

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



MONDAY, DECEMBER 17, 2018.

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Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Tucker of Salem 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, whose ways and presence are not always readily apparent even to those who profess faith of some kind, we are thankful for the many ways You do indeed manifest Yourself throughout the history of our Commonwealth.

We are thankful today for the courageous life of Deborah Sampson who was born on this day in Plympton in 1760.

Tall and strong, Sampson disguised herself as a man named Robert Shirliff, in order to fight in the Continental Army.

In a battle near Tarrytown, New York, she was shot twice in the leg. Fearing she would be discovered, she took a pen knife and sewing needle and removed one bullet. The other musket ball remained lodged in her leg the rest of her life.

She went on to serve as an aide to General John Paterson. In a few weeks' time, she took ill and was treated by a doctor. The physician came to discover her gender and reported his findings to General Paterson. The General gave her an honorable discharge and she received a pension for the remainder of her life. She later married, had three children and moved to the town of Sharon where she died at age 66.

We pray for our legislators especially 8th Norfolk Representative Louis L. Kafka of Stoughton.

May God continue to bless our Commonwealth.

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

Appointment to a Special Commission.

The Speaker announced that he had designated Representative Driscoll of Milton to serve as his second appointment to the bail reform special commission established (under Section 220 of the Acts of 2018, pursuant to Section 2A of Chapter 4 of the General Laws) to evaluate policies and procedures related to the current bail system and recommend improvements or changes.

Resolutions.

Resolutions (filed with the Clerk by Mr. Murray of Milford) commending William F. Welch, Clerk of the Massachusetts State Senate, on the occasion of his well-deserved retirement, were referred, under Rule 85, to the committee on Rules.

Prayer.

Pledge of
allegiance.

Bail reform
commission.

William
Welch.

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

Communication.

A communication from the Massachusetts Department of Transportation (see Section 12A of Chapter 6C of the General Laws) on the progress of the Performance and Asset Management Advisory Council, was placed on file.

Mass DOT,—
assets, etc.

Annual Reports.

Annual reports

Of the Greater Attleboro-Taunton Regional Transit Authority (under Section 8(g) of Chapter 161B of the General Laws) submitting financial statements, supplementary information, and a schedule of expenditures of federal awards and OMB uniform guidance auditors' reports for the fiscal year 2018; and

Greater
Attleboro-
Taunton
transit.

Of the Capital Debt Affordability Committee of the Executive Office for Administration and Finance (under Section 60B(f) of Chapter 29 of the General Laws) submitting the committee's estimate of the total amount of new Commonwealth debt that may be prudently authorized for the next fiscal year;

Capital
debt.

Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Murray of Milford, a petition (accompanied by bill, House, No. 4999) of Brian Murray (by vote of the town) that the town of Milford be authorized to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises to Central Gas and Market Inc.; and

Milford,—
liquor
license.

By the same member, a petition (accompanied by bill, House, No. 5000) of Brian Murray (by vote of the town) that the town of Milford be authorized to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises to Water Street Meat Market, LLC.;

Id.

Severally to the committee on Consumer Protection and Professional Licensure.

By Mr. Murray of Milford, a petition (accompanied by bill, House, No. 5001) of Brian Murray (by vote of the town) relative to the nomination of candidates for town meeting in the town of Milford. To the committee on Election Laws.

Milford,—
candidates.

By Mr. Lombardo of Billerica, a petition (accompanied by bill, House, No. 5002) of Marc T. Lombardo (by vote of the town) that certain positions in the department of public works in the town of Billerica be exempt from the civil service law. To the committee on Public Service.

Billerica,—
civil
service.

Severally sent to the Senate for concurrence.

Representatives Poirier of North Attleborough and Hawkins of Attleboro presented a petition (subject to Joint Rule 12) of Elizabeth A. Poirier, James K. Hawkins and Paul R. Feeney for legislation to establish a sick leave bank for William Brown, an employee of the Massachusetts Department of Transportation;

William
Brown,—
sick leave.

and the same was referred, under Rule 24, to the committee on Rules.

Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. 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 Public Service. Sent to the Senate for concurrence.

Papers from the Senate.

The Senate Bill relative to critical incident intervention by emergency service providers (Senate, No. 2633, amended), came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4850), with a further amendment striking out the text of the amendment and inserting in place thereof the text contained in Senate document numbered 2684. The Senate further amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Emergency
personnel,—
intervention.

The House Bill establishing a town manager form of government in the town of Pembroke (House, No. 4607, amended) (its title having been changed by the Senate committee on Bills in the Third Reading), 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 2681. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Pembroke,—
town
manager.

A petition of Nick Collins for legislation to establish a sick leave bank for Marc Wedgeworth, an employee of the Massachusetts Trial Court, came from the Senate referred, under suspension of Joint Rule 12, to the committee on the Judiciary.

Marc
Wedgeworth,—
sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2688) 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 Paul J. Donato relative to the retirement benefits of Harold F. MacGilvray, Jr., a former police officer of the Metropolitan District Commission police. 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 Public Service. Sent to the Senate for concurrence.

Harold
MacGilvray,—
benefits.

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:

Approving the town of Ashland Home Rule Charter as amended and as voted

Ashland,—

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in Article 34 of the annual town meeting of the town of Ashland including parts I through IX by repealing Chapter 405 of the Acts of 2008 and replacing it in its entirety (House, No. 4976) [Local Approval Received];

charter.

Relative to the sewer construction and water quality maintenance and improvement fund in the town of Mashpee (House, No. 4987) [Local Approval Received];

Mashpee,—
fund.

Relative to the town manager of the town of Upton (House, No. 4989) [Local Approval Received]; and

Upton,—
town manager.

Relative to the Bourne Recreation Authority (House, No. 4990) [Local Approval Received];

Bourne
Recreation
Authority.

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

By Mr. Golden of Lowell, for the committee on Telecommunications, Utilities and Energy, on a message from His Excellency the Governor, a Bill to ensure the safety and soundness of the Commonwealth's natural gas infrastructure (printed in House, No. 4979). Read; and referred, under Rule 33 to the committee on Ways and Means.

Natural
gas.

By Mr. Kaufman of Lexington, for the committee on Revenue, on House, No. 4978, a Bill authorizing the town of Westford to establish a means tested senior citizen property tax exemption (House, No. 4998) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Westford,—
exemption.

Engrossed Bills.

Engrossed bills

Exempting J. Adam Stagno from the maximum age requirement for police officers in the town of North Andover (see House, No. 3794); and

Bills
enacted.

Allowing the chair of the board of selectmen of the town of Orange to appoint a designee to serve on the town's board of trustees for soldiers' memorials (see House, No. 4145);

(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 Bill authorizing the town of Hardwick to continue the employment of fire chief Raymond Walker (Senate, No. 2586), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bill.

The House Bill relative to principle-based reserving for life insurance (House,

Life
insurance.

No. 2969), reported by the committee on Bills in the Third Reading 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 in section 1, in line 69, by striking out the following: “(5) or (7)” and inserting in place thereof the following: “(4) or (6)”, in lines 166 and 170 by striking out the following: “(6)” and inserting in place thereof, in each instance, the following: “(5)”; and in line 185 by striking out the following: “subsection (i)” and inserting in place thereof the following: “paragraph (3) of subsection (f)”;

In section 3, in lines 327 and 328, by striking out the words “the following or corresponding provisions” and inserting in place thereof the words “provisions corresponding to the provisions contained within this subsection,”; and in line 495 by inserting after the word “manual” the following: “, as defined in section 9½,”;

By adding the following section:

“SECTION 5. This act shall take effect as of January 1, 2018.”; and

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 implement forthwith principle-based reserving for life insurance in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendments were adopted; and the bill (House, No. 2969, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to a certain residential property tax exemption for seniors in the town of Harwich (House, No. 4437) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee be correctly drawn, was read a third time.

Harwich,—
exemption.

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. Notwithstanding the maximum tax exemption authorized in clause Forty-first C of section 5 of chapter 59 of the General Laws or any other general or special law to the contrary, the board of assessors in the town of Harwich may grant an exemption pursuant to said clause Forty-first C of said section 5 to the amount of \$1,500 to individuals meeting the qualifications contained in said clause Forty-first C of said section 5.”.

The amendment was adopted; and the bill (House, No. 4437, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to a certain license for the sale of wines and malt beverages in town of Wareham (printed in House, No. 4958) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee be correctly drawn, was read a third time.

Wareham,—
liquor
license.

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. Section 1 of chapter 236 of the acts of 2018 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Wareham may grant 1 additional license for the sale of

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wines and malt beverages to be drunk on the premises to Stone Path Malt LLC located at 11 Kendrick road pursuant to section 12 of said chapter 138. The license shall be subject to all of said chapter 138, except said section 17.”.

The amendment was adopted; and the bill (printed in House, No. 4958, 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 Thursday next at eleven o'clock A.M.

Next
sitting.

At nineteen minutes after eleven o'clock A.M., on motion of Mr. Frost of Auburn (Mr. Tucker of Salem being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M., in an Informal Session.