
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, SEPTEMBER 23, 2021.

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JOURNAL OF THE HOUSE.

Thursday, September 23, 2021.

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 Tributes.

At the request of Representatives Lewis of Framingham, Robinson of Framingham and Gentile of Sudbury, the members and employees stood in a moment of silence in respect to the memory of Mark Goldman, 74, of Framingham, who passed away on Sunday, September 12, 2021. Mark was indisputably one of Framingham's most dedicated volunteers, having devoted his life to increasing the quality of life for children, seniors, and families. Since January 2014, Mark served as the president of the Friends of Callahan, Framingham's senior center, along with serving as the vice chair of the Framingham Council on Aging Board since July 2018.

Mark
Goldman.

Mark brought his successful career as a businessman to his volunteer pursuits, fundraising to ensure that everyone had the resources to thrive. Furthermore, having led efforts to establish a 29-acre soccer facility in South Framingham, any child who has learned to play soccer in Framingham has Mark to thank.

Mark Goldman is survived by his beloved wife, Marilyn (Lapin) Goldman, with whom he would have been married 50 years this October.

At the request of Representatives Cronin of Easton and Vitolo of Brookline, the members and employees stood in a moment of silence in respect to the memory of former state Representative Gary D. Jones. With a devotion to the Commonwealth, fascination with politics and a deep belief that government could help people, Gary served the people of the 11th Plymouth District in 1975 and 1976. A lifelong public servant, Gary started his career as a teacher in public schools across the country from Hawaii to Boston. After his term in office, Gary worked as a Researcher for the House of Representatives until he retired in 2003. Later, as a Brookline Town Meeting Member and Public Library Trustee, he dedicated himself to ensuring that the Town welcomed and accommodated all people, regardless of social, racial, or economic standing.

Gary
Jones.

Gary is survived by his wife Marsha; children Tod, Zak, and Jennifer; and his grandchildren Asher, Izzy, Pascal, Phoebe, Ruby, Blake, and Zoe. A dedicated husband, father, grandfather and public servant, Gary will be missed and remembered dearly by all who knew and loved him.

At the request of Representatives Walsh of Peabody and Kearns of Danvers, the members and employees stood in a moment of silence in respect to the memory of former Peabody Representative Peter C. McCarthy who passed away September 16th

Peter
McCarthy.

after a brief illness. Peter was a graduate of Peabody High School. He earned his Bachelor's degree from Suffolk University and his Master's degree from Boston University.

Peter had an impressive career in public service as a member of the Peabody School Committee from 1965-1969. He then served as a member of the Massachusetts House of Representatives from 1969-1979. He was Legislative Secretary to the Governor from 1979-1980 before becoming Assistant Commissioner at the Department of Social Services from 1980-1985, and then Director of Federal/State relations for the Executive Office of Human Services. Mr. McCarthy continued his career as a consultant for the New England Center and Home for Veterans prior to his retirement.

He will be remembered for his tireless advocacy for those with developmental disabilities and for our military veterans. He will be remembered locally for securing funding for the Peabody District Court building as well as securing funding for the Peabody Senior Center.

He is survived by his wife Mary Anne, his son Peter, daughter-in-law Kathleen and grandson Seamus.

Petition.

Mr. Robertson of Tewksbury presented a petition (subject to Joint Rule 12) of David Allen Robertson for legislation to establish a sick leave bank for Paula Haley, an employee of the Department of Public Health; and the same was referred, under Rule 24, to the committee on Rules.

Paula
Haley,—
sick leave.

Reports of Committees.

By Mr. Cutler of Pembroke, for the committee on Labor and Workforce Development, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1167) of Nick Collins and Maria Duaine Robinson for legislation relative to the Massachusetts Water Resources Authority,— and recommending that the same be referred to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Water
Resources
Authority.

By Ms. Ehrlich of Marblehead, for the committee on Municipalities and Regional Government, on a petition, a Bill creating a cell tower receipts fund for the town of North Reading (House, No. 4020) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

North
Reading,—
fund.

Mr. Honan of Boston, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Jones of North Reading, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on House, No. 3870, a Bill authorizing the Commonwealth of Massachusetts to convey a certain parcel of land to the Claremont Realty Trust in the city of Framingham (House, No. 4125). Read; and referred, under Rule 33, to the committee on Ways and Means.

Framingham,—
land.

By Ms. Ehrlich of Marblehead, for the committee on Municipalities and Regional Government, on a joint petition, a Bill changing the board of selectmen of the town of Plainfield to a select board (House, No. 3859) [Local Approval Received].

Plainfield,—
select board.

By the same member, for the same committee, on a joint petition, a Bill relative to the West Tisbury select board (House, No. 3860) [Local Approval Received].

West Tisbury,—
select board.

By the same member, for the same committee, on a petition, a Bill amending the charter of the town of Medway (House, No. 3899) [Local Approval Received].

Medway,—
charter.

By the same member, for the same committee, on a petition, a Bill relative to changing the name of the board of selectmen in the town of Norwell (House, No. 3916) [Local Approval Received].

Norwell,—
select board.

By the same member, for the same committee, on a petition, a Bill relative to the board of selectmen in the town of Westborough (House, No. 3917) [Local Approval Received].

Westborough,—
select board.

By the same member, for the same committee, on a petition, a Bill relative to the department of public works in the town of Westborough (House, No. 3918) [Local Approval Received].

Westborough,—
public works.

By the same member, for the same committee, on a joint petition, a Bill amending the charter of the city of Newburyport (House, No. 3925) [Local Approval Received].

Newburyport,—
charter.

By the same member, for the same committee, on a petition, a Bill relative to the selectboard of the town of Duxbury (House, No. 3937) [Local Approval Received].

Duxbury,—
select board.

By the same member, for the same committee, on a petition, a Bill authorizing the city of Cambridge to provide police, fire, emergency and other municipal services to certain properties in the city of Somerville and the city of Boston (House, No. 3945) [Local Approval Received].

Cambridge,—
municipal
services.

By the same member, for the same committee, on a petition, a Bill relative to the board of selectmen of the town of Fairhaven (House, No. 3948) [Local Approval Received].

Fairhaven,—
selectmen.

By the same member, for the same committee, on a joint petition, a Bill providing for the appointment of a treasurer/collector in the town of Rehoboth (House, No. 3970) [Local Approval Received].

Rehoboth,—
treasurer/
collector.

By the same member, for the same committee, on a petition, a Bill amending the charter of the city of Easthampton (House, No. 3981) [Local Approval Received].

Easthampton,—
charter.

By the same member, for the same committee, on a petition, a Bill relative to the amendment of section 3-4 of the home rule charter of the city of Methuen (House, No. 3984) [Local Approval Received].

Methuen,—
charter.

By the same member, for the same committee, on a joint petition, a Bill relative to the Chilmark select board (House, No. 3985) [Local Approval Received].

Chilmark,—
select board.

By the same member, for the same committee, on a petition, a Bill relative to utility improvements on private roads in the town of Eastham (House, No. 3986) [Local Approval Received].

Eastham,—
private
roads.

By the same member, for the same committee, on a petition, a Bill changing the board of selectmen of the town of Sharon to a select board (House, No. 3987) [Local Approval Received].

Sharon,—
select board.

By the same member, for the same committee, on a joint petition, a Bill to amend the Blackstone home rule charter by deleting the town administrator residency requirement (House, No. 3998) [Local Approval Received].

Blackstone,—
charter.

By the same member, for the same committee, on a petition, a Bill amending the charter of the town of Hopkinton to change the name of the board of selectmen to select board (House, No. 4066) [Local Approval Received].

Hopkinton,—
select board.

By the same member, for the same committee, on a petition, a Bill restoring an increase in the membership of the board of health in the city of Framingham (House, No. 4084) [Local Approval Received].

Framingham,—
board of
health.

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

Recess.

At 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 recessed until one o'clock P.M.; and at thirteen 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 158 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 90.

[See [Yea and Nay No. 90](#) in Supplement.]

Therefore a quorum was present.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the city of Greenfield to lease a certain parcel of land (see House, No. 2189, changed) (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.

Greenfield,—
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 159 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 91.

[See [Yea and Nay No. 91](#) in Supplement.]

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

Orders of the Day.

House bills

Establishing the official dinosaur of the Commonwealth (House, No. 3190); and Designating the Department of Unemployment Assistance building in the city of Brockton as the C. Gerald Lucey building (House, No. 4024);

Second
reading
bills.

Severally were read a second time; and they were ordered to a third reading.

The report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment of the House Bill relative to

Reprecincting.

reprecincting (House, No. 3863), recommending passage of a bill with the same title (House, No. 4118), was considered.

After remarks the report was accepted. Sent to the Senate for concurrence.

The engrossed Bill relative to the water supply protection trust (see House, No. 4005), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4047), was considered.

The question on passing the bill, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 130 members voted in the affirmative and 28 in the negative.

[See [Yea and Nay No. 92](#) in Supplement.]

[Ms. Whipps of Athol answered “Present” in response to her name.]

Therefore the bill was passed, notwithstanding the objections of the Governor (more than two thirds of the members having agreed to pass the same). Sent to the Senate for its action.

The engrossed Bill relative to post-retirement employment of public retirees (see House, No. 4007), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4048), was considered.

The question on passing the bill, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 158 members voted in the affirmative and 0 in the negative.

[See [Yea and Nay No. 93](#) in Supplement.]

Therefore the bill was passed, notwithstanding the objections of the Governor (more than two thirds of the members having agreed to pass the same). Sent to the Senate for its action.

The engrossed Bill repealing certain tax expenditures (see House, No. 4008), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4049), was considered.

The question on passing the bill, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 130 members voted in the affirmative and 29 in the negative.

[See [Yea and Nay No. 94](#) in Supplement.]

Therefore the bill was passed, notwithstanding the objections of the Governor (more than two thirds of the members having agreed to pass the same). Sent to the Senate for its action.

The engrossed Bill relative to the taxation of pass-through entities (see House, No. 4009), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4050), was considered.

The question on passing the bill, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 129 members voted in the affirmative and 29 in the negative.

[See [Yea and Nay No. 95](#) in Supplement.]

Water supply protection trust.

Bill passed over veto,—yea and nay No. 92.

Public retirees,—employment.

Bill passed over veto,—yea and nay No. 93.

Tax expenditures.

Bill passed over veto,—yea and nay No. 94.

Pass-through entities,—taxation.

Bill passed over veto,—yea and nay No. 95.

[Mr. Markey of Dartmouth answered “Present” in response to his name.]

Therefore the bill was passed, notwithstanding the objections of the Governor (more than two thirds of the members having agreed to pass the same). Sent to the Senate for its action.

The engrossed Bill relative to parking fees on Department of Conservation and Recreation roads (see House, No. 4010), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4051), was considered.

DCR,—
parking fees

The question on passing the bill, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 130 members voted in the affirmative and 29 in the negative.

Bill passed
over veto,—
yea and nay
No. 96.

[See [Yea and Nay No. 96](#) in Supplement.]

Therefore the bill was passed, notwithstanding the objections of the Governor (more than two thirds of the members having agreed to pass the same). Sent to the Senate for its action.

The engrossed Bill relative to eligibility for emergency assistance to elderly, disabled residents and children (see House, No. 4011), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4052), was considered.

Emergency
assistance,—
eligibility.

The question on passing the bill, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 130 members voted in the affirmative and 29 in the negative.

Bill passed
over veto,—
yea and nay
No. 97.

[See [Yea and Nay No. 97](#) in Supplement.]

Therefore the bill was passed, notwithstanding the objections of the Governor (more than two thirds of the members having agreed to pass the same). Sent to the Senate for its action.

The engrossed Bill relative to eligibility for transitional aid to families with dependent children (see House, No. 4012), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4053), was considered.

Transitional
aid,—
eligibility.

The question on passing the bill, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 130 members voted in the affirmative and 29 in the negative.

Bill passed
over veto,—
yea and nay
No. 98.

[See [Yea and Nay No. 98](#) in Supplement.]

Therefore the bill was passed, notwithstanding the objections of the Governor (more than two thirds of the members having agreed to pass the same). Sent to the Senate for its action.

The engrossed Bill providing operating assistance to regional transit authorities (see House, No. 4014), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4054), was considered.

Regional
transit
authorities.

The question on passing the bill, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the

Bill passed
over veto,—
yea and nay

Constitution; and on the roll call 159 members voted in the affirmative and 0 in the negative.

No. 99.

[See [Yea and Nay No. 99](#) in Supplement.]

Therefore the bill was passed, notwithstanding the objections of the Governor (more than two thirds of the members having agreed to pass the same). Sent to the Senate for its action.

The engrossed Bill establishing a special legislative commission to study poverty in the Commonwealth (see House, No. 4016), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4055), was considered.

Poverty,—
commission.

The question on passing the bill, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 131 members voted in the affirmative and 28 in the negative.

Bill passed
over veto,—
yea and nay
No. 100.

[See [Yea and Nay No. 100](#) in Supplement.]

Therefore the bill was passed, notwithstanding the objections of the Governor (more than two thirds of the members having agreed to pass the same). Sent to the Senate for its action.

The engrossed Bill establishing a higher education affordability task force (see House, No. 4018), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4056), was considered.

Higher
education,—
task force.

The question on passing the bill, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 159 members voted in the affirmative and 0 in the negative.

Bill passed
over veto,—
yea and nay
No. 101.

[See [Yea and Nay No. 101](#) in Supplement.]

Therefore the bill was passed, notwithstanding the objections of the Governor (more than two thirds of the members having agreed to pass the same). Sent to the Senate for its action.

Recess.

At thirteen minutes after three o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until a half past three o'clock; and at twenty-five minutes before four o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

Emergency Measure.

There being no objection,— The engrossed Bill relative to reprecincting (see House, No. 4118), 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.

Reprecincting.

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 31 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 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, as required by Emergency Rule 2; and on the roll call 158 members voted in the affirmative and 1 in the negative.

[See [Yea and Nay No. 102](#) 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,—
yea and nay
No. 102.

Orders of the Day.

The Senate Bill changing the term of office of the mayor in the city known as the town of Agawam to 4 years (Senate, No. 2523), was read a second time.

Agawam,—
mayor.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Boldyga of Southwick, until after disposition of the remaining matters in the Orders of the Day.

The House Order to safeguard the health of House Members and employees during the ongoing COVID-19 pandemic (House, No. 4121), was considered.

House Members
and employees,—
COVID-19
safeguards.

Pending the question on adoption of the order, further consideration thereof was postponed, on motion of Mr. Galvin of Canton, until after disposition of the remaining matters in the Orders of the Day.

Subsequently, the remaining matters in the Orders of the Day having been disposed of (the Speaker being in the Chair), the order was considered further.

After debate on the question on adoption of the order, Mr. Galvin of Canton moved to amend it in line 68 by inserting after the word “further” the following paragraph:

“*Ordered*, that any Members who have not established that they are fully vaccinated against COVID-19 as defined by the CDC or who have not requested and received a reasonable accommodation pursuant to the procedures prescribed by the House Working Group may participate remotely in an informal session, pursuant to procedures prescribed by the House Working Group; and be it further”;

In lines 85 and 86 by striking out the following paragraph:

“*Ordered*, That, the House Working Group shall establish policies and procedures for the implementation, administration and enforcement of this Order; and be it further” and inserting in place thereof the following paragraph:

“*Ordered*, That, upon adoption of this Order, the House Working Group may establish policies and procedures for the implementation, administration and enforcement of this Order including, without limitation, a procedure for expanding existing testing options offered as a resource to those Members, officers and employees who are physically at the State House, a procedure for contact tracing including, without limitation, the use of daily logs to record Members, officers and employees working at the State House and to identify any Member, officer or employee who comes into close contact while working at the State House with any Member, officer or employee diagnosed with COVID-19, and a procedure for holding Members who fail to establish full vaccination against COVID-19 in violation of this Order and the House Code of Ethics including, without limitation, a procedure for reassigning personal and committee staff under the supervision of a Member who fails to establish full vaccination against COVID-19, until such time as the Member

establishes that they are fully vaccinated or the Member has received a reasonable accommodation.”; and

In line 87 by inserting after the word “that,” the words “unless otherwise provided.”

Under suspension of Rule 33F, on motion of the same member, the amendments were considered forthwith; and they were adopted.

On the question on adoption of the order, as amended, the sense of the House was taken by yeas and nays at the request of Ms. Hogan of Stow; and on the roll call (Mr. Donato of Medford being in the Chair) 131 members voted in the affirmative and 28 in the negative.

[See [Yea and Nay No. 103](#) in Supplement.]

Therefore the order (House, No. 4121, amended) was adopted.

Order
adopted,—
yea and nay
No. 103.

Order.

On motion of Mr. Mariano of Quincy,—

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

Next
sitting.

Representatives Walsh of Peabody and Kearns of Danvers then moved that when the House adjourns today, it do so in respect to the memory of Peter C. McCarthy, a member of the House from Peabody from 1969 to 1978, inclusive; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at thirteen minutes after six o’clock P.M., on motion of Mr. Jones of North Reading (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.