

---

---

**The Commonwealth of Massachusetts**

---

**JOURNAL OF THE HOUSE.**



**FRIDAY, JULY 9, 2021.**

[67]\*

# JOURNAL OF THE HOUSE.

---

Friday, July 9, 2021.

Met according to adjournment at one o'clock P.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 and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

## *Silent Prayer.*

During the session, the Speaker declared a brief recess, and at the request of Representatives Nguyen of Andover and Moran of Lawrence, the members and employees stood in a moment of silent tribute to the memory of Lt. James (Jimmy) A. Cuticchia, who passed away peacefully on July 4 surrounded with family at his side following a long and valiant battle with occupational cancer.

James  
Cuticchia.

Born in Shirley, he was the son of the late Mary (Krikorian) Cuticchia and Anthony Cuticchia. "Jimmy" resided in Andover all his life. A graduate of Northern Essex Community College, Jimmy pursued his career in the fire services as a dispatcher in 1980 for the Andover Fire Department. He was appointed to the fire department in 1984 and was promoted to lieutenant in 1993.

Jimmy was committed to helping others and to be an integral part of the decisions which made people's lives better. He was on the Andover Housing Authority, the Democratic town committee, Andover Federal Credit Union, and the Andover retirement board. Jimmy also served as President of Local 1658.

As Vice President of district 4 for the Professional Firefighters of Massachusetts, Jimmy worked tirelessly to ensure that the safety and benefits of his "brothers" were passed through the legislative processes both in the Senate and House of Representatives. Jimmy was also a member of the Critical Incident Stress Management team and responded to 911 and the Worcester Fire tragedy.

It was there that he met his wife of 18 years. Jimmy was respected by the fire service and his peers for his tenacity, and at times, boldness, to always do the right thing. Jimmy leaves his wife Mary, along with his undying love and pride for his stepchildren which he called his own and his grandchildren who he adored.

## *Petitions.*

Petitions severally were presented and referred as follows:

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 3939) of Marjorie C. Decker (with the approval of the city council) that the city of Cambridge be authorized to include a certain ballot question on the November 2, 2021 municipal ballot; and

Cambridge,—  
ballot.

By Ms. Howard of Lowell, a petition (accompanied by bill, House, No. 3940) of Vanna Howard (with the approval of the city council) that the city of Lowell be authorized to fill vacancies in certain elective bodies in said city;

Lowell,—  
vacancies.

Severally to the committee on Election Laws.

By Representative Zlotnik of Gardner and Senator Cronin, a joint petition (accompanied by bill, House, No. 3941) of Jonathan D. Zlotnik and John J. Cronin (with the approval of the mayor and city council) that the city of Gardner be authorized to exempt certain positions in the police department from the provisions of civil service law. To the committee on Public Service.

Gardner,—  
civil service.

Severally sent to the Senate for concurrence.

#### *Paper from the Senate.*

A petition (accompanied by bill) of John F. Keenan for legislation relative to collaborative drug therapy management optimization, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Health.

Collaborative  
drug therapy.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2492) was referred, in concurrence, to the committee on Public Health.

#### *Reports of Committees.*

By Mr. Galvin of Canton, for the committee on Rules, that Joint Rule 7A be suspended on the petition of Sarah K. Peake (with the approval of the county commissioners) that Holly Thyng be authorized to purchase creditable service from the Barnstable county retirement board. Under suspension of the rules, on motion of Mr. O'Day of West Boylston, the report was considered forthwith. Joint Rule 7A was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Barnstable  
County,—  
Holly Thyng.

By Mr. Galvin of Canton, for the committee on Rules, that Joint Rule 7B be suspended on the following petitions:

Joint petition (accompanied by bill) of Joseph D. McKenna and Ryan C. Fattman (by vote of the town) for legislation to authorize the Webster Retirement Board to grant creditable service to Chris W. Jolda and Kevin P. Adams, members of the rescue service of the town of Webster. To the committee on Public Service.

Webster,—  
Jolda and  
Adams.

Joint petition (accompanied by bill) of Sarah K. Peake and Julian Cyr (by vote of the town) that the town of Provincetown be authorized to impose a real estate transfer fee. To the committee on Revenue.

Provincetown,—  
transfer fee.

Under suspension of the rules, on motion of Mr. O'Day of West Boylston, the reports were considered forthwith. Joint Rule 7B then was suspended, in each instance. Severally 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 petition of Sarah K. Peake for legislation to designate a certain bridge in the town of Orleans as the Norman Wood Finch memorial bridge. Under suspension of the rules, on motion of Mr. O'Day of West Boylston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

Orleans,—  
Finch bridge.

*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 160 members were recorded as being in attendance.

[See [Yea and Nay No. 65](#) in Supplement.]

Therefore a quorum was present.

Quorum,—  
yea and nay  
No. 65.

*General Appropriation Bill Discharged from the Orders of the Day.*

The Speaker having taken the Chair,—

A report (in part) of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment of the House Bill making appropriations for the fiscal year 2022 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4001), recommending a Bill making appropriations for the fiscal year 2022 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4002) [Total Appropriation: \$50,061,800,000.00], was discharged from its position in the Orders of the Day, and considered forthwith, under suspension of the rules, on motion of Mr. Michlewitz of Boston.

General  
Appropriation  
Bill.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 160 members voted in the affirmative and 0 in the negative.

[See [Yea and Nay No. 66](#) in Supplement.]

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

Conference  
committee  
report  
accepted,—  
yea and nay  
No. 66.

*Recess.*

At twenty-nine minutes after two o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twenty-three minutes before four o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Recess.

*Emergency Measure.*

The engrossed Bill making appropriations for the fiscal year 2022 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4002), 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.

General  
Appropriation  
Bill.

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 12 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.

Pending the question on passing the bill to be enacted, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 159 members were recorded as being in attendance.

Quorum.

Quorum,—  
yea and nay  
No. 67.

**[See [Yea and Nay No. 67](#) in Supplement.]**

Therefore a quorum was present.

On the question on passing the bill to be enacted (the Speaker having taken the Chair), the sense of the House was taken by yeas and nays, as required under Emergency Rule 2; and on the roll call 159 members voted in the affirmative and 0 in the negative.

Bill enacted,—  
yea and nay  
No. 68.

**[See [Yea and Nay No. 68](#) in Supplement.]**

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

Subsequently a statement of Ms. DuBois of Brockton 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 on the previous roll call, due to technical reasons, I was not able to determine that the roll call was being taken. If I had been aware of the opportunity to cast my vote, I would have voted in the affirmative.

Statement of  
Ms. DuBois  
of Brockton.

*Order.*

On motion of Ms. Cronin of Easton,—

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

Next  
sitting.

---

At seven minutes after four o'clock P.M., on motion of Mr. Jones of North Reading (the Speaker being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.