
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, MAY 9, 2018.

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Wednesday, May 9, 2018.

Met according to adjournment at eleven o'clock A.M., with Ms. Peake of Provincetown 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, we give You thanks for the hard-working women and men of our legislative branch here in the House. We are grateful too for the many staff who keep this branch of government running well.

Prayer.

God of Beauty, we give You thanks for the natural gifts of Massachusetts.

Yesterday May 8 marked the anniversary of the incorporation of Wendell in 1781. Situated in Franklin County, Wendell is home to the unspoiled beauty of Wendell State Forest. It is one of the least populated towns in the Commonwealth with just over 1000 residents. Named after Judge Oliver Wendell of Boston, the 47 mile long Robert Frost trail runs through Wendell and around Ruggles Pond in the State Forest.

We pray for 2nd Franklin District Representative Susannah Whipps and her staff.

May God continue to bless our Commonwealth.

At the request of the Chair (Ms. Peake), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Silent Prayer.

During the session, the Speaker took the Chair and at his request, the members, guests and employees stood in a moment of silent tribute to the memory of friend and colleague, the Honorable Chris Walsh of Framingham, a member of the House from Framingham from 2011 to 2018, inclusive, who passed away on May 2nd.

Chris
Walsh.

Resignation of Representative Collins of Boston.

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

May 9, 2018.

The Honorable Steven T. James, *Clerk*
Office of the Clerk of the House
State House Room 145
Boston, MA. 02133

Dear Clerk James,

Today I respectfully submit my resignation as State Representative for the Fourth Suffolk District, due to my election as State Senator in the First Suffolk District.

It is hard to believe that 7 ½ years have gone by since I first got lost in this wonderful and historic building trying to find Room 8 to fill out the paperwork in the House business and payroll office.

I learned very quickly that it would be important to me personally, and to the work I would be undertaking on behalf of my constituents, to not only build relationships and friendships with my legislative colleagues, especially my classmates and those from the neighborhoods of Boston, but to have sincere and cordial relationships with those of you who make the function of the legislature work smoothly on a daily basis.

And I mean the clerks, the court officers, the operators, the office receptionists, the Park Rangers, I want to especially recognize Captain Owens for his professionalism and support.

To my colleagues and office mates over the years, thank you for your guidance as well as your tolerance of my sometimes aggressive behavior when I was charged up over an issue that meant a lot to me.

I'm proud of so much of the work we did together that was embraced by Speaker DeLeo and his leadership team, especially CHINS reform, prescription monitoring legislation, the Port of Boston expansion, criminal justice reform, to name a few.

I must again recognize the guidance of Speaker DeLeo, his leaders and whips, who helped me learn the rules of order, the merits of bundling amendments, when to fight for something and when to back off, in all cases for the greater good.

The House is where the action is and this experience will certainly help me, as I move to the Senate, do what I can to foster a productive working relationship between the branches starting with the House Members from my Senate District. Representatives Hunt of Boston, Cullinane of Boston, Carvalho of Boston, Holmes of Boston, and Scaccia of Boston.

I don't consider this a farewell as much as it is a thank you.

As if this chamber and the frescos high above here aren't inspirational enough, filled with the spirit of those who helped democratize this new world nearly 250 years ago. The work that is done here is both inspirational and vital. All of us who are elected to this body are responsible for the Commonwealth's economic growth, preserving the first in the nation universal health care system, adequately funding for our public schools, and ensuring that our government pursues social and economic justice for all of its citizens.

I am inspired by all of the people I have met and worked with in this branch of the great and honorable General Court.

I'm told that the Senate is a different sort of Chamber. I'm sure that I will be able to find their business office easy enough. I'm sure that I will build new relationships with both Senate colleagues and the staff and the professionals who make that branch click.

Rest assured that all of you are a part of what has been an incredible journey for me and my family. As the son of a former House member, I'll miss this chamber and the people in it. Though I am going across the hall to the Senate, I will always be a member of the House.

I am grateful for my time in the House and look forward to continuing our work together.

Sincerely,

NICK COLLINS
*State Representative
Fourth Suffolk District.*

Appointments to Joint Standing Committees.

The Speaker announced that he had appointed Representative Hawkins of Attleboro to the 9th position, in both instances, on the joint committees on Community Development and Small Businesses; and Telecommunications, Utilities and Energy; and to the 7th position on the joint committee on Tourism, Arts and Cultural Development, to fill existing vacancies.

Joint standing committees,—
appointments.

Resolutions.

Resolutions (filed with the Clerk by Mr. Pignatelli of Lenox) celebrating the twenty-fifth anniversary of the Community Access to the Arts, were referred under Rule 85, to the committee on Rules.

Community Access to the Arts.

Mr. Galvin of Canton, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. O'Day of West Boylston, 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 Representative Goldstein-Rose of Amherst and Senator Rosenberg, a joint petition (accompanied by bill, House, No. 4482) of Solomon Goldstein-Rose and Stanley C. Rosenberg (by vote of the town) that the city known as the town of Amherst be authorized to hold a special election on November 6, 2018. To the committee on Election Laws.

Amherst,—
special election.

By Representative Mark of Peru and Senator Rosenberg, a joint petition (accompanied by bill, House, No. 4483) of Paul W. Mark and Stanley C. Rosenberg (with the approval of the mayor and city council) relative to the charter of the city known as the town of Greenfield. To the committee on Municipalities and Regional Government.

Greenfield,—
charter.

Severally sent to the Senate for concurrence.

A petition (subject to Joint Rules 12 and 9) of Bradley H. Jones, Jr., Bruce E. Tarr and others that the town of Andover and the town of North Reading be authorized to enter into an agreement for the supply of potable water, was transmitted to the State Secretary under Chapter 3 of the General Laws.

Andover and North Reading,—
water supply.

Papers from the Senate.

A Bill relative to veterans' benefits, rights, appreciation, validation and enforcement (Senate, No. 2509) (on Senate bill No. 2454, amended), passed to be

Veterans,—
benefits.

engrossed by the Senate was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A petition (accompanied by bill, Senate, No. 2512) of Stanley C. Rosenberg (with approval of the mayor and city council) for legislation to authorize the city of Northampton to release a certain conservation easement, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Northampton,—
land.

Reports of Committees.

By Ms. Hogan of Stow, for the committee on Public Health, asking to be discharged from further consideration:

Of the petition (accompanied by bill, House, No. 2434) of Paul Brodeur, Paul McMurtry and others relative to telehealth services;

Telehealth
services.

Of the petition (accompanied by bill, House, No. 2459) of Denise C. Garlick and others relative to access to urgent and retail care; and

Urgent and
retail care.

Of the petition (accompanied by bill, House, No. 2470) of Ronald Mariano for legislation to further define the term “surgery”;

Surgery,—
definition.

And recommending that the same be severally referred to the committee on Health Care Financing.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Ms. Hogan of Stow, for the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by resolve, House, No. 2473) of Sarah K. Peake and others for an investigation by a special commission (including members of the General Court) relative to the health impacts from land based wind turbines,— and recommending that the same be referred to the committee on Ways and Means.

Wind
turbines.

Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence, insomuch as relates to the discharge of the joint committee.

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 designation of polling places (House, No. 382);

Polling places.

Allowing 12 and 13 year old youth to be employed as soccer referees (House, No. 1000);

Soccer
referees.

Relative to the recreational tramway board (House, No. 1300);

Tramways.

Relative to kayak safety (House, No. 1312);

Kayak safety.

[sic]To historic route designations (House, No. 4155);

Routes.

Requiring instruction in CPR and the use of defibrillators for high school graduation (House, No. 4396);

CPR and
defibrillators.

Enabling municipal and regional planning agency employees to fully participate in gaming policy advisory committees (House, No. 4398); and

Gaming
advisors.

Relative to a senior exemption for the town of Harwich (House, No. 4437) [Local Approval Received];

Harwich,—
exemption.

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

to a third reading.

By Mr. Sánchez of Boston, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain parcels to the town of Shrewsbury (House, No. 4312) [Local Approval Received], ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Shrewsbury,—
land.

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

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

By Mr. Galvin of Canton, for the committees on Rules of the two branches, acting concurrently, that the Bill establishing a special commission to investigate and study the feasibility and effects of collecting disaggregate data (House, No. 4408), ought to pass with amendments in section 2, in line 7, by striking out the figures: “11” and inserting in place thereof the figures: “12”, and in line 11, by inserting after the word “leader” the words “; an appointee from the Asian American Commission”. Referred, under Rule 33, to the committee on Ways and Means, with the amendments pending.

Asian
Americans,—
data study.

By Mr. Brodeur of Melrose, for the committee on Labor and Workforce Development, on House, No. 2367, a Bill relative to apprenticeship programs (House, No. 4217). Read; and referred, under Rule 33, to the committee on Ways and Means.

Apprenticeship
programs.

Recess.

At twelve minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (Ms. Peake of Provincetown being in the Chair), the House recessed until quarter before two o'clock P.M.; and at one minute before two o'clock P.M. the House was called to order with Mrs. Haddad of Somerset in the Chair.

Recess.

Joint Session.

During the noon recess, a joint session to consider amendments to the Constitution convened and was quickly recessed. See the Journal of the House in Joint Session.

Joint
Session.

Valedictory Address.

The Speaker being in the Chair,—

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

Valedictory
address.

Reports of Committees.

Prior to the noon recess (Ms. Peake of Provincetown being in the Chair),— By

Tobacco
risks.

Mr. Sánchez of Boston, for the committee on Ways and Means, that the Bill to protect youth from the health risks of tobacco and nicotine addiction (House, No. 4109), ought to pass with an amendment by substitution of a bill with the same title (House, No. 4479) [Mr. Boldyga of Southwick dissenting]. 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 Rule 7A, on motion of Mr. Sánchez of Boston, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Ms. Hogan of Stow (Mrs. Haddad of Somerset being in the Chair), 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 protecting youth from the health risks of tobacco and nicotine addiction."

After debate on passing the bill to be engrossed (the Speaker having been in the Chair), Mr. Frost of Auburn moved (Mrs. Haddad having returned to the Chair) to amend it by adding the following section:

"SECTION 28. A person less than 21 years of age found to be in use of tobacco or vapor products for the third time shall be subject to not more than 2 hours of community service for a charitable institution. Failure to complete the two hours of community service within 120 days shall result in the suspension of the person's driver's license or the delay of issuance of the person's driver's license or permit for 60 days. A violation of this section shall be a noncriminal offense."

The amendment was rejected.

There being no objection, Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding the following section:

"SECTION 28. Notwithstanding any general or special law to the contrary, there shall be a task force established to study and provide recommendations regarding the vaping industry.

The task force shall examine the use of vapes, juuls, and other e-cigarettes, particularly among teens and young adults, and investigate how minors are achieving access to such devices. The task force shall also study the potential negative health effects of using different e-cigarette devices. The study shall include, but not be limited to, considering ways to regulate the vaping industry, identifying opportunities to educate students on the dangers of e-cigarettes and related devices in comparison to regular cigarettes, and developing best practices for restricting the use of e-cigarette devices in and near schools.

The task force shall consist of 15 members, including the house and senate chairs on the joint committee of public health, who shall be the co-chairs; the speaker of the house of representatives or a designee; the president of the senate or a designee; the house minority leader or a designee; the senate minority leader or a designee; the commissioner of the department of public health or a designee; and 8 members to be appointed by the governor; provided that, one shall have experience as a school resource officer, one shall be from the Massachusetts Cancer Action Center, two shall be school administrators, two shall be representatives from the Massachusetts Health and Hospital Association, and two shall be representatives from the tobacco or vaping industry.

The task force shall submit its report and findings, along with any

recommendations, to the house and senate committees on ways and means, the joint committee on public health, and the clerks of the house of representatives and senate no later than January 1, 2019.”.

The amendment was adopted.

The same members then moved to amend the bill by adding the following section:

“SECTION 29. Any tobacco or vapor products, as defined in section 6 of chapter 270, found in the possession of a person less than 21 years of age may be confiscated by a certified law enforcement officer or a school resource officer and immediately destroyed; provided however, that this section shall not apply to the possession of such products by a minor working within the course and scope of their duties as an employee. A violation of this section shall be a noncriminal offense.”.

The amendment was rejected.

Mr. Sánchez of Boston then moved to amend the bill in section 18, in line 153, by inserting after the word “inclusive” the words “as amended from time to time”; in lines 156 to 159, inclusive, by striking out the words “; provided, however, that the term ‘electronic liquid container’ shall not include a sealed, prefilled and disposable container of nicotine in a solution or other form in which such container is inserted directly into an electronic cigarette, electronic nicotine delivery system, or other similar product”;

In section 23, in line 188, by striking out the word “legal” and inserting in place thereof the word “sales”, in line 189 by inserting after the word “minimum” the word “sales”;

In section 24, in line 197, by striking out the date: “January 1, 2019” and inserting in place thereof the date: “December 30, 2018”;

In section 26, in line 204, by striking out the words “age for the sale or delivery of” and inserting in place thereof the words “sales age to purchase”; and in line 205 by inserting after the word “products”, the second time it appears, the following: “; provided, that this act shall not preempt, supersede or nullify any inconsistent, contrary or conflicting local law in effect on December 30, 2018 that prohibits the sale of tobacco products or vapor products to persons under the age of 19, 20, or 21 as applied to persons who attained the age of 18 before December 31, 2018”.

The amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Ms. Hogan of Stow; and on the roll call 147 members voted in the affirmative and 4 in the negative.

[See Yea and Nay No. 348 in Supplement.]

Therefore the bill (House, No. 4486, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed to be engrossed,—
yea and nay
No. 348.

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

The House Bill establishing a sick leave bank for Stephanie Perez, an employee of the Trial Court (House, No. 4423), 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. Hay of Fitchburg.

Stephanie
Perez,—
sick leave.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it in line 4 by striking out the word “Any” and inserting in place thereof the words “If Stephanie Perez terminates employment with the court

or requests to dissolve the sick leave bank, any”.

The amendment was adopted; and the bill (House, No. 4423, amended) was passed to be engrossed. 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.

The Speaker moved that when the House adjourns today, it do so in respect to the memory of Chris Walsh, a member of the House from Framingham from 2011 to 2018, inclusive; and the motion prevailed.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at eleven minutes after four o’clock P.M., on motion of Mr. Hill of Ipswich (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following day at eleven o’clock A.M.