

JOURNAL OF THE HOUSE.

Monday, May 16, 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.

Resolutions.

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

Resolutions (filed by Mr. Hill of Ipswich) congratulating Eric Blanchard on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Hill of Ipswich) congratulating Ryan Bruer on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Hill of Ipswich) congratulating Matthew Cunniff on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Hill of Ipswich) congratulating Baxter Demers on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Hill of Ipswich) congratulating Matthew H. Everett on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Hill of Ipswich) congratulating Brian Mullen on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Hill of Ipswich) congratulating Brian R. Ruane on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Hill of Ipswich) congratulating George Sacco on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Hill of Ipswich) congratulating Austin K. Waring on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Fernandes of Milford) congratulating John Joseph Niro on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Ms. Garlick of Needham) congratulating Noah John Anszperger on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mr. Speliotis of Danvers) congratulating the Saint John's Preparatory School swimming and diving team on their 2016 Massachusetts Interscholastic Athletic Association Division 1 State Championship;

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.

Pledge of
allegiance.

Eric
Blanchard.

Ryan
Bruer.

Matthew
Cunniff.

Baxter
Demers.

Matthew
Everett.

Brian
Mullen.

Brian
Ruane.

George
Sacco.

Austin
Waring.

John
Niro.

Noah
Anszperger.

Saint John's,—
swimming and
diving team.

Communication.

A communication from the Automatic Sprinkler Appeals Board on behalf of the Massachusetts Fire Safety Commission (under Section 200 of Chapter 6 of the General Laws) notifying the General Court of proposed regulatory action of said commission to rescind the provisions of 530 CMR 2.00, relative to mandatory retrofit of automatic sprinkler systems in certain high rise buildings (House, No. 4304), was referred to the committee on Public Safety and Homeland Security. Sent to the Senate for concurrence.

Automatic
Sprinkler
Appeals Board,—
regulations.

Quarterly Report.

A quarterly report of the Department of Public Health (under item 4513-1020 of Chapter 46 of the Acts of 2015) submitting the Early Intervention program report for the third quarter of fiscal year 2016, was placed on file.

Early
Intervention
Program.

Petitions.

Mr. González of Springfield presented a petition (accompanied by bill, House, No. 4302) of Carlos González (with the approval of the mayor and city council) that the city of Springfield be authorized to use certain park land for other municipal purposes; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Springfield,—
land.

Mr. Wagner of Chicopee presented a petition (subject to Joint Rule 12) of Joseph F. Wagner, Eric P. Lesser and Thomas M. Petrolati (with the approval of the mayor and city council) that the commissioner of Capital Asset Management and Maintenance be authorized to grant certain easements in the city of Chicopee; and the same was referred, under Rule 24, to the committee on Rules.

Chicopee,—
land.

Papers from the Senate.

The House Order relative to extending until Friday, April 29, 2016 the time within which the committee on Consumer Protection and Professional Licensure is authorized to report on current House document numbered 4188 (House, No. 4261), came from the Senate with the endorsement that it had been adopted, in concurrence, with an amendment in line 2, striking out the date "May 23" and inserting in place thereof the date "June 13".

Consumer
Protection and
Professional
Licensure,—
extension of
time for
reporting.

Under suspension of Rule 35, on motion of Ms. Benson of Lunenburg, the amendment was considered forthwith; and it was adopted, in concurrence.

Bills

Relative to transgender anti-discrimination (Senate, No. 735, amended 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 provide forthwith for protection from discrimination on the basis of gender identity, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.") (on a petition); and

Transgender
discrimination.

Discrimination,— Relative to nondiscrimination regional advisory boards (Senate, No. 2283) (on Senate bill No. 989);
boards. Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

EMT's, etc.,— Providing volunteer firefighters and emergency medical technicians with a local option real estate tax exemption (Senate, No. 1537) (on a tax petition); exemptions.

Evelena Establishing a sick leave bank for Evelena Brown, an employee of the Department of Children and Families (Senate, No. 2238) (on Brown. a petition);

Deaf,— tax Relative to tax abatements for deaf residents (Senate, No. 2282) (on abatements. Senate bill No. 1959); and

West Authorizing the town of West Bridgewater to grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises and 1 additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2292) (on Senate bill No. 2072) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Wenham,— A petition (accompanied by bill, Senate, No. 2291) of Bruce E. Tarr liquor license. and Bradford R. Hill (by vote of the town) for legislation to authorize the town of Wenham to grant an additional license for the sale of alcoholic beverages not to be drunk on the premises, was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.

Petitions severally were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Gwen Petition (accompanied by bill, Senate, No. 2297) of Michael O. Johnson,— Moore and Kate D. Campanale for legislation to establish a sick leave sick leave. bank for Gwen Johnson, an employee of the Department of Developmental Services;

Linda Petition (accompanied by bill, Senate, No. 2298) of Michael O. Orstrom,— Moore and Paul K. Frost for legislation to establish a sick leave bank for Linda Orstrom, an employee of the Department of Mental Health; sick leave. and

Jeffrey Petition (accompanied by bill, Senate, No. 2299) of Michael J. Cowell,— Rodrigues for legislation to establish a sick leave bank for Jeffrey sick leave. Cowell, an employee of the Department of Correction;

Severally to the committee on Public Service.

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 following petitions:

Petition (accompanied by bill) of Daniel J. Ryan and Bruce J. Ayers for legislation to establish a sick leave bank for Jean Barron, an employee of the Executive Office of Public Safety and Security; and

Jean Barron,— sick leave.

Petition (accompanied by bill) of Daniel J. Ryan and Sal N. DiDomenico for legislation to establish a sick leave bank for Robin Waive, an employee of the Massachusetts Department of Transportation; Severally to the committee on Public Service.

Robin Waive,— sick leave.

Under suspension of the rules, on motion of Mr. Tucker of Salem, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Fernandes of Milford, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Kelli Murphy, an employee of Trial Court (House, No. 4288). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Kelli Murphy,— sick leave.

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 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 the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act establishing a sick leave bank for Kelli Murphy, an employee of the Trial Court."

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 commonwealth, 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. 4288, amended) was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Fernandes of Milford, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Nicole Dowling, an employee of the Trial Court (House, No. 4286). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Nicole Dowling,— sick leave.

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.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill designating Marshfield the home of Senator Daniel Webster and Governor Edward Winslow (House, No. 2961), be scheduled for consideration by the House.

Marshfield,— Senator Daniel Webster and Governor Edward Winslow.

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

Apprenticeship
programs.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill relative to apprenticeship programs (House, No. 4269), be scheduled for consideration by the House. Under suspension of Rule 7A, on motion of Mr. Tucker of Salem, the bill was read a second time forthwith; and it was referred, under Rule 33, to the committee on Ways and Means.

At risk
students,—
study.

By Ms. Peisch of Wellesley, for the committee on Education, on House, Nos. 316, 408 and 501, an Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning at risk students and other related issues (House, No. 4297).

School climate,
safety, etc.,—
study.

By the same member, for the same committee, on House, Nos. 328, 337, 355, 357, 368, 369, 382, 399, 421, 456, 477, 496, 502, 509 and 510, an Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning school climate, safety, and student discipline and vocational technical education, collaboratives, and regional schools (House, No. 4298).

Health,
special
education,
etc.,—
study.

By the same member, for the same committee, on House, Nos. 330, 362, 379, 401, 430, 440, 442, 481, 503, 504, 3389 and 3393, an Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning health, special education and special education finance issues (House, No. 4299).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Mr. Galvin of Canton, for said committees, reported, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Child suicide,—
study.

By Mr. Sánchez of Boston, for the committee on Health Care Financing, that the Resolve providing for an investigation and study by a special commission relative to child suicide (House, No. 513), ought to pass. Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Piggeries.

Medicaid.

By Mr. Sánchez of Boston, for the committee on Health Care Financing, that the following bills ought to pass:

To ensure appropriate regulation of piggeries (House, No. 652); and Relative to Medicaid (House, No. 822);

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

Natural
disasters.

By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on a petition, a Resolve providing for an

investigation and study by a special commission relative to preparedness for natural disasters (House, No. 2162).

By the same member, for the same committee, on a petition, a Bill to review security and safety procedures in the State House and state courthouses (House, No. 2166).

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Sánchez of Boston, for the committee on Health Care Financing, on a petition, a Bill regarding Medicare savings programs eligibility (House, No. 988) [Cost: Greater than \$100,000.00].

By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to the recovery of emergency response costs (House, No. 2148).

By the same member, for the same committee, on a petition, a Bill relative to elevator inspection fees (House, No. 2150).

By the same member, for the same committee, on a petition, a Bill relative to elevator inspections for small towns (House, No. 2154).

By the same member, for the same committee, on a petition, a Bill relative to elevator inspection fee waiver for non-profits (House, No. 2168).

By the same member, for the same committee, on a petition, a Bill relative to missing persons (House, No. 2174).

By the same member, for the same committee, on a petition, a Bill relative to fire safety in buildings owned or operated by the Commonwealth of Massachusetts (House, No. 2178).

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

By Mr. Sánchez of Boston, for the committee on Health Care Financing, on a petition, a Bill further regulating the substitution of interchangeable biosimilars (House, No. 976).

By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to dangerous weapons (House, No. 2160) [Representative Heroux of Attleboro dissenting].

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill to exempt the deliberation of public bodies at town meeting from the open meeting law (House, No. 2774).

By the same member, for the same committee, on a petition, a Bill relative to the annual observance of Massachusetts Women's Defense Corps Remembrance Day (House, No. 4074).

By the same member, for the same committee, on a petition, a Bill designating a monument in the city of Fall River as the official Gold Star Families Memorial Monument of the Commonwealth (House, No. 4075).

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

Safety and
security.

Medicare
savings,—
eligibility.

Emergency
response,—
costs.

Elevators,—
inspections.

Elevators,—
small towns.

Elevators,—
fee
waivers.

Missing
persons.

Fire
safety.

Biosimilars.

Dangerous
weapons.

Town
meetings.

Women's
Defense
Corps.

Fall River,—
Gold Star
Families.

*Emergency Measure.*Shannon
Wilkins,—
sick leave.

The engrossed Bill establishing a sick leave bank for Shannon Wilkins, an employee of the Massachusetts Department of Transportation (see House, No. 4122), 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 3 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.

Miranda
Marie
Flanagan,—
sick leave.

The engrossed Bill establishing a sick leave bank for Miranda Marie Flanagan, an employee of the Massachusetts Department of Transportation (see House, No. 4124), 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 3 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.

To clarify the executive powers of the board of water and sewer commissioners in the town of Foxborough (see House, No. 3582);

Providing for recall elections in the town of Shirley (House, No. 3784, amended); and

Relative to the Canoe River aquifer advisory committee (see House, No. 3800);

(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.**House bills*Third
reading
bills.

Increasing access to immunizations (House, No. 3895) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the town of Acton to grant 16 additional licenses for the sale of all alcoholic beverages and 6 additional licenses for the sale of wines and malt beverages to be drunk on the premises (House, No. 4185);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The Senate Bill authorizing the town of Athol to establish a special fund for the rehabilitation of certain properties (Senate, No. 31), reported by the committee on Bills in the Third Reading to correctly drawn, was read a third time.

Athol,—
properties
fund.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Speliotis of Danvers moved to amend it in section 1 by adding the following paragraph:

“The town manager shall annually report to the board of selectmen, the total amount of receipts and expenditures for the fund for the prior fiscal year and for the current fiscal year through December thirty-first, or such later date as the board of selectmen may, by vote determine, together with such other information as the board of selectmen may by vote require.”

The amendment was adopted; and the bill (see Senate, No. 31, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

The Senate Bill establishing a special fund for recaptured funds from demolition liens or related grants in the town of Athol (Senate, No. 32), reported by the committee on Bills in the Third Reading to correctly drawn, was read a third time.

Athol,—
demolitions
fund.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Speliotis of Danvers moved to amend it in section 1 by adding the following paragraph:

“The town manager shall annually report to the board of selectmen, the total amount of receipts and expenditures for the fund for the prior fiscal year and for the current fiscal year through December thirty-first, or such later date as the board of selectmen may, by vote determine, together with such other information as the board of selectmen may by vote require.”

The amendment was adopted; and the bill (see Senate, No. 32, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

The House Bill authorizing the establishment of a municipal job creation and retention trust and project mitigation contribution (“linkage”) program for job creation and retention in the city of Somerville (House, No. 3550), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Somerville,—
trust.

Pending the question on passing the bill to be engrossed, Ms. Barber of Somerville moved to amend it by substitution of a bill with the same title (House, No. 4303), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Provincetown,—
housing
trust fund.

The House Bill establishing a year-round market rate rental housing trust fund in the town of Provincetown (House, No. 3742) (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.

Pending the question on passing the bill to be engrossed, Ms. Peake of Provincetown moved to amend it in section 8 by adding the following two sentences: "For the purposes of this act, the term 'market rate' shall mean rental housing that is not restricted to occupancy by low or moderate income households, as those terms are defined in section 38D of chapter 121B of the General Laws; provided, however, that market rate housing may be available for occupancy by households without regard to income and may also include housing subject to maximum income limits to be occupied by households with gross income greater than 80 per cent but not more than 200 per cent of the area median household income as most recently determined by the United States Department of Housing and Urban Development, adjusted for household size. The trust may enact regulations establishing alternative or additional definitions for 'market rate'."

The amendments were adopted; and the bill (House, No. 3742, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next a half past twelve o'clock noon.

At twenty-seven minutes after eleven o'clock A.M., on motion of Mr. Wong of Saugus (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet the following Wednesday a half past twelve o'clock noon.