
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, MAY 26, 2022.

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JOURNAL OF THE HOUSE.

Thursday, May 26, 2022.

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, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Silent Tribute.

During the session, the Chair (Ms. Hogan of Stow), declared a brief recess, and at the request of Ms. Fluker Oakley of Boston the members, guests and employees stood in a moment of silent tribute in respect to the memory of the victims of racist terrorism in Buffalo, New York and the massacre of elementary school children and teachers in Uvalde, Texas who died senselessly on May 14th and May 24th, respectively.

Buffalo, NY and
Uvalde, TX
massacres.

Ms. Hogan then read the names of the known victims to-date: Roberta Drury; Margus Morrison; Andre Mackneil; Aaron Salter; Geraldine Talley; Celestine Chaney; Heyward Patterson; Katherine Massey; Pearl Young; Ruth Whitfield; Uziyah Garcia; Jose Flores; Amerie Jo Garza; Xavier Javier Lopez; Eliahana Cruz Torres; Annabell Guadalupe Rodriguez; Rogelio Torres; Eva Mireles; Irma Garcia; Jacklyn Jaylen Cazares; Eliahna Garcia; Jayce Carmelo Luevanos; and Jailah Nicole Silguero.

Statement Concerning Representative Meschino of Hull.

A statement of Mr. Moran of Boston concerning Ms. Meschino of Hull 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 Meschino of Hull, is unable to participate in today's sitting due to travel restrictions. Her missing of roll calls today is due entirely to the reason stated.

Statement
concerning
Ms. Meschino
of Hull.

Guests of the House.

During the session, Ms. Keefe of Worcester took the Chair, declared a brief recess; and introduced Dr. Elizabeth Hukowicz, a member of the Board of Directors for Meghan's Light and Jake Reynolds, co-founder of Closing the Gap Foundation, both of whom were in the State House raising awareness for cystic fibrosis and the progress made on treatments. They were the guests of Ms. Keefe of Worcester.

Cystic
Fibrosis
awareness.

Resolutions.

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

Resolutions (filed by Ms. Keefe of Worcester) recognizing May 2022 as Cystic Fibrosis Awareness Month;

Cystic Fibrosis Month.

Resolutions (filed by Mr. McMurtry of Dedham) honoring Maryann Molloy on her retirement from the city of Boston Public Schools;

Maryann Molloy.

Resolutions (filed by Mr. O'Day of West Boylston) congratulating Nancy Lucier on her retirement as the town administrator of the town of West Boylston;

Nancy Lucier.

Resolutions (filed by Mr. Philips of Sharon) congratulating Bennett Owen Snyder on earning the Eagle Award of the Boy Scouts of America;

Bennett Snyder.

Resolutions (filed by Mr. Rogers of Cambridge) congratulating Nava Niv-Vogel on her retirement after twenty-two years of service to the town of Belmont; and

Nava Niv-Vogel.

Resolutions (filed by Mr. Rogers of Norwood) congratulating the Norwood Colonial Boys Fife and Drum Corps on its seventieth anniversary;

Norwood Fife and Drum Corps.

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 Ms. Whipps of Athol, 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.

The following order, having been approved by the committees on Rules of the two branches, acting concurrently, came from the Senate with the endorsement that it had been adopted by said branch, as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Veterans and Federal Affairs be granted until June 3, 2022 within which time to make its final report on current Senate documents numbered 2395, 2396, 2417, 2424, 2425, 2428, 2431 and 2434 relative to veterans and federal affairs.

Veterans and Federal Affairs committee,—extension of time for reporting.

Under suspension of the rules, on motion of Ms. Whipps of Athol, the order (Senate, No. 2853) was considered forthwith; and it was adopted, in concurrence.

The following order, having been approved by the committees on Rules of the two branches, acting concurrently, came from the Senate with the endorsement that it had been adopted by said branch, as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Financial Services be granted until May 31, 2022 within which time to make its final report on a current Senate document numbered 678 relative to financial services.

Financial Services committee,—extension of time for reporting.

Under suspension of the rules, on motion of Mr. Garballey of Arlington, the order (Senate, No. 2857) was considered forthwith; and it was adopted, in concurrence.

The following order, having been approved by the committees on Rules of the two branches, acting concurrently, came from the Senate with the endorsement that it had been adopted by said branch, as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Financial Services be granted until May 31, 2022 within which time to make its final report on current Senate documents numbered 656, 665 and 682, relative to financial services.

Id.

Under suspension of the rules, on motion of Ms. Whipps of Athol, the order (Senate, No. 2859) was considered forthwith; and it was adopted, in concurrence.

Reports of Committees.

By Ms. Decker of Cambridge, for the committee on Public Health, on a petition, a Bill authorizing a 90-day supply of medically necessary testosterone therapy medication (House, No. 2316).

Testosterone therapy medication.

By the same member, for the same committee, on a petition, a Bill establishing an oral health special commission and needs assessment (House, No. 2320).

Oral health.

By the same member, for the same committee, on Senate, No. 1391 and House, No. 4036, a Bill relative to environmentally-friendly burial alternatives (House, No. 4036).

Burial alternatives.

By the same member, for the same committee, on House, Nos. 2240 and 2241, a Bill relative to health care transparency (House, No. 4812).

Health care transparency.

By the same member, for the same committee, on House, Nos. 2271 and 2411, a Bill relative to vaccines and preventing future disease outbreaks (House, No. 4813).

Vaccines.

By the same member, for the same committee, on House, No. 3796, a Bill relative to patient assessment and notification prior to prescribing certain medications (House, No. 4814).

Medications,— assessments and notifications.

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Ms. Decker of Cambridge, for the committee on Public Health, on a petition, a Resolve establishing an advisory committee on the accessibility of fresh food retail in communities throughout the Commonwealth (House, No. 2389). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Fresh food retail,— advisory committee.

By Mr. Tucker of Salem, for the committee on Municipalities and Regional Government, on a joint petition, a Bill changing the board of selectmen of the town of Lee to a select board (House, No. 4729) [Local Approval Received].

Lee,— select board.

By the same member, for the same committee, on a petition, a Bill establishing a charter for the town of Brewster (House, No. 4738) [Local Approval Received].

Brewster,— charter.

By the same member, for the same committee, on a joint petition, a Bill amending the charter of the town of Swampscott (House, No. 4773) [Local Approval Received].

Swampscott,— select board.

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

By Mr. González of Springfield, for the committee on Public Safety and Homeland Security, ought NOT to pass, on petitions for legislation to authorize non-profit or charitable organizations to apply for waivers to the elevator inspection fees [based on petitions of David Paul Linsky, accompanied by bill, House, No. 2485; and Paul W. Mark and another, accompanied by House No. 2497]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Elevator inspection fees.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for John Carlson, an employee of the Department of Correction (see Senate, No. 2686), 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.

John Carlson,—
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 3 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 Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Motions to Discharge Certain Matters in the Orders of the Day.

The House Bill providing for the election of at large and ward councilors and school committee members in the city of Haverhill (House, No. 4636), having been 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 Ms. Whipps of Athol; and it was passed to be engrossed. Sent to the Senate for concurrence.

Haverhill,—
elections.

House bills

Criminalizing sexual assault by fraud of a medical professional (House, No. 1661);

Medical
professionals.

Providing for the city of Worcester school committee election (House, No. 4326);

Worcester,—
school committee.

Relative to private street betterment assessments in the city of Worcester (House, No. 4327);

Worcester,—
private streets.

Providing for the laying out and acceptance of certain ways by the city of Attleboro (House, No. 4355);

Attleboro,—
private ways.

Severally were discharged from their positions in the Orders of the Day and read a second time, under suspension of Rule 47, in each instance, on motion of Ms. Whipps of Athol; and they were ordered to a third reading.

The House Bill authorizing the town of Needham to grant licenses for the sale of all alcoholic beverages not to be drunk on the premises and wine and malt beverages not to be drunk on the premises as provided in Section 17 of Chapter 138 of the General Laws (House, No. 4283), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time forthwith, under suspension of Rule 47, on motion of Ms. Whipps of Athol.

Needham,—
liquor licenses.

Pending the question on passing the bill to be engrossed, Ms. Garlick of Needham moved to amend it by substitution of a bill authorizing the town of Needham to grant additional licenses for the sale of alcoholic beverages not to be drunk on the premises (House, No. 4815), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At twenty-two minutes before twelve o'clock noon, on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House recessed until two o'clock P.M.; and at nineteen minutes after two o'clock P.M., the House was called to order with Ms. Hogan of Stow 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 154 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 188.

[See [Yea and Nay No. 188](#) in Supplement.]

Therefore a quorum was present.

Reports of Committees.

By Mr. Honan of Boston, for the committee on Steering, Policy and Scheduling, that the report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2851) of the House Bill relative to work and family mobility (House, No. 4470),— recommending passage of a bill with the same title (House, No. 4805),— be scheduled for consideration by the House.

Family
mobility.

Under suspension of Rule 7A, on motion of Mr. Straus of Mattapoissett, the report was considered forthwith.

After remarks on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 118 members voted in the affirmative and 36 in the negative.

Conference
committee
report
accepted,—
yea and nay
No. 189.

[See [Yea and Nay No. 189](#) in Supplement.]

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

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:

Petition (accompanied by bill) of Carole A. Fiola and Michael J. Rodrigues that the Department of Conversation and Recreation be authorized to dedicate a certain grove at Heritage State Park in the city of Fall River as the David Almond grove. To the committee on Environment, Natural Resources and Agriculture.

Fall River,—
David Almond.

Joint petition (accompanied by bill) of Carole A. Fiola and Michael J. Rodrigues for legislation to establish a sick leave bank for Rhonda Brewster, an employee of the Department of Mental Health. To the committee on Public Service.

Rhonda
Brewster,—
sick leave.

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

Motions to Discharge a Certain Matters in the Orders of the Day.

The engrossed Bill requiring the Department of Public Health to provide for early intervention providers to support increased salaries, wages and benefits for early intervention clinicians and support staff (see House, No. 4677), being section 38 contained in the engrossed Bill making appropriations for the fiscal year 2022 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4578, amended), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment C of House, No. 4678), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Michlewitz of Boston.

Department of
Public Health,—
benefits.

The committee on Bills in the Third Reading reported that the amendment recommended by the Governor be considered in the form contained in the Governor's message as approved by said committee; and the report was accepted. The amendment then was rejected.

Mr. Michlewitz then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

“Item 4513-1020 of section 2 of chapter 24 of the acts of 2021 is hereby amended by adding the following words; provided further, that not less than \$8,000,000 shall be expended from this item for early intervention staffing recovery payments to address the staffing crisis and restore early intervention staffing and service hours through hiring, rehiring and retention of clinical and support staff across the early intervention system; provided further, that such funds shall be used to support increased salaries, wages and benefits for early intervention clinicians and support staff; provided further, that such funds may be used to cover supervision, training, nonbillable time and other onboarding costs directly associated with the hiring of new early intervention clinicians and support staff; provided further, that such staffing recovery payments shall be distributed by the department as payment vouchers to all vendors of certified early intervention programs; provided further, that such payments shall be made on a proportional basis, calculated using the most recent early intervention child counts of the department; provided further, that such funds shall be distributed not later than June 30, 2022; and provided further, that not later than August 1, 2022, the department shall submit a report to the executive office for administration and finance and the house and senate committees on ways and means detailing the distribution of the staffing recovery payments.”.

The amendment was adopted. Sent to the Senate for its action.

The House relative to transmitting indecent visual depictions by teens and the unlawful distribution of explicit images (House, No. 4498) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time forthwith, under suspension of Rule 47, on motion of Mr. Day of Stoneham.

Explicit
images,—
distribution.

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 the same member; and on the roll call 154 members voted in the affirmative and 0 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 190.

[See [Yea and Nay No. 190](#) in Supplement.]

Therefore the bill (House, No. 4498) was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bill.

The engrossed Bill relative to work and family mobility (see House, No. 4805) (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.

Family mobility.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, as required by Emergency Rule 2; and on the roll call 117 members voted in the affirmative and 36 in the negative.

Bill enacted,—
yea and nay
No. 191.

[See [Yea and Nay No. 191](#) in Supplement.]

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

Subsequently a statement of Ms. Gouveia of Acton was spread upon the records of the House, as follows:

MADAM SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call I was unable to cast my vote. If I could have been recorded, I would have voted in the affirmative.

Statement of
Ms. Gouveia
of Acton.

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

The engrossed Bill establishing the behavioral health trust fund and the behavioral health advisory commission (see House, No. 4288, amended), being a printed copy of section 72 contained in the engrossed Bill relative to immediate COVID-19 recovery needs (see House, No. 4269), which had been returned by His Excellency the Governor with his objections thereto in writing (for message see House, No. 4709), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Michlewitz of Boston.

Behavioral health advisory commission.

On the question on passing the bill, notwithstanding the objections of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

Bill passed
over veto,—
yea and nay
No. 192.

[See [Yea and Nay No. 192](#) in Supplement.]

Therefore the bill passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative).

The bill (see House, No. 4288) then was sent to the Senate for its action.

Reports of Committees.

Mr. Michlewitz of Boston, for the committee on Ways and Means, on a message from His Excellency the Governor, returning with his disapproval of section 73 contained in the engrossed Bill making appropriations for fiscal year 2022 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4578, amended) (for message, see House, No. 4678), reported that section 73 stand (as passed by the General Court). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Supplemental appropriations.

Mr. Honan of Boston, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of said rule, on motion of Mr. Michlewitz, section 73, which had been vetoed by the Governor, was considered forthwith.

On the question on passing said section, notwithstanding the objections of His Excellency the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

Section 73 stands,—
yea and nay
No. 193.

[See [Yea and Nay No. 193](#) in Supplement.]

Therefore section 73 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Order.

On motion of Mr. Mariano of Quincy,—

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

Next
sitting.

Mr. Donato of Medford then moved that when the House adjourn today, it do so in respect to the memory of A. Richard Ferullo, a member of the House from Medford from 1958 to 1962, inclusive; and the motion prevailed.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day at twenty-four minutes after five o'clock P.M., on motion of Mr. Jones of North Reading (Ms. Hogan of Stow being in the Chair), the House adjourned, to meet the following Tuesday at eleven o'clock A.M., in an Informal Session.