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**The Commonwealth of Massachusetts**

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**JOURNAL OF THE HOUSE.**



**WEDNESDAY, NOVEMBER 6, 2019.**

[117]\*

# JOURNAL OF THE HOUSE.

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Wednesday, November 6, 2019.

Met at six minutes after 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).

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.

## *Silent Prayers.*

During the session, at the request of Messrs. Murphy of Weymouth and Mariano of Quincy, the members, guests, and employees stood in a moment of silent tribute and reflection on the passing of Weymouth's first mayor, David Madden.

Weymouth,—  
David Madden.

Mayor Madden began his career as a firefighter in Weymouth, joining the department in 1976; and later, in 1993, he was appointed fire chief. He was a tireless advocate for firefighters serving as past President of the Massachusetts Fire Chiefs Association.

He played a key role in Weymouth's transition from a town meeting form of government to having a mayor and 11-member town council, and was elected Weymouth's first mayor in 1999.

He will always be remembered for his years of dedicated service to the town of Weymouth.

During the session, at the request of Ms. Hogan of Stow, the members, guests, and employees stood in a moment of silent tribute in honor of Stephen M. Dungan, a dear friend and former Stow selectman, who passed away peacefully on Tuesday, October 22, 2019. Mr. Dungan's lifelong dedication to public service made Stow a better place to live for all residents.

Stow,—  
Stephen  
Dungan.

In his numerous roles across town government and the nonprofit sector, Mr. Dungan was a steward of opportunity – championing affordable housing as a selectman, increasing access to nutritious food as a board member of the Stow Food Pantry, and strengthening safety nets for our most vulnerable as a member of the Stow Community Chest.

With a doctorate in biochemistry, Mr. Dungan brought his intelligence and aptitude as a problem solver to every part of his life, from his work as the Technical Director of Quest Diagnostics to his leadership for the town of Stow. In retirement, he founded his own financial services company.

However, Mr. Dungan's spirit of service is captured most profoundly in the purpose and integrity with which he lived.

Mr. Dungan will be remembered as a loving husband to Pamela J. Weathers, father to David Dungan; Debbie Gomes and her husband Rodrigo; Kathryn Dungan and husband Eli Husock; Jessica Weathers and husband Mike Cobb; his cherished grandchildren Oliva, Cameron, Kaylee, Stella, Vivian and Oscar; his sister Linda

Morse and husband Bill.

*Resolutions.*

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

Resolutions (filed by Messrs. Kafka of Stoughton and Galvin of Canton) congratulating John Francis Goldberg on earning the Eagle Award of the Boy Scouts of America; and

John  
Goldberg.

Resolutions (filed by Messrs. Smola of Warren and Berthiaume of Spencer) commemorating the one hundredth anniversary of the establishment of Zonta International;

Zonta  
International.

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

*Papers from the Senate.*

A message from His Excellency the Governor (pursuant to Article II, Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation validating actions taken in connection with a special town election in the town of Oakham (Senate, No. 2394), was referred, in concurrence, to the committee on Election Laws.

Oakham,—  
election.

The House Bill to support improved financial stability in higher education (House, No. 4099, amended), came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2392; and by inserting before the enacting clause the following emergency preamble:

Higher  
education,—  
financial  
stability.

“Whereas, The deferred operation of this act would tend to defeat its purposes, which are to support improved financial stability in higher education and to make certain changes in law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

Subsequently the amendments (having been reported by said committee to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

A Bill validating actions taken in connection with an annual town meeting and an annual town election in the town of Westhampton (printed in Senate, No. 2327), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Westhampton,—  
election.

A petition (accompanied by bill, Senate, No. 2393) of Michael D. Brady and Kathleen R. LaNatra (by vote of the town) for legislation to allow Robert G. Gaynor to continue to serve in the position of special police officer for the town of Halifax, was referred, in concurrence, to the committee on Public Service.

Halifax,—  
Robert  
Gaynor.

A petition of Giovanni Luciani for legislation relative to firefighter protection, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Safety and Homeland Security.

Fire  
equipment,—  
inspection.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2396) was referred, in concurrence, to the committee on Public Safety and Homeland Security.

### *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 Sally M. Hoyt for legislation to increase the limit of damages allowable for the service of a writ or other process by certain constables. Under suspension of the rules, on motion of Mr. Galvin, the report was considered forthwith. Joint Rule 12 then was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Constables,—  
damages.

By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the Senate Bill authorizing the mutual release of all claims to certain lands in the town of Newbury (Senate, No. 2270), ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4175. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Newbury,—  
land.

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 bill (Senate, No. 2270, amended) was ordered to a third reading.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Speliotis of Danvers, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the House Bill relative to banks and banking (House, No. 1049), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4176). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Banks and  
banking.

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. McMurtry of Dedham, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the House Bill authorizing the transfer of care and control of certain parcels of land in the town of Bridgewater from the Department of Correction to the Department of Fire Services (House, No. 3956), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4178). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Bridgewater,—  
land.

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. D’Emilia of Bridgewater, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Petrolati of Ludlow, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing a sick leave bank for Daniel Kiley, an employee of the Department of Mental Health (Senate, No. 2373), be scheduled for consideration by the House.

Daniel  
Kiley,—  
sick leave.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Brodeur of Melrose, for the committee on Labor and Workforce Development, on House, No. 1658, a Bill relative to increasing wages of private sector human service workers (House, No. 4171). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Human  
service  
workers.

By Mr. Brodeur of Melrose, for the committee on Labor and Workforce Development, on House, No. 1618, a Bill protecting workers’ wages from arbitrary recoupment of overpayments (House, No. 4170).

Wages,—  
overpayments.

By the same member, for the same committee, on House, No. 1622, a Bill relative to unemployment compensation and labor disputes (House, No. 4172).

Unemployment.

By the same member, for the same committee, on House, No. 1669, a Bill to harmonize wage laws (House, No. 4173).

Wage laws.

By the same member, for the same committee, on House, No. 1670, a Bill to protect injured workers (House, No. 4174).

Injured  
workers.

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

#### *Engrossed Bill.*

The engrossed Bill designating a certain building in the city of Fall River as the Captain Thomas Hudner Jr. memorial building (see Senate, No. 2258) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

*Motion to Discharge a Certain Matter in the Orders of the Day.*

The Senate Bill establishing a sick leave bank for Wilfredo Bosque-Rosa, an employee of the Department of Correction (Senate, No. 2356, 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. Zlotnik of Gardner; and it was passed to be engrossed, in concurrence.

Wilfredo  
Bosque-Rosa,—  
sick leave.

*Recess.*

At twenty-two minutes after eleven o'clock A.M., on motion of Mr. Frost of Auburn (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at one minute after one o'clock the House was called to order with the Speaker in the Chair.

Recess.

*Reports of Committees.*

Prior to the noon recess (Mr. Donato of Medford being in the Chair),— Mr. Michlewitz of Boston, for the committee on Ways and Means, reported that the House Bill relative to the training of higher education counselors in PTSD (House, No. 3897), ought to pass with an amendment substituting therefor a Bill relative to the training of higher education counselors on deployment-related health conditions (House, No. 4177). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Higher  
education,—  
counselor  
training.

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 (the Speaker being in the Chair), under suspension of the rules, on motion of Mr. Roy of Franklin, 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, the sense of the House was taken by yeas and nays, at the request of Mrs. Campbell of Methuen; and on the roll call 158 members voted in the affirmative and 0 in the negative.

Bill passed to  
be engrossed,—  
yea and nay  
No. 122.

**[See Yea and Nay No. 122 in Supplement.]**

Therefore the bill (House, No. 4177) was passed to be engrossed. Sent to the Senate for concurrence.

*Emergency Measures.*

Prior to the noon recess (Mr. Donato of Medford being in the Chair),— The engrossed Bill designating a certain bridge in the South Grafton section of the town of Grafton as the veterans memorial bridge (see House, No. 3796, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was

Grafton,—  
bridge.

considered, the question being on adopting the emergency preamble.

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.

Subsequently, the noon recess having terminated (the Speaker being in the Chair), the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill to support improved financial stability in higher education (see House, No. 4099, 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.

Higher education,— financial stability.

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 9 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

After remarks on the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Roy of Franklin; and on the roll call 158 members voted in the affirmative and 0 in the negative.

Bill enacted,— yeas and nays No. 123.

**[See Yea and Nay No. 123 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

*Reports of Committees.*

Prior to the noon recess (Mr. Donato of Medford being in the Chair),— Mr. Michlewitz of Boston, for the committee on Ways and Means, reported that the Resolve establishing a Deborah Sampson memorial commission (House, No. 4129), ought to pass with an amendment substituting therefor a resolve with the same title (House, No. 4179). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Deborah Sampson,— commission.

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 resolve was read a second time forthwith.

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

Subsequently, the noon recess having terminated (the Speaker being in the Chair), under suspension of the rules, on motion of Mrs. Campbell of Methuen, the resolve (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 resolve 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 (Mr. Donato of Medford being in the Chair) 158 members voted in the affirmative and 0 in the negative.

Resolve passed to be engrossed,— yeas and nays No. 124.

**[See Yea and Nay No. 124 in Supplement.]**

Therefore the resolve (House, No. 4179) 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 tomorrow at eleven o'clock A.M.

Next  
sitting.

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Mr. Frost of Auburn then moved that the House adjourn; and the motion prevailed. Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at nine minutes after two o'clock P.M. (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.