
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, JUNE 29, 2022.

[66]*

JOURNAL OF THE HOUSE.

Wednesday, June 29, 2022.

Met according to adjournment at eleven o'clock A.M., under 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 Mr. LeBoeuf of Worcester, the members, guests and employees stood for a moment of silent tribute to the memory of Geraldine A. (McCue) Wilson who passed away on Saturday, May 28.

Geraldine
(McCue)
Wilson.

An avid reader, Geraldine worked at the Leicester Public Library for 32 years, becoming the Assistant Librarian in the Main Library, before retiring in 1994. She had previously worked as a payroll clerk at the former Reed & Prince Mfg. Co. Geraldine was a member of the Senior Citizens Club of Leicester, Friends of the Leicester Public Library, Friends of the Elders, Leicester Historical Society and St. Joseph-St. Pius X Parish.

She leaves three sons; David G. Wilson, Jr. and his wife Cheryl of Leicester, James C. Wilson and his wife Sandra of Leicester and Robert F. Wilson and his wife Debra of Leicester, a daughter Annmarie Montiverdi and her husband Christopher of Leicester, a nephew Mark F. Wilson whom she raised and his wife Marybeth of Leicester, eight grandchildren; five great grandchildren; many nieces and nephews. She will be truly missed.

The thoughts and deepest sympathies of the Massachusetts House of Representatives are with her family and friends as we mourn her passing.

Resignation of Representative Kelcourse of Amesbury.

The Speaker being in the Chair,—

The following communication was read; and spread upon the records of the House, as follows:

June 29, 2022.

The Honorable Steven T. James
Clerk of the House of Representatives
The Massachusetts State House
Room 145
Boston, MA 02133

Dear Mr. Clerk:

It has been my honor and privilege to serve the people of Newburyport, Salisbury and Amesbury as their State Representative for the last 8 years. I am truly humbled by the amount of support I have received from them and for opportunity to serve. The experience I have shared in this historic House Chamber with my colleagues from across the state is one that I will never forget and always be grateful for.

Resignation of Representative James Kelcourse of Amesbury.

As I embark on this exciting next step in my public service career as member of the Massachusetts Parole Board, I wish my friends and colleagues in the House the very best and extend to them my sincerest and deepest gratitude for their friendship and support. My family and I thank you.

As of the close of business today, I will be resigning from my position in the House of Representatives to serve on the Massachusetts Parole Board. Thank you.

Sincerely yours,
James M. Kelcourse
State Representative, 1st Essex District

Valedictory Address.

The Speaker then declared a brief recess; and there being no objection, Representative Kelcourse of Amesbury addressed the House regarding his departure from service in the House of Representatives.

Valedictory address.

Present in the House Chamber for this auspicious occasion were several guests of Representative Kelcourse, including his wife and children, his parents, and former Representative and former Sheriff of Essex County, Frank Cousins.

Statement Concerning Mr. Moran of Boston.

A statement of Mr. Wagner of Chicopee concerning Mr. Moran of Boston 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, Mr. Moran of Boston was unable to participate in today's session due the passing of his mother. Had he been present for roll calls numbered 207, 208 and 209, he would have voted in the affirmative, in each instance.

Statement concerning Mr. Moran of Boston.

Order.

Mr. Donato of Medford being in the Chair,—

The following order (filed by Mr. Cabral of New Bedford) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on State Administration and Regulatory Oversight be granted until Friday, July 15, 2022, within which time to make its final report on current Senate documents numbered 2027, 2037, 2055, 2082 and 2104, and House documents numbered 3111, 3152, 3183, 3187, 3191, 3196, 3213, 3222, 3224, 3227, 3826 and 4180.

State Administration and Regulatory Oversight committee,—extension of time for reporting.

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4925) ought to be adopted. Under suspension of the rules, on motion of Mr. Garballey of Arlington, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Communication.

A communication from the Division of Energy Resources of the Executive Office of Energy and Environmental Affairs (under the provisions of Section 12 of Chapter 25A of the General Laws) submitting amendments to 225 CMR 14.00 and 15.00, Renewable Energy Portfolio Standard (RPS) Class I and Class II (House, No. 4919), was referred to the committee on Telecommunications, Utilities and Energy. Sent to the Senate for concurrence.

Division
of Energy
Resources,—
regulations.

Report.

A report of the joint committee on COVID-19 and Emergency Preparedness and Management submitting its findings and recommendations of the committee for the period January, 2021 to June, 2022 (House, No. 4945), was spread upon the records of the House and sent to the Senate for its information.

COVID-19
committee,—
report.

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:

Petition (accompanied by bill) of Dylan A. Fernandes for legislation to authorize the transfer of land granted to the Martha's Vineyard Land Bank Commission in the town of Oak Bluffs to the Massachusetts Department of Transportation. To the committee on Municipalities and Regional Government.

Oak Bluffs,—
land.

Joint petition (accompanied by bill) of Sally P. Kerans and Joan B. Lovely that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land located within the town of Danvers to said town. To the committee on State Administration and Regulatory Oversight.

Danvers,—
land.

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

By Mr. Tucker of Salem, for the committee on Municipalities and Regional Government, on House, Nos. 2129, 2131, 2134, 2136, 2137, 2140, 2141, 2142, 2143, 2146, 2149, 2151, 2153, 2154, 2157, 2158, 2161, 2162, 2164, 2170, 2172, 2173, 2175, 2176, 2177, 2178, 2179, 2180, 2188, 2191, 2197, 2200, 2201, 2204, 2211, 2212, 3793, 3844, 3883, 4046, 4077 and 4166, an Order relative to authorizing the committee on Municipalities and Regional Government to make an investigation and study of certain House documents concerning certain matters concerning municipal governance (House, No. 4933) [Senators Moran and Tarr and Representatives DuBois of Brockton and Connolly of Cambridge dissenting]. Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Municipal
governance,—
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. Arciero of Westford, for the committee on Housing, on a joint petition, a Bill merging the Shelburne Housing Authority with and into the Franklin County Regional Housing and Redevelopment Authority and restructuring the Franklin County Regional Housing and Redevelopment Authority members (House, No. 4772). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Franklin County
Regional
Housing and
Redevelopment
Authority.

Engrossed Bills.

Engrossed bills

Authorizing special police officers in the town of Natick to serve until the age of 70 (see House, No. 3762); and

Bills
enacted.

Authorizing the city of Melrose to establish a means-tested senior citizen property tax exemption (see House, No. 3766);

(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.

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

The House Bill authorizing the conveyance of easements by the city of Fitchburg to the town of Westminster (House, No. 4474), 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. Garballey of Arlington.

Fitchburg,—
land.

Pending the question on passing the bill to be engrossed, Ms. Garlick of Needham moved to amend it by substitution of a bill with the same title (House, No. 4946), which was read.

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

The House Bill amending the charter of the town of Bourne (House, No. 4576), was discharged from its position in the Orders of the Day, and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Garballey of Arlington; and it was ordered to a third reading.

Bourne,—
charter.

Recess.

At eight minutes after eleven o'clock A.M., on motion of Mr. Muratore of Plymouth (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at eleven minutes after one o'clock 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 153 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 206.

[See [Yea and Nay No. 206](#) in Supplement.]

Therefore a quorum was present.

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

The House Bill relative to pesticides (House, No. 4931), 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. Domb of Amherst; and after remarks it was passed to be engrossed. Sent to the Senate for concurrence.

Pesticides.

The House Bill relative to step therapy and patient safety (House, No. 4929), 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. Lawn of Watertown.

Step therapy.

After debate on the question on passing the bill to be engrossed, the sense of the House was taken by yea and nays, at the request of the same member; and on the roll call 153 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,—
yea and nay
No. 207.

[See [Yea and Nay No. 207](#) in Supplement.]

Therefore the bill was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill making appropriations for fiscal year 2022 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4932), 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. Michlewitz of Boston.

Supplemental
appropriations.

On the question on passing the bill to be engrossed, the sense of the House was taken by yea and nays, at the request of Ms. Ferrante of Gloucester; and on the roll call 153 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,—
yea and nay
No. 208.

[See [Yea and Nay No. 208](#) in Supplement.]

Therefore the bill was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill expanding protections for reproductive rights (House, No. 4930), 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. Decker of Cambridge.

Reproductive
rights.

After debate on the question on passing the bill to be engrossed, Representatives McKenna of Webster, Garry of Dracut and Turco of Winthrop moved to amend it by adding the following section:—

“SECTION 43.

Section 1,

Chapter 62 of the General Laws, as appearing in the 2016 Official Edition of the General Laws of Massachusetts, is hereby amended by adding at the end thereof the following new section:

“Section 65. (a) For the purposes of this section, “abortion services” shall include performing, referring for abortion, or counseling for abortion.

(b) Taxpayers shall have the option to indicate on their income tax return that they do not want any portion of their income tax liability to be utilized for abortion

services. When a taxpayer makes such election, the taxpayer's income tax liability may not be used to pay for abortion services.

(c) The portion of the taxpayer's income tax liability that is not to be used to pay for abortion services, pursuant to this section, must be deposited into a special account, separate and apart from the General Fund, whose purpose shall be to develop and implement a public information program to inform the general public of the provisions of section 39-½ of Chapter 119, concerning voluntary abandonment of a newborn infant, also known as the Baby Safe Haven Law.

(d) The amount of the taxpayer's income tax liability to be set aside in the special account specified in paragraph (c) shall be determined by multiplying the taxpayer's income tax liability by the percentage of the General Fund dedicated to paying for abortion services in the previous year."

After remarks the amendment was rejected.

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

"SECTION 43. Notwithstanding any other provision of law, no state funds may be made available to Planned Parenthood Federation of America, or to any of its affiliates."

The amendment was rejected.

Representatives McKenna, Garry and Turco then moved to amend the bill by adding the following section:

"SECTION 43. Chapter 71 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding after section 2C the following new section:

Section 2D: Pregnancy and pre- and postnatal care

(a) In grades seven, eight, or nine of all public schools, a curriculum developed consistent with the accepted teachings of the National Institute of Health to educate students about the development of the child in utero, shall be taught as a required subject.

(b) Said curriculum shall (1) educate students of the anatomical and physiological characteristics of unborn children at increments of four weeks from fertilization to full term, (2) include visual images, including ultrasound images of fetal development at eight, twelve, eighteen, and twenty-four weeks, and (3) include the basics of prenatal and postnatal care for the purpose of educating students about the real expectations and responsibilities of parenthood.

(c) Each school shall inform at least one parent or guardian of each student at least one week prior to the commencement of such unit of instruction that the parent or guardian has the right to remove the student from the classroom in which the unit of instruction is being presented.

(d) The program of instruction shall include provision for appropriate teacher training.

(e) Each school district and Commonwealth charter school shall file a report regarding pregnancy and prenatal care instruction with the Department of Elementary and Secondary Education every two academic years in a format determined by the Board. The report shall include, but not be limited to, the following data for each public school district: (1) description of content, (2) approximate number of hours of instruction, and (3) the number of students served annually."

The amendment was rejected.

Ms. Garlick of Needham and other members of the House then moved to amend the bill in section 17, in lines 274 to 277, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“Coverage provided under this section shall not be subject to any deductible, coinsurance, copayment or any other cost-sharing requirement. Coverage offered under this section shall not impose unreasonable restrictions or delays in the coverage.”.

The amendment was adopted.

Mr. Frost of Auburn then moved to amend the bill by [A]striking out sections 10, 11, and 42.

Pending the question on adoption of the amendment, Mr. Day of Stoneham moved to amend it by striking out the text of said amendment [at “A”] and inserting in place thereof the following: “inserting after section 9 the following section:

‘SECTION 9A. Section 12K of chapter 112 of the General Laws, as so appearing, is hereby amended by adding the following definition:—

“Severe”, as determined by an individual’s physician consistent with the principles of medical ethics and the regulations promulgated by the department of public health as required by section 12N.’;

In section 11, in line 203, by inserting after the word ‘section’ the following: ‘; provided, that the department shall consult with a member of the disability community selected by the department and the Arc of Massachusetts; the Massachusetts Medical Society or a designee, Planned Parenthood League of Massachusetts or a designee; the Massachusetts Health and Hospital Association, Inc. or a designee; and an impacted individual previously forced to travel out of state for an abortion after 24 weeks’; and

By adding the following section:

‘SECTION 43. The department of public health shall provide provisional guidance on section 12N of chapter 112 of the General Laws within 30 days of the effective date of this act.’”.

The further amendments were adopted, thus precluding a vote on the pending amendment.

After debate on the question on passing the bill, as amended, to be engrossed, Representatives Garry of Dracut, Turco of Winthrop and McKenna of Webster moved to amend it by striking out the words “for abortion or abortion-related care” in the third line in sections 6,17,20,24, 27, and 29. The amendments were rejected.

The same members then moved to amend the bill in section 7 by adding the following paragraph:

“(g) Notwithstanding any general or special law to the contrary, no pharmacist shall be required to dispense emergency contraception if it is against the pharmacist’s religious beliefs.”.

The amendment was rejected.

Representatives Garry of Dracut, McKenna of Webster, Whelan of Brewster and Turco of Winthrop then moved to amend the bill by striking out sections 10 and 11; and the amendments were rejected.

Ms. Gouveia of Acton and other members of the House then moved to amend the bill in section 3, in line 41, by striking out the word “may” and inserting in place thereof the word “shall”; and after remarks the amendment was adopted.

After debate on the question on passing the bill, as amended, to be engrossed (the Speaker having been in the Chair), the sense of the House was taken by yea and nays, at the request of Mr. Day of Stoneham (Ms. Hogan of Stow having returned to the Chair); and on the roll call (Mr. Donato of Medford being in the Chair) 136 members voted in the affirmative and 17 in the negative.

[See [Yea and Nay No. 209](#) in Supplement.]

Bill passed to be engrossed,—
yea and nay
No. 209.

Therefore the bill (House, No. 4954, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Paper from the Senate.

A Bill financing the general governmental infrastructure of the Commonwealth (House, No. 4807), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2951.

Governmental infrastructure.

Under suspension of Rule 35, on motion of Miss Gregoire of Marlborough, the amendment was considered forthwith. The House then non-concurred with the Senate in its amendment; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Gregoire, Gonzalez of Springfield and Vieira of Falmouth were appointed the committee on the part of the House. Sent to the Senate to be joined.

Committee of conference.

Orders.

The following order (filed by Mr. Gordon of Bedford) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Sunday, July 31, 2022, within which time to make its final report on current Senate document numbered 2907.

Public Service committee,— extension of time for reporting.

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4949) ought to be adopted. Under suspension of the rules, on motion of Mr. Cabral of New Bedford, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Gordon of Bedford) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Sunday, July 31, 2022, within which time to make its final report on current House document numbered 4841.

Id.

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4950) ought to be adopted. Under suspension of the rules, on motion of Mr. Cabral of New Bedford, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

On motion of Mr. Mariano of Quincy,—

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

Next sitting.

Mr. Jones of North Reading 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 twenty-five minutes before eight 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.