

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, JULY 19, 2017.

[76]*

JOURNAL OF THE HOUSE.

Wednesday, July 19, 2017.

Met according to adjournment at eleven o'clock A.M., 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).

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

Good and Gracious God, we pray today for our House membership and for their staff. Guide them in their efforts to craft good and just legislation.

Prayer.

We give thanks for our heritage of Patriotic courage and daring. Today, however we recall how such bravery, without careful planning caused great harm to many citizens of colonial Massachusetts.

On this day in 1779, the Penobscot Expedition consisting of 44 ships, 2,000 sailors and mariners and over 1,000 militia was launched from Boston. The goal was to capture a small British fort at the mouth of the Penobscot River in what is now the state of Maine. Without consulting Continental military officials, this large company led by famous names in Massachusetts history including Saltonstall, Wadsworth, Lovell and Revere, met utter defeat.

From the battle and a forced retreat through the wilderness more than 470 men lost their lives. All the ships were destroyed except one that was captured by the British. It was considered the worst naval disaster in American history until the attack on Pearl Harbor.

Many lessons were learned from that ill-fated campaign.

May God continue to bless our Commonwealth.

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 — Disapprovals and Recommendations of Amendments in THE General Appropriation Bill.

A message from His Excellency the Governor returning with his disapproval of certain items and sections, and parts of certain items, and reductions in certain items, and also with recommendations of amendments of certain sections contained in the engrossed Bill making appropriations for the fiscal year 2018 for the maintenance of the departments, board, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements [see House, No. 3800] (for message, see House, No. 3828), filed in the office of the Clerk on Monday, July 17, was read.

General
Appropriation
Bill,—
disapprovals and
amendments.

So much of the message as relates to the disapprovals were referred, under Rule 30, to the committee on Ways and Means.

So much of the message as relates to the sections returned with recommendations of amendments were referred, as follows:

Section 5 — Printed as House, No. 3819;
Section 8 — Printed as House, No. 3820;
Section 13 — Printed as House, No. 3821;
Sections 16, 17, 60-67, 93, 110, 111, 122, 146, 147 and 150 — Printed as House, No. 3822;
Section 30 — Printed as House, No. 3823;
Section 87 — Printed as House, No. 3824;
Section 109 — Printed as House, No. 3825;
Section 125 — Printed as House, No. 3826; and
Section 138 — Printed as House, No. 3827.

Severally, on motion of Mr. Speliotis of Danvers, to the committee on Bills in the Third Reading.

Messages from the Governor.

A message from His Excellency the Governor submitting recommendations for making appropriations for the fiscal year 2018 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3830), was filed in the office of the Clerk on Monday, July 17.

Supplemental appropriations.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

A message from His Excellency the Governor recommending legislation relative to promoting affordable health care options (House, No. 3829), was filed in the office of the Clerk on Monday, July 17.

Health care.

The message was read; and it was referred, under Rule 30, to the committee on Health Care Financing. Sent to the Senate for concurrence.

Guests of the House.

During the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced the City Spotlights summer leadership program, made up of students from Boston and Everett who participate in the Boch Center's youth employment program. The students preformed a poem they wrote titled "I Am". They were the guests of Ms. Atkins of Concord.

City Spotlights.

Resolutions.

Resolutions (filed with the Clerk by Mr. Cutler of Duxbury) celebrating August 1, 2017 as the Pembroke Arts Festival Day, were referred under Rule 85, to the committee on Rules.

Pembroke Arts Festival Day.

Mr. Galvin of Canton, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. D'Emilia of Bridgewater, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Galvin of Canton, a petition (accompanied by bill, House, No. 3831) of William C. Galvin and Walter F. Timilty (by vote of the town) that the town of Canton be authorized to regulate the use of Reservoir Pond in said town. To the committee on Environment, Natural Resources and Agriculture.

Canton,—
Reservoir
Pond.

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 3832) of Marjorie C. Decker and Mike Connolly (with the approval of the mayor and city council) that the city of Cambridge be authorized to use certain land used for park, playground or recreation uses for school purposes and for installation of sub surface geothermal wells and to relocate a certain pool facility; and

Cambridge,—
land.

By Representative Pignatelli of Lenox and Senator Hinds, a joint petition (accompanied by bill, House, No. 3833) of Smitty Pignatelli and Adam G. Hinds (by vote of the town) that the town of Lenox be authorized to convey a conservation restriction on certain parcels of land;

Lenox,—
land.

Severally to the committee on Municipalities and Regional Government.

By Mr. Kulik of Worthington, a petition (accompanied by bill, House, No. 3834) of Stephen Kulik and Adam G. Hinds (by vote of the town) that the town of Williamsburg be authorized to continue the employment of James Ferron as a call firefighter in said town. To the committee on Public Service.

Williamsburg,—
James
Ferron.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Representatives Balser of Newton and Rushing of Boston, a petition (subject to Joint Rule 12) of Ruth B. Balser, Byron Rushing and others for an investigation by a special commission (including members of the General Court) relative to renaming the Yawkey commuter rail station.

Commuter rail,—
station
naming.

By Mr. Fernandes of Falmouth, a petition (subject to Joint Rule 12) of Dylan Fernandes relative to the establishment of first-time homebuyer savings accounts and providing for an income tax deduction for certain amounts contributed to such accounts.

Homebuyers,—
savings
account.

By Mrs. Haddad of Somerset, a petition (subject to Joint Rule 12) of Patricia A. Haddad, Michael J. Rodrigues and Marc R. Pacheco relative to access to early intervention services for children with prenatal exposure to opioids.

Opioids,—
prenatal
exposure.

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

A petition (subject to Joint Rule 9) of Antonio F. D. Cabral and others relative to the relocation of certain harbor lines in the town of Fairhaven and the city of New Bedford (having been returned by the State Secretary with a letter stating that the petitioner had failed to file proof of notice of publication), was placed on file.

Fairhaven and
New Bedford
harbor lines.

Papers from the Senate.

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

Petition (accompanied by bill, Senate, No. 2122) of Jennifer L. Flanagan and Natalie Higgins for legislation to establish a sick leave bank for Jacqueline Cormier, an employee of the Department of Correction; and

Jacqueline
Cormier,—
sick leave.

Petition (accompanied by bill, Senate, No. 2123) of Marc R. Pacheco for legislation to establish a sick leave bank for Matthew McGaughran, an employee of the Department of Correction;

Matthew
McGaughran,—
sick leave.

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 petition of Tricia Farley-Bouvier and Adam G. Hinds for legislation to establish a sick leave bank for Mary Sorensen, an employee of the Department of Mental Health. Under suspension of the rules, on motion of Mr. D’Emilia of Bridgewater, 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.

Mary
Sorensen,—
sick leave.

By Mr. Murphy of Weymouth, for the committee on Steering, Policy and Scheduling, that the House Bill protecting sunlight and promoting economic development in the city of Boston (House, No. 3749) [Local Approval Received], be scheduled for consideration by the House.

Boston,—
sunlight.

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

Subsequently, the noon recess having terminated, (Mr. Donato being in the Chair), under suspension of the rules, on motion of Mr. Michlewitz of Boston, the bill (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.

By Mr. Murphy of Weymouth, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a municipal light commission in the city known as the town of Greenfield (House, No. 2705) [Local Approval Received], be scheduled for consideration by the House.

Greenfield,—
light
commission.

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

Engrossed Bill.

The engrossed Bill authorizing the city of Leominster to pay a certain unpaid bill (see Senate, No. 1132) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Recess.

At eleven minutes after eleven o’clock A.M., on motion of Mr. D’Emilia of Bridgewater (Mr. Kafka of Stoughton being in the Chair), the House recessed to one o’clock P.M.; and at eighteen minutes after one o’clock P.M., the House was called to order with Mr. Donato of Medford in the Chair.

Recess.

The House thereupon took a further recess, on motion of Mr. Wong of Saugus, to a quarter before two o’clock P.M., and at eight minutes before two o’clock, the House was called to order with the Speaker in the Chair.

Valedictory Address.

During the session, there being no objection, Mr. Dempsey of Haverhill addressed the House regarding his departure from service in the House of Representatives.

Valedictory
address.

Resignation of Representative Dempsey of Haverhill.

Mr. Donato of Medford being in the Chair,—

The following communication was read; and spread upon the records of the House, as follows:

July 19, 2017.

Mr. Steven T. James
Clerk of the Massachusetts House of Representatives
State House Room 145
Boston, MA 02133

Dear Mr. Clerk,

I am writing to hereby irrevocably resign as the Representative for the 3rd Essex District, effective upon the receipt of this letter by the Office of the House Clerk.

Resignation of
Representative
Brian S. Dempsey
of Haverhill.

Thank you in advance for your assistance in carrying out this wish and ensuring that this letter is on file with the House of Representatives and the Treasurer of the Commonwealth.

Sincerely,
Brian S. Dempsey
3rd Essex District.

Engrossed Bill.

The engrossed Bill establishing the Massachusetts pregnant workers fairness act (see House, No. 3680, amended) (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; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Motion to Discharge a Certain Matter in the Orders of the Day.

The report of 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 2097) of the House Bill to ensure the public health and safety of patient and consumer access to medical and adult use of marijuana in the Commonwealth (House, No. 3776), recommending passage of a Bill to ensure safe access to medical and adult-use of marijuana in the Commonwealth (House, No. 3818), was considered, under suspension of Rule 47, on motion of Mr. Cusack of Braintree.

Marijuana
access.

Pending the question on acceptance of the report, Mr. Hill of Ipswich asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (the Speaker being in the Chair) 142 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 76.

[See Yea and Nay No. 76 in Supplement.]

Therefore a quorum was present.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of Mr. Mariano of Quincy; and on the roll call (Mr. Donato of Medford being in the Chair) 136 members voted in the affirmative and 11 in the negative.

Committee of
conference
report
accepted,—
yea and nay
No. 77.

[See Yea and Nay No. 77 in Supplement.]

Therefore the report of the committee of conference was accepted, its title having been changed by the House committee on Bills in the Third Reading to read: "An Act to ensure safe access to marijuana.". Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Next
sitting.

Mr. Hecht of Watertown then moved that as a mark of respect to the memory of Paul C. Menton, a member of the House from Watertown, from 1959 to 1972, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at fourteen minutes after four 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 day at eleven o'clock A.M., in an Informal Session.