill with the same title (House, No. 4986), which was read.

The amendment was adopted; and the substituted bill 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

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next at eleven o'clock A.M.

sitting.

At sixteen minutes after twelve o'clock noon, on motion of Mr. Vieira of Falmouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.