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**The Commonwealth of Massachusetts**

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**JOURNAL OF THE HOUSE.**



**WEDNESDAY, MAY 8, 2019.**

[42]\*

# JOURNAL OF THE HOUSE.

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Wednesday, May 8, 2019.

Met at eight minutes after eleven o'clock A.M. with Ms. Peake of Provincetown 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 Peace and Harmony, we thank You for the many blessings we enjoy at this time of the year. We are grateful for the warmer and drier days of late.

We recall the 1750 birth anniversary of Elias Mann born on this day in Weymouth. Mann was a composer of sacred music. He published three tune books and participated in local musical societies throughout post-colonial Massachusetts.

We pray for all in our state who are engaged in music composition and music appreciation, especially teachers and students of that discipline.

We pray for harmony among our House membership and in all work relationships among state employees.

May God continue to bless our Commonwealth.

At the request of the Chair (Ms. Peake), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Prayer.

Pledge of  
allegiance.

## *Petitions.*

Representative Muratore of Plymouth and Senator deMacedo presented a joint petition (accompanied by bill, House, No. 3742) of Mathew J. Muratore, Viriato M. deMacedo and others (by vote of the town) that the town of Plymouth be authorized to continue employment of G. Edward Bradley, a member of the fire department of said town; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

Plymouth,—  
Edward  
Bradley.

Mr. Arciero of Westford presented a petition (subject to Joint Rule 12) of James Arciero and others relative to representation of special education parent advisory councils on school committees; and the same was referred, under Rule 24, to the committee on Rules.

School  
committees,—  
special  
education.

## *Papers from the Senate.*

The following order was adopted, in concurrence:

*Ordered*, That, conformably to the provisions of Article XLVIII(48) (as amended by Article LXXXI)(81) of the Amendments to the Constitution, a joint session of the two Houses be held on Wednesday, May 8, 2019, at one o'clock P.M., for the purpose of considering proposals for amendments to the Constitution. Insofar as applicable, the special rules of procedure, in effect in the preceding

Joint  
convention.

General Court shall govern said joint session, and any further sessions called for the purpose of considering amendments to the Constitution.

A Bill establishing a sick leave bank for Daniel Ajoue, an employee of the Department of Correction (Senate, No. 2208, amended in line 4 by inserting after the name: “Ajoue”, the first time it appears, the words “to care for his immediate family member”), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Daniel Ajoue,—  
sick leave.

A report of the committee on Consumer Protection and Professional Licensure, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 102) of Joseph A. Boncore, Martin J. Walsh, Mayor of Boston, Cindy F. Friedman and Michelle L. Ciccolo for legislation relative to transportation network company rider assessments, and recommending that the same be referred to the committee on Financial Services,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Transportation  
network  
companies,—  
assessments.

### *Reports of Committees.*

By Mr. O’Day of West Boylston, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to amending chapter 413 of the Acts of 1991 authorizing the city council of the city of Cambridge to amend chapter 14.04 of the Cambridge municipal code entitled “Fair Housing” (House, No. 1775) [Local Approval Received].

Cambridge,—  
fair housing.

By the same member, for the same committee, on a petition, a Bill requiring automatic external defibrillators in Norfolk County public buildings (House, No. 1789).

Norfolk  
County,—  
defibrillators.

By the same member, for the same committee, on a joint petition, a Bill relative to land in Bernardston (House, No. 1808) [Local Approval Received].

Bernardston,—  
land.

By the same member, for the same committee, on a petition, a Bill relative to the charter of the town of Provincetown (House, No. 1818) [Local Approval Received].

Provincetown,—  
charter.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Athol to establish a special fund for the town of Athol Public Library (House, No. 1837) [Local Approval Received].

Athol,—  
library.

By the same member, for the same committee, on a petition, a Bill relative to the membership of the conservation commission of the town of Holliston (House, No. 3642) [Local Approval Received].

Holliston,—  
conservation  
commission.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Medfield to enter into a long-term lease for an arts and cultural center (House, No. 3643) [Local Approval Received].

Medfield,—  
lease.

By the same member, for the same committee, on a joint petition, a Bill authorizing the town of Bedford to release a portion of a certain conservation restriction (House, No. 3644) [Local Approval Received].

Bedford,—  
conservation  
restriction.

By the same member, for the same committee, on House, No. 1787, a Bill authorizing the Norfolk County Retirement Board to acquire real property to use as administrative offices (House, No. 3741).

Norfolk  
County,—  
offices.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on a joint petition, a Bill designating a bridge in the town of Dalton as the Specialist Mitchell K. Daehling memorial bridge (House, No. 3077).

Dalton,—  
Daehling  
bridge.

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

*Recesses.*

At thirteen minutes after eleven o'clock A.M., on motion of Mr. Wong of Saugus (Ms. Peake of Provincetown being in the Chair), the House recessed until one o'clock P.M.; and at that time the House was called to order with the Speaker in the Chair.

Recesses.

The Speaker thereupon declared a further recess, subject to the call of the Chair, for the purpose of conducting the joint session.

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*Joint Session of the Two Houses to Consider Specific  
Amendments to the Constitution.*

There being no objection, at seven minutes after one o'clock P.M., the two branches met in

Joint  
Session.

JOINT SESSION

and were called to order by the Honorable Karen E. Spilka, President of the Senate who made the following observations:

Pursuant to an order previously adopted, the two houses are in joint session for the purpose of considering various proposals for amendment to the Constitution. The matters that have been called for consideration are now seasonably laid before the Joint Session in conformity with the provisions of Articles XLVIII (48) and LXXXI (81) of the Constitution.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Pledge of  
allegiance.

The following legislative proposals for amendments to the Constitution were seasonably laid before the joint session for consideration during the current year:

Constitutional  
proposals.

Proposal for a legislative amendment to the Constitution establishing an independent redistricting commission (Senate, No. 13), with reference to which the committee on Election Laws has reported, recommending that the amendment ought NOT to pass;

Redistricting  
commission.

Proposal for a legislative amendment to the Constitution to provide resources for education and transportation through an additional tax on incomes in excess of one million dollars (Senate, No. 16), with reference to which the committee on Revenue has reported, recommending that the amendment ought to pass;

Millionaire  
tax.

Proposal for a legislative amendment to the Constitution requiring a supermajority vote for the utilization of rainy day funds (Senate, No. 2210), the committee on Revenue has reported, in accordance with Joint Rule 23, recommending that the amendment ought NOT to pass, the time within which the said committee was required to report having expired;

Rainy day  
fund,—  
supermajority  
vote.

Proposal for a legislative amendment to the Constitution relative to the oaths

Oaths and

and affirmations of public office (House, No. 81),— the committee on the Judiciary has reported that the amendment ought to pass with a recommended new draft with the same title (Senate, No. 2211) [Representative Garry of Dracut dissenting];

affirmations of public office.

Proposal for a legislative amendment to the Constitution prohibiting eminent domain takings (House, No. 83), the committee on the Judiciary has reported that the amendment ought NOT to pass [Representatives Harrington of Groton and Sullivan of Abington dissenting]; and

Eminent domain.

Proposal for a legislative amendment to the Constitution to provide resources for education and transportation through an additional tax on incomes in excess of one million dollars (House, No. 86), the committee on Revenue has reported that the amendment ought to pass.

Millionaire tax.

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Senator Lewis moved to suspend House Rule 47 to take from the calendar item 6 (House, No. 86),— and this motion prevailed.

House Rule 47,— suspended.

Mr. Tarr doubted the vote and asked for a call of the yeas and nays, and an insufficient number of members joining him in this request, the yeas and nays were not ordered.

The Proposal for a Legislative Amendment to the Constitution to provide resources for education and transportation through an additional tax on incomes in excess of one million dollars (see House, No. 86),— was read twice in accordance with the provisions of the special rules.

Millionaire tax.

The Proposal was as follows:—

#### ARTICLE OF AMENDMENT

ARTICLE XLIV (44) of the Massachusetts Constitution is hereby amended by adding the following paragraph at the end thereof:—

To provide the resources for quality public education and affordable public colleges and universities, and for the repair and maintenance of roads, bridges and public transportation, all revenues received in accordance with this paragraph shall be expended, subject to appropriation, only for these purposes. In addition to the taxes on income otherwise authorized under this Article, there shall be an additional tax of 4 percent on that portion of annual taxable income in excess of \$1,000,000 (one million dollars) reported on any return related to those taxes. To ensure that this additional tax continues to apply only to the commonwealth's highest income taxpayers, this \$1,000,000 (one million dollars) income level shall be adjusted annually to reflect any increases in the cost of living by the same method used for federal income tax brackets. This paragraph shall apply to all tax years beginning on or after January 1, 2023.

The proposal was ordered to a third reading.

Mr. Jones of North Reading doubted the vote and asked for a call of the yeas and nays, and a sufficient number of members joining him in this request, the yeas and nays were ordered.

The question on ordering the Proposal to a third reading, was determined by a call of the yeas and nays at eleven minutes past one o'clock P.M., as follows to wit (Yeas 156 — Nays 37) [Senate Yeas and Nays No. 25] [House Yeas and Nays No. 56]:

YEAS.  
*Senators.*

Barrett, Michael J.  
 Boncore, Joseph A.  
 Brady, Michael D.  
 Brownsberger, William N.  
 Chandler, Harriette L.  
 Chang-Diaz, Sonia  
 Collins, Nick  
 Comerford, Joanne M.  
 Creem, Cynthia Stone  
 Crighton, Brendan P.  
 Cyr, Julian  
 DiDomenico, Sal N.  
 DiZoglio, Diana  
 Eldridge, James B.  
 Fattman, Ryan C.  
 Feeney, Paul R.  
 Finegold, Barry R.  
 Friedman, Cindy F.

Gobi, Anne M.  
 Hinds, Adam G.  
 Jehlen, Patricia D.  
 Keenan, John F.  
 Kennedy, Edward J.  
 Lesser, Eric P.  
 Lewis, Jason M.  
 Lovely, Joan B.  
 Montigny, Mark C.  
 Moore, Michael O.  
 O'Connor, Patrick M.  
 Pacheco, Marc R.  
 Rausch, Rebecca L.  
 Rodrigues, Michael J.  
 Rush, Michael F.  
 Timilty, Walter F.  
 Welch, James T. – 35.

#### YEAS.

##### *Representatives.*

Arciero, James  
 Ayers, Bruce J.  
 Balser, Ruth B.  
 Barber, Christine P.  
 Barrett, John, III  
 Benson, Jennifer E.  
 Biele, David  
 Blais, Natalie M.  
 Brodeur, Paul  
 Cabral, Antonio F.D.  
 Cahill, Daniel  
 Campbell, Linda Dean  
 Capano, Peter  
 Carey, Daniel R.  
 Cassidy, Gerard J.  
 Chan, Tackey  
 Ciccolo, Michelle L.  
 Connolly, Mike  
 Coppinger, Edward F.  
 Cronin, Claire D.  
 Cullinane, Daniel R.  
 Cusack, Mark J.  
 Cutler, Josh S.  
 Day, Michael S.  
 Decker, Marjorie C.  
 DeLeo, Robert A.  
 Devers, Marcos A.  
 Domb, Mindy  
 Donahue, Daniel M.

Khan, Kay  
 LaNatra, Kathleen R.  
 Lawn, John J., Jr.  
 LeBoeuf, David Henry Argosky  
 Lewis, Jack Patrick  
 Linsky, David Paul  
 Livingstone, Jay D.  
 Madaro, Adrian C.  
 Mahoney, John J.  
 Malia, Elizabeth A.  
 Mark, Paul W.  
 Markey, Christopher M.  
 McGonagle, Joseph W., Jr.  
 McMurtry, Paul  
 Meschino, Joan  
 Michlewitz, Aaron  
 Minicucci, Christina A.  
 Miranda, Liz  
 Mom, Rady  
 Moran, Frank A.  
 Moran, Michael J.  
 Murphy, James M.  
 Murray, Brian W.  
 Nangle, David M.  
 Naughton, Harold P., Jr.  
 Nguyen, Tram T.  
 O'Day, James J.  
 Parisella, Jerald A.  
 Peake, Sarah K.

Driscoll, William J., Jr.  
 DuBois, Michelle M.  
 Dykema, Carolyn C.  
 Ehrlich, Lori A.  
 Elugardo, Nika C.  
 Farley-Bouvier, Tricia  
 Fernandes, Dylan A.  
 Ferrante, Ann-Margaret  
 Finn, Michael J.  
 Fiola, Carole A.  
 Galvin, William C.  
 Garballey, Sean D.  
 Garlick, Denise C.  
 Gentile, Carmine Lawrence  
 Golden, Thomas A., Jr.  
 Gonzalez, Carlos  
 Gordon, Kenneth I.  
 Gouveia, Tami L.  
 Gregoire, Danielle W.  
 Haddad, Patricia A.  
 Haggerty, Richard M.  
 Hawkins, James K.  
 Hay, Stephan  
 Hecht, Jonathan  
 Hendricks, Christopher  
 Higgins, Natalie M.  
 Hogan, Kate  
 Holmes, Russell E.  
 Honan, Kevin G.  
 Hunt, Daniel J.  
 Kafka, Louis L.  
 Kearney, Patrick Joseph

Peisch, Alice Hanlon  
 Petrolati, Thomas M.  
 Puppolo, Angelo J., Jr.  
 Robertson, David Allen  
 Robinson, Maria Duaime  
 Rogers, David M.  
 Rogers, John H.  
 Roy, Jeffrey N.  
 Ryan, Daniel J.  
 Sabadosa, Lindsay N.  
 Santiago, Jon  
 Scaccia, Angelo M.  
 Schmid, Paul A., III  
 Silvia, Alan  
 Speliotis, Theodore C.  
 Stanley, Thomas M.  
 Straus, William M.  
 Tosado, José F.  
 Tucker, Paul F.  
 Tyler, Chynah  
 Ultrino, Steven  
 Vargas, Andres X.  
 Vega, Aaron  
 Velis, John C.  
 Vincent, RoseLee  
 Vitolo, Tommy  
 Wagner, Joseph F.  
 Walsh, Thomas P.  
 Whipps, Susannah M.  
 Williams, Bud L.  
 Zlotnik, Jonathan D. – 121.

NAYS.

*Senators.*

deMacedo, Viriato M.  
 Humason, Donald F., Jr.

Tarr, Bruce E.  
 Tran, Dean A. – 4.

NAYS.

*Representatives.*

Barrows, F. Jay  
 Berthiaume, Donald R., Jr.  
 Boldyga, Nicholas A.  
 Crocker, William L., Jr.  
 D'Emilia, Angelo L.  
 DeCoste, David F.  
 Dooley, Shawn  
 Durant, Peter J.  
 Ferguson, Kimberly N.  
 Frost, Paul K.  
 Garry, Colleen M.

Kane, Hannah  
 Kelcourse, James M.  
 Lombardo, Marc T.  
 McKenna, Joseph D.  
 Mirra, Lenny  
 Muradian, David K., Jr.  
 Muratore, Matthew J.  
 O'Connell, Shauna L.  
 Orrall, Norman J.  
 Poirier, Elizabeth A.  
 Smola, Todd M.

Gifford, Susan Williams  
Harrington, Sheila C.  
Hill, Bradford  
Howitt, Steven S.  
Hunt, Randy  
Jones, Bradley H., Jr.

Soter, Michael J.  
Sullivan, Alyson M.  
Vieira, David T.  
Whelan, Timothy R.  
Wong, Donald H. – **33.**

ABSENT OR NOT VOTING.

*Senators.*

Fattman, Ryan C. - **1.**

ABSENT OR NOT VOTING.

*Representatives.*

Ashe, Brian M.  
Donato, Paul J.  
Keefe, Mary S.

Mariano, Ronald  
Pignatelli, Smitty  
Provost, Denise - **6.**

The yeas and nays having been completed at nineteen minutes past one o'clock P.M., the proposal was ordered to a third reading.

Subsequently a statement of Senator Ryan C. Fattman was spread upon the records of the Joint Session, as follows:

MADAM PRESIDENT: I would like to call to the attention of the Joint Session the fact that on the previous roll call I was absent from the Chamber. If I had been present, I would have voted in the negative.

Statement of  
Senator Ryan C.  
Fattman.

Subsequently a statement of Mr. Ashe of Longmeadow was spread upon the records of the Joint Session, as follows:

MADAM PRESIDENT: I would like to call to the attention of the Joint Session the fact that on the previous roll call I was absent from the Chamber on official business in another part of the State House. If I had been present, I would have voted in the affirmative.

Statement of  
Mr. Ashe of  
Longmeadow.

Subsequently a statement of Mr. Pignatelli of Lee was spread upon the records of the Joint Session, as follows:

MADAM PRESIDENT: I would like to call to the attention of the Joint Session the fact that on the previous roll call I was absent from the Chamber on official business meeting with the Secretary of the Executive Office of Energy and Environmental Affairs on behalf of my role as House Chair of the Joint Committee on Environment, Natural Resources and Agriculture. If I had been present, I would have voted in the affirmative.

Statement of  
Mr. Pignatelli  
of Lee.

Without further action on the matters duly and constitutionally assigned for consideration, at twenty minutes past one o'clock P.M., on motion of Mr. Brownsberger, the Joint Session was recessed until Wednesday, June 12, 2019 at one o'clock P.M.; and the Senate withdrew from the House Chamber under the escort of the Sergeant-at-Arms.

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The House then reconvened with Mrs. Haddad of Somerset in the Chair.

### *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 David M. Nangle and others (with the approval of the city council) that the city of Lowell be authorized to transfer and have air rights over certain parcels of park and state land. Under suspension of the rules, on motion of Ms. Peake of Provincetown, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Lowell,—  
air rights.

Prior to the noon recess,— By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the Bill financing improvements to municipal roads and bridges (printed in House, No. 69), ought to pass [Bond Issue: General Obligation Bonds: \$1,900,000,000.00]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Municipal  
roads and  
bridges.

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. Michlewitz of Boston, 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 Mr. Straus of Mattapoisett, 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 156 members voted in the affirmative and 0 in the negative.

Bill passed to  
be engrossed,—  
yea and nay  
No. 57

**[See Yea and Nay No. 57 in Supplement.]**

Therefore the bill (printed in House, No. 69) was passed to be engrossed. Sent to the Senate for concurrence.

### *Orders of the Day.*

The House Bill establishing a sick leave bank for Denise Santos, an employee of the Department of Correction (House, No. 3697) (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.

### *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 five minutes before two o'clock P.M., on motion of Mr. Hill of Ipswich (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.