
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, JULY 9, 2020.

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JOURNAL OF THE HOUSE.

Thursday, July 9, 2020.

Met according to adjournment at eleven o'clock A.M., under emergency rules, 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 and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Silent Prayer.

During the session Speaker Robert A. DeLeo declared a brief recess; and, at his request, the members and employees stood in a moment of silent tribute to the memory of retired Winthrop Fire Chief Paul L. Ford, Sr. Chief Ford passed away at Massachusetts General Hospital in Boston on May 18, 2020. He was 84 years old.

Fire Chief
Paul L.
Ford, Sr.

Born in Winthrop, Chief Ford was the beloved son of the late Flora (Dunbar) and Gerald R. Ford. A lifelong resident of Winthrop he retired as the Fire Chief for the town of Winthrop in 1996.

Beyond his duties in the fire department, Chief Ford volunteered much of his time to many organizations in Winthrop that helped every sector of the community.

Chief Ford was the devoted husband of the late Eileen (Coilty) and the loving father of Paul L. Ford, Jr., James J. Ford and the late Deborah Brown. He is also survived by five grandchildren.

Message from the Governor.

A message from His Excellency the Governor (under the provisions of Section 3 of Article LXII of the Amendments to the Constitution) recommending legislation relative to providing for the terms of [sic] certain bond for transportation improvements to be issued by the Commonwealth (House, No. 4845), was filed in the office of the Clerk on Wednesday, July 8.

Transportation
bond,—
terms.

The message was read; and it was referred, under Rule 17G, with the accompanying draft of a bill, to the committee on Bonding, Capital Expenditures and State Assets.

Petitions.

Petitions severally were presented and referred as follows:

By Representative Hunt of Sandwich and Senator Moran, a joint petition (accompanied by bill, House, No. 4846) of Randy Hunt and Susan L. Moran (by vote of the town) relative to the appointment of a school committee member in the town of Sandwich; and

Sandwich,—
school
committee.

By Mr. Lombardo of Billerica, a petition (accompanied by bill, House, No. 4847) of Marc T. Lombardo (by vote of the town) that the town of Billerica be authorized to change the name of the board of selectmen in said town to the select board;

Billerica,—
select board.

Severally to the committee on Municipalities and Regional Government.

By Mr. Puppolo of Springfield, a petition (accompanied by bill, House, No. 4848) of Angelo J. Puppolo, Jr. (by vote of the town) relative to the appointment and removal authority of the town administrator of the town of Wilbraham. To the committee on Public Service.

Wilbraham,—
appointments.

Severally sent to the Senate for concurrence.

Papers from the Senate.

The House Bill making appropriations for the fiscal year 2020 to authorize certain COVID-19 spending in anticipation of federal reimbursement (House, No. 4808), 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 2799. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Supplemental
appropriations.

A Bill putting patients first (Senate, No. 2796) (on Senate bill No. 2769), passed to be engrossed by the Senate, was read; and it was referred, under Joint Rule 1E, to the committee on Health Care Financing.

Patients.

A petition of Michael F. Rush, Michael O. Moore, James B. Eldridge, Carole A. Fiola and other members of the General Court for legislation to make the Secretary of Veterans Services a cabinet level position, came from the Senate referred, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

Veterans'
secretariat,—
cabinet
position.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2810) was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.

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 Christine P. Barber and others for legislation to address estate recovery issues due to the COVID-19 pandemic; and

COVID-19,—
estates.

Petition (accompanied by bill) of James J. O'Day and others relative to the identity of victims of certain crimes;

Victims,—
identity.

Severally to the committee on the Judiciary.

Petition (accompanied by bill) of Christine P. Barber and others relative to further regulating the inclusion of federal gross income in the calculation of the taxation of corporations and to create progressive revenue. To the committee on Revenue.

Corporations,—
taxation.

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

By Mr. Petrolati of Ludlow, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the city of Gloucester to use certain lands for municipal school purposes (Senate, No. 2628) [Local Approval Received], be scheduled for consideration by the House.

Gloucester,—
land.

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.

By Mr. O’Day of West Boylston, for the committee on Municipalities and Regional Government, on House, No. 4769, a Bill further addressing challenges to municipalities caused by the COVID-19 emergency (House, No. 4849). Read; and referred, under Rule 33, to the committee on Ways and Means.

COVID-19,—
municipalities.

By Ms. Cronin of Easton, for the committee on the Judiciary, on the recommitted petition, a Bill to provide liability protections for contractors, sub-contractors and unions during the COVID-19 pandemic (House, No. 4744).

COVID-19,—
liability.

By the same member, for the same committee, on a joint petition, a Bill establishing a sick leave bank for Maria Boverini, an employee of the Essex County Juvenile Court (House, No. 4837).

Maria
Boverini,—
sick leave.

By Mr. Straus of Mattapoissett, for the committee on Transportation, on a part of Senate, No. 7, a Bill relative to improving safety on the roads of the Commonwealth (House, No. 4850).

Road
safety.

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

Orders of the Day.

The Senate Bill authorizing the city of Fitchburg to change the use of a certain parcel of land acquired for park purposes (Senate, No. 2693), 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, in concurrence.

Third
reading
bill.

The House Bill establishing the promotions fund of the town of Sandwich (House, No. 4468) (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; and it was passed to be engrossed. Sent to the Senate for concurrence.

Id.

Recess.

At eleven minutes after eleven o’clock A.M., on motion of Mr. Smola of Warren (Mr. Donato of Medford being in the Chair), the House recessed until one o’clock P.M.; and at two minutes after one o’clock the House was called to order with Mr. Donato in the Chair.

Recess.

Quorum.

As required under the provision of Emergency Rule 2(4), a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 156 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 193.

[See Yea and Nay No. 193 in Supplement.]

Therefore a quorum was present.

Engrossed Bills – Land Takings.

The engrossed Bill authorizing the city of Fitchburg to change the use of a certain parcel of land acquired for park purposes (see Senate, No. 2693) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Fitchburg,—
land.

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.

Bill enacted
(land taking),—
yea and nay
No. 194.

[See Yea and Nay No. 194 in Supplement.]

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

The engrossed Bill authorizing the city of Lynn to change the use of a certain parcel of land acquired for park purposes (see House, No. 4362, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Lynn,—
land.

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 156 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 195.

[See Yea and Nay No. 195 in Supplement.]

[Representatives Minicucci of North Andover and Whipps of Athol answered “Present” in response to their names.]

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

Reports of Committees.

Prior to the noon recess, By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the Bill to mitigate arbovirus in the Commonwealth (Senate, No. 2757), ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4843. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Arbovirus,—
mitigation.

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

Under suspension of Rule 7A, on motion of Mr. Wong of Saugus, the bill was read a second time forthwith.

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

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Mahoney of Worcester, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence, Representatives Domb of Amherst and Blais of Sunderland moved to amend it in section 3, in line 64, by striking out the figures: “15” and inserting in place

thereof the figures: “16”; and in line 78 by inserting after the word “Inc.” the following: “and 1 of whom shall be a microbiologist with expertise in zoonotic diseases whose transmission to humans is facilitated by insects and ticks.”. The amendments were adopted.

The same members then moved to amend the bill in section 3, in line 105, by inserting after the word “wildlife” the following: “; (ix) identifying known ingredients in pesticide products used for mosquito control, analyzing the ability, or lack of ability, to identify such ingredients, and making recommendations for determining such ingredients”; and the amendment was adopted.

Mr. O’Day of West Boylston then moved to amend the bill in section 3, in line 105, by striking out the following: “and (ix)” and inserting in place thereof the following: “(x) identifying the challenges, including but not limited to financial barriers, facing municipalities in joining a regional mosquito control project or district; and (xi) ”. The amendment was adopted.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Mahoney of Worcester; and on the roll call 158 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,—
yea and nay
No. 196.

[See Yea and Nay No. 196 in Supplement.]

Therefore the bill (Senate, No. 2757, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments adopted by the House [for text of House amendments, see House document numbered 4851, published as amended].

Prior to the noon recess, By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the Bill authorizing the Massachusetts Water Resources Authority to release easements upon certain real property in the town of Stoneham (House, No. 748), ought to pass with an amendment substituting a bill with the same title (House, No. 4844). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Stoneham,—
land.

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

Under suspension of Rule 7A, on motion of Mr. Wong of Saugus, 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 Mr. Day of Stoneham, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

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 provide forthwith for the release of certain real property easements, 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. 4844, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Orders of the Day.

The Speaker being in the Chair,—

The House Bill relative to accountability for vulnerable children and families (House, No. 4841), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Children and
families,—
accountability.

After debate on the question on passing the bill to be engrossed, (Mr. Donato of Medford being in the Chair) Mr. Crocker of Barnstable and other members of the House moved to amend it by adding the following section:

“SECTION 36. The third paragraph of section 12 of chapter 124 of the acts of 2019 is hereby amended by inserting, in line 371, after the words ‘chapter 119;’ the following: ‘(xii) proposals to allow law enforcement to report to the department of children and families on incidents of suspected child abuse and neglect in domestic violence cases’; and further amends in section 12 of chapter 124 of the acts of 2019 by striking out in line 371, the number ‘(xii)’ and inserting in place thereof the following:— (xiii).”.

The amendment was adopted.

Ms. Khan of Newton and other members of the House then moved to amend the bill in section 3, in line 25, by inserting after the word “placement” the following: “; (H) rates of disproportionality including but not limited to race, ethnicity, gender identity and sexual orientation”; and in line 111 by inserting after the word “funds” the following: “; (viii) rates of disproportionality including but not limited to race, ethnicity, gender identity and sexual orientation”. The amendments were adopted.

Mr. Cusack of Braintree and other members of the House then moved to amend the bill by adding the following section:

“SECTION 37. Section 52D of chapter 149 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 4, the words ‘by blood or marriage to the employee, including a’ and inserting in place thereof the following words:— by blood, marriage, or adoption to the employee, including a parent or an adoptive.”.

The amendment was adopted.

Ms. Meschino of Hull and other members of the House then moved to amend the bill in section 3, in line 42, by inserting after the word “practices” the words “, including the number of requests for oral interpretation services and written translation services respectively, broken down by language”; and the amendment was adopted.

Mr. O’Day of West Boylston then moved to amend the bill by inserting after section 33 the following section:

“SECTION 33A. The board of registration of social workers shall report on the barriers prospective social workers face entering the profession as a social worker, as defined in section 130 of chapter 112 of the General Laws, due to the licensure examination. The report shall include information about the individuals who took the examination in 2019, including: (a) the total number of individuals, broken down by each licensure type; (b) aggregate data on the age, race, ethnicity, and primary language; (c) the total number of individuals who reported a learning disability or other disability; and (d) in a de-identified form, the number of previous attempts at the licensure examination, including first time takers, second time takers, third time takers or greater than third time takers, broken down by licensure type. Additionally, the report shall include a description of the accommodations offered for individuals

with disabilities and individuals whose primary language is a language other than English.

No later than October 31, 2020, the board shall submit the report to the house and senate committees on ways and means, and the joint committee on children, families and persons with disabilities, including any recommendations on how to eliminate any cultural and implicit bias related to entry into the profession as a social worker, including the licensure examination.”.

The amendment was adopted.

Mr. Vargas of Haverhill then moved to amend the bill in section 3, in line 42, by striking out the word “and”; and in line 45 by inserting after the word “improvement” the following: “; and (I) activities of the Central and Regional Youth Advisory Boards; demographic data; guiding principles and governance; methods of outreach to youth; the number of youth participating in each central and regional boards activities; any recommendations made by the boards relative to the department’s services, policies and practices, including any action the department has taken to address those recommendations.”; and the amendments were adopted.

Ms. Robinson of Framingham and other members of the House then moved to amend the bill in section 20, in line 429, by inserting after the word “a” the word “staffed”; and in line 430 by inserting after the word “closed.” the following two sentences: “The hotline number shall be communicated with foster parents. Should the hotline number be changed, foster parents shall be alerted to the new number within one month of the change.”.

The amendments were adopted.

Mr. Michlewitz of Boston then moved to amend the bill in section 3, in line 183, by striking out the following: “(c)” and inserting in place thereof the following: “(b)”;

and by striking out section 29 and inserting in place thereof the following section:
“SECTION 29. To the extent feasible, school districts shall provide the department of elementary and secondary education with the number of students who did not participate in any form of remote learning that went into effect due to the outbreak of the 2019 novel coronavirus, also known as COVID-19, from March 16, 2020 through the remainder of the 2020 school year, and the number of students the district did not have any meaningful contact with to address such participation, using a methodology to be determined by the department of elementary and secondary education. The department of elementary and secondary education shall, in conjunction with the department of children and families, provide an analysis which shall include remote learning participation rates of children with active cases at the department of children and families and the methods and process the agencies used and will continue to use to ensure ongoing communication and student engagement with families with active cases at the department of children and families.

Not later than August 21, 2020, the department of elementary and secondary education, in coordination with the department of children and families, shall share any findings and analysis on remote learning efforts with the clerks of the house of representatives and the senate and the joint committee on education and shall have developed a statewide plan to ensure effective and ongoing engagement relative to remote learning for the fall of 2020, including any guidance for best practices for engaging the most vulnerable and at-risk students and their families, including, but not limited to: (i) children with active cases at the department of children and families; (ii) students and families with limited English proficiency; (iii) students with limited access to remote learning; (iv) students receiving special education services; and (v) students residing in school districts in communities that were disproportionately impacted by the outbreak of COVID-19.”.

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. Garlick of Needham; and on the roll call 158 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 197 in Supplement.]

Therefore the bill (House, No. 4852, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill establishing a sick leave bank for Paul McBrien, an employee of the Trial Court Department (House, No. 4795) (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; and it was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed to
be engrossed—
yea and nay
No. 197.

Paul
McBrien,—
sick leave.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Next
sitting.

Representatives Elugardo of Boston and Malia of Boston then moved that when the House adjourns today, it do so in respect to the memory of David S. Tobin, a member of the House from Boston from 1965 to 1968, inclusive; and the motion prevailed.

Accordingly, at twenty-eight minutes after six o'clock P.M., on motion of Mr. Smola of Warren (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.