
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, MARCH 13, 2019.

[24]*

JOURNAL OF THE HOUSE.

Wednesday, March 13, 2019.

Met at seven minutes after eleven o'clock A.M. 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 Creation, we pray for the women and men who serve Massachusetts in this historic building. We pray for the gift of inspiration as they labor over what can be sometimes mundane and cumbersome.

We pray for their inspiration as we remember that today in Massachusetts history Percival Lowell was born in Boston in 1855. A descendant of the old Yankee stock of Bigelows and Lowells, Percy Lowell travelled to Asia and wrote books about Japan and Korea.

After returning to the United States, Lowell used his personal wealth to build the observatory in Flagstaff, Arizona that bears his name. There he postulated the possibility that there once was intelligent life on Mars as well as the existence of a planet beyond Neptune. In honor of Lowell's efforts, the astronomical designation for the dwarf planet Pluto is the intertwining of the letters P and L, Lowell's initials.

God of Immensity and Diversity, we give thanks for the gifts of Mr. Lowell and all who look to the heavens with a spirit of awe and wonder.

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.

Silent Prayers.

During the session (the Speaker being in the Chair), at the request of Representative Pignatelli of Lee and Speaker DeLeo the members, guests and employees stood in a moment of silent tribute to the memory of the Honorable John Pignatelli, father of Chairman Smitty Pignatelli of the 4th Berkshire District.

John Pignatelli, otherwise known as "Big John", passed away last week at the age of 95, just over a month after the death of his wife, Mary Jane Pignatelli. John Pignatelli, a World War II veteran, public servant, devoted father and grandfather, lived his life instilling the core values of passion, dedication, and kindness to everyone he met. John Pignatelli is the longest serving selectman for the town of Lenox, dedicating 32 years of service from 1961 to 1993. He also served for 20 years as a Berkshire County Commissioner and 13 years on the Lenox Finance Committee. Those who knew Big John will remember common sense, common decency and a "fair shake" as the virtues he held dearest. On behalf of the Massachusetts House of Representatives, we thank John for his commitment and dedication to the Commonwealth.

Prayer.

Pledge of
allegiance.

John
Pignatelli.

John Thomas
Driscoll.

During the session (Mr. Donato of Medford being in the Chair), at the request of Representative Driscoll of Milton, the members, guests and employees stood in a moment of silent tribute to the memory of the Honorable John Thomas Driscoll (October 26, 1925-March 10, 2019), who passed away last week in his home in Milton at the age of 93. Mr. Driscoll, born in Medford, Massachusetts, served 3 terms in the Massachusetts House of Representatives, between 1955 and 1960, representing Dorchester. He acted as the Massachusetts State Treasurer and Receiver General from 1961 to 1964.

On May 7th, 1964 he was appointed as Chairman of the Massachusetts Turnpike Authority where he remained for 24 years, serving under four governors and five administrations.

After his time in public service he returned to serve as Vice-President for Administration at Boston College, his beloved alma mater, for 15 years.

He was the beloved husband of the late Jean M. (Francis) Driscoll, and the loving father of seven kids, twenty-one grandchildren and four great-grandchildren. He was also the Grandfather of the sitting State Representative from the 7th Norfolk District, William J. Driscoll, Jr.

In 1960, from the stage at Boston Garden, on the eve of his election to the Presidency, John F. Kennedy warmly remarked that John T. Driscoll was one of the finest men he had ever met in public life.

Communication from Senator Lesser and Representative Roy of Franklin.

A communication from Senator Lesser and Representative Roy of Franklin was spread upon the records of the House, to wit:—

March 5, 2019

Honorable Michael D. Hurley
Clerk of the State Senate
Room 335
State House
Boston, MA 02133

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

Dear Mr. Clerks:

We would like to request the formal creation of the Manufacturing Legislative Caucus for the present legislative session. As you may know, the Caucus, a bipartisan, bicameral effort to address the problems faced by the Commonwealth's manufacturing industry, was formed in August of 2014.

Manufacturing
Legislative
Caucus.

Manufacturing is vitally important to the Massachusetts economy. It provides pathways to economic prosperity for residents of varied educational levels. However, manufacturers are struggling to find skilled employees to fill vacant positions and are struggling to overcome a negative image of the industry among young people. In response, the Manufacturing Caucus came together to address these problems faced by the Commonwealth's manufacturing industry in filling technically demanding jobs with people who have the right skills.

The Manufacturing Caucus serves as a link for issues that affect the manufacturing industry. The Manufacturing Caucus focuses on training for

manufacturing employees, encouraging innovation, and expanding apprenticeship opportunities in key manufacturing sectors. When addressing these issues, we work together as a Caucus to foster collaboration between manufacturers, community colleges, technical high schools and regional work force boards in order to create regionally-specific talent pipelines. Our mission is to make Massachusetts the most complete and connected manufacturing ecosystem for applying advanced technology to commercialized products from innovation through production.

Thank you very much for the opportunity and for your time.

If you require anything further, please do not hesitate to contact either of our offices by e-mailing Liz May at Elizabeth.May@MASenate.Gov and Sandy Maguire at Sandra.Maguire@MAHouse.gov.

Sincerely,

ERIC P. LESSER
*First Hampden and Hampshire
District*

JEFFREY N. ROY
10th Norfolk District

*Communication from Senator Lesser and Representative Cabral of New
Bedford.*

A communication from Senator Lesser and Representative Cabral of New Bedford was spread upon the records of the House, to wit:—

March 5, 2019

Honorable Michael D. Hurley
Clerk of the State Senate
Room 335
State House
Boston, MA 02133

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

Dear Mr. Clerks:

We would like to request the formal creation of the Gateway Cities Legislative Caucus for the present legislative session. As you may know, the Caucus, a bipartisan, bicameral effort to promote the success of the Commonwealth's 26 Gateway Cities, was formed in 2008.

Gateway Cities share common challenges including economic disparity, deteriorating infrastructure, lagging economies and decreasing industrial and manufacturing opportunities. The Gateway Cities Legislative Caucus focuses on the revitalization of these great cities. When addressing issues related to education, transportation, economic development and infrastructure in Gateway Cities, we work together as a Caucus to best support the residents of these communities, seeking input and data from credible research institutions such as MassINC's Gateway Cities Innovation Institute.

Thank you very much for the opportunity and for your time.

If you require anything further, please do not hesitate to contact either of our offices by e-mailing Liz May at Elizabeth.May@MASenate.Gov, Dana DeBari at Dana.Debari@MAhouse.gov, and Kate Miller at Kate.Miller@MAhouse.Gov.

Gateway
Cities
Legislative
Caucus.

Sincerely,

ERIC P. LESSER
*First Hampden and Hampshire
District*

ANTONIO F. D. CABRAL
13th Bristol District

Order.

An Order (filed this day by Messrs. Galvin of Canton and Markey of Dartmouth) relative to the procedures under House Rule 99 (House, No. 3595), was referred, under Rule 85, to the committee on Rules.

House Rule
99, etc.

Mr. Galvin, for the committee on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of the same member, the order was considered forthwith; and it was adopted. Mr. Barrows of Mansfield moved that this vote be reconsidered; and the motion to reconsider was entertained and it was negatived.

Communications.

A communication from the Counsel to the House of Representatives (pursuant to House order No. 3595) submitting the Executive Summary of the Special Committee on Professional Conduct in the Matter of Representative Paul McMurtry in regards to an incident of alleged inappropriate conduct at the Academy for New Legislators at UMass Amherst on December 13, 2018 (House, No. 3596), was placed on file.

Rule 99,—
executive
summary.

Communications

From MassDevelopment and the Massachusetts Cultural Council (see Section 46(m) of Chapter 23G of the General Laws) submitting the annual reports of the Transformative Development Fund Collaborative Workspace Program and Cultural Facilities Fund for the fiscal year 2018 [copies of the reports were forwarded to the committee on Ways and Means; Economic Development and Emerging Technologies; and Labor and Workforce Development, as required by said law];

Collaborative
Workspace
Program.

From the Norfolk County Registry of Deeds (see Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Technological Fund [copies of the report were forwarded to the committees on Ways and Means and Post Audit and Oversight, as required by said law]; and

Norfolk County,—
technology
fund.

From the Plymouth County Registry of Deeds (see Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Technological Fund [copies of the report were forwarded to the committees on Ways and Means and Post Audit and Oversight, as required by said law];

Plymouth
County,—
technology
fund.

Severally were placed on file.

Petition.

Mr. Fernandes of Falmouth presented a petition (subject to Joint Rule 12) of Dylan A. Fernandes that the county of Dukes County be authorized to borrow funds

Martha's
Vineyard

to pay costs of making various capital improvements and acquiring items of capital equipment at the Martha's Vineyard airport; and the same was referred, under Rule 24, to the committee on Rules.

airport.

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. Ultrino of Malden, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Reports of Committees.

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

Establishing a sick leave bank for Charles E. McCabe, an employee of the Massachusetts Department of Developmental Services (House, No. 2369);

Charles
McCabe.

Establishing a sick leave bank for Brian S. Bibeau, an employee of the Department of Correction (House, No. 2376);

Brian S.
Bibeau.

Establishing a sick leave bank for Patty Woods, an employee of the Massachusetts Commission Against Discrimination (House, No. 3508); and

Patty
Woods.

Establishing a sick leave bank for Joseph Klimkofski, Jr[sic], an employee of Department of Public Health (House, No. 3509);

Joseph
Klimkofski, Jr.

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

At twenty six minutes before twelve o'clock noon, on motion of Mr. Barrows of Mansfield (Mr. Donato of Medford being in the Chair), the House recessed until half past one o'clock P.M.; and at nine minutes after two o'clock the House was called to order with Mrs. Haddad of Somerset in the Chair.

Recess.

Mr. Donato of Medford being in the Chair,—

Prior to the noon recess, Mr. Michlewitz of Boston, for the committee on Ways and Means, reported that the Bill relative to abusive practices to change sexual orientation and gender identity in minors (House, No. 140), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Conversion
therapy,—
minors.

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

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

Subsequently, the noon recess having terminated (Mrs. Haddad of Somerset being in the Chair), under suspension of the rules, on motion of Ms. Khan of Newton, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill to be engrossed, Mr. Lombardo

of Billerica moved to amend it in line 27 by inserting after the word “and” the following: “or (iv) utilize discussion alone; and”.

Ms. Khan of Newton thereupon raised a point of order that the amendment offered by the gentleman from Billerica was improperly before the House for the reason that it was beyond the scope of the pending bill.

Point
of order.

In answer to the point of order, the Chair (Mrs. Haddad of Somerset) stated that the language contained in the amendment offered by the gentleman from Billerica is contained in House, No. 110, which was held in the committee on Children, Families and Persons with Disabilities, and is therefore not part of the basis of the bill currently before the House. Since the subject matter is not contained in the basis of this bill and would expand upon its provisions.

The Chair will rule that the point of order is well taken; and the amendment will be laid aside accordingly.

Mr. Lombardo thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Dooley of Norfolk.

Appeal from
decision
of Chair.

The question then was put “Shall the decision of the Chair stand as the judgment of the House?”.

After debate the sense of the House then was taken by yeas and nays, at the request of Mr. Lombardo; and on the roll call 125 members voted in the affirmative and 33 in the negative.

Decision
of Chair
sustained,—
yea and nay
No. 28.

[See Yea and Nay No. 28 in Supplement.]

Therefore the decision of the Chair was sustained.

Mr. Dooley of Norfolk then moved to amend the bill in section 1, in line 12, by inserting after the word “provider” the following: “(1)”, and in line 15 by inserting after the word “psychologist” the following: “; or (2) Any unlicensed person portraying or otherwise offering the appearance of a professional health care provider who offers or seeks to offer advice to another person on their mental or physical wellbeing.”.

Ms. Khan of Newton thereupon raised a point of order that the amendment offered by the gentleman from Norfolk was improperly before the House for the reason that it was beyond the scope of the pending bill.

Point
of order.

In answer to the point of order, the Chair (Mrs. Haddad of Somerset) will state that the language contained in the amendment offered by the gentleman from Norfolk is contained in House, No. 110, which was held in the committee on Children, Families and Persons with Disabilities, and is therefore not part of the basis of the bill currently before the House. Since the subject matter is not contained in the basis of this bill and would expand upon its provisions.

The Chair will rule that the point of order is well taken; and the amendment will be laid aside accordingly.

Mr. Dooley thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Lombardo of Billerica.

Appeal from
decision of
Chair.

The question then was put “Shall the decision of the Chair stand as the judgment of the House?”.

After remarks the sense of the House then was taken by yeas and nays, at the request of Mr. Dooley; and on the roll call 125 members voted in the affirmative and 33 in the negative.

Decision
of Chair
sustained,—
yea and nay
No. 29.

[See Yea and Nay No. 29 in Supplement.]

Therefore the decision of the Chair was sustained.

The Speaker being in the Chair,—

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Ms. Khan of Newton; and

Bill passed to
be engrossed,—

on the roll call (Mr. Donato of Medford being in the Chair) 149 members voted in the affirmative and 8 in the negative.

yea and nay
No. 30.

[See Yea and Nay No. 30 in Supplement.]

[Mr. Hunt of Sandwich answered "Present" in response to his name.]

Therefore the bill (House, No. 140) was passed to be engrossed. Subsequently Mrs. Haddad of Somerset moved that this vote be reconsidered; and the motion to reconsider was entertained and it prevailed.

Pending the recurring question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Murphy of Weymouth; and on the roll call 148 members voted in the affirmative and 8 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 31.

[See Yea and Nay No. 31 in Supplement.]

[Mr. Hunt of Sandwich answered "Present" in response to his name.]

Therefore the bill was passed to be engrossed. Sent to the Senate for concurrence.

At thirteen minutes before four o'clock P.M., on motion of Mr. Golden of Lowell (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twenty six minutes after five o'clock P.M., the House was called to order with Mr. Donato in the Chair.

Recess.

By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the Bill to lift the cap on kids (House, No. 104), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 3594). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Aid to families
with dependent
children,—
cap on kids.

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

Under suspension of Rule 7A, on motion of Ms. Decker of Cambridge, the bill was read a second time forthwith.

Pending the question on adoption of the substitute bill, Mr. Jones of North Reading moved that the subject-matter be recommitted to the committee on Ways and Means.

On the motion to recommit, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 31 members voted in the affirmative and 126 in the negative.

Motion to
recommit
negative,—
yea and nay
No. 32

[See Yea and Nay No. 32 in Supplement.]

Therefore the motion to recommit to the committee on Ways and Means was negative.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Ms. Decker of Cambridge, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 155 members voted in the affirmative and 1 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 33.

[See Yea and Nay No. 33 in Supplement.]

Therefore the bill (House, No. 3594) 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 tomorrow at eleven o'clock A.M.

Next
sitting.

Mr. Driscoll of Milton then moved that as a mark of respect to the memory of John Thomas Driscoll, a member of the House from Boston (Dorchester) from 1955 to 1960, inclusive, and Treasurer and Receiver-General of the Commonwealth from 1961 to 1964, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without proceeding to the matters in the Orders of the Day, at one minute before six o'clock P.M., on motion of Mr. Hill of Ipswich (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.