

## JOURNAL OF THE HOUSE.

Thursday, February 2, 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.

### *Resolutions.*

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

Resolutions (filed by Mr. Jones of North Reading) recognizing former Special Police Officer Harold "Bert" Reynolds for over twenty years of dedicated service to the town of North Reading; Harold "Bert" Reynolds.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Arthur Fishstine on receiving the Legion of Honour Medal; Arthur Fishstine.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Richard McGhee on his retirement as Chairman of The World of Wellesley for the town of Wellesley; and Richard McGhee.

Resolutions (filed by Representatives Ross of Attleboro and Poirier of North Attleborough) congratulating Walter Boyd Stitt III on his retirement after thirty-five years; Walter Boyd Stitt III.

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 Mr. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### *Communication.*

#### Communications

From the Bristol County Registry of Deeds (pursuant to Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Technological Fund (including a letter from the Executive Office for Administration and Finance dated January 19, 2012) [copies of said report and said letter forwarded to the committee on Ways and Means and committee on Post Audit and Oversight]; Bristol County,—  
technology fund.

From the Office of Community Corrections with the Administrative Office of the Trial Court (under the provisions of Section 5 of Chapter 211F of the General Laws) submitting its annual statistical report for fiscal year 2010 [copies of said report forwarded to the committee on the Judiciary and the committee on Public Safety and Homeland Security]; and Community Corrections.

From the Department of Public Health submitting formal notification of an increase in fees (pursuant to 801 CMR 4.02, Food and Drug (9) vending machines) for vending machines in the Commonwealth; Vending machines,—  
fees.  
Severally were placed on file.

*Annual Report.*

Public Counsel Services. The annual report of the Committee of Public Counsel Services (under item 0321-1500 of Section 2 of Chapter 68 of the Acts of 2011) relative to its activities during the fiscal year 2011, was placed on file.

*Petitions.*

Truro,—conservation restriction. Ms. Peake of Provincetown presented a petition (accompanied by bill, House, No. 3919) of Sarah K. Peake and Daniel A. Wolf (by vote of the town) that the town of Truro be authorized to amend a conservation restriction in said town; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Property taxes,—classification. By Mr. Boldyga of Southwick (by request), a petition (subject to Joint Rule 12) of Rose Taylor for legislation to establish a property tax classification for which membership in a condominium association is a mandatory condition of ownership.

Tax assessments,—errors. By Mr. Kafka of Stoughton, a petition (subject to Joint Rule 12) of Louis L. Kafka for legislation to authorize the Commissioner of Revenue to correct any property tax assessment errors regardless of the effect on taxes or charges.

Record preservation commission. By Representative Keenan of Salem and Senator Eldridge, a joint petition (subject to Joint Rule 12) of John D. Keenan for legislation to establish a municipal record preservation commission.

Cheryl A. Cole,—sick leave. By Mr. Smith of Everett, a petition (subject to Joint Rule 12) of Stephen Stat Smith for legislation to establish a sick leave bank for Cheryl A. Cole, an employee of the Office of Medicaid.

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

*Papers from the Senate.*

Frank Silveira,—sick leave bank. A Bill establishing a sick leave bank for Frank Silveira, an employee of the Department of Revenue (Senate, No. 2117) (on Senate bill No. 2000), passed to be engrossed by the Senate, was read; and it was 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.

Abuse,—reporting requirements. A Bill relative to reporting abuse of disabled persons (Senate, No. 2116) (on Senate bill No. 39), passed to be engrossed by the Senate, was read; and referred, under Rule 33, to the committee on Ways and Means.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Sharyn LeCesse,—sick leave. Petition (accompanied by bill, Senate, No. 2123) of Anthony W. Petrucci for legislation to establish a sick leave bank for Sharyn

LeCesse, an employee of the Registry of Motor Vehicles. To the committee on Public Service.

Petition (accompanied by bill, Senate, No. 2124) of Richard T. Moore, Kenneth J. Donnelly, Kimberly N. Ferguson, James J. Dwyer and other members of the General Court for legislation relative to reduction of property tax liability for veterans. To the committee on Revenue. Veterans,—property tax.

*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:

Petition (accompanied by bill) of Daniel B. Winslow and others for legislation to require judicial consideration of lawful alien status for bail. To the committee on the Judiciary. Lawful aliens,—bail.

Petition (accompanied by bill) of Ronald Mariano and Mark J. Cusack relative to the utilization of surplus funds from municipal enterprise accounts. To the committee on Municipalities and Regional Government. Municipal enterprise accounts.

Petition (accompanied by bill) of Wendy Foxmyn for legislation to authorize the Franklin Regional Retirement System to grant retirement benefits to Wendy Foxmyn. To the committee on Public Service. Wendy Foxmyn,—retirement.

Petition (accompanied by bill) of Daniel B. Winslow relative to the incorporation of technology in civil engagement at public meetings; and Public meetings.

Petition (accompanied by bill) of Daniel B. Winslow relative to public disclosure of financial interests by certain government employees; and Government employees,—disclosures.

Severally to the committee on State Administration and Regulatory Oversight. Under suspension of the rules, on motion of Mr. Mahoney of Worcester, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill making appropriations for the fiscal year 2012 for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2112), be scheduled for consideration by the House, with the amendment previously recommended by the committee on Ways and Means, pending. Supplemental appropriations.

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 Ways and Means,—that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3906,—was adopted; and the bill (Senate, No. 2112, amended) was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. O'Day of West Boylston, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence in the amendment adopted by the House.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following House bills be scheduled for consideration by the House:

Chelmsford,—  
precincts. Amending the charter of the town of Chelmsford relative to the number of precincts (House, No. 3716) [Local Approval Received]; and

Chelmsford,—  
recall elections. Amending the charter of the town of Chelmsford relative to the recall of elected officers (House, No. 3728) [Local Approval Received]; Under suspension of Rule 7A, in each instance, on motion of Mr. Kafka, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Catherine Blais,—  
sick leave bank. By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Catherine Blais, an employee of the Trial Court (House, No. 3894). 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.

Dental benefits corporations.— By Mr. Costello of Newburyport, for the committee on Financial Services, on Senate, No. 409 and House, No. 323, a Bill relative to financial services contracts for dental benefits corporations (House, No. 3916).

Ambulance services.— By the same member, for the same committee, on House, No. 1179, a Bill relative to payment for use of ambulance services (House, No. 3917).

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

Raymond L. Flynn,—  
memorial. By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the Bill relative to a memorial to the Vatican Ambassador, former Mayor, former State Representative and former Boston City Councilor Raymond L. Flynn (House, No. 3029), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Pipefitters,—  
licensing. By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill relative to pipe-fitter licensing and inspections (House, No. 1873).

Tax basis rules.— By Mr. Kaufman of Lexington, for the committee on Revenue, on House, No. 2559, a Bill to continue tax basis rules for property acquired from decedents (House, No. 3915).

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

Westwood,—  
alcoholic beverages. By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill authorizing the town of Westwood to grant special licenses for the sale of all alcoholic beverages and wines and malt beverages (House, No. 3675) [Local Approval Received].

By the same member, for the same committee, on a joint petition, a Bill authorizing the town of Harvard to issue one-day liquor licenses (House, No. 3715) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the city of Fitchburg to grant an additional license for the sales of wines and malt beverages not to be drunk on premises (House, No. 3738) [Local Approval Received].

By Ms. Peisch of Wellesley, for the committee on Education, on a petition, a Bill relative to regional school district leases (House, No. 1912, changed in line 1, by striking out the following: “, subsection (r)” and by striking out the year “2008” and inserting in place thereof the year “2010”; in line 2, by striking out the word “replacing” and inserting in place thereof the following: “striking out, in line 149,”; and by striking out the following “in line 144 with the word” and inserting in place thereof the following: “and inserting in place thereof the following word:—”).

By the same member, for the same committee, on House, No. 1919, a Bill relative to the powers and duties of a regional school district (House, No. 3918).

By the same member, for the same committee, on House, No. 1929, a Bill relative to school improvement plans (House, No. 3923).

By Mr. Costello of Newburyport, for the committee on Financial Services, on a petition, a Bill relative to limited purpose trust companies subject to supervision by the Division of Banks (House, No. 2040).

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

*Engrossed Bills.*

Engrossed bills  
Relative to granting of a club and special license for the sale alcoholic beverages in the town of Weston (see House, No. 3459);

Relative to town meeting warrants in the town of Templeton (see House, No. 3460); and

Authorizing the town of Lincoln to place a certain question on the ballot relative to the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3827);

(Which severally originated in the House);  
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*

The Senate Bill establishing a sick leave bank for Michael Monterio, an employee of the Department of Correction (Senate, No. 1962), reported by the committee on Bills in the Third reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

The House Bill designating a certain building in the city of Holyoke as the Raymond F. Murphy Jr. Congregate House (House, No. 3575) (its title having been changed by the committee on Bills in the Third

Harvard,—  
alcoholic beverages.

Fitchburg,—  
alcoholic beverages.

Regional school district leases.

Regional schools.

School plans.

Limited purpose trust companies.

Bills enacted.

Third reading bill.

Id.

Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Brookline,—  
transportation  
department.

The House Bill amending Chapter 51 of the Acts of 2010 to reflect the passage of Chapter 398 of the Acts of 2008 and to make certain other corrections (House, No. 3432), reported by the committee on Bills in the Third reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Smizik of Brookline moved to amend it by substitution of a Bill relative to the division of transportation in the town of Brookline (House, No. 3920), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

Next  
sitting.

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

Mr. Timilty of Milton then moved that as a mark of respect to the memory of Kelly A. Timilty, a member of the Executive Council from the Second District from 1995 to 2012, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty-six minutes before twelve o'clock noon, on motion of Mr. Humason of Westfield (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.