

## JOURNAL OF THE HOUSE.

Wednesday, June 25, 2014.

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.

### *Resolutions.*

Resolutions (filed with the Clerk Ms. Peake of Provincetown) celebrating Betty Bingham Appreciation Day; Betty  
Bingham.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules on motion of Ms. Provost of Somerville, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### *Order.*

Mrs. Haddad of Somerset being in the Chair,—

The following order (filed by Mr. Wagner of Chicopee) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

*Ordered.* That, notwithstanding the provisions of Joint Rule 10, the committee on Economic Development and Emerging Technologies be granted until Thursday, July 31, 2014, within which to make its final report on current Senate documents numbered 176, 193 and 196 and current House document numbered 311. Economic  
Development  
and Emerging  
Technologies  
committee,—  
extension  
of time for  
reporting.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Wagner, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

### *Petitions.*

Representative Beaton of Shrewsbury and Senator Michael O. Moore presented a joint petition (subject to Joint Rule 12) of Matthew A. Beaton and Michael O. Moore (by vote of the town) authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Shrewsbury; and the same was referred, under Rule 24, to the committee on Rules. Shrewsbury,—  
land.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Ms. Cariddi of North Adams, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Shrewsbury,—  
library  
fund.

Petitions severally were presented and referred as follows:  
By Representative Beaton of Shrewsbury and Senator Michael O. Moore, a joint petition (accompanied by bill, House, No. 4219) of Matthew A. Beaton and Michael O. Moore (by vote of the town) that the town of Shrewsbury be authorized to establish a special fund for library construction projects in said town;

Harwich,—  
charter.

By Ms. Peake of Provincetown, a petition (accompanied by bill, House, No. 4220) of Sarah K. Peake and Daniel A. Wolf (by vote of the town) for legislation to amend the charter of the town of Harwich; and

Chicopee,—  
library.

By Mr. Wagner of Chicopee, a petition (accompanied by bill, House, No. 4221) of Joseph F. Wagner and James T. Welch (with the approval of the mayor and city council) that the city of Chicopee be authorized use the Chicopee Falls Branch Public Library for public school purposes;

Whately,—  
John DuBois  
and Donald  
Dufault.

Severally to the committee on Municipalities and Regional Government.  
By Representative Kulik of Worthington and Senator Rosenberg, a joint petition (accompanied by bill, House, No. 4222) of Stephen Kulik and Stanley C. Rosenberg (by vote of the town) that the town of Whately be authorized to continue the employment of Donald Dufault and John DuBois;

Merrimac,—  
firefighters.

By Mr. Mirra of West Newbury, a petition (accompanied by bill, House, No. 4223) of Leonard Mirra and Kathleen O'Connor Ives (by vote of the town) that the town of Merrimac be authorized to continue the employment of certain firefighters; and

Merrimac,—  
police.

By Mr. Mirra of West Newbury, a petition (accompanied by bill, House, No. 4224) of Leonard Mirra and Kathleen O'Connor Ives (by vote of the town) that the town of Merrimac be authorized to appoint special police officers in said town;

Rehoboth,—  
capital  
fund.

Severally to the committee on Public Service.  
By Mr. Howitt of Seekonk, a petition (accompanied by bill, House, No. 4225) of Steven S. Howitt (by vote of the town) that the town of Rehoboth be authorized to create a capital expenditure fund in said town. To the committee on Revenue.  
Severally sent to the Senate for concurrence.

Renee  
Brant,—  
benefits.

Petitions severally were presented and referred as follows:  
By Ms. Balsler of Newton, a petition (subject to Joint Rule 12) of Ruth B. Balsler, Kay Khan and Cynthia S. Creem relative to authorizing the State Retirement Board to increase the survivor benefits of Renee Brant, widow of the Honorable Jonathan Brant.

Eastern  
Worcester  
Court,—  
assistant  
clerks.

By Miss Gregoire of Marlborough, a petition (subject to Joint Rule 12) of Danielle W. Gregoire, Carolyn C. Dykema and Matthew A. Beaton for legislation to increase the number of assistant clerk positions in the first district court of eastern Worcester.

Waltham,—  
land.

By Mr. Lawn of Watertown, a petition (subject to Joint Rule 12) of John J. Lawn, Jr., Michael Barrett and Thomas M. Stanley for legislation to authorize the Commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the city of Waltham.

Mohawk Trail  
Regional School  
District.

By Mr. Mark of Peru (by request), a petition (subject to Joint Rule 12) of Stephen Kulik and others relative to student learning time at Mohawk Trail Regional School District.

By Mr. Zlotnik of Gardner, a petition (subject to Joint Rule 12) of Jonathan D. Zlotnik and others for legislation to eliminate the inventory tax for manufacturers.  
Severally, under Rule 24, to the committee on Rules.

Manufacturers,—  
inventory  
tax.

*Papers from the Senate.*

The House Bill authorizing the town of Acton to transfer certain forest land to general municipal purposes (House, No. 3776), 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 2219.

Acton,—  
land.

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

The House Bill providing for capital repairs and improvements for the Commonwealth (House, No. 3933), 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 2197.

Capital  
repairs.

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

The House Bill relative to proof of identity for certain licensure (House, No. 3946), came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2220; and inserting before the enacting clause the following emergency preamble:

Licensure,—  
identity  
proof.

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to ensure forthwith appropriate identification for certain licensure, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

A Bill relative to the department of community development in the town of Ware (Senate, No. 2109) passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Ware,—  
community  
development.

*Reports of Committees.*

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the joint petition of Garrett J. Bradley, Robert L. Hedlund and James M. Murphy relative to preserving a memorial to landing ship tanks in the town of Hingham. Under suspension of the rules, on motion of Ms. Cariddi of North Adams, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Hingham,—  
landing  
ships.

Children,—  
placement.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, asking to be discharged from further consideration of the Bill requiring child and parent involvement in permanency and placement planning (House, No. 120),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Paul Scott  
Noe,—  
benefits.

By Mr. Markey of Dartmouth, for the committee on the Judiciary, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3887) of Louis L. Kafka and James E. Timilty for legislation to authorize Paul Scott Noe, an employee of the Trial Court, to transfer his vacation benefits accrued during his time in the Norfolk County Sheriff's Department,— and recommending that the same be referred to the committee on Ways and Means.

Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Solitary  
confinement.

By Mr. Markey of Dartmouth, for the committee on the Judiciary, on a petition, a Bill relative to the appropriate use of solitary confinement (House, No. 1486). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

HIV/AIDS  
prevention,—  
study.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, that the Bill relative to the establishment of a commission to modernize HIV/AIDS Prevention and treatment (House, No. 2085) ought to pass. Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

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

Promoting radon testing (House, No. 1914) [Cost: Greater than \$100,000.00];

Relative to the modernization of optometric patient care (House, No. 1981, changed) [Cost: Greater than \$100,000.00];

To permit the Department of Developmental Services provide services to adults with developmental disabilities [sic] (House, No. 3715) [Cost: Greater than \$100,000.00]; and

To improve quality of life by expanding access to palliative care (House, No. 3977) [Cost: Greater than \$100,000.00];

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

Radon  
testing.

Optometric  
patient care.

Disabled  
adults.

Palliative  
care.

Corrections  
officers,—  
children.

By Mr. Michlewitz of Boston, for the committee on Public Service, on a petition, a Bill relative to sons and daughters of corrections officers (House, No. 2411).

By the same member, for the same committee, on a petition, a Bill authorizing the appointment of special police officers in the town of Barnstable (House, No. 3643) [Local Approval Received].

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

Barnstable,—  
police.

#### *Recesses.*

At nineteen minutes after eleven o'clock A.M., on motion of Mr. D'Emilia of Bridgewater (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at that time House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on further motion of Mr. D'Emilia, until half past one o'clock; and at twelve minutes after two o'clock the House was called to order with Mr. Donato in the Chair.

Recesses.

#### *Reports of Committees.*

By Mr. Michlewitz of Boston, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Lana A. Soricelli, an employee of the Executive Office of Administration and Finance (House, No. 4202), was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

By Mr. Michlewitz of Boston, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Mariange Robert, an employee of the Department of Correction (House, No. 4203), was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, on motion of Ms. Canavan of Brockton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to campaign finance disclosure and transparency (House, No. 4197), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4226). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

Mr. Kafka of Stoughton, for said committee, then reported recommending that the matter be scheduled for consideration of the House.

Under suspension of said rule, on motion of the same member, 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 under suspension of the rules, on motion of Mr. Murphy of Weymouth, 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. Fattman of Sutton moved to amend it by adding the following section:

Lana A.  
Soricelli,—  
sick leave.

Mariange  
Robert,—  
sick leave.

Campaign  
finance.

Campaign finance.

“SECTION 25. to section 7A of chapter 55 of the Massachusetts General Laws as appearing in 2010; Notwithstanding any other provision of this chapter, the aggregate of all contributions by a labor union for the benefit of any one candidate and such candidate’s committee shall not exceed \$1,000 in a calendar year. Notwithstanding any other provision of this chapter, the aggregate of all contributions by a labor union for the benefit of any other political committee, other than a ballot question committee, shall not exceed \$1,000 in a calendar year.”.

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 29 members voted in the affirmative and 120 in the negative.

[See Ye and Nay No. 402 in Supplement.]

Therefore the amendment was rejected.

Representatives Diehl of Whitman and O’Connell of Taunton then moved to amend the bill in section 12, in line 114, by adding the following: “and further by deleting the appearances of the figure ‘\$50’ in the first paragraph of said section 9 of chapter 55.”; and the amendment was rejected.

Mr. Lombardo of Billerica then moved to amend the bill by adding the following section:

“SECTION 25. Chapter 54 of the General Laws is hereby amended by striking out section 76B as appearing in the 2010 Official Edition, and inserting in place thereof the following section:—

Section 76B. (a) A person desiring to vote, who fails to present valid photo identification when so requested by an election officer, shall not be permitted to vote.

(b) A person shall meet the requirements of this section and be permitted to vote:

(1) in the case of a person who votes in person: presents to the appropriate election officer a current and valid photo identification and, if requested by an election officer, appropriate proof of address such as a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(2) in the case of a person who votes by absentee ballot, submits with the ballot a copy of a current and valid photo identification.

(c) A person who desires to vote in person but does not satisfy clause (1) of paragraph (b) may cast a provisional ballot under section 76C, which shall only be counted if said person complies with the provisions of clause (1) of paragraph (b) within the time allotted in section 76(C).

(d) A person who desires to vote by absentee ballot but who does not meet the requirements of clause (2) of paragraph (b) may return the absentee ballot by mail, and the ballot shall be treated as a provisional ballot pursuant to section 76C, which shall only be counted if said person complies with the provisions of clause (2) of paragraph (b) within the time allotted in section 76C.

(e) Nothing herein shall prevent a ballot from being challenged under section 85.

(f) This section shall not apply to a person who:

Amendment rejected,—yea and nay No. 402.

(1) is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. sections 1973ff-1 et seq.;

(2) is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. section 1973ee-1(b)(2); or

(3) is otherwise entitled by federal law to vote otherwise than in person.

(g) Valid photo identification shall include Massachusetts Drivers License, Massachusetts ID as issued by the Registry of Motor Vehicles, U.S Passport, U.S. Military ID, U.S. Citizenship Certificate, Massachusetts License to Carry Firearms, Valid tribal photo ID, and Valid employee ID card containing a photograph from any branch, department, agency, or entity of the U.S. Government.

(h) Any person who has not already been issued an unexpired driver’s license or photo identification from the Registry of Motor Vehicles, and who affirms that he or she cannot afford such a photo identification, shall be entitled to a waiver of the fee associated with obtaining a photo identification from the Registry of Motor Vehicles.”.

Mr. Bradley of Hingham thereupon raised a point of order that the amendment offered by the gentleman from Billerica was improperly before the House for the reason that it was beyond the scope of the pending bill.

Point of order.

The Chair (Mr. Donato of Medford) ruled that the point of order was well taken, and the amendment was laid aside accordingly.

Mr. Lombardo thereupon appealed from the decision of the Chair; and the appeal was seconded by Mrs. O’Connell of Taunton.

Appeal from decision of Chair.

The question then was put “Shall the decision of the Chair stand as the judgment of the House?”. The decision of the Chair then was sustained.

Mr. Jones of North Reading then moved to amend the bill by inserting after section 18 the following section:

“SECTION 18A. Section 18E of chapter 55 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the word candidate, in line 1, the following words:— , a state party committee.”.

The amendment was adopted.

Mr. Cabral of New Bedford then moved to amend the bill by adding the following four sections:

“SECTION 25. Section 18 of chapter 55 of the General Laws, as so appearing, is hereby amended by inserting in line 39 after the word ‘caucus’ the following:— ‘regardless of whether the candidate is opposed in the preliminary or primary election or caucus.’.

SECTION 26. Section 18 of chapter 55 of the General Laws, as so appearing, is hereby amended by inserting in line 44 after the word ‘caucus’:— ‘or special city or town preliminary, regardless of whether the candidate is opposed in the preliminary or primary election or caucus.’.

SECTION 27. Said section 18 of chapter 55 of the general laws, as so appearing, is hereby further amended by inserting, after the word ‘year’, in line 116, the following: and any candidates and a committee organized on behalf of candidates seeking public office at a municipal level that files with the director, shall file midyear reports on or before the twentieth day of July in each year that such municipality does not have an election.

Campaign finance.

SECTION 28. Section 18C of chapter 55 of the general laws, as appearing in the 2010 Official Edition, is hereby further amended by striking out the following words, in lines 39-40: 'for mayor'.

The amendment was rejected.

Bill passed to be engrossed, yeas and nays No. 403.

On the question on passing the bill, as amended, to be engrossed, the sense of the House taken by yeas and nays, at the request of Mr. Murphy of Weymouth; and on the roll call 145 members voted in the affirmative and 4 in the negative.

[See Yeas and Nays No. 403 in Supplement.]

Therefore the bill (House, No. 4226, amended) was passed to be engrossed. Sent to the Senate for concurrence.

State funds,— emergency expenditures.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, on a message from His Excellency the Governor, a Bill making certain appropriations for the fiscal year 2015 before final action on the General Appropriations Bill (printed in House, No. 4217) [Direct Appropriations: \$4,600,000,000]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently (Mrs. Haddad of Somerset being in the Chair), under suspension of the rules, on motion of Mr. Dempsey, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and, after debate, the bill was passed to be engrossed. Sent to the Senate for concurrence.

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

Water infrastructure.

The Senate Bill improving drinking water and wastewater infrastructure (Senate, No. 2021), 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 Ms. Gobi of Spencer.

After debate on the question on passing the bill to be engrossed, Mr. Turner of Dennis moved to amend it in section 27, in line 300 by inserting the word "exists." the following paragraph:

"'Contaminants of Emerging Concern' or CECs" shall mean chemicals that have been recently detected in the environment and that may pose health or ecological risks. CECs include but are not limited to pharmaceuticals and personal care products."; and in section 36, by inserting after section 16(6) the following two paragraphs:

"(7) The applicant shall have adopted and implemented a plan, approved by the department, to monitor, manage and treat CECs as required by the department, in a new discharge in order to protect coastal waters.

(8) The applicant has adopted land use controls, subject to review and approval of the department in consultation with the executive office of housing and economic development and, where applicable, any regional land use regulatory entity, intended to limit wastewater

flows to the amount authorized under zoning and wastewater regulations as of the date of the approval of CWMP."

The amendments were rejected.

Ms. Peake of Provincetown then moved to amend the bill by adding the following section:

"SECTION 51. Chapter 716 of the Acts of 1989 is hereby amended by adding to the end of the last sentence of subsection 13(b) the following: 'provided, however, that for any plan or project proposed by a public or quasi-public entity for managing wastewater, watersheds, water resources, or water quality, the commission may conduct the public hearing referred to in subsection (a) and issue the decision referred to in subsection (e) jointly and/or prior to or concurrent with the issuance of a certificate by the secretary of energy and environmental affairs or a successor agency certifying compliance with said sections sixty-one to sixty-two H, inclusive, of chapter thirty of the General Laws, and provided further that, notwithstanding subsection (e), the commission may specify in its decision the period for which the development of regional impact is valid and effective and municipal development permits may be issued pursuant thereto, which period may be different than seven years.' ; and by adding a new section 13(l): 13(l) The commission and any public agency may enter into agreements to expedite permitting for nutrient remediation and other water quality improvement plans and projects. Notwithstanding the provisions of 12 and 13 of this act, the commission shall review developments of regional impact for managing wastewater, watersheds, water resources, or water quality for consistency with any approved area wide water quality management plan created at the direction of the governor of the commonwealth of Massachusetts pursuant to the U.S. Clean Water Act."

The amendment was adopted.

The same member then moved to amend the bill in section 2A, by striking out item 2200-0135 and inserting in place thereof the following item:

"2200-0135 For planning or technical assistance grants under section 31 of Chapter 21 of the General Laws: provided, that funds may be expended through June 30, 2015; provided further, that the department shall develop a watershed permitting approach, to address and optimize nitrogen management measures intended to restore water quality to meet applicable water quality standards, in watersheds included in an approved area wide nitrogen management plan developed pursuant to section 208 of the federal Clean Water Act; and shall report to the joint committee on environment, natural resources and agriculture by March 1, 2015 on any statutory changes it deems necessary to fully implement said watershed permitting approach ..... \$1,800,000".

The amendment was adopted.

Ms. Peake then moved to amend the bill in section 19, in lines 171 and 172, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

Water  
infrastructure.

“(3) the applicant has a Comprehensive Wastewater Management Plan approved by the Department of Environmental Protection or the Department of Environmental Protection determines that the project is consistent with an areawide waste management plan approved under section 208 of the Federal Clean Water Act;”.

The amendment was adopted.

Mr. Straus of Mattapoisett then moved to amend the bill in section 19 by adding the following sentence: “The Mattapoisett River Valley Water District, as established pursuant to Chapter 367 of the Acts of 2004, shall be an eligible public entity for financial assistance as provided pursuant to this section and section 6 of this bill; provided further, that nothing in this bill shall be deemed to limit the present statutory powers and authority provided to said District.”. The amendment was adopted.

Mr. Zlotnik of Gardner then moved to amend the bill in section 2A by adding the following item:

“2200-0136 That not less than \$15,000,000 shall be expended for upgrades to the Sewer Treatment Plant in the city of Gardner.”.

The amendment was rejected.

Ms. Andrews of Orange then moved to amend the bill by adding the following section:

“SECTION 52. The comptroller shall transfer \$1,000,000 from the General Fund to be provided to the town of Orange for the Terrace Street River Crossing pipe replacement project.”.

The amendment was rejected.

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

“SECTION 52. The comptroller shall transfer \$2,500,000 from the General Fund to be provided to the town of Orange for design and construction of a new transmission main and associated telemetry.”.

The amendment was rejected.

Ms. Andrews then moved to amend the bill by adding the following section:

“SECTION 52. The comptroller shall transfer \$5,000,000 from the General Fund to be provided to the town of Orange for the stabilization of the dam at Lake Mattawa to preserve the water quality of the Quabbin Reservoir.”.

The amendment was rejected.

Messrs. Frost of Auburn and Durant of Spencer then moved to amend the bill in section 2A by adding the following item:

“2200-0136 That an additional amount not less than \$1,135,000 be administered by the University of Massachusetts at Lowell and be allocated to Silent Spring Institute to study environmental contaminants and that any and all findings shall be reported to all communities involved as well as the Cape Cod Commission to inform the Barnstable County Regional Wastewater Management Plan and the county shall incorporate these findings in their Regional Wastewater Management Plan”.

The amendment was rejected.

There being no objection, Mr. Conroy of Wayland and other members of the House then moved to amend the bill in section 2A, in item 2200-0135, by striking out the figures “1,800,000” (inserted by amendment) and inserting in place thereof the figures “3,000,000”; and the amendment was adopted.

Mr. Madden of Nantucket then moved to amend the bill in section 9, in line 68, by inserting after the word “municipalities” the words “or by a county where all municipalities of said county have an agreement”. The amendment was adopted.

Mr. Jones of North Reading then moved to amend the bill in section 19, in line 179, by inserting after the following: “CWMP” the following: “; or (6) Currently is a party in an interbasin water transfer program and is a net recipient of water”.

The amendment was adopted.

Mr. Wagner of Chicopee being in the Chair,—

Mrs. Haddad of Somerset then moved to amend the bill by adding the following section:

“SECTION 52. Notwithstanding any general or special law to the contrary, an assisted living facility shall not be considered a nursing home or housing for the elderly for purposes of regulations relative to system sewage flow design criteria promulgated by the department of environmental protection pursuant to section 13 of chapter 21A of the General Laws, codified as 310 CMR 15.203; provided, however, operators of assisted living facilities may apply to the department for a determination of design flow using actual meter readings of established flows from existing or similar installations without the need for a variance pursuant to 310 CMR 15.410 or 15.416.”.

The amendment was adopted.

Ms. Dykema of Holliston and other members of the House then moved to amend the bill by adding the following section:

“SECTION 53. There is hereby established a special commission to investigate and study ways to improve coordination among utility providers and municipalities to reduce unnecessary or duplicative roadway construction related to underground utilities. The commission shall consist of the chair of the department of public utilities, or a designee, who shall serve as chair; 2 persons to be appointed by the president of the senate, 1 of whom shall be a representative of a metropolitan planning organization, and 1 of whom shall be a representative of the Utility Contractors’ Association of New England; 2 persons to be appointed by the speaker of the house of representatives, 1 of whom shall be a member of an energy utility, and 1 of whom shall be a representative of the American Council of Engineering Companies of Massachusetts; and 6 persons to be appointed by the governor who shall not be employees of the executive branch and who shall reside in different geographic regions of the commonwealth, 1 of whom shall be a representative of MassDOT, 1 of whom shall be a representative of the Department of Environmental Protection, 1 of whom shall be a representative of the Boston Water and Sewer Commission, 1 of whom shall be a representative of the Massachusetts Water Works Association, 1 of whom shall be a representative of the Massachusetts Municipal Association, and 1 of whom shall be employed by a gas utility, with expertise in the planning of gas and electrical construction projects.”.

Water infrastructure.

The members of the commission shall be appointed not later 60 days after the effective date of this act and shall serve until the completion of the investigation and study.

The commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the senate and the clerk of the house of representatives on or before March 1, 2015.”.

The amendment was adopted.

Ms. Dykema and other members of the House then moved to amend the bill by adding the following two sections:

“SECTION 54. Chapter 21A of the General Laws is hereby amended by adding the following section:—

Section 24. (a) There shall be a water infrastructure advisory committee to monitor the progress of closing the gap in funding for water, wastewater and storm water infrastructure.

(b) The advisory committee shall consist of: the secretary of energy and environmental affairs or a designee; the state treasurer or a designee; 2 people to be appointed by the president of the senate, 1 of whom shall be a member of the senate and 1 of whom shall be a representative of a planning organization, environmental consumer organization or other public interest organization; 3 people to be appointed by the speaker of the house of representatives, 1 of whom shall be a member of the house of representatives, 1 of whom shall be a representative of a planning organization, environmental consumer organization or other public interest organization and 1 of whom shall be a representative of a regional economic development organization awarded a contract pursuant to section 3K of chapter 23A; 1 person to be appointed by the minority leader of the senate and 1 person to be appointed by the minority leader of the house of representatives, each of whom shall be from different geographic regions of the commonwealth and who shall be representatives of the business community; and 13 persons to be appointed by the secretary who shall not be employees of the executive branch and who shall reside in different geographic regions of the commonwealth, 1 of whom shall be a representative of the Massachusetts Water Resources Authority Advisory Board, 1 of whom shall be a representative of the American Council of Engineering Companies of Massachusetts, 1 of whom shall be a representative of the Utility Contractors’ Association of New England, Inc., 1 of whom shall be a representative of the Massachusetts Water Works Association, 1 of whom shall be a representative of the Massachusetts Municipal Association, Inc., 1 of whom shall be a representative of Clean Water Action, 1 of whom shall be a representative of Associated Industries of Massachusetts, Inc., 1 of whom shall be a representative of the Environmental League of Massachusetts, Inc., 1 of whom shall be a representative of the Massachusetts Rivers Alliance, Inc., 1 of whom shall be a representative of the Massachusetts Water Pollution Control Association, Inc., 1 of whom shall be a representative of the Massachusetts Coalition for Water Resources Stewardship, Inc., 1 of whom shall be a representative of the Boston Society of Civil Engineers Section and 1 of whom shall be a representative of the Massachusetts AFL-CIO. Each of those organizations shall provide a list of at least 3 but not more than 5 candi-

dates for consideration by the secretary. Each of the members shall be an expert or shall have experience in the field of law or public policy, water, wastewater or storm water planning, design and construction of water, wastewater or storm water projects, utility management, management consulting or organizational finance; provided, however, that at least 1 member shall have expertise in organizational finance. The secretary shall designate a member to serve as the chairperson of the commission but the chairperson shall not be the secretary, the state treasurer or their designees. The members of the committee shall serve for 4 years terms.

(c) The advisory committee shall hold an annual meeting to present a report reviewing the progress and recommendations of the special water infrastructure finance commission established by section 145 of chapter 27 of the acts of 2009, including, but not limited to: (1) the status of enterprise funds for water and wastewater; (2) the status of storm water utilities; (3) the status of the number of capital infrastructure programs for water infrastructure; (4) progress on closing the gap in funding for meeting the needs of this infrastructure; and (5) the status of best management practices and new technologies being implemented by local systems.

(d) The advisory committee shall file an annual report with the clerks of the House and the Senate and the chairs of the Joint Committee on the Environment on or before January 15.

SECTION 55. Members of the water infrastructure advisory committee established by section 24 of chapter 21A of the General Laws, inserted by section YY, shall be appointed on or before November 31, 2014.”.

The amendment was adopted.

Mr. Donato of Medford being in the Chair,—

Ms. Dykema of Holliston and other members of the House then moved to amend the bill in section 2A by inserting after item 2200-0135 the following item:

“2200-0136 For a Massachusetts water technology innovation grant program administered by the Massachusetts clean energy center; provided, that grants shall be awarded to promote the water technology industry in the commonwealth; and provided further, programs and projects eligible for the grant program shall include, but not be limited to: 1) programs that support the development of pilot and demonstration projects designed to advance the commercialization of promising water technologies; 2) projects that support the creation of testing facilities for the advancement of water technology; 3) financial supports for the development and application of water-related technologies, including research and commercialization activities; and 4) other programs that foster international partnerships, establish conferences, or otherwise encourage water technology innovation in the commonwealth ..... \$1,500,000”.

The amendment was adopted.

Bill passed to be engrossed,—yea and nay No. 404.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House taken by yeas and nays, at the request of Ms. Gobi of Spencer; and on the roll call 146 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 404 in Supplement.]**

Therefore the bill (Senate, No. 2021, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment [for text of House amendment, see House document numbered 4229].

*Reports of Committees.*

Safe staffing.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to folic acid awareness and birth defects prevention (House, No. 2103, changed), ought to pass with an amendment substituting therefor a Bill relative to public health (House, No. 4228).

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment previously recommended by the committee on Health Care Financing,— to amend the bill by substitution of a bill with the same title (House, No. 4076),— and the amendment recommended by the committee on Ways and Means, pending.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, then reported that the matter be scheduled for consideration by the House with the amendments pending.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment previously recommended by the committee on Health Care Financing was rejected.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill (House, No. 4228) was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Ms. Garlick of Needham, 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 relative to patient limits in all hospital intensive care units."

On the question on passing the bill to be engrossed, the sense of the House taken by yeas and nays, at the request of Ms. Garlick; and on the roll call 145 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 405 in Supplement.]**

Therefore the bill (House, No. 4228) was passed to be engrossed. Sent to the Senate for concurrence.

*Orders of the Day.*

House bills

Relating to assault and battery on public employees (printed as Senate, No. 718);

Removing the requirement to provide notice to the Department of Mental Health of a license granted to a guardian to sell real estate (printed as Senate, No. 750);

To repeal chapter 234 (House, No. 1373);

Relative to justices of the peace (House, No. 1386);

Second reading bills.

Relative to the intimidation of a witness statute (House, No. 1483);  
Relative to high speed chases (House, No. 1500);  
Amending the periodic inspections of elevators and lifts (House, No. 2163, changed);  
Increasing the fine for the illegal taking of eels and elvers (House, No. 3782);  
Streamlining municipal collections (House, No. 3994);  
Relative to certain licenses for the sale of alcoholic beverages in the city of Boston (House, No. 4099, changed); and  
Increasing the number of licenses for the sale of alcoholic beverages in the town of Easton (House, No. 4198);  
Severally were read a second time; and they were ordered to a third reading.

The House Bill relative to insurance holding companies (House, No. 822, changed), was read a second time.

Second reading bill amended.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4214),— was adopted.

The substituted bill then was ordered to a third reading.

The House Bill relative to the availability of prescription medication during an emergency (House, No. 2001), was read a second time.

The amendment previously recommended by the committee on Health Care Financing,— that the bill be amended by substitution of a bill with the same title (House, No. 3732),— was rejected.

The amendment recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4215),— then was adopted; and the substituted bill was ordered to a third reading.

The House Bill establishing a sick leave bank for Thomas D. Tierney, an employee of the highway division of the Massachusetts Department of Transportation (House, No. 4117), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Thomas D. Tierney,— sick leave.

Pending the question on passing the bill to be engrossed, Ms. Farley-Bouvier of Pittsfield 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 establish forthwith a sick leave bank for a certain employee of the Massachusetts Department of Transportation, 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. 4117, 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 the following day at eleven o'clock A.M.

Next sitting.



Accordingly, without further consideration of the remaining matters in the Orders of the Day, at nineteen minutes after seven o'clock P.M., on motion of Mr. D'Emilia of Bridgewater (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.