
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, NOVEMBER 13, 2019.

[120]*

JOURNAL OF THE HOUSE.

Wednesday, November 13, 2019.

Met according to adjournment at ten 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 Prayer.

During the session, the Speaker took the Chair and, at his request and the request of all of the members of the Worcester delegation, the members, guests and employees stood in a moment of silent tribute in respect to the memory of Lieutenant Jason Menard of the Worcester Fire Department, who died in a fire this morning in the city of Worcester, while saving the lives of others.

Worcester,—
Jason
Menard.

On behalf of all of the members of the House, the Speaker extended the hearts, gratitude and prayers of the House of Representatives to the Menard family, especially his three children and his wife; and along with the Worcester House delegation offered sincere sympathy to the brave men and women of the Worcester Fire Department who exemplify bravery, selflessness and dignity as they have faced mounting adversity over the years.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to military family support and unemployment transformation (House, No. 4192), was filed in the office of the Clerk on Tuesday, November 12.

Military
families,—
unemployment.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Labor and Workforce Development. Sent to the Senate for concurrence.

Valedictory Address.

The Speaker being in the Chair,—

During the session, there being no objection, Mr. Brodeur of Melrose addressed the House regarding his departure from service in the House of Representatives.

Valedictory
address.

Appointment of the Speaker.

The Speaker announced that he had appointed Sarah Sabshon to the special commission established (under Section 21 of Chapter 157 of the Acts of 2018) to study and provide recommendations regarding the vaping industry.

Vaping
industry
commission.

Petition.

Representative Hill of Ipswich and Senator Tarr presented a joint petition (accompanied by bill, House, No. 4193) of Bradford Hill and Bruce E. Tarr (by vote of the town) relative to the historic curatorship program in the town of Hamilton; and the same was referred to the committee on Revenue. Sent to the Senate for concurrence.

Hamilton,—
curatorship
program.

Paper from the Senate.

A petition (accompanied by bill, Senate, No. 2402) of Anne M. Gobi, Peter J. Durant and Paul K. Frost (by vote of the town) for legislation relative to removing the position of police chief from civil service, was referred, in concurrence, to the committee on Public Service.

Charlton,—
civil
service.

Recess.

At six minutes after ten o'clock A.M., on motion of Mr. Smola of Warren (Mr. Donato of Medford being in the Chair), the House recessed until half past eleven o'clock A.M.; and at eight minutes before twelve o'clock noon the House was called to order with Mr. Donato in the Chair.

Recess.

Reports of Committees.

By Mr. Galvin of Canton, for the committee on Rules, that Joint Rule 7B be suspended on the petition of Daniel R. Carey and others that David Mottor be authorized to purchase creditable service from the Easthampton Contributory Retirement Board in the city of Easthampton for certain military service. Under suspension of the rules, on motion of Mr. Galvin, the report was considered forthwith. Joint Rule 7B was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Easthampton,—
David
Mottor.

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 Jerald A. Parisella relative to the waiving of certain interest, charges or fees by tax collectors. Under suspension of the rules, on motion of Mr. Parisella of Beverly, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue. Sent to the Senate for concurrence.

Tax
collectors,—
interest.

Engrossed Bills.

Engrossed bills

Validating the results of the annual town election held in the town of Heath on May 10, 2019 (see Senate bill printed in Senate, No. 2234); and

Bills
enacted.

Validating actions taken in connection with an annual town meeting and an annual town election in the town of Westhampton (see Senate bill printed in Senate, No. 2327);

(Which severally originated in the Senate);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted (more than two thirds of the members having agreed to pass the same); and they were signed by the acting Speaker and sent to the Senate.

Engrossed bills

Revising the charter of the town of Groton (see Senate, No. 1192) (which originated in the Senate); and

Further regulating the fair housing ordinance of the city of Cambridge (see House, No. 3998) (which 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; and they were signed by the acting Speaker and sent to the Senate.

Bills enacted.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of state land in the town of Needham now under the care and control of the Department of Conservation and Recreation (see House, No. 4077) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

Needham,—
land.

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 159 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 125.

[See Yea and Nay No. 125 in Supplement.]

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

Matters Discharged from the Orders of the Day.

The House Bill authorizing the commissioner of Capital Asset Management and Maintenance to grant an easement in the town of Princeton (House, No. 4184), 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 Mrs. Ferguson of Holden; and it was passed to be engrossed. Sent to the Senate for concurrence.

Princeton,—
land.

The House Bill modernizing tobacco control (House, No. 4183), 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. Mahoney of Worcester.

Tobacco control.

Pending the question on passing the bill to be engrossed, Mr. Hill of Ipswich moved to recommit the bill to the committee on Ways and Means, with instructions that, when reported, the committee attach fiscal note.

After debate on the motion to recommit with instructions, the sense of the House was taken by yeas and nays, at the request of the same member; and on the

Motion to recommit negated,—

roll call 36 members voted in the affirmative and 123 in the negative.

yea and nay
No. 126.

[See Yea and Nay No. 126 in Supplement.]

Therefore the motion to recommit was negatived.

After debate on the question on passing the bill to be engrossed, at four minutes before one o'clock P.M., on motion of Mr. Mariano of Quincy (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twenty minutes after one o'clock the House was called to order with the Speaker in the Chair.

Recess.

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

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

Joint
convention.

JOINT SESSION

And were called to order by the Honorable Karen E. Spilka, President of the Senate.

The President, the Speaker, members, guests 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 Ms. Creem, at eight minutes after one o'clock P.M., the joint session was recessed until one o'clock P.M., on Wednesday, May 13, 2020; and the Senate withdrew from the House Chamber under the escort of the Sergeant-at-Arms.

The House then returned to consideration of the House Bill modernizing tobacco control (House, No. 4183).

Tobacco
Control.

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

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 158 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 127.

[See Yea and Nay No. 127 in Supplement.]

Therefore a quorum was present.

Mr. Donato of Medford being in the Chair,—

Ms. Whipps of Athol then moved to amend the bill in section 23, in the line 357, by inserting after the word "bars" the words "and adult-only retail tobacco stores". After remarks the amendment was rejected.

After remarks on the question on passing the bill to be engrossed, Mr. Vargas of Haverhill moved to amend it by inserting after section 15 the following section:

"SECTION 15A. Notwithstanding the provisions of section twenty-eight, thirty

per cent of revenues received pursuant to this section, together with any penalties, forfeitures, interest, costs of suits and fines collected in connection therewith, less all amounts refunded or abated in connection therewith, all as determined by the commissioner of revenue according to his best information and belief, shall be credited to the Community Behavioral Health Promotion and Prevention Trust Fund.”.

After remarks the amendment was adopted.

Mr. Jones of North Reading then moved to amend the bill in section 23, in lines 357 and 358, by striking out the following: “smoking bars, as defined in section 22” and inserting place thereof the following: “the sale or distribution by a smoking bar, as defined in section 22, of flavored tobacco products or tobacco product flavor enhancers for on-site consumption”. The amendment was adopted.

Mr. Barrows of Mansfield then moved to amend the bill by adding the following two sections:

“SECTION 25. Section 13 of chapter 94G of the General Laws as appearing in the 2018 Official Edition is hereby amended by adding the following new clause:—

(j) A person under 21 years of age, except a qualifying patient holding a valid registration card for the medical use of marijuana, who is in possession of marijuana, marijuana products or marijuana accessories, shall be punished by a civil penalty of not more than \$100 and shall complete a drug awareness program established pursuant to section 32M of chapter 94C of the General Laws.

SECTION 26. Chapter 270 of the General Laws as appearing in the 2018 Official Edition is hereby amended by inserting after section 6A the following new section:—

Section 6B. A person under 21 years of age who is in possession of any tobacco products shall be punished by a civil penalty of not more than \$100.”.

Pending the question on adoption of the amendment, Mr. Barrows 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 153 members were recorded as being in attendance.

[See Yea and Nay No. 128 in Supplement.]

Therefore a quorum was present.

Subsequently a statement of Ms. Decker of Cambridge 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 quorum roll call I was absent from the House Chamber on official business in another part of the State House.

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. Barrows of Mansfield; and on the roll call 32 members voted in the affirmative and 126 in the negative.

[See Yea and Nay No. 129 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading then moved to amend the bill by inserting after section 3 the following section:

“SECTION 3A. Subsection (b) of section 5I of chapter 18 of the General Laws, as so appearing, is hereby amended by striking out, in line 35, the words ‘section 1 of chapter 64C’ and inserting in place thereof the following: section 6 of chapter 270.”.

Quorum.

Quorum,—
yea and nay
No. 128.

Statement of
Ms. Decker
of Cambridge.

Amendment
rejected,—
yea and nay
No. 129.

The amendment was adopted.

Mr. Michlewitz of Boston then moved to amend the bill in section 23, in line 389, by striking out the figures: "20" and inserting in place thereof the figures: "35"; and the amendment was adopted.

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Mahoney of Worcester; and on the roll call 127 members voted in the affirmative and 31 in the negative.

[See Yea and Nay No. 130 in Supplement.]

Therefore the bill (House, No. 4196, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed to
be engrossed,—
yea and nay
No. 130.

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.

Mr. Hill of Ipswich 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 thirteen minutes before five 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.