

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, AUGUST 3, 2017.

JOURNAL OF THE HOUSE.

Thursday, August 3, 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).

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 Mr. Collins of Boston, the members, guests and employees stood in a moment of silent tribute to the memory of Thomas P. Flaherty of South Boston. Mr. Flaherty served in the United States Army in Vietnam and was a Boston firefighter for 34 years. He was the brother of former Representative Michael Flaherty, Sr., and the uncle to current Boston City Councilor at Large Michael Flaherty. He leaves behind a loving family, including his wife Jeanne, and children Thomas, Annmarie, Sean, Patty, Terence, and Brigitte.

Thomas P.
Flaherty.

Messages from the Governor.

A message from His Excellency the Governor recommending legislation relative to making appropriations for the fiscal year 2017 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3869), was filed in the office of the Clerk on Wednesday, August 2.

Supplemental
appropriations.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

A message from His Excellency the Governor recommending legislation relative to empowering law enforcement to cooperate with the United States to transfer custody of convicted criminals (House, No. 3870), was filed in the office of the Clerk on Tuesday, August 1.

Criminals,—
custody.

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

A message from His Excellency the Governor recommending legislation relative to establishing a sales tax holiday in 2017 (House, No. 3871), was filed in the office of the Clerk on Wednesday, August 2.

Sales tax
holiday.

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.

Resolutions.

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

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and Kafka of Stoughton) congratulating Stephen William Healy on receiving the Eagle Scout Award of the Boy Scouts of America;

Stephen Healy.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and Kafka of Stoughton) congratulating Dhiren Mahesh Mistry on receiving the Eagle Scout Award of the Boy Scouts of America;

Dhiren Mistry.

Resolutions (filed by Representatives Arciero of Westford, Golden of Lowell, Nangle of Lowell and Atkins of Concord) congratulating Congregation Shalom on its fiftieth anniversary;

Congregation Shalom.

Resolutions (filed by Ms. Garlick of Needham) congratulating Tyler Alexander Smith on receiving the Eagle Award of the Boy Scouts of America;

Tyler Smith.

Resolutions (filed by Ms. Garlick of Needham) congratulating Ryan Matthew Warner on receiving the Eagle Award of the Boy Scouts of America;

Ryan Warner.

Resolutions (filed by Representatives Gregoire of Marlborough and Muratore of Plymouth) commending the Massachusetts Falls Prevention Coalition on its celebration of Falls Prevention Awareness Day; and

Falls Prevention Day.

Resolutions (filed by Mr. Smola of Warren) commemorating the retirement of Chief Paul H. Foster from the Holland Fire Department;

Paul Foster.

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

Annual and Special Reports.

The annual report of the Executive Office of Energy and Environmental Affairs (under Section 3 of Chapter 21I of the General Laws) relative to the Toxics Use Reduction Program activities and accomplishments for the year 2016;

Toxics use reduction.

The final report of the Special Commission to conduct a comprehensive study relative to the regulation of online gaming, fantasy, sports gaming and daily fantasy sports (under Section 137 of Chapter 219 of the Acts of 2016); and

Online gaming.

The monthly report of the Department of Unemployment Assistance (under Section 14F of Chapter 151A of the General Laws) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for July 2017;

Unemployment trust fund.

Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Kulik of Worthington, a petition (accompanied by bill, House, No. 3872) of Stephen Kulik and Adam G. Hinds (by vote of the town) that the town of Ashfield be authorized to allow persons sixteen years of age or older to vote in town elections in said town;

Ashfield,—
voting age.

By Representative Peisch of Wellesley and Senator Barrett, a joint petition

Weston,—

UNCORRECTED PROOF.

(accompanied by bill, House, No. 3873) of Alice Hanlon Peisch and Michael J. Barrett (by vote of the town) that the town of Weston be authorized to increase the number of signatures required to place an article on the warrant of said town; and

signatures.

By Ms. Vincent of Revere, a petition (accompanied by bill, House, No. 3874) of RoseLee Vincent and Joseph A. Boncore (with the approval of the mayor and city council) relative to the preliminary elections in the city of Revere;

Revere,—
preliminary
elections.

Severally to the committee on Election Laws.

By Mr. Lewis of Framingham, a petition (accompanied by bill, House, No. 3875) of Jack Patrick Lewis (by vote of the town) that the town of Ashland be authorized to assume all rights, obligations, contracts, title to property, assets, liabilities, including outstanding litigation, and responsibilities of the Ashland Redevelopment Authority; and

Ashland,—
Redevelopment
Authority.

By Ms. Vincent of Revere, a petition (accompanied by bill, House, No. 3876) of RoseLee Vincent and Joseph A. Boncore (with the approval of the mayor and city council) that the city of Revere be authorized to pay a certain sum of money to Juanita A. Haas (Brandariz);

Revere,—
Juanita A.
Haas.

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Arciero of Westford, a petition (subject to Joint Rule 12) of James Arciero, Henry McDowell and Henry Durand for legislation to exempt persons seventy-five years of age or older from the portion of real property taxes devoted to local education.

Seniors,—
property tax
exemption.

By Representative Gordon of Bedford and Senator Barrett, a joint petition (subject to Joint Rule 12) of Kenneth I. Gordon for legislation to designate a certain bridge in the town of Bedford as the Hart-Desiato bridge.

Bedford,—
Hart-Desiato
bridge.

By Ms. Higgins of Leominster, a petition (subject to Joint Rule 12) of Natalie Higgins relative to insurance coverage for Alfi's syndrome.

Alfi's syndrome,—
insurance.

By Mr. Kulik of Worthington, a petition (subject to Joint Rule 12) of Stephen Kulik and Adam G. Hinds for legislation to establish a sick leave bank for Jacqueline Staelens, an employee of the Trial Court.

Jacqueline
Staelens,—
sick leave.

By Messrs. Lyons of Andover and Lombardo of Billerica, a petition (subject to Joint Rule 12) of James J. Lyons, Jr., and others for legislation to authorize law enforcement to arrest and detain certain persons.

Law
enforcement,—
jurisdiction.

By Mr. Mirra of West Newbury (by request), a petition (subject to Joint Rule 12) of Dr. Joseph Heyman and Bruce E. Tarr relative to patient consent for health information exchanges.

Health
information
exchanges.

By Mr. Muratore of Plymouth, a petition (subject to Joint Rule 12) of Mathew Muratore relative to zoning ordinances regulating the installation of solar energy systems and the building of structures that facilitate the collection of solar energy.

Zoning,—
solar energy.

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

Papers from the Senate.

The House Bill relative to language opportunity for our kids (House, No. 3740), came from the Senate passed to be engrossed, in concurrence, with an amendment, striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2134.

Language
opportunity.

Under suspension of the rules, on motion of Ms. Peisch of Wellesley, the

amendment was considered forthwith. The House then non-concurred with the Senate in its amendment; and, on motion of the same member, appointed a committee of conference on the disagreeing votes of the two branches. Representatives Peisch, Moran of Lawrence and Ferguson of Holden then were appointed the committee on the part of the House. Sent to the Senate to be joined.

Subsequently notice was received from the Senate that said branch had insisted on its amendment, concurred with the House in the appointment of a committee of conference; and that Senators Chang-Diaz, DiDomenico and O'Connor had been joined as the committee on the part of the Senate.

A Bill establishing a sick leave bank for Renee Salisbury, an employee of the Department of Transitional Assistance (Senate, No. 2101, amended in line 4 by inserting after the word "Salisbury", the first time it appears, the words "to care for her child"; and by inserting before the enacting clause the following emergency preamble:

Renee
Salisbury,—
sick leave.

"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 transitional assistance, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.") (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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. Garballey of Arlington, the bill was read a second time forthwith; and it was ordered to a third reading.

Bills

Establishing a sick leave bank for Michelle Dancy, an employee of the Department of Mental Health (Senate, No. 2116) (on a petition); and

Michelle Dancy,—
sick leave.

Establishing the month of May as Cystic Fibrosis Awareness Month (Senate, No. 2137) (on Senate bill No. 1742);

Cystic Fibrosis
Awareness month.

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.

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

Petition (accompanied by bill, Senate, No. 2146) of Anne M. Gobi and Donald R. Berthiaume, Jr. for legislation to authorize the Brookfield Housing Authority to convey a certain parcel of land and the buildings to the Oxford Housing Authority. To the committee on Municipalities and Regional Government.

Brookfield
and Oxford,—
land.

Petition (accompanied by bill, Senate, No. 2147) of Anne M. Gobi for legislation relative to retirement buy back into the Massachusetts State Retirement system for Debra Kay Boudreau. To the committee on Public Service.

Debra Kay
Boudreau,—
retirement.

Petition (accompanied by bill, Senate, No. 2148) Anne M. Gobi for legislation relative to street rods and custom vehicles. To the committee on Transportation.

Street rods and
custom vehicles.

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

August 2, 2017.

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 Honorable Stanley C. Rosenberg, President of the Senate, has announced leadership and committee appointments that have been ratified by the Majority Party Caucus:

Assistant Majority Leader

- Senator Patricia D. Jehlen

Senate Committee on Bills on the Third Reading

- Senator Michael D. Brady, member

Senate Committee on Redistricting

- Senator Sal N. DiDomenico

Senate Committee on Ways and Means

- Senator Joan B. Lovely, Assistant Vice Chair
- Senator Michael J. Barrett, member
- Senator Patricia D. Jehlen, member
- Senator James T. Welch, member

Joint Committee on Environment, Natural Resources and Agriculture

- Senator Julian Cyr, member

Joint Committee on Labor and Workforce Development

- Senator Cindy Freidman, member

Joint Committee on Mental Health, Substance Use and Recovery

- Senator Cindy Freidman, member

Joint Committee on Public Safety and Homeland Security

- Senator Michael O. Moore, Chair
- Senator Michael F. Rush, Vice Chair

Joint Committee on Public Service

- Senator Cindy Freidman, Chair

Committee
appointments.

Respectfully submitted,



WILLIAM F. WELCH,
Clerk of the Senate.

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 Denise C. Garlick relative to MassHealth reimbursements to local educational authorities. To the committee on Education.

Petition (accompanied by bill) of Paul R. Heroux relative to the definition of licensed mental health professionals under certain insurance laws. To the committee

MassHealth,—
reimbursements.

Mental
health,—
insurance laws.

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on Financial Services.

Petition (accompanied by bill) of Paul R. Heroux for legislation to establish a sick leave bank for Lornece Tull, an employee of the Department of Correction. To the committee on Public Service.

Lornece
Tull,—
sick leave.

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

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

The Senate Bill authorizing the town of Plymouth to exchange a parcel of land held for conservation purposes for a parcel of land in the town of Plymouth (Senate, No. 2085) [Local Approval Received]; and

Plymouth,—
land.

House bills

Relative to smart growth housing production (House, No. 128);

Smart growth.
Nantucket,—
transfer fee.

Authorizing the town of Nantucket to impose a real estate transfer fee for affordable and workforce housing (House, No. 2794) [Local Approval Received];

Renaming Muddy Pond in the city known as the town of Barnstable to be called Crocker Pond (House, No. 3679) [Local Approval Received];

Barnstable,—
Muddy Pond.

Authorizing the town of Nantucket to supply itself and its inhabitants with water (House, No. 3761) [Local Approval Received];

Nantucket,—
water.

Authorizing the town of Whately to continue the employment of John LaSalle [sic] as a call firefighter (House, No. 3791) [Local Approval Received];

Whately,—
John LaSalle.

Relative to the appointment of retired police officers in the town of Canton (House, No. 3817) [Local Approval Received];

Canton,—
retired police.

Authorizing the town of Williamsburg to continue the employment of James Ferron as a call firefighter (House, No. 3834) [Local Approval Received];

Williamsburg,—
James Ferron.

To establish a sick leave bank for Andrew Williams, an employee of the Department of Conservation and Recreation (House, No. 3848);

Andrew
Williams,—
sick leave.

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

By Mr. Brodeur of Melrose, for the committee on Labor and Workforce Development, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3502) of Thomas A. Golden, Jr., and others relative to notification of changes to flexible spending accounts,— and recommending that the same be referred to the committee on Health Care Financing. Sent to the Senate for concurrence.

Flexible
spending
accounts.

By Mr. Kaufman of Lexington, for the committee on Revenue, on Senate, Nos. 1610 and 1611 and House, No. 1627, a Bill to extend the Brownfields tax credit (House, No. 3851).

Brownfields,—
tax credit.

By the same member, for the same committee, on Senate, Nos. 1502, 1521 and 1639 and House, Nos. 1504 and 1546, a Bill improving the earned income credit for working families (House, No. 3852).

Earned
income
credit.

By the same member, for the same committee, on Senate, No. 1511 and House, No. 2617, a Bill to promote high-impact community investment (House, No. 3853).

Community
investment.

By the same member, for the same committee, on Senate, Nos. 1585, 1586 and 1657 and House, Nos. 2607 and 2614, a Bill relative to land conservation incentives (House, No. 3855).

Land
conservation,—
incentives.

UNCORRECTED PROOF.

By the same member, for the same committee, on House, No. 1535, a Bill providing tax relief for rent-burdened individuals and families (House, No. 3857) [Representative Durant of Spencer dissenting].

Tax relief.

By the same member, for the same committee, on House, Nos. 1562, 1629 and 3306, a Bill amending the historic rehabilitation tax credit (House, No. 3858).

Historic rehabilitation,— tax credit.

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

By Mr. Kaufman of Lexington, for the committee on Revenue, on Senate, No. 1532 and House, No. 3338, a Bill to promote urban agriculture and horticulture (House, No. 3854).

Urban,— agriculture and horticulture.

By the same member, for the same committee, on House, Nos. 1465 and 3350, a Bill relative to expanding agricultural land (House, No. 3856).

Agricultural land.

By the same member, for the same committee, on House, No. 2638, a Bill authorizing the town of Provincetown to impose a 0.5% real estate transfer fee (House, No. 3859) [Local Approval Received] [Representative Durant of Spencer dissenting].

Provincetown,— transfer fee.

By the same member, for the same committee, on House, No. 2639, a Bill increasing the exemption for residential property in the town of Provincetown (House, No. 3860) [Local Approval Received].

Provincetown,— property tax exemption.

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

Emergency Measure.

The engrossed Bill establishing a sick leave bank for David Senatillaka, an employee of the Department of Correction (see House, No. 3734, 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.

David Senatillaka,— 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 3 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.

Orders of the Day.

House bills

Authorizing the town of Millbury to issue an additional liquor license (House, No. 3789); and

Third reading bills.

Authorizing the town of Southborough to enter into a land exchange agreement with St. Mark's School of Southborough, Inc. (House, No. 3809) (its title having been changed by the committee on Bills in the Third Reading);

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

UNCORRECTED PROOF.

Reorganization Plan No. 2 of 2017 (submitted by the Governor pursuant to Article LXXXVII of the Amendments to the Constitution) to reorganize the information technology function of the Commonwealth to improve data security, safeguard privacy, and promote better service delivery (House, No. 3731) [the committee on State Administration and Regulatory Oversight had reported, in accordance with a provision of Joint Rule 23A, recommending that said Reorganization Plan 2 “ought to be approved” – For majority report, see Senate, No. 2091], was laid aside as moot, on motion of Ms. Benson of Lunenburg [the time to act on such Reorganization Plan #2 of 2017 having expired on Monday, July 31, 2017].

Reorganization
Plan No. 2
of 2017,—
data security,
safeguard
privacy.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Next
sitting.

At twenty-five minutes after eleven o’clock A.M., on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at ten o’clock A.M., in an Informal Session.