
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, JUNE 5, 2019.

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Wednesday, June 5, 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:

Loving and Caring God, we pray for the dedicated women and men of this chamber and for all who devote their efforts to the betterment of our Commonwealth.

Prayer.

Today we remember in gratitude a citizen who devoted his life to the care and welfare of domestic and wild animals.

George Thorndike Angell was born in Southbridge on this day in 1823. He was a Boston-area lawyer who in 1868 became the founder and director of the Massachusetts Society for the Prevention of Cruelty to Animals, the second oldest humane society in America. His motivation for dedicating his life to this cause stemmed from his witness of the poor treatment and subsequent death of two race horses.

Today the MSPCA operates three medical centers for animals including Angell Memorial in Jamaica Plain. A story in today's Boston Globe noted the continued need for such an institution as a three pound Yorkshire terrier was thrown in a dumpster a couple weeks back and is now recovering from its state of neglect at Angell Memorial.

We pray for all pet-lovers and their pets.

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.

Statement Concerning Representative Kearney of Scituate.

A statement of Mr. Wagner of Chicopee concerning Mr. Kearney of Scituate was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kearney of Scituate, is unable to be present in the House Chamber for today's sitting due to his being on active duty as an Ensign in the United States Navy, until June 14. If he had been present in the Chamber today, he would have voted in the affirmative on House bill No. 3854, An Act relative to collective bargaining dues. His missing of roll calls this week and next week will be due entirely to the reason stated.

Statement
concerning
Mr. Kearney
of Scituate.

Statement Concerning Representative Naughton of Clinton.

A statement of Mr. Mariano of Quincy concerning Mr. Naughton of Clinton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Naughton of Clinton, is unable to be present in the House Chamber for today's sitting due to his participation in the observance of the 75th anniversary of D-Day in Normandy, France. He was invited by the United States Army Europe to commemorate and honor those who defended our freedom in the largest combined air, land, and naval operation in military history. His missing of roll calls today is due entirely to the reason stated.

Statement concerning Mr. Naughton of Clinton.

Guests of the House.

During the session, the Speaker declared a brief recess, and introduced David Friedman, Senior Vice President, Legal and Government Affairs of the Boston Red Sox, who was recognized by the presentation of a Citation of the House for the Red Sox 2018 World Series Championship. The World Series trophy was on display in the Well of the House.

Boston Red Sox and David Friedman.

During the morning session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced former Representative Emanuel G. "Gus" Serra and his wife Lindy, accompanied by their daughter-in-law Julie and Grandson Domenic Serra. Mr. Serra represented the First Suffolk Representative District (East Boston) from 1971 to 1999, inclusive.

Emanuel G. "Gus" Serra and family.

Moment of Silent Tribute.

During the session, Mrs. Campbell of Methuen took the Chair and, at her request, the members, guests and employees stood in a moment of silent tribute in recognition of the seventy-fifth anniversary of the invasion of Normandy, France by the Allied Forces. Mrs. Campbell read the following resolution:

D-Day,— anniversary.

Whereas, June 6th, also known as D-day, commemorates the beginning of one of the most significant battles in human history, a decisive campaign in World War II that defined the future of Europe, the Battle of Normandy; and

Whereas, On June 6th, Allied troops conducted the largest amphibious assault in human history and were met by approximately 400,000 German troops on the shores of Normandy who rained down fire from above; and

Whereas, Two American airborne divisions and the British first airborne division parachuted in on June 6th, 1944 to prevent Nazi reinforcements from reaching Gold, Sword, Juno, Omaha, and Utah beaches; and

Whereas, An estimated 4,414 soldiers died on that single day, and specifically 2,501 American soldiers were killed in action on two French beachheads, and about 225,000 service members were killed, wounded, or went missing in Normandy from June to August 1944, including 134,000 Americans and 91,000 Britons, Canadians, and Poles, as well as 18,000 French civilians; and

Whereas, Allied countries, working unitedly, never faltered and ultimately prevailed to preserve democracy and elimination of Nazi tyranny and evil; therefore be it

Resolved, That the members of the Massachusetts House of Representatives hereby recognize, on the 75th anniversary of the Battle of Normandy, the thousands of Allied service members who gave their lives in this war, and further offer our

profound gratitude for their never-ending gift to the world in fighting for the preservation of freedom, democracy, and human rights; and be it further

Resolved, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives, to the Disabled American Veterans Department of Massachusetts, and to the Veterans of Foreign Wars, American Veterans, and the American Legion.

Resolutions.

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

Resolutions (filed by Mrs. Campbell of Methuen) honoring Allied Forces on the occasion of the seventy-fifth anniversary of the invasion of Normandy, France; Normandy,— anniversary.

Resolutions (filed by Representatives Dooley of Norfolk and Garlick of Needham) congratulating Ross P. Johnson on receiving the Eagle Award from the Boy Scouts of America; Ross Johnson.

Resolutions (filed by Representatives Dooley of Norfolk and Garlick of Needham) congratulating Gabriel Muir Springer on receiving the Eagle Award from the Boy Scouts of America; Gabriel Springer.

Resolutions (filed by Mr. Kelcourse of Amesbury) congratulating Annemarie F. Noe on receiving the Gold Award of the Girl Scouts of America; Annemarie Noe.

Resolutions (filed by Mr. Stanley of Waltham) congratulating Lia Tier Darling on receiving the Girl Scout Gold Award from the Girl Scouts of Eastern Massachusetts; Lia Darling.

Resolutions (filed by Mr. Stanley of Waltham) congratulating Alison Lora Dwyer on receiving the Girl Scout Gold Award from the Girl Scouts of Eastern Massachusetts; Alison Dwyer.

Resolutions (filed by Mr. Stanley of Waltham) congratulating Anya Louise Elder on receiving the Girl Scout Gold Award from the Girl Scouts of Eastern Massachusetts; Anya Elder.

Resolutions (filed by Mr. Stanley of Waltham) congratulating Audrey Leigh Hammet Ory on receiving the Girl Scout Gold Award from the Girl Scouts of Eastern Massachusetts; and Audrey Ory.

Resolutions (filed by Mr. Stanley of Waltham) congratulating Ms. Ashley Elizabeth Du Toit on receiving the Girl Scout Gold Award from the Girl Scouts of Eastern Massachusetts; Ashley Du Toit.

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

Petitions.

The following additional petitions (having been deposited in the office of the Clerk of the House, previously to five o'clock in the afternoon on Friday, January 18, 2019) were referred, under Rule 24 and Joint Rule 13, as follows:

By Representative McMurtry of Dedham and Senator Rush, a joint petition (accompanied by bill, House, No. 3829) of Paul McMurtry, Michael F. Rush and others relative to a specialty pharmacy in Greater Boston Urology. To the Specialty pharmacy.

committee on Consumer Protection and Professional Licensure.

By the same members, a joint petition (accompanied by bill, House, No. 3840) of Paul McMurtry, Michael F. Rush and others relative to licensure for specialty practice pharmacies. To the committee on Public Health.

Pharmacies,—
licensure.

Petitions severally were presented and referred as follows:

By Ms. Barber of Somerville, a petition (accompanied by bill, House, No. 3856) of Christine P. Barber and others (with the approval of the mayor and city council) that the city of Somerville be authorized to provide voting rights in municipal elections for certain residents aged 16 and 17 years old. To the committee on Election Laws.

Somerville,—
voting
rights.

By Mr. Brodeur of Melrose, a petition (accompanied by bill, House, No. 3857) of Paul Brodeur and Jason M. Lewis (by vote of the town) that the town of Wakefield be authorized to establish a means tested senior citizen property tax exemption. To the committee on Revenue.

Wakefield,—
senior tax
exemption.

Severally sent to the Senate for concurrence.

Mr. Ryan of Boston presented a petition (subject to Joint Rule 12) of Daniel J. Ryan and RoseLee Vincent relative to certain affordable housing in the city of Chelsea; and the same was referred, under Rule 24, to the committee on Rules.

Chelsea,—
affordable
housing.

Paper from the Senate.

A report of the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1209) of Harriette L. Chandler, Michael J. Barrett, James T. Welch, Rebecca L. Rausch and other members of the General Court for legislation to remove obstacles and expand abortion access,— and recommending that the same be referred to the committee on the Judiciary,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Abortion,—
access.

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 relative to collective bargaining dues (House, No. 3854) [for order, see House, No. 3855]. The order was adopted.

Collective
bargaining.

By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill relative to housing service coordinators (House, No. 1279).

Housing service
coordinators.

By the same member, for the same committee, on a petition, a Bill relative to housing authority executive director contracts (House, No. 1283).

Housing
contracts.

By the same member, for the same committee, on a petition, a Bill to establish an apprenticeship program to ready vacant public housing apartments for occupancy (House, No. 1287).

Housing,—
vacant
properties.

By the same member, for the same committee, on a joint petition, a Bill relative to local housing authority board member elections (House, No. 1291).

Housing,—
elections.

By the same member, for the same committee, on a petition, a Bill leveraging additional resources for local housing authorities (House, No. 1317) [Representative Kearney of Scituate dissenting].

Housing
authorities,—
indebtedness.

By Mr. Honan of Boston, for the same committee, on a petition, a Bill restoring the commonwealths [sic] public housing (House, No. 1321).

Public housing.

By the same member, for the same committee, on a petition, a Bill to prevent and respond to bullying of elderly and disabled residents (House, No. 1443, changed in line 10 by striking out the words “the orderly operation of a covered residential community” and inserting in place thereof the words “the peaceful enjoyment of a covered residential community environment”; and in line 66 by striking out the words “public safety” and inserting in place thereof the words “civil rights”).

Public housing residents,—bullying.

By the same member, for the same committee, on a petition, a Bill relative to certain affordable housing in the South End section of the city of Boston (House, No. 3696) [Local Approval Received].

Boston,—South End housing.

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

By Mr. Lawn of Watertown, for the committee on Election Laws, on a joint petition, a Bill relative to the election of the Hoosac Valley Regional School District (towns of Adams and Cheshire) committee members (House, No. 634).

Hoosac Valley School District.

By the same member, for the same committee, on a joint petition, a Bill relative to Hanson town elections (House, No. 641) [Local Approval Received].

Hanson,—elections.

By the same member, for the same committee, on a petition, a Bill relative to nomination of candidates for town meeting in the town of Milford (House, No. 698) [Local Approval Received].

Milford,—candidate nomination.

By Mr. O’Day of West Boylston, for the committee on Municipalities and Regional Government, on a petition, a Bill granting the city of Somerville the authority to require the adoption of institutional master plans subject to the review and approval by the municipality (House, No. 3641) [Local Approval Received].

Somerville,—master plans.

By the same member, for the same committee, on a petition, a Bill amending the charter of the town of Yarmouth (House, No. 3680) [Local Approval Received].

Yarmouth,—charter.

By the same member, for the same committee, on Senate, No. 2202 and House, No. 3698, a Bill to dissolve the Newburyport Redevelopment Authority and transfer its lands to the city of Newburyport (House, No. 3698) [Local Approval Received].

Newburyport,—redevelopment authority.

By the same member, for the same committee, on a petition, a Bill providing for the construction of improvements to Arsenal Park in the town of Watertown (House, No. 3814) [Local Approval Received].

Watertown,—Arsenal Park.

By the same member, for the same committee, on a petition, a Bill revising the charter for the city of Melrose (House, No. 3822) [Local Approval Received].

Melrose,—charter.

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

Emergency Measure.

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

Denise Santos,—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 4 to 0. Sent to the Senate for concurrence.

Recess.

At ten minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (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.

Reports of Committees.

Mr. Donato of Medford being in the Chair,—

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 Josh S. Cutler relative to the minimum amount of school aid available to municipalities. Under suspension of the rules, on motion of Mrs. Haddad of Somerset, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education. Sent to the Senate for concurrence.

School aid,—
minimum
amounts.

Prior to the noon recess, By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the Bill relative to collective bargaining dues (House, No. 3825), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 3854). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Appraisal
management.

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 the same member, the bill was read a second time forthwith.

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

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Brodeur of Melrose, 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. McKenna of Webster moved to amend it in section 3, in lines 54 to 60, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following:

“(b) not later than 10 calendar days after the date a prospective school employee accepts an offer of employment or after the date of hire for all other public bargaining unit employees, public employers shall provide the following contact information to an exclusive representative employee organization in spreadsheet file format or other format agreed to by the exclusive representative employee organization: name, job, title, worksite location, work telephone numbers, date of hire, work email address.”.

After debate on the question on adoption of the amendment, 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 125 in the negative.

Amendment
rejected,—
yea and nay
No. 62.

[See Yea and Nay No. 62 in Supplement.]

Therefore the amendment was rejected.

Mr. McKenna then moved to amend the bill by striking all occurrences of the words “mobile telephone number” and “cellular telephone number”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. McKenna of Webster; and on the roll call 31 members voted in the affirmative and 125 in the negative.

[See Yea and Nay No. 63 in Supplement.]

Therefore the amendment was rejected.

The same member then moved to amend the bill in section 3 by adding following:

“(i) nothing in this section shall authorize an exclusive representative to communicate with an employee through text message unless the representative obtains the express written consent of the employee.”.

The amendment was rejected.

Mr. Dooley of Norfolk then moved to amend the bill by adding the following section:

“SECTION 7. All personal information disclosed to a non-governmental organization pursuant to this chapter shall be kept confidential by such organization. No such personal information may be sold or otherwise distributed further by such non-governmental organization. Upon any revocation pursuant to this section, the non-governmental organization shall immediately destroy all personal information of the revoking employee that it may have in its possession, custody or control. Any further contact with said employee by means of such information shall be in violation of this act and subject to a fine of not less than \$1,000.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 30 members voted in the affirmative and 126 in the negative.

[See Yea and Nay No. 64 in Supplement.]

Therefore the amendment was rejected.

Mr. McKenna of Webster then moved to amend the bill by adding the following section:

“SECTION 7. Any labor organization receiving information from a public employer about a public employee pursuant to this section, including such employee’s name, job, title, worksite location, home address, work telephone numbers, home and personal cellular telephone numbers on file with the public employer, date of hire, work email address and personal email address, shall provide a bond to the Commonwealth with sufficient surety to provide credit monitoring and identity theft protection services to all employees whose information the union receives pursuant to this section in the event of a data breach, and furthermore shall be held liable for any damage or injury that results from the disclosure of any employee contact information to a third party.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 28 members voted in the affirmative and 128 in the negative.

[See Yea and Nay No. 65 in Supplement.]

Therefore the amendment was rejected.

Mr. McKenna then moved to amend the bill by in section 3 by striking out lines 66 to 70, inclusive.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. McKenna of Webster; and on the roll call 22 members voted in the affirmative and 134 in the negative.

[See Yea and Nay No. 66 in Supplement.]

Amendment rejected,—
yea and nay
No. 63.

Amendment rejected,—
yea and nay
No. 64.

Amendment rejected,—
yea and nay
No. 65.

Amendment rejected,—
yea and nay
No. 66.

Therefore the amendment was rejected.

The same member then moved to amend the bill by adding the following section:

“SECTION 7. Any union representative of a public employee union, and all board members and officers of such union, who receive personal information including the name, job title, department, work location, work, home or personal cellular telephone number, personal electronic mail address or home address relating to a newly hired employee, shall provide his or her name, job title, department, work location, work, home or personal cellular telephone number, personal electronic mail address and home address to such newly hired employee not later than ten days after such employee is hired or not later than the first pay period of the month following the hiring of such employee.”.

The amendment was rejected.

Mr. McKenna then moved to amend the bill in section 3, in line 81, by inserting after the word “entity.” the following sentence: “The exclusive representative shall not prohibit video or audio recording of any meeting by employees attending such meetings.”.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. McKenna of Webster; and on the roll call 29 members voted in the affirmative and 127 in the negative.

[See Yea and Nay No. 67 in Supplement.]

Therefore the amendment was rejected.

The same member then moved to amend the bill in section 3 by adding the following:

“(i), prior to a public employer providing the exclusive representative with the personal information of any employee, a member of management or a designated representative, during a private meeting, shall explain to any newly hired employee that such employee may abstain from union participation pursuant to applicable state and federal law and offer such employee an opportunity to opt out of the provision of any personal information to the exclusive representative. A public employer shall withhold the personal information of such employee who opts out from the exclusive representative without informing such representative of the employee's decision to opt out. Any employee who opts out of the provision of personal information to the exclusive representative, and who elects not to participate in a union, shall be excused from the employer's requirement to provide access to said employee to the exclusive representative and shall be excused from participation in any orientation or any other meeting that will be attended by the exclusive representative, without any retribution or ramifications.”.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. McKenna; and on the roll call 27 members voted in the affirmative and 129 in the negative.

[See Yea and Nay No. 68 in Supplement.]

Therefore the amendment was rejected.

Mrs. O'Connell of Taunton then moved to amend the bill in section 1, in line 8, by inserting after the word “disclosed” the words “, with the written consent of the employee,”; and in section 3, in line 56, by inserting after the word “provide” the words “, with the written consent of the employee,”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 30 members voted in the affirmative and 126 in the negative.

[See Yea and Nay No. 69 in Supplement.]

Amendment rejected,—
yea and nay
No. 67.

Amendment rejected,—
yea and nay
No. 68.

Amendments rejected,—
yea and nay
No. 69.

Therefore the amendments were rejected.

The Speaker being in the Chair,—

After debate 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 Mr. Brodeur of Melrose; and on the roll call 155 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 70 in Supplement.]

Therefore the bill (House, No. 3854) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed to be engrossed,—
yea and nay
No. 70.

Orders of the Day.

Mr. Donato of Medford being in the Chair,—

House bills

Relative to municipal employees of the towns of Richmond and West Stockbridge acting in relation to intermunicipal agreements (House, No. 3631) (its title having been changed by the committee on Bills in the Third Reading);

Establishing a sick leave bank for Sophia R. Velez, an employee of the Executive Office of Health and Human Services (House, No. 3739); and

Establishing a sick leave bank for Renee Bennett, an employee of the Sex Offender Registry Board (House, No. 3797);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Third reading bills.

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 six minutes after four 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.