

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, NOVEMBER 30, 2017.

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JOURNAL OF THE HOUSE.

Thursday, November 30, 2017.

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).

Prayer was offered by Father Rick Walsh of the Paulist Center of Boston, Chaplain of the House, as follows:

God of Justice, God of Compassion, we pray today for members of the House of Representatives and for their staff. We pray also for the many persons who are employed by the Commonwealth.

Prayer.

This past Tuesday, November 28, was the anniversary of the 1780 incorporation of the Hampden County town of Montgomery. The town was named after the Continental Army Major General Richard Montgomery who died in the Battle of Quebec in 1775. Montgomery has been a small agrarian town, and has seen some growth after the creation of the Massachusetts Turnpike in 1957.

We pray for the town's 850 residents who share a strong community spirit. And we pray today especially for Montgomery's House member, 1st Hampshire Representative Peter Kocot and his staff.

May God continue to bless our Commonwealth.

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.

At the request of Representatives Gregoire of Marlborough, Dykema of Holliston and Kane of Shrewsbury, the members, guests and employees stood in a moment of silent tribute to the memory of Sergeant Stephen J. McKenna, 41, of Westborough.

Sergeant. Stephen J. McKenna.

Sergeant McKenna joined the Army National Guard in 2006 and was assigned to the 772 Military Police Company. In 2008, he was deployed to Al Kut, Iraq in support of Operation Iraqi Freedom. Sergeant McKenna was awarded the Army Commendation Medal, Army Good Conduct Medal, Army Reserve Component Achievement Medal as well as many others. He passed away on Tuesday, November 21st after a hard fought battle with cancer.

Stephen leaves behind his wife Tracy, his four children Logan, Hayden, Ava (Goulet) and Griffin McKenna, all of Westborough; his father Harry; his sister, Maureen McKenna-Weber and her husband Scott, of Westborough; two brothers, Robert McKenna and his wife Jennifer, of Milton and Paul McKenna and his wife Kara, of Denver, Colorado; his in-laws, Michael and Alyce Gorman of Marlborough; and many nieces and nephews.

Statement of Representative Atkins of Concord.

A statement of Ms. Atkins of Concord 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 I was absent from the House Chamber for the sessions held on Monday, November 13 and Wednesday, November 15.

Statement of
Ms. Atkins of
Concord.

Had I been present on November 13, I would have voted as follows:

- Roll Call No. 281, on enactment land taking of H. 2424 – Yes;
- Roll Call No. 282, on enactment land taking of H. 3833 – Yes;
- Roll Call No. 283, on engrossment of H. 4012 – Yes;
- Roll Call No. 284, on amendment 162 of S. 2200 – Yes;
- Roll Call No. 285, on “Shall decision of the Chair stand?” – Yes; and
- Roll Call No. 286, on further amendment of S. 2200 – Yes; and

Had I been present on November 15, I would have voted as follows:

- Roll Call No. 302, on enactment of H. 4015 – Yes;
- Roll Call No. 303, on suspension of House Rule 1A – Yes;
- Roll Call No. 304, on adoption of consolidated amendment of H. 4018 – Yes;
- and
- Roll Call No. 305, on engrossment of H. 4018 – Yes.

Resolutions.

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

Resolutions (filed by Ms. Atkins of Concord) congratulating Avak Avakian on his reception into the National Order of the Legion of Honor;

Avak
Avakian.

Resolutions (filed by Mr. Barrows of Mansfield) congratulating David Costa on receiving the Eagle Award with the Boy Scouts of America;

David
Costa.

Resolutions (filed by Mr. Barrows of Mansfield) congratulating Michael Costa on receiving the Eagle Award with the Boy Scouts of America;

Michael
Costa.

Resolutions (filed by Mr. Barrows of Mansfield) congratulating Zachary Parker on receiving the Eagle Award with the Boy Scouts of America; and

Zachary
Parker.

Resolutions (filed by Ms. Vincent of Revere) honoring Myrna and Edwin F. Parsons, Jr. on the occasion of their fiftieth anniversary;

Myrna and
Edwin Parsons.

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

Appointments to a Special Commission.

The Speaker of the House and the President of the Senate announced that they had jointly appointed Senator Cynthia Stone Creem and Representative James M. Murphy to the special legislative commission established (under Section 20(a) of Chapter 121 of the Acts of 2016) to examine the accessibility of information concerning the legislative process of the General Court and the expansion of the definition of public records.

General Court
records,—
accessibility
commission.

Petitions.

Messrs. Donato of Medford and Moran of Lawrence presented a petition (subject to Joint Rule 12) of Paul J. Donato and Frank Moran for legislation to establish a sick leave bank for James McGonagle, an employee of the Massachusetts Lottery Commission; and the same was referred, under Rule 24, to the committee on Rules.

James McGonagle,—
sick leave.

Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Moran of Lawrence, 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.

Petitions severally were presented and referred as follows:

By Mr. Dooley of Norfolk, a petition (subject to Joint Rule 12) of Shawn Dooley for legislation to establish a commission (including members of the General Court) to investigate the advertising practices of the solar energy industry.

Solar energy,—
commission.

By Ms. Dykema of Holliston, a petition (subject to Joint Rule 12) of Carolyn C. Dykema relative to juvenile bail notification.

Bail,—
juveniles.

By Representatives Whelan of Brewster and Peake of Provincetown, a petition (subject to Joint Rule 12) of Timothy R. Whelan and Sarah K. Peake relative to the operation of certain trailers and semi-trailers.

Hayrides.

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

Paper from the Senate.

The Senate Bill relative to criminal justice reform (Senate, No. 2200, amended), came from the Senate with the endorsement that said branch had non-concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4043).

Criminal
justice reform.

The bill bore the further endorsement that the Senate had appointed a committee of conference on the disagreeing votes of the two branches; and that Senators Brownsberger, Creem and Tarr had been appointed the committee on the part of the Senate.

Committee
of conference.

On motion of Ms. Cronin of Easton, the House insisted on its amendment; and, on further motion of the same member, concurred with the Senate in the appointment of a committee of conference. Representatives Cronin, Mariano of Quincy and Harrington of Groton then were appointed the committee on the part of the House. Sent to the Senate to be noted.

Id.

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 joint petition of Paul McMurtry and Michael F. Rush for legislation to establish a sick leave bank for Deirdre Dacey, an employee of the Parole Board. Under suspension of the rules, on motion of Mr. McGonagle of Everett, the report was

Deirdre Dacey,—
sick leave.

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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.

By Mr. Mahoney of Worcester, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill validating certain proceedings of the town of North Reading (printed in House, No. 4024). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

North
Reading,—
election.

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

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

Subsequently under further suspension of the rules, on motion of Mr. D'Emilia of Bridgewater, 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, its title having been changed by said committee to read: "An Act validating the actions taken at a certain town meeting held in the town of North Reading.". Sent to the Senate for concurrence.

By Mr. Mahoney of Worcester, for the committee on Election Laws, on a petition, a Bill relative to the Lynnfield town charter (House, No. 3977) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Lynnfield,—
charter.

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

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

By Mr. Murphy of Weymouth, for the committee on Steering, Policy and Scheduling, that the following House bills be scheduled for consideration by the House:

Relative to veterans' housing in the town of Agawam (printed as Senate, No. 2014); and

Agawam,—
veterans.

Relative to property tax deferrals for seniors (House, No. 4003);

Property tax.

Under suspension of Rule 7A, in each instance, on motion of Mr. Kafka of Stoughton, the bills were read a second time forthwith; and they were ordered to a third reading.

Mr. Sánchez of Boston, for the committee on Ways and Means, on House, No. 3830, reported, in part, a Bill making appropriations for the fiscal year 2018 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4052) [Total appropriation: \$2,700,000.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Supplemental
appropriations.

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

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

Under further suspension of the rules, on motion of Mr. Sánchez of Boston, the bill (having been reported by the committee on Bills in the Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, the same member moved to amend it by striking out sections 1 and 2A in inserting in place thereof the following two sections:

“SECTION 1. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations and to meet certain requirements of law, for fiscal year 2018 the sum set forth in section 2A is hereby appropriated from the General Fund unless specifically designated otherwise in this act, for the several purposes and subject to the conditions specified in this act and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2018. This sum shall be in addition to any amounts previously appropriated and made available for the purposes of this item.

SECTION 2A.

CANNABIS CONTROL COMMISSION

Cannabis Control Commission

1070-0840 For the operation of the Cannabis Control Commission..... \$2,700,000”; and

In line 26 by striking out the year “2018,” and inserting in place thereof the year: “2018”.

The amendments were adopted; and the bill (House, No. 4052, amended) was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Pignatelli of Lenox, for the committee on Environment, Natural Resources and Agriculture, on House, No. 441, a Bill to promote the care and well-being of livestock (House, No. 4050) [Senator Eldridge dissenting].

Livestock.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on a petition, a Bill relative to transportation infrastructure value capture (House, No. 1893).

Transportation infrastructure.

By the same member, for the same committee, on a petition, a Bill relative to wrong-way driving (House, No. 1895).

Wrong-way driving.

By the same member, for the same committee, on a petition, a Bill relative to the transportation of swimming pools (House, No. 1904).

Pools,— transportation.

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

By Mr. Straus of Mattapoisett, for the committee on Transportation, on a petition, a Bill establishing the George Washington memorial highway (House, No. 1804).

George Washington highway.

By the same member, for the same committee, on a petition, a Bill relative to drivers licenses for international students (House, No. 1915).

International licenses.

By the same member, for the same committee, on House, No. 1803, a Bill relative to counterfeit airbag prohibition (House, No. 4051).

Counterfeit airbags.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Orders of the Day.

The House Bill establishing a sick leave bank for William Cuttle, an employee of the Department of Children and Families (House, No. 4021), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third

Third reading bill.

time; and it was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill designating a certain bridge in the town of Auburn and a portion of state highway in the town of Leicester in memory of Officer Ronald Tarentino, Jr. (Senate, No. 2193), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Tarentino
bridge.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it in line 1 by striking out the words “The bridge” and inserting in place there of the following: “Bridge number A-17-029”.

The amendment was adopted; and the bill (Senate, No. 2193, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

The House Bill establishing a sick leave bank for Dave Ringer, an employee of the Department of Correction (House, No. 3947), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Dave
Ringer,—
sick leave.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of correction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted; and the bill (House, No. 3947, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At seventeen minutes before twelve o'clock noon, on motion of Mr. D'Emilia of Bridgewater (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at eighteen minutes after one o'clock P.M., the House was called to order with Mr. Donato in the Chair.

Recess.

Emergency Measures.

The engrossed Bill designating a portion of state highway Route 88 as Governor Argeo Paul Cellucci Circle in the town of Westport (see House, No. 3963), 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.

Westport,—
Cellucci
circle.

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

Bill
enacted.

The engrossed Bill making appropriations for the fiscal year 2018 to provide for supplementing certain existing appropriations and for certain other activities and

Supplemental
appropriations.

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projects (see House, No. 4052, amended), 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 2 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 passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed Bills.

Engrossed bills

Limiting the transfer of certain licenses for the sale of alcoholic beverages to be drunk on the premises in the town of Belmont (see House, No. 3806);

Bills
enacted.

Limiting the transfer of certain licenses for the sale of alcoholic beverage not to be drunk on the premises in the town of Belmont (see House, No. 3807);

Relative to the death of Lawrence police patrolman Eugene Scanlon, Sr. on February 12, 1972 (see House, No. 3843); and

Exempting positions in the Department of Public Works in the city of Marlborough from the civil service law (see House, No. 3883);

(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.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Next
sitting.

At seventeen minutes before two o'clock P.M., on motion of Mr. D'Emilia of Bridgewater (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.