

JOURNAL OF THE HOUSE.

Tuesday, January 19, 2016.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Kafka of Stoughton 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. Kafka), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag. Pledge of allegiance.

Message from the Governor.

A message for His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the recertification of the fiscal year 2016 tax rate for the town of Holbrook (House, No. 3951), was filed in the office of the Clerk on Thursday, January 14. Holbrook,—
tax rate.

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

Guests of the House.

During the session, the Chair (Mr. Kafka of Stoughton) declared a brief recess, and introduced the Blackstone Millville Regional High School "Chargers" Marching Band and Color Guard, Group IV Open 2015 USBands National Champions. The "Chargers" marching band has a rich tradition of excellence focused on educating and instilling a love for the activity and music as a whole. At the invitation of the Chair (Mr. Kafka), Mr. Kuros of Uxbridge, accompanied by Senator Fattman, took the Chair and presented the Band's Director, Todd Shafer, with Citations of the House congratulating them of their accomplishments. They were the guests of Mr. Kuros. Blackstone
Millville
Regional
High School
Marching
Band.

Communications.

Communications
From the Department of Labor Relations (see Clause(a) of Subdivision 3 of Section 1 of Chapter 589 of the Acts of 1987) submitting a report on dispute resolution; and Dispute
resolution.

From the Massachusetts District Attorneys Association (see item 0340-2100 of Chapter 46 of the Acts of 2015) submitting the annual report on the prosecution statistics of the District Attorneys relative to their criminal prosecutions and workloads for fiscal year 2015; District
Attorneys,—
prosecution
statistics.

Severally were placed on file.

Annual Report.

The annual report of the Public Employee Retirement Administration Commission (under sections 21, 102 and 103 of Chapter 32 of the General Laws) relative to the per centum change in the average cost-of-living as shown by the United States Consumer Price Index for the Retirees,—
cost-of-living
adjustments.

year 2015 (House, No. 3949), was referred to the committee on Public Service. Sent to the Senate for concurrence.

Report.

Comprehensive
Annual
Financial
Report.

A report of the Office of the Comptroller (under Section 12(c) of Chapter 7A of the General Laws) submitting the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2015, was placed on file.

Petitions.

Petitions severally were presented and referred as follows:

Peeping or
peering.

By Mr. Bradley of Hingham, a petition (subject to Joint Rule 12) of Garrett J. Bradley for legislation to establish the crime of peeping or peering into dwelling houses.

Parenting
time.

By Mr. Dooley of Norfolk, a petition (subject to Joint Rule 12) of Shawn Dooley relative to court ordered parenting time.

International
students,—
driving.

By Mr. Walsh of Framingham, a petition (subject to Joint Rule 12) of Chris Walsh and others for legislation to authorize international students with F-1 visas who have obtained a drivers permit to drive.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Fair
Health Care
Pricing Act.

An initiative petition of Jerald N. Fishbein and others for the passage of An Act Massachusetts Fair Health Care Pricing Act (House, No. 3931), came from the Senate with the endorsement that said branch had non-concurred with the House in its reference to the committee on Financial Services, and had referred said message, in non-concurrence, to the committee on the Health Care Financing.

On motion of Ms. Hogan of Stow, the House then receded from its reference; and the initiative petition (House, No. 3931) was referred, in concurrence, to the committee on Health Care Financing.

Opiates,—
treatment,
etc.

The House Bill relative to substance use, treatment, education and prevention (House, No. 3947), came from the Senate with the endorsement that it had been passed to be engrossed, in concurrence, by said branch with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2103.

Conference
committee.

Under suspension of the rules, on motion of Ms. Malia of Boston, the amendment was considered forthwith. The House then non-concurred with the Senate in its amendment; and, on motion of Mr. Dempsey of Haverhill, appointed a committee of conference on the disagreeing votes of the two branches. Representatives Dempsey, Malia and Hunt of Sandwich then were appointed the committee on the part of the House. Sent to the Senate to be joined.

Id.

Subsequently the bill came from the Senate with the endorsement that said branch had insisted on its amendment, concurred with the House in the appointment of a committee of conference; and that Senators Spilka, Flanagan and deMacedo had been appointed the committee on the part of the Senate.

The House Bill authorizing the town of Maynard to grant 6 additional licenses for the sale of all alcoholic beverages to be drunk on the premises and 1 additional license for the sale of wines and malt beverages not to be drunk on the premises (House, No. 3371, amended), came from the Senate passed to be engrossed, in concurrence, with amendments in section 4 (as amended by the House), at the end of the first paragraph, adding the words “; provided, however, that a transfer of a license granted pursuant to this act shall only be granted to a new applicant if the new applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid”; and in in the second paragraph, striking out the words “if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid”. The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

Maynard,—
liquor
licenses.

The following order was adopted, in concurrence, as follows:

Ordered, That, a convention of the two branches be held at a quarter before seven o'clock P.M., on Thursday, January 21, 2016, for the purpose of receiving such communication as the Governor, Charles D. Baker, may be pleased to make to them relating to the concerns of the Commonwealth.

State of
the state
address.

A Bill relative to the appointment of assistant city clerks in the city of Gardner (Senate, No. 2002) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Gardner,—
clerks.

Petitions severally were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2091) of Marc R. Pacheco, Thomas J. Calter, Susan Williams Gifford and Keiko M. Orrall (by vote of the town) for legislation to authorize the town of Middleborough to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure.

Middleborough,—
liquor
license.

Petition (accompanied by bill, Senate, No. 2090) of Marc R. Pacheco, Susan Williams Gifford, Keiko M. Orrall and Thomas J. Calter (by vote of the town) for legislation to authorize the town of Middleborough to exchange certain parcels of conservation land. To the committee on Municipalities and Regional Government.

Middleborough,—
land.

A petition (accompanied by bill) of Joan B. Lovely and Ellen Story for legislation relative to postpartum depression screening, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Health Care Financing.

Postpartum
depression
screening.

Postpartum
depression
screening.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2104) was referred, in concurrence, to the committee on Health Care Financing.

The following notice was received from the Clerk of the Senate, to wit:—

January 15, 2016.

Honorable Robert A. DeLeo
Speaker of the House of Representatives
Room 356, State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Stanley C. Rosenberg, President of the Senate has announced the following appointments:

MassHealth
payment board.

Ray McCarthy (pursuant to Section 16M Chapter 6A of the General Laws) to the MassHealth Payment Advisory Board;

Commission
on Ovarian
Cancer.

Elaine Zollo and Doctor Ursula Matulonisto (pursuant to Section 154 of Chapter 46 of the Acts of 2015) to the Special Commission on Ovarian Cancer; and

Asian American
Commission.

Viraphanh Douangmany Cage (pursuant to Section 68 of Chapter 3 of the Acts of 2006) of Amherst to the Asian American Commission.

I also have the honor to inform you that Bruce E. Tarr, Senate Minority Leader, has announced the following appointments:

Seafood
marketing.

Bruce E. Tarr (himself) (pursuant to Section 8 of Chapter 287 of the Acts of 2014) to the permanent steering committee to assist the Division of Marine Fisheries in the administration of its seafood marketing program;

Food policy
council.

Senator Ryan C. Fattman (pursuant to Section 6C of Chapter 20 of the General Laws and Chapter 277 of the Acts of 2010) to serve as his designee to the Massachusetts Food Policy Council; and

Grandparents
raising
grandchildren.

Ms. Margo Chevers of Wales (pursuant to Section 69 of Chapter 3 of the General Laws) to the Commission on the Status of Grandparents Raising Grandchildren.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

Helen
Annese,—
sick leave.

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 Bradley H. Jones, Jr., Bruce E. Tarr and Theodore C. Speliotis for legislation to establish a sick leave bank for Helen Annese, an employee of the Trial Court. Under suspension of the rules, on motion of Mr. Tucker of Salem, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill designating inflammatory breast cancer awareness day (House, No. 2768), be scheduled for consideration by the House.

Breast cancer
awareness
day.

Under suspension of Rule 7A, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill protecting motorists and emergency personnel (House, No. 3033), be scheduled for consideration by the House.

Motorist
protection.

Under suspension of Rule 7A, on motion of Mr. McGonagle of Everett, the bill was read a second time forthwith; and it was ordered to a third reading.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill regarding spouses as caregivers (House, No. 70). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Caregivers.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill relative to special education funding (House, No. 85).

Special
education,—
funding.

By Mr. Sannicandro of Ashland, for the committee on Higher Education, on a petition, a Bill relative to the creation of the battlefield to STEM field incentive program (House, No. 1039).

Veterans,—
STEM incentive
program.

By the same member, for the same committee, on Senate, No. 665 and House, No. 1060, a Bill establishing an education loan repayment program for social workers in areas of need (House, No. 1060).

Social workers,—
education loan
repayment.

By the same member, for the same committee, on a petition, a Bill creating a scholarship fund to further the study of developmental disabilities (House, No. 1065).

Developmental
disabilities,—
scholarships.

By the same member, for the same committee, on House, No. 1069, a Bill allowing public higher education institutions to retain in-state tuition (House, No. 3950).

State
colleges,—
tuitions.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Tina Jennings, an employee of the Department of Developmental Services (see Senate, No. 2095), 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.

Tina
Jennings,—
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 8 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.

Jennifer
Fitzgibbon,—
sick leave.

The engrossed Bill establishing a sick leave bank for Jennifer Fitzgibbon, an employee of the Trial Court (see House, No. 3902), 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.

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 8 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Elizabeth
Browning,—
sick leave.

The engrossed Bill establishing a sick leave bank for Elizabeth Missett Browning, an employee of the Trial Court (see House, No. 3913), 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.

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 7 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

Engrossed bills

Bills
enacted.

Relative to the off-street parking board in the city of Worcester (see Senate, No. 2012) (which originated in the Senate);

Authorizing the town of Norfolk to continue the employment of fire chief Coleman Bushnell (see House, No. 3196, amended); and

Authorizing the town of Norfolk to continue the employment of police chief Charles H. Stone, Jr. (see House, No. 3197, 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; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Norwood,—
liquor
license.

The Senate amendment of the House Bill authorizing the town of Norwood to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3684, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was adopted, in concurrence.

Third
reading
bill.

The Senate Bill relative to the position of constable in the town of Carver (Senate, No. 1926), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

The House Bill establishing a sick leave bank for Brian Sheehan, an employee of the Middlesex County Sheriff's Office (House, No. 3921) (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; and it was passed to be engrossed. Sent to the Senate for concurrence.

Third
reading
bill.

Recess.

At twenty-six minutes before twelve o'clock noon, on motion of Mr. Wong of Saugus (Mr. Kafka of Stoughton being in the Chair), the House recessed subject to the call of the Chair; and at eight minutes after one o'clock P.M., the House was called to order with Mr. Kafka in the Chair.

Recess.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Next
sitting.

Mr. Berthiaume of Spencer then moved that as a mark of respect to the memory of Robert D. Wetmore, a member of the House from Barre from 1965 to 1976, inclusive; and a member from the Senate from 1976 to 1996, inclusive, the House adjourn; and the motion prevailed.

Accordingly at twelve minutes after one o'clock P.M., on motion of Mr. Wong of Saugus (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M., in an Informal Session.