
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



MONDAY, SEPTEMBER 28, 2020.

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Met according to adjournment at eleven o'clock A.M., in an Informal Session, 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.

Special Prayer.

At the request of Mr. Biele of Boston, the members and employees stood in a moment of silent tribute to the memory of John F. "Jack" Woods of South Boston.

John F.
"Jack"
Woods.

Mr. Woods honorably served his country as a member of the United States Marine Corps and also served the Commonwealth as a longtime employee of the Massachusetts Bay Transportation Authority. He lived his life consistent with the Marine Corps values of honor, courage and commitment. He was a man of integrity with an unwavering commitment and deep love for his family.

Mr. Woods is survived by his wife Mary (Bailey) Woods. He was the proud father to John F. Woods, Jr., and his wife Susan (Hart), Peggy and her husband Shaun Doherty, Kenny and his wife Colleen (Glynn), Roseann and her husband Stephen McKenna and Nancy and her husband Keith Callow. Mr. Woods is also survived by his thirteen grandchildren.

Resolutions.

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

Resolutions (filed by Ms. Peake of Provincetown) congratulating Rae Ann Palmer on the occasion of her retirement as town manager of the town of Truro;

Rae Ann
Palmer.

Resolutions (filed by Mr. Arciero of Westford) congratulating Donald S. Delikat on the occasion of his retirement from the Department of Labor Standards;

Donald
Delikat.

Resolutions (filed by Mr. Arciero of Westford) congratulating and recognizing Hal R. Schreiber for his many years of dedicated service to the town of Westford; and

Hal
Schreiber.

Resolutions (filed by Messrs. Tucker of Salem, Cahill of Lynn and Capano of Lynn) commending Doctor Félix Antonio Cruz Jiminián on his contributions to the Dominican Republic and impact on the Dominican population of the Commonwealth of Massachusetts;

Félix
Jiminián.

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. O'Day of West Boylston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mrs. Campbell of Methuen, a petition (accompanied by bill, House, No. 5009) of Linda Dean Campbell (with the approval of the mayor and city council) relative to increased financial oversight by the city council in the city of Methuen; and

Methuen,—
financial oversight.

By Ms. Hogan of Stow, a petition (accompanied by bill, House, No. 5010) of Kate Hogan (by vote of the town) that the town of Maynard be authorized to change the name of the board of selectmen in said town to the select board;

Maynard,—
select board.

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Messrs. Cabral of New Bedford and Straus of Mattapoisett presented a petition (subject to Joint Rule 12) of Antonio F. D. Cabral, William M. Straus and others relative to polling place security and integrity; and the same was referred, under Rule 24, to the committee on Rules.

Polling places.

Papers from the Senate.

Bills

Authorizing the town of Westport to convey a non-exclusive access easement in a portion of town property at 493 Old County Road to benefit 497 Old County Road (Senate, No. 1199) (on a petition) [Local Approval Received]; and

Westport,—
land.

Authorizing the town of Scituate to use certain conservation land for general municipal purposes (Senate, No. 2915) (on Senate bill No. 2300) [Local Approval Received];

Scituate,—
land.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A petition (accompanied by bill, Senate, No. 2914) of Sal N. DiDomenico (with approval of the mayor and city council) for legislation to provide certain retirement benefits to the widow of Everett Police Captain Richard Basteri, was referred, in concurrence to the committee on Public Service.

Everett,—
benefits.

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 following petitions:

Joint petition (accompanied by bill) of Tackey Chan and Brendan P. Crighton relative to certain online automobile franchise transactions; and

Automobile franchises.

Joint petition (accompanied by bill) of Tackey Chan, Paul R. Feeney and others relative to consumer protections during states of emergency;

States of emergency.

Severally to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill) of Tackey Chan relative to tax exemptions for home office expenses. To the committee on Revenue.

Home office tax exemption.

Joint petition (accompanied by bill) of Tackey Chan and Paul R. Feeney relative to drinking alcohol at drive-in venues. To the committee on Transportation.

Drive-ins,—
alcohol.

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

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 William Marzilli, an employee of the Military Division of the Executive Branch of the Commonwealth (Senate, No. 2742, amended); and

William Marzilli,—
sick leave.

House bills

Establishing a sick leave bank for Felix Cruz, an employee of the Department of Youth Services (House, No. 4977); and

Felix Cruz,—
sick leave.

Establishing a sick leave bank for Mary Moulton, an employee of the Massachusetts Department of Developmental Services (House, No. 4981);

Mary Moulton,—
sick leave.

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

By Mr. Honan of Boston, for the committee on Housing, on House, Nos. 1262, 1268, 1269, 1272, 1273, 1274, 3606 and 3879, an Order relative to authorizing the committee on Housing to make an investigation and study of certain House documents concerning 40B issues (House, No. 4974) [Senator O'Connor and Representatives DeCoste of Norwell and Crocker of Barnstable dissenting].

Chapter 40B,—
study.

By the same member, for the same committee, on House, Nos. 1263, 1266, 1270, 1271, 1292, 1296, 1297, 1300, 1304, 1307, 1308, 1323 and 3605, an Order relative to authorizing the committee on Housing to make an investigation and study of certain House documents concerning 40B issues (House, No. 4975) [Senator O'Connor and Representative DeCoste of Norwell dissenting].

Id.

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently, Mr. Galvin of Canton, for said committees, reported, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules. Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Parisella of Beverly, for the committee on Public Service, on a joint petition, a Bill establishing a sick leave bank for Joseph Gatto, an employee of the Suffolk County Sheriff's Department (House, No. 4999). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Joseph Gatto,—
sick leave.

Engrossed Bills.

Engrossed bills

Authorizing the town of Maynard to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4693); and

Bills enacted.

Authorizing the town of Wellesley to continue employment of Jeffrey Peterson (see House, No. 4938);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The engrossed Bill establishing an economic development special revenue account for the town of Ashland (see House, No. 3953), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see House, No. 4543), was considered.

Ashland,—
fund.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. (a) Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Ashland shall establish in the town treasury a special revenue account to be known as the Economic Development Special Revenue Fund, into which shall be deposited certain receipts comprised of the total local meals tax received annually by the town under subsections (b) and (c) of section 2 of chapter 64L of the General Laws. The funds shall be used to support economic development activities, operations and administration in the town of Ashland, including, but not limited to, the Ashland Economic Development Program Fund for the town of Ashland established under chapter 420 of the acts of 2018.

(b) Notwithstanding any general or special law to the contrary, the amount of the local meals tax collected under said section 2 of said chapter 64L by the town for the fiscal year beginning July 1, 2019 and each fiscal year thereafter shall be credited to the Economic Development Special Revenue Fund and shall be subject to further appropriation by a majority vote of the town meeting.

(c) Notwithstanding any general or special law to the contrary, any interest accruing on any amount on deposit in the Economic Development Special Revenue Fund shall be credited to the general fund of the town of Ashland.

(d) Nothing in this act shall affect amounts distributed in any fiscal year to the town from the Local Aid Fund.

(e) If, by a majority vote of the town meeting pursuant to section 4B of chapter 4 of the General Laws, the town revokes its acceptance of the local meals tax collected under said section 2 of said chapter 64L, the town shall decide by a 2/3 vote of the town meeting whether the Economic Development Special Revenue Fund shall cease to have effect. If 2/3 of the town meeting votes that the Economic Development Special Revenue Fund shall cease to have effect, all unexpended and uncommitted amounts on deposit in the Economic Development Special Revenue Fund as of the date of the vote to revoke the local meals tax shall be credited to the general fund of the town on the first day of the calendar quarter following 30 days after the date of the revocatory vote; provided, however, that if 2/3 of the town meeting does not vote that the Economic Development Special Revenue Fund shall cease to have effect, the Economic Development Special Revenue Fund shall continue to have effect and all unexpended and uncommitted amounts on deposit in the Economic Development Special Revenue Fund as of the date of the vote to revoke the local meals tax collected under said section 2 of said chapter 64L shall be subject to further appropriation by a majority vote of the town meeting.

(f) The town may close the Economic Development Special Revenue Fund by a 2/3 vote of the town meeting. The vote to close the Economic Development Special Revenue Fund shall designate: (i) that the Economic Development Special Revenue Fund shall cease to have effect; (ii) that all unexpended and uncommitted amounts on deposit in the Economic Development Special Revenue Fund as of the date of the vote shall immediately be credited to the general fund of the town; and (iii) that the local meals tax that is received annually by the town under said section 2 of said chapter 64L and credited to the Economic Development Special Revenue Fund as set forth in subsections (b) and (c) shall be credited to the general fund of the town.

SECTION 2. The treasurer of the town of Ashland shall, until such time as the Economic Development Special Revenue Fund ceases to exist, provide an annual financial report to the town, which shall be publicly posted on or before October 1 of each year. The annual financial report shall specifically include: (i) fund revenues; (ii) fund receipts; (iii) the amount of grants made from the fund; (iv) the specific amounts of loans made by the fund and to whom such loans were made; and (v) the balance of money in the fund at the end of each fiscal year.

SECTION 3. This act shall take effect upon its passage.”.

The report was accepted; and the amendment then was adopted. Sent to the Senate for its action.

The House Bill establishing the charter for the town of Webster (House, No. 3938), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Webster,—
charter.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by substitution of a bill with the same title (House, No. 5008), which was read.

The amendment was adopted; and the substituted bill 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 on Thursday next at eleven o'clock A.M.

Next
sitting.

At twelve minutes after eleven o'clock A.M., on motion of Mr. Frost of Auburn (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M., in an Informal Session.