

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, SEPTEMBER 25, 2019.

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JOURNAL OF THE HOUSE.

Wednesday, September 25, 2019.

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).

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.

Silent Prayers.

The Speaker being in the Chair,— At the request of Mr. Murray of Milford, the members, guests and employees stood for a moment of silent prayer in respect to the memory of former Milford Selectwoman and longtime Massachusetts State Representative, Marie J. Parente, who died on Friday, September 20, after a brief illness.

Marie J.
Parente.

Marie was elected as the first woman Selectman in Milford's history. In 1980, she was elected as a State Representative in the Massachusetts House and served there until 2006. At the State House, Representative Parente was a strong supporter of the state's foster care system. She was appointed Chair of the Caucus on Foster Care and helped numerous children achieve their goals. She was famous throughout the Legislature and the Commonwealth for her meticulous preparation on all the issues and passion for the causes of foster children, local government, the pro-life movement, and fiscal conservatism. Her colleagues always knew where Representative Parente stood on an issue. She never backed down on something in which she believed.

At the request of Representatives Zlotnik of Gardner and Higgins of Leominster, the members, guests and employees stood in a moment of silent prayer in respect to the memory of and to honor the life of firefighter Randy R. Pouliot, who tragically passed away on Saturday, September 21.

Randy
Pouliot.

Born in Gardner, Randy was a graduate of Gardner High School and Mount Wachusett Community College. He graduated first in his class at the Massachusetts Fire Academy in 2004. He was previously employed by the Gardner Fire Department, before his 16 years of service on the Leominster Fire Department.

Randy leaves behind his wife of twenty years and his three daughters.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Capano of Lynn, a petition (subject to Joint Rule 12) of Peter Capano and Brendan P. Crighton for legislation to establish a sick leave bank for Susan St. Laurent, an employee of the Office of the Commissioner of Probation.

Susan St.
Laurent,—
sick leave.

By Representative Khan of Newton and Senator Creem, a joint petition

Newton,—
land.

(subject to Joint Rule 12) of Kay Khan, Cynthia Stone Creem and others that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel land in the city of Newton to said city for affordable housing or general municipal purposes.

By Representative Livingstone of Boston and Senator Boncore, a joint petition (subject to Joint Rule 12) of Jay D. Livingstone and Joseph A. Boncore that a certain pavilion shelter on the Charles River Esplanade in the city of Boston be designated as the Priebatsch pavilion.

Boston,—
Priebatsch
pavilion.

By Representative Parisella of Beverly and Senator Lovely, a joint petition (subject to Joint Rule 12) of Jerald A. Parisella and Joan B. Lovely for legislation to establish a sick leave bank for Erica Moore, an employee of the Department of Developmental Services.

Erica
Moore,—
sick leave.

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

Paper from the Senate.

Mr. Donato of Medford being in the Chair,—

A petition of Dean A. Tran and Jonathan D. Zlotnik for legislation to establish a sick leave bank for Wilfredo Bosque-Rosa, an employee of the Department of Correction, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Wilfredo
Bosque-Rosa,—
sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2356) was referred, in concurrence, 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 following petitions:

Petition (accompanied by bill) of Carole A. Fiola relative to licensing requirements for marijuana establishments and medical marijuana treatment centers. To the committee on Cannabis Policy.

Marijuana,—
licensing.

Petition (accompanied by bill) of Dylan A. Fernandes that the county of Dukes County be authorized to change the position of treasurer from an elected to an appointed position; and

Dukes
County,—
treasurer.

Petition (accompanied by bill) of Dylan A. Fernandes that the county of Dukes County be authorized to borrow funds to pay costs of acquiring land and for certain other capital improvements;

Dukes
County,—
land.

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill) of James M. Murphy for legislation to establish a sick leave bank for Jacqueline Dayton, an employee of the Office of the Chief Medical Examiner. To the committee on Public Service.

Jacqueline
Dayton,—
sick leave.

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

By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2031) of Natalie M. Blais and others

Tiny
homes.

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relative to establishing requirements and standards for the construction of certain tiny homes,— and recommending that the same be referred to the committee on State Administration and Regulatory Oversight. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, that the following bills ought to pass:

To support equal access to community care for elders and the disabled (House, No. 128) [Cost: Greater than \$100,000.00];

Relative to the small necessities leave act (House, No. 1604) [Cost: Greater than \$100,000.00];

Relative to diabetes prevention (House, No. 1852) [Cost: Greater than \$100,000.00]; and

Relative to strengthening the local and regional public health system (House, No. 1935) [Cost: Greater than \$100,000.00];

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Chan of Quincy, for the committee on Consumer Protection and Professional Licensure, on a joint petition, a Bill to establish licensing standards for drain cleaners (House, No. 211).

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, on a petition, a Bill making technical changes to the Betsy Lehman Center for patient safety and medical error reduction enabling statute (House, No. 1127) [Cost: Greater than \$100,000.00].

By the same member, for the same committee, on a petition, a Bill relative to transfers of assets by MassHealth members (House, No. 1128) [Cost: Greater than \$100,000.00].

By the same member, for the same committee, on a petition, a Bill ensuring equal access to medical treatments essential for people with autism (House, No. 1130) [Cost: Greater than \$100,000.00].

By the same member, for the same committee, on a petition, a Bill to address the financial stability of the health safety net (House, No. 1135) [Cost: Greater than \$100,000.00].

By the same member, for the same committee, on a petition, a Bill improving access to dental care in the Commonwealth (House, No. 1137) [Cost: Greater than \$100,000.00].

By the same member, for the same committee, on a petition, a Bill to require equivalent Medicaid reimbursement (House, No. 1149) [Cost: Greater than \$100,000.00].

By the same member, for the same committee, on a petition, a Bill relative to newborn enrollment in MassHealth (House, No. 1153) [Cost: Greater than \$100,000.00].

By the same member, for the same committee, on a petition, a Bill to protect MassHealth applicants facing undue hardship (House, No. 1161) [Cost: Greater than \$100,000.00].

By the same member, for the same committee, on a petition, a Bill regarding Medicare savings programs eligibility (House, No. 1199) [Cost: Greater than \$100,000.00].

By the same member, for the same committee, on a petition, a Bill to update Medicaid resource limits for seniors (House, No. 1200) [Cost: Greater than

Community care.

Small necessities.

Diabetes prevention.

Public health strengthening.

Drain cleaners.

Betsy Lehman Center.

MassHealth,— assets.

Autism,— equal access.

Health safety net.

Dental care.

Medicaid reimbursement.

MassHealth,— newborn enrollment.

MassHealth,— applicant hardship.

Medicare savings.

Medicaid resources,—

\$100,000.00].

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Chan of Quincy, for the committee on Consumer Protection and Professional Licensure, on a joint petition, a Bill authorizing the town of Burlington to grant additional alcoholic beverage licenses (House, No. 3676) [Local Approval Received].

By the same member, for the same committee, on House, No. 3864, a Bill authorizing the town of Swansea to grant additional alcoholic beverage licenses (House, No. 4085) [Local Approval Received].

By the same member, for the same committee, on House, No. 3967, a Bill authorizing the town of Fairhaven to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4086) [Local Approval Received].

By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the capital expenditures committee of the town of Lexington (House, No. 4035) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill establishing a charter for the town of Plainville (House, No. 4036) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill changing the name of the board of selectmen in the town of Lexington to the select board (House, No. 4062) [Local Approval Received].

By the same member, for the same committee, on a joint petition, a Bill relative to the board of selectmen in the town of Sunderland (House, No. 4066) [Local Approval Received].

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

Engrossed Bill.

The engrossed Bill authorizing the town of Milford to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 3940, 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.

Recess.

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

Reports of Committees.

Mr. Galvin of Canton, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the House Bill relative to campaign finance (House, No. 4087) [for order, see House, No. 4088]. The order was adopted.

seniors.

Burlington,—
liquor
licenses.

Swansea,—
liquor
licenses.

Fairhaven,—
liquor
license.

Lexington,—
capital
expenditures.

Plainville,—
charter.

Lexington,—
select board.

Sunderland,—
selectmen.

Bill
enacted.

Recess.

Campaign
finance,—
procedures.

Prior to the noon recess,— By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the Bill relative to campaign finance (House, No. 4072), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4087). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Campaign
finance.

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. Ultrino of Malden, 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. Lawn of Watertown, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After remarks on the question on passing the bill to be engrossed, Mr. Jones of North Reading 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 149 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 96.

[See Yea and Nay No. 96 in Supplement.]

Therefore a quorum was present.

Subsequently a statement of Mr. Ultrino of Malden was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous quorum roll call I was absent from the House Chamber due to official business in another part of the State House.

Statement of
Mr. Ultrino
of Malden.

Mr. Jones of North Reading then moved to amend the bill by striking out section 3.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 46 members voted in the affirmative and 112 in the negative.

Amendment
rejected,—
yea and nay
No. 97.

[See Yea and Nay No. 97 in Supplement.]

Therefore the amendment was rejected.

The same member then moved to amend the bill by striking out section 4.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 38 members voted in the affirmative and 120 in the negative.

Amendment
rejected,—
yea and nay
No. 98.

[See Yea and Nay No. 98 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 3, in line 15, by striking out the word “majority” and inserting in place thereof the word “unanimous”.

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Hill of Ipswich; and on the roll call 34 members voted in the affirmative and 124 in the negative.

Amendment
rejected,—
yea and nay
No. 99.

[See Yea and Nay No. 99 in Supplement.]

Therefore the amendment was rejected.

The same members then moved to amend the bill in section 3 by adding the following sentence: “Not less than 2 commissioners shall be from the same leading political parties.”

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Hill of Ipswich; and on the roll call 35 members voted in the affirmative and 123 in the negative.

[See Yea and Nay No. 100 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones and other members of the House then moved to amend the bill in section 3 by adding the following sentence: “Not less than 1 commissioner shall be from one of the two leading political parties.”

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mrs. Poirier of North Attleborough; and on the roll call 36 members voted in the affirmative and 122 in the negative.

[See Yea and Nay No. 101 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 3 by adding the following sentence: “Provided that the elected municipal and the elected county officials must have been enrolled in one of the leading political parties for not less than five years prior to their appointment on the commission.”

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Barrows of Mansfield; and on the roll call 33 members voted in the affirmative and 125 in the negative.

[See Yea and Nay No. 102 in Supplement.]

Therefore the amendment was rejected.

Mr. Dooley of Norfolk then moved to amend the bill in section 3 by adding the following two sentences: “Each of the two leading political parties shall have representation on the commission. Each of the two leading political parties shall have at least 1 commissioner who is a member of their party and has been a member of said party continuously for at least 3 years prior to the appointment on the commission.”

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 39 members voted in the affirmative and 119 in the negative.

[See Yea and Nay No. 103 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 3 by adding the following two sentences: “Prior to appointment to the commission, a background investigation shall be conducted into the financial stability, integrity and responsibility of a candidate, including the candidate's reputation for good character, and honesty. No person who has been convicted of a felony shall be eligible to serve on the commission.”

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Gifford of Wareham; and on the roll call 42 members voted in the affirmative and 116 in the negative.

[See Yea and Nay No. 104 in Supplement.]

Therefore the amendment was rejected.

Ms. Gouveia of Acton then moved to amend the bill in section 3, in line 13, by

Amendment rejected,—
yea and nay
No. 100.

Amendment rejected,—
yea and nay
No. 101.

Amendment rejected,—
yea and nay
No. 102.

Amendment rejected,—
yea and nay
No. 103.

Amendment rejected,—
yea and nay
No. 104.

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striking out the figure: “5” and inserting in place thereof the figure: “7”, in line 15, by striking out the figure: “2” and inserting in place the figure: “4”, in line 16, by inserting after the word “secretary” the following: “; 2 of whom shall be residents of the commonwealth of Massachusetts who have legal, elections, or campaign expertise”, in line 18, by inserting after the word “of” the following: “the 2 individuals with legal, elections, or campaign expertise”, in line 19, by inserting after the word “but” the words “the terms of the elected officials”; and in line 21, by striking out the figure: “3” and inserting in place thereof the figure: “5”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 30 members voted in the affirmative and 128 in the negative.

[See Ye and Nay No. 105 in Supplement.]

Therefore the amendments were rejected.

The Speaker being in the Chair,—

Representatives Meschino of Hull and Connolly of Cambridge moved to amend the bill in section 13, in lines 353 and 354, by striking out the words “a person appointed by the governor” and inserting in place thereof the following: “1 person appointed by the governor, provided that the appointee shall have prior experience or expertise related to reducing gender, racial and economic disparities in civic engagement; the executive director of the commission on the status of women, established pursuant to section 66 of chapter 3 of the General Laws; 1 person to be appointed by the commission on the status of women, established pursuant to said section 66 of said chapter 3”; and in line 371, by striking out the date: “December 1” and inserting in place thereof the date: “September 24”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Ms. Meschino; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 106 in Supplement.]

Therefore 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 Mr. Lawn of Watertown; and on the roll call 121 members voted in the affirmative and 35 in the negative.

[See Ye and Nay No. 107 in Supplement.]

Therefore the bill (House, No. 4087, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

Mr. Donato of Medford being in the Chair,—

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.

Amendments
rejected,—
yea and nay
No. 105.

Amendments
adopted,—
yea and nay
No. 106.

Bill passed to
be engrossed,—
yea 107.

Next
sitting.

Representative Murray of Milford then moved that when the House adjourns today, it do so in respect to the memory of Marie J. Parente, a member of the House from Milford from 1981 to 2006, inclusive; and the motion prevailed.

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Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twenty-two minutes before six o'clock P.M., on motion of Mr. Hill of Ipswich (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.