

JOURNAL OF THE HOUSE.

Thursday, January 21, 2016.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, 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).

Pledge of
allegiance.

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.

Statement of Representative Sannicandro of Ashland.

A statement of Mr. Sannicandro of Ashland was spread upon the records of the House, as follows:

Statement of
Mr. Sannicandro
of Ashland.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was absent from the House Chamber for the session held on Wednesday, January 13, due to a scheduling conflict. Had I been present, I would have voted in the affirmative on passing to be engrossed House bill No. 3944, An Act relative to substance use, treatment, education and prevention. My missing of roll calls that day was due entirely to the reason stated.

Resolutions.

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

Catholic
Schools
Week.

Resolutions (filed by Representatives Poirier of North Attleborough and Heroux of Attleboro) in observance of National Catholic Schools Week by Bishop Feehan High School in Attleboro;

Id.

Resolutions (filed by Representatives Poirier of North Attleborough and Heroux of Attleboro) in observance of National Catholic Schools Week by St. John's School in Attleboro;

Id.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and Kafka of Stoughton) in observance of National Catholic Schools Week by St. Mary's School in Mansfield;

Id.

Resolutions (filed by Mrs. Poirier of North Attleborough) in observance of National Catholic Schools Week by St. Mary's/Sacred Heart School in North Attleborough;

Justin
Conner.

Resolutions (filed by Mr. Calter of Kingston) congratulating Justin Thomas Conner on receiving the Eagle Award of the Boy Scouts of America;

Francis
Saba.

Resolutions (filed by Mr. Fernandes of Milford and other members of the House) congratulating Francis M. Saba on the occasion of his retirement;

Northborough,—
anniversary.

Resolutions (filed by Representatives Gregoire of Marlborough and Naughton of Clinton) commemorating the two hundred and fiftieth anniversary of the incorporation of the town of Northborough; and

Alexander
Whearty.

Resolutions (filed by Messrs. Kafka of Stoughton, Dooley of Norwood and McMurtry of Dedham) congratulating Alexander Whearty on receiving the Eagle Award of the Boy Scouts of America;

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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 Mr. Tucker of Salem, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Mr. Dwyer of Woburn presented a petition (accompanied by bill, House, No. 3957) of James J. Dwyer, Jay R. Kaufman and Kenneth J. Donnelly (with the approval of the mayor and city council) that the city of Woburn be authorized to use a certain parcel of land in said city for recreational purposes; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Woburn,—
land.

Petitions severally were presented and referred as follows:

By Ms. Balser of Newton (by request), a petition (subject to Joint Rule 12) of Thomas Sheff providing for an investigation and study (including members of the General Court) by a special commission relative to the feasibility of development over the Massachusetts Turnpike in the city of Newton.

Newton,—
Masspike
development.

By Representative Garry of Dracut and Senator L'Italien, a joint petition (subject to Joint Rule 12) of Colleen M. Garry, Barbara A. L'Italien and others relative to air quality monitoring for new gas pipeline facilities in the Commonwealth.

Gas
pipelines,—
air quality.

By Mr. McGonagle of Everett, a petition (subject to Joint Rule 12) of Joseph W. McGonagle, Jr., for legislation to establish a sick leave bank for Robert Fothergill, an employee of the Trial Court.

Robert
Fothergill,—
sick leave.

By Mr. Muradian of Grafton (by request), a petition (subject to Joint Rule 12) of Eric Denison relative to the violation of an ordinance, by-law or a misdemeanor offense as a civil infraction.

Civil
infractions.

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

Reports of Committees.

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 2103) of the House Bill relative to substance use, treatment, education and prevention (House, No. 3947), reported, in part, a Bill relative to civil commitments for alcohol and substance use disorders (House, No. 3956). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Opiates,—
treatment,
etc.

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

Under suspension of the rules, on motion of Mr. Tucker of Salem, the report was considered forthwith; and it 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 petition of David Paul Linsky and Karen E.

Public works
employees,—
death
benefits.

Public works employees,—death benefits.

Spilka for legislation to include public works employees for killed-in-the-line-of-duty benefits. Under suspension of the rules, on motion of Mr. McGonagle of Everett, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Holbrook,—tax rate.

By Mr. Kaufman of Lexington, for the committee on Revenue, on a message from His Excellency the Governor, a Bill authorizing the recertification of the fiscal year 2016 tax rate for the town of Holbrook (printed in House, No. 3951). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Subsequently under suspension of the rules, on motion of Mr. Mariano of Quincy, the bill (having been 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. Sent to the Senate for concurrence.

State entities.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the Senate Bill further regulating the designation of certain state entities (Senate, No. 2083) (on Senate bill No. 2082), be scheduled for consideration by the House.

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.

Children,—wellbeing.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on Senate, No. 94 and House, No. 429, a Bill relative to ensuring the wellbeing of all children in the Commonwealth (House, No. 429).

Access to services.

By the same member, for the same committee, on a petition, a Bill ensuring equal access to services for all residents of the commonwealth [sic] (House, No. 125).

Technology,—seniors and disabled.

By the same member, for the same committee, on a petition, a Bill relative to living at home with use of technology for people with disabilities and seniors (House, No. 126).

Culturally competent services.

By the same member, for the same committee, on a petition, a Bill relative to providing culturally competent services in the commonwealth [sic] (House, No. 3207).

Piggeries,—regulate.

By Mr. Schmid of Westport, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill to ensure appropriate regulation of piggeries (House, No. 652).

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

Commissions,—people with disabilities.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill affirming inclusion of people with disabilities on commissions of the Commonwealth

(House, No. 120, changed in line 1 by striking out the year “2012” and inserting in place thereof the year “2014”). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Sannicandro of Ashland, for the committee on Higher Education, on a part of House, No. 1068, a Bill providing capital funding for public higher education (House, No. 3954). Read; and referred, under Rule 17G, to the House committee on Bonding, Capital Expenditures and State Assets.

Public higher education,—capital funds.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill requiring the Department of Housing and Community Development to track and report on the use of emergency shelter services by families (House, No. 90, changed in line 4 by striking out the words “transitional assistance” and inserting in place thereof the words “housing and community development”, and in the title by striking out the words “Transitional Assistance” and inserting in place thereof the words “Housing and Community Development”).

Emergency shelter services,—usage.

By the same member, for the same committee, on a petition, a Bill to increase the Commonwealth’s compliance with federal law meeting requirements of the Americans with Disabilities Act (House, No. 110, changed in line 1 by striking out the year “2008” and inserting in place thereof the year “2014” and in line 15 by striking out the year “2015” and inserting in place thereof the year “2016”).

Americans with Disabilities Act.

By the same member, for the same committee, on a petition, a Bill establishing an independent office of quality assurance for developmentally disabled persons (House, No. 131).

Disabled,—quality assurance.

By the same member, for the same committee, on a petition, a Bill providing for a study by the Executive Office of Health and Human Services relative to nonprofit group homes (House, No. 133).

Nonprofit group homes,—study.

By the same member, for the same committee, on a petition, a Bill relative to programs to promote self-sufficiency and decrease dependence on government provided assistance (House, No. 3379, changed in line 2 by striking out the following: “5H” and inserting in place thereof the following: “5N”, and in line 3 by striking out the following: “5I” and inserting in place thereof the following: “5O”).

Self-sufficiency programs.

By the same member, for the same committee, on a joint petition, a Bill relative to ABLE accounts (House, No. 3753).

ABLE accounts.

By Mr. Schmid of Westport, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to the Sudbury watershed advisory committee (House, No. 653).

Sudbury,—watershed committee.

By Mr. Sannicandro of Ashland, for the committee on Higher Education, on House, Nos. 1044, 1045, 1046, 1058, 1062, 1074 and the residue of House, No. 1068, a Bill relative to strengthening and expanding affordable, quality higher education opportunities for residents of the Commonwealth (House, No. 3955).

Public higher education,—funding.

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

Canoe River
aquifer
committee.

By Mr. Schmid of Westport, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to the Canoe River aquifer advisory committee (House, No. 3800). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

Engrossed bills

Bills
enacted.

Relative to the position of constable in the town of Carver (see Senate, No. 1926) (which originated in the Senate);

Establishing a department of municipal finance in the town of Milford (see House, No. 3634);

Authorizing the town of Natick to lease certain town-owned property (see House, No. 3645);

Authorizing the town of Natick to lease certain town-owned property (see House, No. 3646);

Authorizing the town of Norwood to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3684, amended); and

Relative to civil commitments for alcohol and substance use disorders (House, No. 3956);

(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 it were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third
reading
bill.

The House Bill establishing a sick leave bank for Ronald Brace, an employee of the Department of Youth Services (House, No. 3916), 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. Sent to the Senate for concurrence.

Recesses.

Recess.

At half past eleven o'clock A.M., on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twelve minutes before two o'clock P.M. the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. Wong of Saugus, until half past six o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

Engrossed Bill.

Bill
enacted.

The engrossed Bill authorizing the recertification of the fiscal year 2016 tax rate for the town of Holbrook (see House bill printed in House, No. 3951) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Pursuant to assignment, at fourteen minutes before seven o'clock, the two branches met in

Joint Session
of the two
branches.

JOINT SESSION

In the Chamber of the House of Representatives, for the purpose of receiving such communication as His Excellency Charles D. Baker, Governor of the Commonwealth, may be pleased to make relative to the concerns of the Commonwealth; and were called to order by the Honorable Stanley C. Rosenberg, President of the Senate.

Order Adopted.

On motion of Mr. Tarr,—

Ordered, That a committee be appointed to consist of members of the Senate and House of Representatives to wait upon Her Honor Karyn E. Polito, the Lieutenant-Governor, the Constitutional Officers, members of the Executive Council, the Supreme Judicial Court and other distinguished guests of the Governor and inform them that the two branches are now in Convention and request the honor of their presence.

Notification of
Lieutenant-
Governor and
Constitutional
officers.

Senators Chandler, Lovely, Brownsberger, Humason and deMacedo were appointed on the part of the Senate; and Representatives Nangle of Lowell, Poirier of North Attleborough, Berthiaume of Spencer, Carvalho of Boston, D'Emilia of Bridgewater, Kelcourse of Amesbury, McGonagle of Everett, McKenna of Webster, Mom of Lowell, Muradian of Grafton, Vieira of Falmouth, Vincent of Revere, Madaro of East Boston, Zlotnik of Gardner and González of Springfield, were appointed on the part of the House.

Subsequently, Ms. Chandler, for the committee, reported that the Lieutenant-Governor, Constitutional officers, the Executive Council, members of the Supreme Judicial Court and distinguished guests would immediately attend upon the convention.

Shortly thereafter, the Lieutenant-Governor, Constitutional officers, members of the Executive Council, members of the Supreme Judicial Court, and distinguished guests entered the Chamber under the escort of the Sergeant-at-Arms.

Prayer.

The President then introduced Reverend Dr. Sarah Drummond of the Andover Newton Theological School, who gave the following Invocation:

Invocation.

Holy One, we call You by many names and seek You walking different paths. We honor each other's pursuit of truth. As we acknowledge the Spirit that we can't see, measure, or even describe, we are bold to ask that we might be blessed with that Spirit tonight. We bid the presence of whatever each of us calls holy on this night of reflecting back and looking forward toward the future of our Commonwealth.

We pray for those who heard the call to a life of service and answered it through giving of themselves to our beloved Massachusetts. Leadership is... difficult... particularly at a time when stakes are high, scrutiny is constant, and neither trust nor forgiveness is easy to come by. We give thanks that Your children gathered here have taken up the yoke

Invocation.

despite the sacrifices service requires. May those who lead — even when they're criticized, or when they try and fail — sense that the rewards for what they do for others will come back to them in the form of a flourishing world.

Tonight we especially lift up Your servant, Charles Duane Baker IV. We thank You that he cares for those in our Commonwealth who are most vulnerable: people afflicted with addiction; women, men, and children without homes; those who are detained or in prison; cities and small towns that seek to build community in the midst of scarce resources. We ask that Governor Baker's words might come from his heart, and that his heart might be strengthened by the presence of all who have gathered to hear his vision.

We look ahead to this evening together as a time when we might grow in unity. May the God of our understandings bless this gathering and bring new life to our Commonwealth through all that is said and done in this venerable, historic space, tonight and always. Amen.

Order Adopted.

The President in the Chair, on motion of Ms. Forry,—

Notification
of the
Governor.

Ordered, That a committee be appointed to consist of members of the Senate and the House of Representatives to wait upon His Excellency the Governor and inform him that the two branches are now in Convention for the purpose of receiving such communication as he may be pleased to make to them, relating to the concerns of the Commonwealth.

Senators Spilka, Petrucci, DiDomenico, Ross and Fattman were appointed on the part of the Senate; and Representatives Donato of Medford, Jones of North Reading, Hill of Ipswich, Barrows of Mansfield, Ayers of Quincy, Day of Stoneham, Ehrlich of Marblehead, Ferguson of Holden, Garballey of Arlington, Holmes of Boston, Livingstone of Boston, Muratore of Plymouth, Tucker of Salem, Ultrino of Malden, Tosado of Springfield, Whipps Lee of Athol, were appointed on the part of the House.

Dignitaries
recognized.

The President then recognized several dignitaries seated throughout the Chamber

Subsequently, Ms. Spilka, for the committee, reported that His Excellency the Governor, Charles D. Baker, would immediately attend upon the convention.

Honor Guard.

Honor
Guard.

Posting of the Colors was executed by the Massachusetts State Police, Massachusetts State Police Pipes and Drums, Massachusetts National Guard, Department of Conservation and Recreation, Massachusetts Environmental Police, UMass Amherst ROTC, MBTA transit Police and Massachusetts Department of Correction.

National Anthem.

National
Anthem.

The President then introduced Boston Police Officer Kim Tavares who performed the National Anthem.

Pledge of Allegiance.

The President then introduced Rhys Argeo Adams, Francesca Alice Adams and Gabriel Cellucci Westberg, the grandchildren of former Governor Argeo Paul Cellucci, who led the Convention in the pledge of allegiance to the flag.

Pledge of
allegiance.

Shortly thereafter, His Excellency the Governor, Charles D. Baker entered the Chamber under the escort of the Sergeant-at-Arms.

The President then introduced His Excellency the Governor, Charles D. Baker, who thereupon addressed the Convention relative to the concerns of the Commonwealth (Senate, No. 2115).

State of the
Commonwealth
address.

The President in the Chair, he then introduced the UMass Lowell Gospel Choir who performed the gospel song "Freedom".

UMass Lowell
Gospel Choir.

Benediction.

The President in the Chair, he then introduced Archbishop A. Livingston Foxworth of the Grace Church for All Nations, who gave the following Benediction:

Benediction.

Well this feels like church! Let us pray.

Heavenly Father, we come to Thee one more time on this night with grateful hearts for the time that You have graced us with for the purpose of coming together in this historic chamber forming this blended and aghast aggregation to hear our Governor His Excellency Charles D. Baker, share with us those things which have been done, things which are in progress, as well as his vision for this Commonwealth to prosper now and in the future.

We know God that it is Your will that we prosper and be in health even as our souls, our minds continue to prosper. Therefore Father it is my prayer that we leave this place with these words of the wise King Solomon found in the book of Proverbs which admonishes us to trust in the Lord with all our heart, and lean not into our own understanding, but in all our ways acknowledge Him and He will direct our path.

Bless our Governor. Bless this legislative body. Bless all our elected officials. Imbue them with an endowment of divine wisdom to lead this great Commonwealth according to thy will. And finally Father, bless the families of our leaders, especially their spouses, and in particular the First Lady of this Commonwealth Lauren Baker, so that they might be renewed in their strength each day as they support our leaders on their way.

And now God, may Your grace and mercy rest with us and abide in us now, henceforth and forever more. May Your joy which is our strength be rich and full in us and flow from us to touch those with whom we come in contact. And may our tomorrow, our Governor's tomorrow and all our elected officials tomorrow be more blessed than our today, through Christ our Lord we pray, world without end. Amen.

The President in the Chair, His Excellency the Governor, Charles D. Baker, Lieutenant-Governor, Karyn E. Polito, the Constitutional officers, the members of the Executive Council, members of the Supreme Judicial

Court and distinguished guests then withdrew from the Chamber under the escort of the Sergeant-at-Arms.

On motion of Mr. Lewis, at twenty-one minutes past eight o'clock P.M., the Convention of the Two Branches was dissolved; and the Senate withdrew from the Joint Session, under the escort of the Sergeant-at-Arms.

Called to
order.

At twenty-one minutes after eight o'clock P.M., the House was called to order with the Speaker in the Chair.

Order.

Next
sitting.

On motion of Mr. Mariano of Quincy,—
Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At twenty-one minutes after eight o'clock P.M., on motion of Mr. Puppolo of Springfield (the Speaker being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.