
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, DECEMBER 16, 2020.

[120]*

JOURNAL OF THE HOUSE.

Wednesday, December 16, 2020.

Met according to adjournment at eleven o'clock A.M., pursuant to 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.

Resolutions.

Resolutions (filed with the Clerk by Mr. Roy of Franklin) congratulating Ethel R. (Morrissey) Pizzi on her one hundredth birthday, were referred, under Rule 85, to the committee on Rules.

Ethel
Pizzi.

Mr. Galvin of Canton, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Wong of Saugus, 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 Bill promoting safety for victims of violent crime and human trafficking (Senate, No. 2973) (on Senate bill No. 2493), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Violent crimes
and human
trafficking.

Bills

Relative to the reorganization of the water, highway and park and cemetery departments in the town of Topsfield (Senate, No. 2826) (on a petition) [Local Approval Received]; and

Topsfield,—
departments.

Making the position of treasurer-collector an appointed position in the town of Lakeville (Senate, No. 2838) (on a petition) [Local Approval Received];

Lakeville,—
treasurer-
collector.

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.

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 engrossed Bill providing for access to reproductive health services (see House, No. 5179) [for order see House, No. 5201]. The order was adopted.

Reproductive
health,—
access.

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 Patricia A. Haddad, Steven S. Howitt and Michael J. Rodrigues (by

Swansea
Redevelopment
Authority.

vote of the town) relative to the appointment of members of the Swansea Redevelopment Authority. Under suspension of the rules, on motion of Mr. Wong of Saugus, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

By Mr. Cusack of Braintree, for the committee on Revenue, on Senate, No. 2924, an Order relative to authorizing the committee on Revenue, to make an investigation and study of a certain Senate document relative to excise taxes (House, No. 5198). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Excise taxes,—
study.

Subsequently, Mr. Galvin of Canton, for said committees, reported asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Chan of Quincy, for the committee on Consumer Protection and Professional Licensure, on House, No. 5118, a Bill authorizing the town of Sudbury to grant an additional license for the sale of alcoholic beverages to be drunk on the premises (House, No. 5196) [Local Approval Received].

Sudbury,—
liquor
license.

By the same member, for the same committee, on House, No. 5119, a Bill providing for alcoholic beverage licenses in the town of Dunstable (House, No. 5197) [Local Approval Received].

Dunstable,—
liquor
licenses.

By Mr. Lawn of Watertown, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill relative to the municipal caucus in the town of Bedford (printed in House, No. 5158).

Bedford,—
municipal
caucus.

By Mr. Parisella of Beverly, for the committee on Public Service, on a petition, a Bill [sic] sick leave bank for Charles Harrison (House, No. 5194).

Charles
Harrison.

By Mr. Cusack of Braintree, for the committee on Revenue, on a joint petition, a Bill to make permanent a senior means tested property tax exemption in Concord (House, No. 5145) [Local Approval Received].

Concord,—
property tax
exemption.

By the same member, for the same committee, on a petition, a Bill relative to property tax deferrals in the town of Lexington (House, No. 5157) [Local Approval Received].

Lexington,—
tax deferrals.

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

Engrossed Bills.

The engrossed Bill relative to an agricultural deed restriction in the town of Westborough (see House, No. 4983, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted, there being no objection; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed bills

Relative to certain affordable housing in the Charlestown section of the city of Boston (House, No. 4438);

Bills
enacted.

Authorizing the city of Salem to establish a means-tested senior citizen property tax exemption (House, No. 4473); and

Authorizing the town of Winchester to establish a senior property tax exemption (House, No. 4476, amended);

(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, there being no objection; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

House bills

Relative to affordable housing in the town of Dartmouth (House, No. 4814); and

Authorizing the town of Dunstable to convey certain land to the Evangelical Church of Dunstable (House, No. 5121);

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.

Recess.

At six minutes after eleven o'clock A.M., on motion of Mrs. Kane of Shrewsbury (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at one minute before one o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Recess.

Joint Session of the Two Houses to Consider Specific Amendments to the Constitution.

At one minutes past one o'clock P.M., the two Houses met in

Joint convention.

JOINT SESSION

and were called to order by the Honorable William N. Brownsberger, President Pro Tempore of the Senate.

The Chair (Mr. Brownsberger), the members and employees then recited the pledge of allegiance to the flag.

Pledge of
allegiance.

Without action on the matters duly and constitutionally assigned for consideration, on motion of Mr. Donato of Medford, at two minutes past one o'clock P.M., the convention of the two branches was dissolved; and the Senate withdrew from the Joint Session, under the escort of the Sergeant-at-Arms.

At seven minutes after one o'clock P.M., the House was called to order with Mr. Donato of Medford in the Chair.

House
reconvened.

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.

[See Yea and Nay No. 289 in Supplement.]

Therefore a quorum was present.

Quorum,—
yea and nay
No. 289.

Engrossed Bills – Land Takings.

The engrossed Bill authorizing the city known as the town of West Springfield to grant a conservation restriction to watershed lands to the Department of Conservation and Recreation and the Massachusetts Audubon Society, Inc. (see House, No. 4982) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 290 in Supplement.]

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

West
Springfield,—
land.

Bill enacted
(land taking),—
yea and nay
No. 290.

The engrossed Bill authorizing the city of Framingham to erect a pavilion in Mary Dennison Park (see House, No. 4842) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 291 in Supplement.]

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

Framingham,—
land.

Bill enacted
(land taking),—
yea and nay
No. 291.

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey an easement in certain land in the city of Peabody (see House, No. 4219, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 292 in Supplement.]

Peabody,—
land.

Bill enacted
(land taking),—
yea and nay
No. 292.

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

Orders of the Day.

The Reorganization Plan No. 1 of 2020 (submitted by His Excellency the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) relative to transferring the Supplier Diversity Office (“SDO”) from the Operational Services Division and establishing an SDO as an independent agency within the Executive Office for Administration and Finance (see Senate, No. 2937), was considered. The House then approved Reorganization Plan No. 1 of 2020.

Reorganization
Plan No. 1
of 2020.

The engrossed Bill providing for access to reproductive health services (see House, No. 5179), being a printed copy of Section 40 contained in the engrossed Bill making appropriations for the fiscal year 2021 (see House, No. 5164), which had been returned by His Excellency the Governor with recommendation of amendments (for message, see Attachment C of House, No. 5190), was considered.

Reproductive
health,—
access.

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

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

“Chapter 112 of the General Laws is hereby amended by striking out sections 12K to 12U, inclusive, as so appearing, and inserting in place thereof the following 10 sections:

Section 12K. As used in sections 12L to 12R, inclusive, the following words shall have the following meanings unless the context clearly requires otherwise:—

‘Abortion’, any medical treatment intended to induce the termination of, or to terminate, a clinically diagnosable pregnancy except for the purpose of producing a live birth; provided, however, that “abortion” shall not include providing care related to a miscarriage.

‘Hospital’, an institution as defined in section 52 of chapter 111 and duly licensed pursuant to section 51 of said chapter 111.

‘Nurse midwife’, a nurse who is designated as a certified nurse midwife by the board of registration in nursing pursuant to section 80B.

‘Nurse practitioner’, a nurse who is designated as a certified nurse practitioner by the board of registration in nursing pursuant to section 80B.

‘Physician’, a person registered with the board of registration in medicine to practice medicine within the commonwealth.

‘Physician assistant’, a person who is a graduate of an approved program for the training of physician assistants and who is supervised by a physician in accordance with sections 9C to 9K, inclusive.

‘Pregnancy’, the presence of an implanted human embryo or fetus in the uterus.

Section 12L. The commonwealth, or a subdivision thereof, shall not interfere with a person’s personal decision and ability to prevent, commence, terminate or continue their own pregnancy consistent with this chapter, or restrict the use of medically appropriate methods of abortion or the manner in which medically appropriate abortion is provided.

Section 12M. A physician, physician assistant, nurse practitioner or nurse midwife may perform an abortion consistent with the scope of their practice and

license if, in their best medical judgment, the pregnancy has existed for less than 24 weeks.

Section 12N. If a pregnancy has existed for 24 weeks or more, no abortion may be performed except by a physician and only if it is necessary, in the best medical judgment of the physician, to preserve the life of the patient, or if a continuation of the pregnancy will impose, in the best medical judgment of the physician, a substantial risk to the patient's physical or mental health or, in the best medical judgment of the physician, an abortion is warranted because of a lethal fetal anomaly that is incompatible with sustained life outside the uterus.

Section 12O. If an abortion is performed pursuant to section 12N, the facility where the abortion is performed shall maintain life-supporting equipment, as defined by the department of public health, to enable the physician performing the abortion to take appropriate steps, in keeping with good medical practice and consistent with the procedure being used, to preserve the life and health of a live birth and the patient.

Section 12P. Except in an emergency requiring immediate action, an abortion shall not be performed under section 12M or section 12N unless the written informed consent of the proper person has been obtained as set forth in section 12R.

Except in an emergency requiring immediate action, an abortion shall not be performed under section 12N unless performed in a hospital duly authorized to provide facilities for obstetrical services.

Section 12Q. The commissioner of public health shall collect aggregate data on abortions performed by a physician, physician assistant, certified nurse practitioner or certified nurse midwife on a form promulgated by the commissioner that shall include, but not be limited to, the: (i) date and place of the abortions performed; (ii) ages of the pregnant patients; (iii) method used to perform the abortions; and (iv) gestational age when the abortions were performed. The commissioner shall prepare from these forms such statistical tables with respect to maternal health, abortion procedures and gestational age as the commissioner deems useful and shall make an annual report thereof to the general court. Nothing in this section shall limit the authority of the department of public health to require reports pursuant to sections 24A and 25A of chapter 111.

Section 12R. An abortion shall not be performed without first obtaining the written informed consent of the patient seeking an abortion. The commissioner of public health shall prescribe a form to use in obtaining such consent. A patient seeking an abortion shall sign the consent form in advance of the time for which the abortion is scheduled, except in an emergency requiring immediate action; provided, however, that this requirement shall not impose any waiting period between the signing of the consent form and the patient obtaining the abortion. The patient shall then return it to the physician, physician assistant, nurse practitioner or nurse midwife performing the abortion who shall maintain it in their files and who shall destroy it 7 years after the date upon which the abortion is performed.

The consent form and any other forms, transcript of evidence or written findings or conclusions of a court shall be confidential and shall not be released to any other person except by the patient's written informed consent or by a proper judicial order, other than to the patient themselves, to whom such documents relate, the physician, physician assistant, nurse practitioner or nurse midwife who performed the abortion or any person whose consent is obtained pursuant to this section or under any other applicable state or federal law. If a patient is less than 18 years of age and has not married, an abortion shall not be performed unless the physician, physician assistant, nurse practitioner or nurse midwife first obtains both the consent of the patient and that of 1 of the patient's parents or guardians, except as hereinafter provided. In

deciding whether to grant such consent, a patient's parent or guardian shall consider only the patient's best interests. If a patient less than 18 years of age has not married and if the patient is unable to obtain the consent of 1 of their parents or 1 of their guardians to the performance of an abortion, or if they elect not to seek the consent of a parent or a guardian, or in the case of incest, a judge of the superior court department of the trial court of the commonwealth shall, upon petition or motion, and after an appropriate hearing held in person or via teleconference at the patient's option, authorize a physician, physician assistant, nurse practitioner or nurse midwife to perform the abortion if the judge determines that the patient is mature and capable of giving informed consent to the procedure or, if the judge determines that the patient is not mature, that performance of an abortion would be in the patient's best interests. A patient less than 18 years of age may participate in proceedings in the superior court department of the trial court on their own behalf and the court may appoint a guardian ad litem for the patient. The court shall, however, advise the patient that they have a right to court appointed counsel and shall, upon the patient's request, provide the patient with such appointed counsel. Proceedings in the superior court department of the trial court under this section shall be confidential and shall be given such precedence over other pending matters that the court may reach a decision promptly and without delay so as to serve the best interests of the patient. The chief justice of the superior court department of the trial court shall establish procedures for conducting proceedings under this section promptly and without delay including, but not limited to, procedures to accommodate the patient outside of normal court hours. A judge of the superior court department of the trial court who conducts proceedings under this section shall make in writing specific factual findings and legal conclusions supporting their decision and shall order a record of the evidence to be maintained including the findings and conclusions. Exclusive jurisdiction over appeals of a denial by the superior court of authorization for a patient to obtain an abortion is hereby conferred on the supreme judicial court or a single justice thereof.

Section 12S. Any person who commits an act in violation of section 12N shall be subject to immediate revocation of the person's professional license by the appropriate licensing board and a penalty of up to \$15,000 for each violation.

Section 12T. Any person who violates section 12O shall be punished by a fine of not less than \$500 nor more than \$2,000. Any person who willfully violates the provisions of section 12P shall be punished by a fine of not less than \$100 nor more than \$2,000.”; and the report was accepted.

After debate on the question on adoption of the amendments recommended by the Governor (in the form recommended by the committee), the sense of the House was taken by yeas and nays, at the request of Ms. Cronin of Easton; and on the roll call 49 member voted in the affirmative and 107 in the negative.

[See Yea and Nay No. 293 in Supplement.]

[Mr. Devers of Lawrence answered “Present” in response to his name.]

Therefore the amendments recommended by the Governor were rejected.

Mr. Lombardo of Billerica and other members of the House then moved to amend the bill in lines 33 to 37, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“Section 12O. If an abortion is performed pursuant to section 12N, the facility where the abortion is performed shall maintain life-supporting equipment, as defined by the department of public health, the physician performing the abortion must use life saving measures to preserve the life and health of a live birth baby and the patient.”.

Governor's
amendments
rejected,—
yea and nay
No. 293.

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. Lombardo; and on the roll call 34 members voted in the affirmative and 120 in the negative.

[See Yea and Nay No. 294 in Supplement.]

[Mr. Devers of Lawrence answered "Present" in response to his name.]

Therefore the amendment was rejected.

Sent to the Senate for its action.

Amendment
rejected,—
yea and nay
No. 294.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet on Friday next at eleven o'clock A.M.

Next
sitting.

At three minutes before four o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Friday at eleven o'clock A.M., in an Informal Session.