
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, JUNE 3, 2020.

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Wednesday, June 3, 2020.

Met according to adjournment at eleven o'clock A.M., under emergency rules, 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).

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

Pledge of
allegiance.

Silent Prayer.

At the request of the Speaker, the members and employees stood for a moment of silent tribute in memory of George Floyd, a 46-year-old black man who was killed in Minneapolis, Minnesota during an arrest for allegedly using a counterfeit bill.

George
Floyd.

Appointment of the Speaker.

The Speaker, under the provisions of House Rule 8, announced that he had appointed Mr. Madaro of Boston to replace Ms. Peake of Provincetown as monitor of the Fourth Division for today's session.

Monitor of
the House.

Orders.

The following order (filed by Ms. Peisch of Wellesley) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Education be granted until Wednesday, July 15, 2020 within which time to make its final report on current Senate document numbered 289, and House documents numbered 445 and 495.

Education
committee,—
extension
of time for
reporting.

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4771), ought to be adopted. Under suspension of the rules, on motion of Ms. Peisch, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Hay of Fitchburg) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Labor and Workforce Development be granted until Friday, July 3, 2020 within which time to make its final report on current Senate document numbered 2701, and House documents numbered 4192 and 4700.

Labor and
Workforce
Development,—
extension
of time for
reporting.

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4770), ought to be adopted. Under suspension of the rules, on motion of Mr. Hay, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petitions.

Ms. Decker of Cambridge presented a petition (accompanied by bill, House, No. 4773) of Marjorie C. Decker (with the approval of the city council) for legislation to authorize the city of Cambridge to allow for an exemption from taxation of personal property not in excess of \$20,000 of value; and the same was referred to the committee on Revenue. Sent to the Senate for concurrence.

Cambridge,—
tax exemption.

Miss Gregoire of Marlborough presented a petition (subject to Joint Rule 12) of Danielle W. Gregoire and others relative to the remittance of meals tax by vendors due to the COVID-19 pandemic; and the same was referred, under Rule 24, to the committee on Rules.

COVID-19,—
meals tax.

Papers from the Senate.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2740) of Diana DiZoglio, Lenny Mirra, Patrick M. O'Connor, David F. DeCoste and others for legislation to temporarily expand take-out and delivery options for local establishments licensed to sell alcoholic beverages. To the committee on Consumer Protection and Professional Licensure.

Restaurants,—
take-out
and delivery.

Petition (accompanied by bill, Senate, No. 2741) of Edward J. Kennedy for legislation relative to summer courses at virtual schools. To the committee on Education.

Virtual
schools.

Petition (accompanied by bill, Senate, No. 2742) of Julian Cyr and William L. Crocker, Jr., for legislation to establish a sick leave bank for William Marzilli, an employee of the Massachusetts Department of Transportation. To the committee on Public Service.

William
Marzilli,—
sick leave.

Recess.

At six minutes after eleven o'clock A.M., on motion of Mr. Vieira of Falmouth (Mr. Donato of Medford 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.

Recess.

Quorum.

As required under the provision of Emergency Rule 2(4), a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 156 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 175.

[See Yea and Nay No. 175 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

The House Bill addressing challenges faced by food and beverage establishments resulting from the COVID-19 pandemic (House, No. 4767), reported

Restaurants
and bars,—

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. Donato of Medford being in the Chair) Mr. Pignatelli of Lenox and other members of the House moved to amend it in section 6 by adding the following paragraph:

“(c) Notwithstanding any general or special law to the contrary, in order to address disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19 and the effects of the governor’s March 10, 2020 declaration of a state of emergency, the chief elected officials of a city or town, such as but not limited to a board of selectmen or chief executive officer, as they are defined in section 7 of chapter 4 of the General Laws, as established by charter or special act, during the March 10, 2020 state of emergency, may waive any bylaws of the city or town that restrict or forbid the serving or consumption of alcohol on city or town property. The waived bylaws shall be effective again on November 30th, 2020.”.

The amendment was rejected.

Mr. Chan of Quincy then moved to amend the bill in section 6, in line 110, by inserting after the word “sale” the words “; provided further, that said lip, cap or seal are affixed in such a way to prevent reopening without it being obvious that said lip, cap or seal was removed or broken”; and the amendment was adopted.

Representatives Cusack of Braintree, Ciccolo of Lexington and Ryan of Boston then moved to amend the bill in section 7, after line 136, by inserting the following paragraph:

“‘Delivery fee,’ a fee charged by a third-party delivery service for providing a covered establishment with a service that delivers food from such establishment to customers. The term does not include any other fee that may be charged by a third-party delivery service to a covered establishment, such as fees for listing or advertising the covered establishment on the third-party delivery service platform or fees related to processing the online order.”; and

In lines 151 to 155, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“(b) Notwithstanding any general or special law to the contrary, no third-party delivery service company, from the effective date of this act and for a period of 45 days after the termination of the COVID-19 emergency, shall charge a covered establishment a delivery fee per online order for the use of its services and fees other than a delivery fee that totals more than 15 per cent of the purchase price of the online order in the aggregate; provided, however, that no third-party delivery service company shall charge a covered establishment any fee or fees other than a delivery fee for the use of their services greater than 5 per cent of the purchase price of such online order.”.

The amendments were adopted.

Mr. Michlewitz of Boston then moved to amend the bill in section 5, in lines 85 to 94, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“(b) Notwithstanding any general or special law to the contrary, in order to address disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19 and the effects of the governor’s March 10, 2020 declaration of a state of emergency, local licensing authorities in any city or town that vote to authorize the granting of licenses for the sale of alcoholic beverages for on-premises consumption may grant approval for a change in the description of a licensed premises for the purpose of permitting outdoor alcohol service as the local licensing authorities may

deem reasonable and proper and issue an amended license to existing license holders for said purpose, without further review or approval by the commission.”.

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. Michlewitz of Boston; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 176 in Supplement.]

Therefore the bill (House, No. 4774, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to voting options in response to COVID-19 (House, No. 4768), 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. Pignatelli of Lenox and other members of the House moved to amend it in section 6, in lines 55 and 58, by inserting after the word “addresses”, in each instance, the words “or mailing addresses if different from their residential addresses”. The amendments were adopted.

Ms. Blais of Sunderland and other members of the House then moved to amend the bill by adding the following two sections:

“SECTION 19. For any mailing required by this act to a qualified voter set forth in this act, all applications and ballots shall be mailed by United States Postal Service first class mail.

SECTION 20. (a) The state secretary shall publish after 30 days, after 60 days and after 90 days a report providing details relative to: (1) the number of applications or ballots returned by the United States Postal Service; and (2) the reason for said applications or ballots return due to (i) no mail receptacle, (ii) insufficient address, (iii) vacant, or (iv) address not known.

(b) For any mailing to a qualified voter set forth in this act, a qualified voter may provide an alternate mailing address to the state secretary and the city or town in which the voter is registered, in addition to their residential address. If a qualified voter provides an alternate mailing address, any application or ballot as provided in this act shall be mailed to their alternate mailing address.”.

The amendment was rejected.

Ms. Khan of Newton then moved to amend the bill in section 6 (as changed by the committee on Bills in the Third Reading) by adding the following paragraph:

“(i) A voter wishing to apply to vote early by mail in the primary and/or general election and needs accommodation may request such accommodation from the secretary of state. Upon receiving information from the voter pursuant to the application in this section either by phone or electronically, the secretary of state shall grant accommodations to the voter. Accommodations shall include, but are not limited to, clear and electronic instructions for completion and returning of the ballot, an authorized blank electronic ballot that can be filled out electronically and printed, an envelope to return the ballot to the voters town or city clerk, and hole punched markers where a wet signature is required for certification. Upon printing the ballot the voter shall place the ballot in the envelope provided by the secretary of state. A voter with accommodations in receipt of an early voting ballot for the primary and or general election pursuant to this section may complete and return the ballot by: (i) delivering it in person to the office of the appropriate city or town clerk; (ii) dropping it in a secured municipal drop box; or (iii) mailing it to the appropriate city or town clerk.”.

Bill passed to be engrossed—
yea and nay
No. 176.

Voting
options,—
COVID-19.

The amendment was adopted.

Recess.

At twenty-five minutes after three o'clock P.M., the Chair (Mr. Donato of Medford) declared a recess until the following day at eleven o'clock A.M.; and at that time the House was called to order with the Mr. Donato in the Chair. Recess.