

## JOURNAL OF THE HOUSE.

Thursday, January 26, 2012.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, 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.

### *Messages from the Governor.*

A message from His Excellency the Governor submitting the annual budget of the Commonwealth for the fiscal year beginning July first, two thousand twelve (House, No. 2) was filed in the office of the Clerk on Wednesday, January 25, 2012. General Appropriation Bill.

The message was read; and it was referred, under Rule 30, with the accompanying schedules, to the committee on Ways and Means.

A message from His Excellency the Governor submitting recommendations for making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3898) was filed in the office of the Clerk on Wednesday, January 25, 2012. Supplemental appropriation.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

### *Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representatives Hill of Ipswich and Ferrante of Gloucester) commending the Cape Ann Chamber of Commerce on ninety years of dedicated service to the community; Cape Ann Chamber of Commerce.

Resolutions (filed by Mr. Fattman of Sutton) honoring the Sutton High School "Sammies" boys varsity soccer team on winning the 2011 Massachusetts Division III State Championship; Sutton,—soccer team.

Resolutions (filed by Mr. Kocot of Northampton) commending Mary Clare Higgins for her dedication to the city of Northampton; and Mary Clare Higgins.

Resolutions (filed by Mr. Miceli of Wilmington) congratulating John "Jay" Kelley, Jr., of Tewksbury on the occasion of his retirement; John "Jay" Kelley, Jr.

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

Communications.

Communications

Division of Insurance,— plan changes. From the Commissioner of the Division of Insurance relative to the appropriate length of time for carriers to report plan changes to said division [Copies forwarded, as provided in Section 65 of Chapter 288 of the Acts of 2010, to the committee on Ways and Means and the joint committee on Health Care Financing]; and

UMass Building Authority. From the University of Massachusetts Building Authority submitting financial statements for the fiscal year ending June 30, 2011 with independent auditors' report; Severally were placed on file.

Annual Reports.

Annual reports

Workers' compensation system. Of the Workers' Compensation Advisory Council (under Section 17 of Chapter 23E of the General Laws, as most recently amended by Chapter 3 of the Acts of 2011) regarding the state of the workers' compensation system; and

Norfolk County District Attorney,— wire tapping warrants. Of the District Attorney of Norfolk County (under Section 99, Subsection R of Chapter 272 of the General Laws) relative to warrants sought for wire and oral communications; Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

Quincy,— precincts. By Mr. Mariano of Quincy, a petition (accompanied by bill, House, No. 3899) of Ronald Mariano, John F. Keenan and Tackey Chan (with the approval of the mayor and city council) for legislation to create an additional voting precinct in the city of Quincy. To the committee on Election Laws.

Southbridge,— charter. By Mr. Durant of Spencer, a petition (accompanied by bill, House, No. 3900) of Peter J. Durant and Richard T. Moore (by vote of the town) relative to amending the charter of the town of Southbridge. To the committee on Municipalities and Regional Government. Severally sent to the Senate for concurrence.

Homeowners,— electrical work. Mr. Durant of Spencer presented a petition (subject to Joint Rule 12) of Peter J. Durant and others relative to the performance of electrical work by single family homeowners; and the same was referred, under Rule 24, to the committee on Rules.

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 Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Dennis and Yarmouth,— By Mr. Atsalis of Barnstable, a petition (subject to Joint Rule 12) of Demetrius J. Atsalis for legislation to designate a certain bridge con-

necting the towns of Dennis and Yarmouth as the United States Marine Corporal Nicholas G. Xiarhos Bridge.

Xiarhos Bridge.

By Mr. Kafka of Stoughton, a petition (subject to Joint Rule 12) of Louis L. Kafka and others for the issuance of an annual proclamation by the Governor establishing the third week in October as Male Breast Cancer Awareness Week.

Male Breast Cancer Week.

By Mr. Straus of Mattapoisett, a petition (subject to Joint Rule 12) of William M. Straus and others for legislation to validate the proceedings of the Old Colony Regional Vocational Technical High School District relative to the authorization of debt by said district.

Old Colony High School,— debt.

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

Paper from the Senate.

The following notice was received from the Clerk of the Senate, to wit:—

January 25, 2012.

Honorable Robert A. DeLeo Speaker of the House of Representatives Room 356 State House Boston, MA. 02133

Dear Mr. Speaker:

I have the honor to inform you that with the election and swearing-in of Senator William N. Brownsberger the Senate President, after a vote of the Democratic Caucus – has made the following appointments:

Senator John Hart – Assistant Majority Leader. Member, Senate Committee on Ethics and Rules. Member, Senate Committee on Steering and Policy.

Changes in Senate Democratic leadership positions and committees.

Senator Harriette Chandler – Majority Whip.

Senator Karen Spilka – Assistant Majority Whip.

Senator Gale Candaras – Chair, Joint Committee on Economic Development and Emerging Technologies. Member, Joint Committee on Transportation (replacing Senator Spilka), Member – Senate Committee on Global Warming (replacing Senator Spilka).

Senator Katherine Clark – Chair, Joint Committee on Revenue.

Senator William Brownsberger – Chair, Joint Committee on Public Service. Member, Joint Committee on Environment (replacing Senator Creem), Member, Joint Committee on Municipalities (replacing Senator Candaras).

Senator James Timilty – Member, Senate Committee on Ways and Means (replacing Senator Spilka).

Respectfully submitted,

WILLIAM F. WELCH, Clerk of the Senate.

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 following petitions:

Criminal proceeding,— witness intimidation.

Petition (accompanied by bill) of John J. Mahoney, John P. Fresolo and Joseph D. Early, Jr., relative to the intimidation of witnesses, jurors and persons furnishing information in connection with criminal proceedings. To the committee on the Judiciary.

Stephen Gladding,— sick leave bank.

Petition (accompanied by bill) of Nicholas A. Boldyga and Michael R. Knapik for legislation to establish a sick leave bank for Stephen Gladding, an employee of the Massachusetts Department of Transportation. To the committee on Public Service.

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

Workers' compensation,— audits.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on a petition, a Bill to provide incentives for productive workers compensation audits (House, No. 532).

Municipal lighting plants.

By Mr. Keenan of Salem, for the committee on Telecommunications, Utilities and Energy, on House, No. 869, a Bill relative to the establishment of municipal lighting authorities (House, No. 3896) [Representative Chan of Quincy dissenting].

Energy efficiency.

By the same member, for the same committee, on House, No. 879, a Bill further promoting energy efficiency and green jobs (House, No. 3897) [Representatives Chan of Quincy and Hunt of Sandwich dissenting].

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

Chelmsford,— precincts.

By Mr. Michlewitz of Boston, for the committee on Election Laws, on a petition, a Bill amending the charter of the town of Chelmsford relative to the number of voting precincts (House, No. 3716) [Local Approval Received].

Chelmsford,— recall.

By the same member, for the same committee, on a petition, a Bill amending the charter of the town of Chelmsford relative to the recall of elected officers (House, No. 3728) [Local Approval Received].

Worker training,— discrimination.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on a petition, a Bill relative to non-discrimination training in the workplace (House, No. 1413).

Springfield,— excise taxes.

By Mr. Kaufman of Lexington, for the committee on Revenue, on a petition, a Bill relative to outstanding excise tax and the towing of motor vehicles and trailers in the city of Springfield (House, No. 3490) [Local Approval Received].

Aquinnah,— taxation.

By the same member, for the same committee, on a petition, a Bill relative to authorizing the town of Aquinnah to refund tax payments and accrued interest from improperly assessed taxation in prior fiscal years 2005 and 2006 (House, No. 3708) [Local Approval Received].

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

*Engrossed Bill.*

Bill enacted.

The engrossed exempting the position of fire chief in the city of Haverhill from the civil service law (see House, No. 3486) (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 sixteen minutes after eleven o'clock A.M., on motion of Mr. Smizik of Brookline (Mr. Donato of Medford being in the Chair), the House recessed until twelve o'clock noon; and at that time the House was called to order with Mr. Donato in the Chair.

*Reports of Committees.*

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, No. 3867, a Bill authorizing the town of Wellesley to grant licenses for the sale of all alcoholic beverages and wines and malt beverages to be consumed on the premises (House, No. 3901) [Local Approval Received]. Read; and 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. Kafka, the bill was read a second time forthwith; and it was ordered to a third reading.

*Order.*

On motion of Mr. DeLeo of Winthrop,—  
*Ordered*, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At four minutes after twelve o'clock noon, on motion of Mr. deMacedo of Plymouth (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.