

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, DECEMBER 27, 2018.

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JOURNAL OF THE HOUSE.

Thursday, December 27, 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 Center of Boston, Chaplain of the House, as follows:

God of Steadfast Presence and Loving Hospitality, we give You thanks for the generous spirit of welcome that is a hallmark of many a small town in our Commonwealth.

Prayer.

We recall that it was on this day in 1934 that the first youth hostel in America opened in the town of Northfield. Creating low cost accommodations for young people in search of employment was the work of Isabel and Monroe Smith. Within a year there were dozens of youth hostels throughout New England.

As this legislative year winds to a close, we ask Your blessing upon the outgoing members of this body and upon those preparing to join others in this historic chamber.

We pray for 2nd Berkshire Representative Paul Mark and his staff.

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.

Pledge of
allegiance.

Resolutions.

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

Resolutions (filed by Ms. Cronin of Easton) congratulating Luke G. Wilson on his elevation to the rank of Eagle Scout;

Luke
Wilson.

Resolutions (filed by Ms. Garlick of Needham) congratulating Evan Anderson on receiving the Eagle Award of the Boy Scouts of America;

Evan
Anderson.

Resolutions (filed by Ms. Hogan of Stow) congratulating Jake R. Hills on achieving the rank of Eagle Scout with the Boy Scouts of America;

Jake
Hills.

Resolutions (filed by Ms. Hogan of Stow) congratulating Justin R. Hines on achieving the rank of Eagle Scout with the Boy Scouts of America; and

Justin
Hines.

Resolutions (filed by Ms. Hogan of Stow) congratulating Evan J.L. Jacobson on achieving the rank of Eagle Scout with the Boy Scouts of America;

Evan
Jacobson.

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

Communications.

Communications

From the Department of Public Utilities (see Section 12Q of Chapter 25 of the General Laws) submitting the Energy Facilities Siting Board Trust Fund report of the department's financial activities from July 1, 2018 to November 30, 2018; and

From the Department of Public Utilities (see Section 12R of Chapter 25 of the General Laws) submitting the Unified Carrier Registration Trust Fund report of the department's financial activities from July 1, 2018 to November 30, 2018;

Severally were placed on file.

Energy
Facilities
Siting Board.

Unified carrier
registration.

Annual Report.

The annual report of the Economic Empowerment Trust Fund (under Section 35QQ of Chapter 10 of the General Laws) for fiscal year 2018, was placed on file.

Economic
empowerment.

Papers from the Senate.

The engrossed Bill relative to consumer protection from security breaches (see House, No. 4806, amended), came from the Senate with the endorsement that said branch had concurred with the House in its amendments with a further amendment, striking out section 3 (as amended by the House) and inserting in place thereof the following section:

Security
breaches.

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

Section 51B. Except for the purposes described in section 51 or in 15 U.S.C. section 1681b, a user shall not obtain, use or seek the consumer report of a consumer 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 or other relationship 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.

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: or (vi) any other permissible purpose pursuant to section 51 or 15 U.S.C. section 1681b.

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.

Notwithstanding this section, the department of children and families may obtain a consumer report for any child in the department's custody 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.

UNCORRECTED PROOF.

The department of consumer affairs and business regulation may promulgate regulations interpreting and applying this section.”.

The further amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

The House Bill authorizing the city of Worcester to lease a certain building known as the nurses’ building (House, No. 4534, amended), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 2, inserting after the word “contrary” the following: “but subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws”. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Worcester,—
lease.

The House Bill regulating appraisal management companies (House, No. 4566, amended), 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 2696. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Appraisal
management
companies.

The House Bill relative to mandated reporters (House, No. 4852), 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 2698. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Mandated
reporters.

Bills

Establishing a sick leave bank for James Condon, an employee of the Department of Mental Health (Senate, No. 2672) (on a petition);

James Condon,—
sick leave.

Establishing a sick leave bank for Robert Socha, an employee of the Department of Correction (Senate, No. 2679) (on a petition);

Robert Socha,—
sick leave.

Relative to PEG access and cable related funds (Senate, No. 2686) (on Senate bill No. 2341); and

PEG
funds.

Establishing a sick leave bank for Marc Wedgeworth, an employee of the Trial Court (Senate, No. 2688) (on a petition);

Marc
Wedgeworth,—
sick leave.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A Bill to prevent death and disability from stroke (Senate, No. 2690) (on Senate bill No. 1237), passed to be engrossed by the Senate, was read; and it was referred, under Joint Rule 1E, to the committee on Health Care Financing.

Strokes.

Reports of Committees.

By Mr. Parisella of Beverly, for the committee on Public Service, on a petition, a Bill exempting positions in the department of public works in the town of Billerica from the civil service law (House, No. 5002) [Local Approval Received].

Billerica,—
civil service.

By the same member, for the same committee, on a petition, a Bill authorizing the Norfolk County Retirement System to grant creditable service to Gary M. Premo (House, No. 5012).

Gary
Premo,—
retirement.

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

UNCORRECTED PROOF.

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

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

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

The Senate Bill establishing a sick leave bank for Maria Krull, an employee of the Department of Unemployment Assistance (Senate, No. 2680, amended); and

House bills

Relative to the board of selectmen of the town of Cheshire (House, No. 5003) [Local Approval Received]; and

Establishing a sick leave bank for Matthew Clark, an employee of the Trial Court (House, No. 5020);

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. Parisella of Beverly, for the committee on Public Service, on a petition, a Bill authorizing a corrective change to Chapter 154 of the Acts of 1983 (House, No. 5011). Read; and referred, under Rule 33, to the committee on Ways and Means.

Emergency Measure.

The engrossed Bill authorizing the Massachusetts Water Resources Authority to supply water to the town of Burlington (see House, No. 4801, changed), 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 5 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.

Engrossed Bills.

Engrossed bills

Providing for recall elections in the town of Uxbridge (see Senate, No. 2589, amended) (which originated in the Senate);

Designating a certain area within Toohig Park in the Dorchester section of the city of Boston in memory of Ambrose Valentino (see House, No. 3686, amended);

Redesignating the Pope John Paul II Park located in the Dorchester section of the city of Boston as the Saint Pope John Paul II Park (see House, No. 3687);

Establishing guidelines for the installation and use of electric vehicle charging stations in the city of Boston (see House, No. 4069);

Authorizing the town of Tyngsborough to grant 4 additional licenses for the sale of alcoholic beverages to be drunk on the premises (see House, No. 4429);

Maria Krull,—
sick leave.

Cheshire,—
selectmen.

Matthew Clark,—
sick leave.

Harold
MacGilvray,—
retirement.

Burlington,—
water.

Bill
enacted.

Bills
enacted.

UNCORRECTED PROOF.

Authorizing the town of Tyngsborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4430);

Authorizing the town of Auburn to relocate Faith Avenue and convey remnant parcels of real property (see House, No. 4551);

Repealing the act establishing the Nantucket Mosquito Control Project (see House, No. 4644);

Powers and duties of the town manager in the town of Hanover (see House, No. 4658);

Relative to the position of appointed tax collector in the town of Hadley (see House, No. 4750);

Relative to the position of appointed treasurer in the town of Hadley (see House, No. 4751);

Reducing the membership of the Nantucket Planning and Economic Development Commission (see House, No. 4819);

Relative to fees assessed by the Dracut Water Supply District (see House, No. 4898);

Authorizing the town of Dracut to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 4908); and

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

(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 Provincetown to continue the employment of Michael Trovato (House, No. 3865), reported by the committee on Bills in the Third Reading to be correctly drawn, was adopted, in concurrence.

Provincetown,—
Michael
Trovato.

The Senate Bill providing for the licensing of certain motor vehicle inspection stations (Senate, No. 2261, amended), 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. Sent to the Senate for concurrence in the amendment previously adopted by the House.

Third
reading
bill.

The House Bill relative to title insurance closing protection letters (House, No. 567), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Title
insurance.

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. 5021), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

UNCORRECTED PROOF.

The House Bill authorizing the town of Hanover to grant abatement of real estate taxes to a certain surviving spouse (printed in House, No. 4955) (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.

Hanover,—
Cynthia
Chesna.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it in section 1, in line 2, by striking out the word “shall” and inserting in place thereof the word “may”.

The amendment was adopted; and the bill (printed in House, No. 4955, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the retirement benefits of Sean M. Gannon, a fallen police officer in the town of Yarmouth (printed in House, No. 4982), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Yarmouth,—
Sean Gannon.

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 any general or special law to the contrary, and in order to promote the public good, the annual pension amount to be paid by the retirement board of the county of Barnstable pursuant to section 100 of chapter 32 of the General Laws to Dara P. Gannon, the surviving spouse of Sean M. Gannon, shall be calculated based upon Sean M. Gannon holding the rank of sergeant at the time of his death.”

The amendment was adopted; and the bill (printed in House, No. 4982, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the disability retirement of Christopher Van Ness, a police officer in the town of Yarmouth (printed in House, No. 4983), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Yarmouth,—
Christopher
Van Ness.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it in section 1, in line 16, by striking out the figures: “, 91”; and in line 17 by inserting after the word “nontaxable” the words “to the extent allowable under state and federal law”.

The amendments were adopted; and the bill (printed in House, No. 4983, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill establishing a sick leave bank for Brian Kennedy, an employee of the Massachusetts Department of Transportation (House, No. 4985), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Brian
Kennedy,—
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. 5022), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At twenty-four minutes after eleven o'clock A.M., on motion of Mr. Wong of

Recess.

UNCORRECTED PROOF.

Saugus (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at two minutes after four o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Emergency Measures.

The engrossed Bill further establishing a sick leave bank for Michael Tucker, an employee of the Department of State Police (see House, No. 4911), 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.

Michael
Tucker,—
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 5 to 0. Sent to the Senate for concurrence.

The engrossed Bill further providing for the safety of the commonwealth's natural gas infrastructure (see House, No. 5005), 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.

Natural gas,—
infrastructure.

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 5 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Relative to the lease of certain yacht clubs on land owned by the Commonwealth (see House, No. 4824, amended); and

Bills
re-enacted.

Extending the authorization for the use of certain discount vouchers for prescription drugs (see House, No. 4825, amended);

(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 re-enacted, in their amended forms; and they were signed by the acting Speaker and sent to the Senate.

Engrossed bills

Establishing the uniform enforcement of foreign judgements (see House, No. 718);

Bills
enacted.

Authorizing the town of Provincetown to continue the employment of Michael Trovato (see House, No. 3865, amended);

Relative to the membership of the Conservation Commission of the Town of Charlton (see House, No. 4805); and

Requiring the appointment of 2 additional members to the Somerville Redevelopment Authority (see House, No. 4951);

(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.

UNCORRECTED PROOF.

The House Bill relative to the charter of the town of Ashland (House, No. 4976) (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.

Third reading bill.

The engrossed Bill relative to the membership of the Millbury Redevelopment Authority (House, No. 1110), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see House, No. 4712), was considered.

Millbury Redevelopment Authority.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form contained in the Governor's message as approved by said committee; and the report was accepted. The amendment then was adopted. Sent to the Senate for its action.

The engrossed Bill authorizing the town of Dracut to grant 4 additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 3754, amended), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see House, No. 3954), was considered.

Dracut,— liquor licenses.

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

The amendment was rejected.

Mr. Speliotis of Danvers then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Dracut may grant 2 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138, to establishments located within the town's B-3 business district, as that district is defined by the town's zoning map, as it existed as of November 3, 2015, upon approval of and under conditions set by the licensing authority of the town. A license granted pursuant to this section shall be clearly marked on its face 'B-3 business district' and shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall not approve the transfer of a license granted pursuant to this section to any other location outside of the town's B-3 business district, but it may grant a license to a new applicant within the B-3 business district if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(c) If a license granted pursuant to this section is cancelled, revoked or no longer in use, it shall be returned physically, with all legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant in the town's B-3 business district under the same conditions as specified in this section.

SECTION 2. (a) Notwithstanding section 17 of chapter 138 of the General

Laws, the licensing authority of the town of Dracut may grant 2 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138, to establishments located within the town’s B-4 business district, as that district is defined by the town’s zoning map, as it existed as of November 3, 2015, upon approval of and under conditions set by the licensing authority of the town. A license granted pursuant to this section shall be clearly marked on its face ‘B-4 business district’ and shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall not approve the transfer of a license granted pursuant to this section to any other location outside of the town’s B-4 business district, but it may grant a license to a new applicant within the B-4 business district if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(c) If a license granted pursuant to this section is cancelled, revoked or no longer in use, it shall be returned physically, with all legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant in the town’s B-4 business district under the same conditions as specified in this section.

SECTION 3. A license granted pursuant to this act shall be issued within 3 years after the effective date of this act; provided, however, that if the license is originally granted within that time period, it may be granted to a new applicant pursuant to subsections (b) or (c) of section 1 or subsections (b) or (c) of section 2 anytime thereafter.

SECTION 4. This act shall take effect upon its passage.”.

The amendment was adopted.

Sent to the Senate for its action.

The Senate Bill authorizing the appointment of special police officers in the city of New Bedford (Senate, No. 2671, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

New Bedford,— special police.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it in section 1, in line 21, by striking out the following: “, chapter 150E, or chapter 151A” and inserting in place thereof the following: “or chapter 150E”.

The amendment was adopted; and the bill (Senate, No. 2671, amended) was passed to be engrossed. Sent to the Senate for concurrence in the amendment.

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.

At twelve minutes after four o’clock P.M., on motion of Mr. Wong of Saugus (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.

UNCORRECTED PROOF.