
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, MAY 15, 2019.

[45]*

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Wednesday, May 15, 2019.

Met according to adjournment at 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 Justice and Peace, we pray today for the on-going efforts of our elected officials in this chamber. We pray for their welfare and for the welfare of their staff.

We pray also for the Legislative Engrossing Division as we remember that it was on this day in 1672 that the General Court of the Massachusetts colony issued the first copyright in America. It was issued to printer John Usher in order to produce copies of the Court's legislative acts and to protect his work from piracy.

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.

Appointment of the Speaker.

The Speaker announced that he had appointed Representative Velis of Westfield to the special commission established (under Section 44 of Chapter 218 of the Acts of 2018) to study the cost and feasibility of exempting veterans of the Commonwealth 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.

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) congratulating Terry Stader of Westford on the happy and joyous occasion of his selection as the 2019 Westford Kiwanis Person of the Year;

Resolutions (filed by Ms. Hogan of Stow) congratulating the Hudson Community Food Pantry on their twenty-fifth anniversary and honoring the commitment of their volunteers;

Resolutions (filed by Ms. Peisch of Wellesley) honoring Jane Lord Andrews on her many years of service to the town of Wellesley;

Resolutions (filed by Ms. Peisch of Wellesley) honoring Lynne Novogroski for her forty-nine years of dedicated service to the Wellesley public schools; and

Resolutions (filed by Mr. Walsh of Peabody) congratulating Peter Garuti on receiving the Eagle Scout Award of the Boy Scouts of America;

Prayer.

Pledge of
allegiance.

Veterans,—
higher
education
costs.

Terry
Stader.

Hudson
Community
Food Pantry.

Jane
Andrews.

Lynne
Novogroski.

Peter
Garuti.

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

Reports of Committees.

Mr. Galvin of Canton, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the House Bill requiring the hands-free use of mobile telephones while driving (House, No. 3793) [for order, see House, No. 3794]. The order was adopted.

Mobile phones while driving,—procedures.

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 following petitions:

Petition (accompanied by bill) of Kevin G. Honan relative to the classification of assisted living residences. To the committee on Elder Affairs.

Assisted living.

Petition (accompanied by bill) of Shawn Dooley relative to the medical expense tax deduction. To the committee on Revenue.

Medical expenses.

Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Ms. Peisch of Wellesley, for the committee on Education, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 498) of Bradley H. Jones, Jr., and others for an investigation by a special task force (including members of the General Court) relative to the economic and educational impacts of establishing public private partnerships between state educational institutions and private corporations,— and recommending that the same be referred to the committee on Higher Education. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Educational institutions,—task force.

By Mr. Petrolati of Ludlow, 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 Mark A. Paiva, an employee of the Department of Correction (Senate, No. 2215); and

Mark Paiva,—sick leave.

House bills

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,—housing code.

Requiring automatic external defibrillators in Norfolk County public buildings (House, No. 1789);

Norfolk County.

Relative to the membership of the conservation commission of the town of Holliston (House, No. 3642) [Local Approval Received]; and

Holliston,—commission.

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.

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. Chan of Quincy, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill establishing a dentist diversion program (House, No. 238). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Dentists,—
diversion
program.

By Mr. Chan of Quincy, for the committee on Consumer Protection and Professional Licensure, on Senate, No. 119 and House, No. 196, a Bill relative to kosher food signage (House, No. 196).

Kosher
food.

By the same member, for the same committee, on Senate, No. 113 and House, No. 286, a Bill regulating secondary metals dealings (House, No. 286).

Secondary
metals.

By the same member, for the same committee, on House, Nos. 192 and 335, a Bill relative to sheet metal work (House, No. 335).

Sheet metal
work.

By Mr. Parisella of Beverly, for the committee on Public Service, on a petition, a Bill relative to the collective bargaining rights for employees of the Committee for Public Counsel Services (House, No. 2330).

Employee
bargaining
rights.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Parisella of Beverly, for the committee on Public Service, on a joint petition, a Bill establishing a sick leave bank for Sophia R. Velez, an employee of the Executive Office of Health and Human Services (House, No. 3739).

Sophia Velez,—
sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Carrie Peters, an employee of the Department of Transitional Assistance (House, No. 3740).

Carrie Peters,—
sick leave.

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

Recess.

At thirteen minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at twenty-one minutes before two o'clock the House was called to order with Mrs. Haddad of Somerset in the Chair.

Recess.

Resolutions.

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

Resolutions (filed by Ms. Ehrlich of Marblehead and other members of the House) commending the National Brain Tumor Society on its recognition of May 2019 as Brain Tumor Awareness Month; and

Brain Tumor
Awareness
Month.

Resolutions (filed by Messrs. Tucker of Salem, Walsh of Peabody, Speliotis of Danvers, Parisella of Beverly and Hill of Ipswich) commending the Arbella Drum and Bugle Corps on the fortieth anniversary of winning the Drum Corp International All Girl Championship;

Arbella
Drum and
Bugle Corps.

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

Matters Discharged from the Orders of the Day.

The Senate Bill establishing a sick leave bank for Daniel Ajoue, an employee of the Department of Correction (Senate, No. 2208, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Parisella of Beverly; and it was passed to be engrossed, in concurrence.

Daniel
Ajoue,—
sick leave.

The House Bill establishing a sick leave bank for Maryanne Healey, an employee of the Middlesex Sheriff's Office (House, No. 3689), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Parisella of Beverly; and it was passed to be engrossed. Sent to the Senate for concurrence.

Maryanne
Healey,—
sick leave.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Daniel Ajoue, an employee of the Department of Correction (see Senate, No. 2208, 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.

Daniel
Ajoue,—
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 13 to 0. Sent to the Senate for concurrence.

Reports of Committees.

Prior to the noon recess (Mr. Donato of Medford in the Chair), Mr. Michlewitz of Boston, for the committee on Ways and Means, reported that the Bill requiring the hands-free use of mobile telephones while driving (House, No. 3149), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 3793). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Hands-free
devices.

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. Wagner of Chicopee, the bill was considered, the main question being on ordering it to a third reading.

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

Subsequently, the noon recess having terminated (Mr. Petrolati of Ludlow 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 debate on the question on passing the bill to be engrossed, Messrs. Whelan of Brewster and Howitt of Seekonk moved to amend the it by adding the

following section:

“SECTION 14. Section 29 of said Chapter 90, as so appearing, is hereby amended by inserting after the word, ‘aforesaid’, in line 41, the following words:- Whoever operates a motor vehicle upon any way or in any place to which the public has right to access, or upon any way or in any place to which the public has access as invitees or licensees, shall be deemed to have consented to an examination by the Registrar or their designee of any mobile electronic device in their possession or control in the event that said motor vehicle operator is involved in any crash which results in the death of any person.”.

The amendment was rejected.

Mr. Whelan of Brewster and other members of the House then moved to amend the bill by striking out sections 6 to 9, inclusive; and by striking out section 11 and inserting in place thereof the following section:

“SECTION 11. There shall be a commission established to investigate the methods of collecting and analyzing data related to law enforcement stops. The commission shall consist of: the secretary of public safety and security or a designee; the secretary of Transportation or a designee; the Registrar of motor vehicles or a designee; the secretary of the Technology Services and Security or a designee; the Senate President or a designee; the Senate Minority leader or a designee; the Speaker of the House or a designee; House Minority leader or a designee; a representative of the Massachusetts Chiefs of Police Association; a representative of the Massachusetts State Police; a representative of the Fraternal Order of Police; A representative of the Boston Patrolman’s Association; a Representative of the Massachusetts Coalition of Police; a representative of the Committee on Public Counsel Services; and the American Civil Liberties Union.

The Commission shall consider 1) methods for collecting data related to race, ethnicity and gender related to traffic stops; 2) ways to establish a standardized form for recording collected information; 3) methods for publishing and analyzing data; and 4) methods for implementing responses to the data.

The Commission shall file its report not later than July 31, 2019 with the clerks of the Senate and House of Representatives, the joint committee on transportation; the joint committee on judiciary; and the senate and house committees on ways and means.”.

The amendments were rejected.

Subsequently, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

A roll call then was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (the Speaker being in the Chair) 155 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 58.

[See Yea and Nay No. 58 in Supplement.]

Therefore a quorum was present.

After remarks on the question on passing the bill to be engrossed, (Mr. Petrolati of Ludlow having returned to the Chair) Ms. Tyler of Boston moved to amend it by inserting after section 7 the following section:

“SECTION 7A. Notwithstanding any general or special law to the contrary, the secretary of public safety and security shall investigate and study alternative methods for collecting more accurate data pursuant to chapter 228 of the acts of 2000, as amended by this act. Said study shall include, without limitation, the feasibility of expanding the data collected pursuant to section 8 of said chapter 228

including expansion of the data collection to include the race and gender of each individual subject to traffic stops, searches resulting from a traffic stop or frisks resulting from a traffic stop whether or not a Massachusetts Uniform Citation was issued.

The secretary shall file a report with the results of his investigation and study together with legislation, if any, with the house and senate chairs of the joint committee on transportation no later than December 31, 2019.”.

After remarks the amendment was adopted.

Mr. Michlewitz of Boston then moved to amend the bill in section 10, in line 89, by inserting after the word “campaign” the following: “, in English, Spanish, Portuguese, Chinese, Haitian Creole, Vietnamese, Khmer and Arabic and any other language that is the primary language of at least 10,000 or ½ of one per cent of all residents of the commonwealth,”; and the amendment was adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Straus of Mattapoisett; and on the roll call 155 members voted in the affirmative and 2 in the negative.

[See Yea and Nay No. 59 in Supplement.]

Therefore the bill (House, No. 3793, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed to
be engrossed,—
yea and nay
No. 59.

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.

Accordingly, without proceeding to the matters in the Orders of the Day, at twenty-nine minutes before eight o’clock P.M., on motion of Mr. Hill of Ipswich (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet the following day at eleven o’clock A.M., in an Informal Session.