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**The Commonwealth of Massachusetts**

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**JOURNAL OF THE HOUSE.**



**WEDNESDAY, JULY 26, 2017.**

[79]\*

# JOURNAL OF THE HOUSE.

Wednesday, July 26, 2017.

Met according to adjournment at eleven o'clock A.M., 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 and Fairness, we ask Your blessing upon the membership of our House of Representatives and their staff. We ask Your grace to shine upon the House Clerk and his staff as well as the court officers present here and throughout this building.

Prayer.

God of Wisdom and Creativity, today we remember a son of Massachusetts who on this day in 1775 became the first Postmaster General of the United States. Benjamin Franklin had been a deputy postmaster general for the colonies of British North America. He had been responsible for the postal system in the colonies from Pennsylvania up to Newfoundland. He was appointed as Postmaster General by the Continental Congress.

We give thanks for the postal workers in this building and for all who are responsible for the safe delivery of packages and letters throughout our Commonwealth.

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.

## *Guests of the House.*

At the beginning of the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced, seated in the Chamber, exchange students from Crimea and Wales who were taking part in Operation Friendship. They were the guests of Mr. Smola of Warren.

Operation Friendship.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced interns from the Department of Mental Health (DMH) along with DMH staff: Steve Cidlevich, Legislative Director and Avayama Jusu, Management Analyst, HR Assistant.

Department of Mental Health,—interns and staff.

The DMH Student Intern Program provides experience and knowledge to students interested in the mission and vision of DMH. The interns also gain comprehensive knowledge and understanding of what it means to work in public service. It is, additionally, a prodigious way for the department to receive assistance on unique projects and initiatives.

They were the guests of Representative Cabral of New Bedford.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess

The Miss

and introduced 10-year-old Hope Lebeau, 2017 Little Miss Inspirational.

Inspirational  
Program,—  
Hope Lebeau.

The Miss Inspirational Program celebrates the achievements and abilities of girls with special needs. Hope weighed just 1 pound 1 ounce when she was born and spent 113 days in the NICU at Brigham and Women's Hospital. Hope is legally blind, has mild cerebral palsy, and a rare form of epilepsy. The proceeds from the pageant go to Boston Children's Hospital, where Hope is a frequent flyer.

Hope and her family are from Fall River and were the guests of Representatives Fiola of Fall River, Silvia of Fall River and Schmid of westport.

#### *Report.*

A report from the Office of the State Auditor (under Section 17 of Chapter 11 of the General Laws) submitting its quarterly report of the Bureau of Special Investigations from January 1, 2017 to March 31, 2017, was placed on file.

Bureau of Special  
Investigations.

#### *Petitions.*

Mr. Moran of Lawrence presented a petition (accompanied by bill, House, No. 3843) of Frank A. Moran and others (by vote of the mayor and city council) relative to the death of patrolman Eugene Scanlon, Sr., of the city of Lawrence police department; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

Lawrence,—  
Eugene  
Scanlon.

Mr. Coppinger of Boston presented a petition (subject to Joint Rule 12) of Edward F. Coppinger and others relative to the manufacturing, dispensing, distribution, or sale of certain controlled substances that result in death; and the same was referred, under Rule 24, to the committee on Rules.

Controlled  
substances,—  
death.

A petition (subject to Joint Rule 9) of David T. Vieira, Randy Hunt and Viriato M. deMacedo relative to bonds issued by the Bourne Recreation Authority (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.

Bourne Recreation  
Authority,—  
bonds.

#### *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 Thomas J. Calter and others for legislation to authorize the commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Middleborough. Under suspension of the rules, on motion of Ms. Peake of Provincetown, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Middleborough,—  
land.

By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a petition, a Bill amending the charter of the town of Oxford to elect 3 members of the housing authority (House, No. 3746) [Local Approval Received].

Oxford,—  
housing  
authority.

By the same member, for the same committee, on a petition, a Bill establishing

Milford,—

representative town meetings (House, No. 3764) [Local Approval Received].

town meeting.  
Milford,—  
water  
commission.

By the same member, for the same committee, on a petition, a Bill establishing the town of Milford to authorize appointed water commissioners (House, No. 3784) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Mr. Murphy of Weymouth, for said committee, then reported, in each instance, that the matters be scheduled for consideration by the House.

Under suspension of the rules, in each instance, on motion of Ms. Peake of Provincetown, the bills severally were read a second time forthwith; and they were 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 the sale of children's jewelry (House, No. 187);

Children's jewelry.

Relative to issuing prize payments to charities (House, No. 203);

Prize payments.

Relative to the sale of alcohol on Sundays (House, No. 209); and

Alcohol sales.

Updating Chapter 93H data security protections to include biometric information (House, No. 1985);

Biometric  
information.

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

Establishing a sick leave bank for Mary Sorensen, an employee of the Department of Mental Health (House, No. 3837); and

Mary Sorensen,—  
sick leave.

Establishing an additional license for the sale of all alcoholic beverages to be drunk on premises (House, No. 3842) [Local Approval Received];

Milford,—  
liquor  
license.

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

#### *Recess.*

At seven minutes after eleven o'clock A.M., on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at twelve minutes after one o'clock, the House was called to order with Mr. Donato in the Chair.

Recess.

#### *Matter Discharged from the Orders of the Day.*

The engrossed Bill relative to employer contributions to health care (see House, No. 3822), being a printed copy of sections 16, 17, 60 to 67, inclusive, 93, 110, 111, 122, 146, 147 and 150 contained in the engrossed Bill making appropriations for the fiscal year 2018 (see House, No. 3800), which had been returned by His Excellency the Governor with recommendation of amendments (for message, see Attachment F of House, No. 3828), was discharged from its position in

Health care,—  
employer  
contributions.

the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Sánchez of Boston.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form approved by said committee; and the report was accepted.

Pending the question on adoption of the amendment recommended by the Governor, Mr. Jones of North Reading moved to amend it by striking out the text contained therein and inserting in place thereof the following:

“SECTION 1. Notwithstanding section 14 of chapter 151A of the General Laws, for calendar year 2018 the experience rate of an employer qualifying under subsection (b) of said section 14 of said chapter 151A shall be the rate which appears in the column designated ‘D’ of paragraph (1) of subsection (i) of said section 14 of said chapter 151A and for calendar year 2019 the experience rate of an employer qualifying under said subsection (b) of said section 14 of said chapter 151A shall be the rate which appears in the column designated ‘E’ of said paragraph (1) of said subsection (i) of said section 14 of said chapter 151A.

The director of unemployment assistance may, notwithstanding any federal interest charges for necessary federal advances, pursue any necessary federal advances to ensure the lowest reasonable federal interest for any federal loans and nothing in this section shall contribute or allow for a reduction in benefits, including but not limited to, the amount or length of benefits, pursuant to chapter 151A.

SECTION 2. This act shall take effect as of July 1, 2017.”.

After remarks on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 41 members voted in the affirmative and 116 in the negative.

**[See Yea and Nay No. 78 in Supplement.]**

Therefore the further amendment was rejected.

After debate on the question on adoption of the amendment recommended by the Governor, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 41 members voted in the affirmative and 116 in the negative.

**[See Yea and Nay No. 79 in Supplement.]**

Therefore the amendment was rejected.

Mr. Sánchez of Boston then moved to amend the bill by inserting after section 10 the following 2 sections:

“SECTION 10A. Chapter 47 of the acts of 2017 is hereby amended by inserting after section 149 the following section:-

Section 149A. Section 54 shall take effect on September 30, 2022.

SECTION 10B. Said chapter 47 is hereby further amended by striking out section 151.”; and

By striking out section 17 and inserting in place thereof the following section:

“SECTION 17. Section 14 shall take effect on January 1, 2020.”.

The amendments were adopted.

The bill (see House, No. 3822, amended) then was sent to the Senate for its action.

*Engrossed Bill — Land Taking.*

The engrossed Bill authorizing the town of Wareham to lease certain land (see Senate, No. 1152) (which originated in the Senate), having been certified by the

Further amendment rejected,— yea and nay No. 78.

Amendment rejected,— yea and nay No. 79.

Wareham,— land.

Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 157 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 80 in Supplement.]**

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

Bill enacted  
(land taking),—  
yea and nay  
No. 80.

*Recess.*

At eight minutes before three o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at ten minutes before five o'clock, the House was called to order with Mr. Donato in the Chair.

Recess.

*Reports of Committees.*

By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a joint petition, a Bill relative to the town clerk and town accountant in the town of Norwood (House, No. 3748) [Local Approval Received].

Norwood,—  
clerk and  
accountant.

By the same member, for the same committee, on a petition, a Bill relative to the authority of the town administrator of the town of Harvard (House, No. 3772) [Local Approval Received].

Harvard,—  
town  
administrator.

By the same member, for the same committee, on a petition, a Bill providing for the appointment of members of the Dalton Redevelopment Authority (House, No. 3774) [Local Approval Received].

Dalton  
Redevelopment  
Authority.

By the same member, for the same committee, on a petition, a Bill authorizing the city known as the town of Franklin to establish a local agricultural commission with limited authority (House, No. 3785) [Local Approval Received].

Franklin,—  
agricultural  
commission.

By the same member, for the same committee, on a petition, a Bill amending the act establishing a department of inspectional services in the city of Lynn (House, No. 3786) [Local Approval Received].

Lynn,—  
inspectional  
services.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Mr. Murphy of Weymouth, for said committee, then reported that the matters be scheduled for consideration by the House.

Under suspension of the rules, in each instance, on motion of Mr. Speliotis of Danvers, the bills severally were read a second time forthwith; and they were ordered to a third reading.

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 establishing a sick leave bank for Sarah Chaplin, an employee of the Department of Correction (Senate, No. 2084, amended); and

Sarah Chaplin,—  
sick leave.

House bills

Authorizing the town of Westford to issue an additional liquor license (House, No. 3839) [Local Approval Received];

Westford,—  
liquor license.

Authorizing the town of Westford to issue an additional liquor license (House,

Id.

No. 3840) [Local Approval Received]; and

Authorizing the town of Chelmsford to issue additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3841) [Local Approval Received];

Chelmsford,—  
liquor licenses.

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

*Emergency Measures.*

The engrossed Bill further regulating employer contributions to health care (see House, No. 3822, 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.

Health care,—  
employer  
contributions.

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 4 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) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill  
re-enacted.

The engrossed Bill relative to simulcasting and racing (see House, No. 208, 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.

Simulcasting.

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 4 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.

*Matters Discharged from the Orders of the Day.*

The Senate Bill establishing a sick leave bank for David Banks, an employee of the Trial Court of the Commonwealth (Senate, No. 2111), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Speliotis of Danvers; and it was passed to be engrossed, in concurrence.

David  
Banks,—  
sick leave.

The House Bill relative to the annual town election in the town of Rockport (printed in House, No. 3656) (its title having been changed by the committee on bills in the Third Reading), reported by said committee to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Speliotis of Danvers; and it was passed to be engrossed. Sent to the Senate for concurrence.

Rockport,—  
annual  
elections.

*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.

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Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at nine minutes after five o'clock P.M., on motion of Mr. Wong of Saugus (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.