

Monday, March 12, 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).

Pledge of allegiance.

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.

*Resolutions.*

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

Matthew Gagnon.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Matthew Gagnon on receiving the Eagle Award of the Boy Scouts of America;

John Kelly.

Resolutions (filed by Mrs. Haddad of Somerset ) congratulating John Kelly on receiving the Eagle Award of the Boy Scouts of America;

Ian McCurry.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Ian McCurry on receiving the Eagle Award of the Boy Scouts of America;

Francophonie Day.

Resolutions (filed by Ms. Forry of Boston) celebrating the International Day of Francophonie;

Rita Ambrose.

Resolutions (filed by Ms. Garlick of Needham) congratulating Rita Ambrose on the occasion of her ninety fourth birthday;

Joseph Aiello.

Resolutions (filed by Ms. Hogan of Stow) congratulating Joseph Aiello of Hudson for being named a chevalier of the French Legion of Honor;

James F. Corcoran.

Resolutions (filed by Ms. Hogan of Stow) congratulating Chief James F. Corcoran on the occasion of his retirement from the Maynard Police Department; and

Pembroke,—anniversary.

Resolutions (filed by Mr. Webster of Pembroke) celebrating the town of Pembroke on the occasion of its three hundredth anniversary;

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.

*Papers from the Senate.*

Adoption information,—release.

The Senate Bill further regulating the release of information concerning adoption (Senate, No. 2163) (on Senate bill No. 52), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Probate and trust codes.

The Senate Bill further regulating the probate code and establishing a trust code (Senate, No. 2128, amended by inserting after section 22 the following section:

“SECTION 22A. Subsection (a) of section 3-715 of said chapter 190B is hereby amended by inserting after paragraph 23, the following paragraph:—

(23½) sell, lease or encumber to an arm's length third party any real estate of the estate, or an interest in that real estate, for cash, credit or for part cash and part credit, with or without security for unpaid balances and whether the personal representative has been appointed formally or informally; the sale, lease or encumbrance shall be conclusive notwithstanding section 3-302 or any contest of the informal probate proceeding, provided that: (i) if the decedent died without a will, a license has been issued under chapter 202; or (ii) if the decedent died with a will, either: (a) the will, probated formally or informally, empowered the personal representative to sell, lease or encumber that real estate or an interest in that real estate, or (b) a license has been issued under chapter 202;"; by inserting after section 23 the following section:

"SECTION 23A. Section 5-101 of said chapter 190B, as so appearing, is hereby amended by striking out the definition of 'Nursing facility' and inserting in place thereof the following definition:—

(15) 'Nursing facility', an institution or a distinct part of an institution which is primarily engaged in providing to residents: (i) skilled nursing care and related services for residents who require medical or nursing care; (ii) rehabilitation services for the rehabilitation of injured, disabled or sick persons; or (iii) on a regular basis, health-related care and services to individuals who because of their mental or physical condition require care and services, above the level of room and board, which can be made available to that individual only through institutional facilities that are not primarily a mental health facility or mental retardation facility; provided however, that the term nursing facility shall not apply with regard to the placement or transfer of a patient to a facility that is (i) licensed by the department of public health, under section 51 of chapter 111, as a long term acute care hospital or inpatient rehabilitation facility; (ii) licensed by the department of public health, under section 71 of chapter 111, as a rest home; or (iii) licensed or certified as an assisted living residence by the executive office of elder affairs under 651 CMR 12.00 et seq."; in section 54, in line 554, by inserting after the word "property" the words "by will"; in section 58, in line 1516, by striking out the following: "for the filing of petition for adoption, \$100;"; in lines 1544 and 1546, by striking out, in each instance, the word "adoption", in line 1559, by inserting after the word "representative," the words "for the filing of a statement of voluntary administration," in line 1564, by striking out the words "for statement of voluntary administration," and, in line 1578, by inserting after the word "support" the word "adoption" (on Senate bill No. 2034), passed to be engrossed by the Senate, was read.

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

#### *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 petition of Jay R. Kaufman, Kathi-Anne Reinstein and others for legislation to authorize the Registrar of Motor Vehicles to issue reflective decals indicating that the driver of a vehicle may be the holder of a junior operator's license. Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the report was

Junior operators,—  
license  
decals.

Junior operators,— license decals.

considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

Driving,— mobile telephones.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill requiring the hands-free use of mobile telephones while driving (House, No. 3938),— and recommending the same be referred to the committee on Public Safety and Homeland Security. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the reference.

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

Easton,— mobile homes.

Providing for the establishment and administration of rent regulation and control of evictions in mobile home park accommodations in the town of Easton (House, No. 3793) [Local Approval Received];

Natick,— liquor license.

Authorizing the town of Natick to grant an additional license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 3868) [Local Approval received]; and

Springfield,— Unifirst Corporation.

Authorizing the city of Springfield to convey certain park land and to grant a license agreement over certain park land to Unifirst Corporation (House, No. 3874, changed) [Local Approval Received];

Under suspension of Rule 7A, in each instance, on motion of the same member, the bills were read a second time forthwith; and they were ordered to a third reading.

Disabled,— civil rights.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a joint petition, a Bill affirming inclusion of individuals with disabilities within civil rights protections and nondiscrimination provisions in the Commonwealth of Massachusetts (House, No. 1865). Read; and referred, under Joint Rule 29, to the committee on Rules of the two branches, acting concurrently.

Abuse investigations.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill providing for random reviews of abuse investigations conducted by the Department of Mental Retardation (House, No. 81).

Autism spectrum disorders.

By the same member, for the same committee, on a petition, a Bill to support and increase the number of qualified providers of intensive intervention providers for children with autism spectrum disorders (House, No. 1856).

Technology,— disabled and seniors.

By the same member, for the same committee, on a petition, a Bill relative to living at home with use of technology for people with disabilities and seniors (House, No. 2682).

Autism,— pilot program.

By the same member, for the same committee, on a petition, a Bill establishing a pilot program for adults with Asperger syndrome and autism (House, No. 3104).

Youth development.

By the same member, for the same committee, on a petition, a Bill to establish an office of youth development (House, No. 3106).

By the same member, for the same committee, on a petition, a Bill to adopt a definition of intellectual disability consistent with the American Association of Intellectual and Developmental Disabilities (House, No. 3527). Intellectual disability,—define.

By the same member, for the same committee, on House, No. 83, a Bill regarding continuity of care for children and their eligible parents (House, No. 3984). Continuity of care.

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

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Resolve providing for a study by the Executive Office of Health and Human Services relative to nonprofit group homes (House, No. 82). Nonprofit group homes,—study.

By the same member, for the same committee, on a petition, a Bill to provide an income tax exemption for families caring for their elderly relatives at home (House, No. 2670). Caregivers,—tax exemption.

By the same member, for the same committee, on a petition, a Bill relative to providing a high impact program for long-term economic success (House, No. 2675). Families,—economic success.

By the same member, for the same committee, on a petition, a Bill to promote employment for people with disabilities (House, No. 3595). Disabilities,—employment.

By the same member, for the same committee, on House, No. 2677, a Bill relative to caseworkers at the Department of Youth Services (House, No. 3985). Caseworkers,—assault.

By the same member, for the same committee, on Senate, No. 28 and House, No. 541, a Bill relative to improving quality in early education and care by family child care providers (House, No. 3986). Early education and care.

By Mr. Binienda of Worcester, for the committee on Rules, on a joint petition, a Bill relative to a certain parcel of land in the town of Freetown (House, No. 3953) [Local Approval Received]. Freetown,—land.

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

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill relative to the definition of mandated reporters (House, No. 78). Mandated reporters,—definition.

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to Mattapoisett aquaculture license fees (House, No. 3833) [Local Approval Received]. Mattapoisett,—aquaculture licenses.

By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a joint petition, a Bill creating the Melpet Farm Stable Operations and Improvement Fund for the town of Dennis (House, No. 3845) [Local Approval Received]. Dennis,—Melpet Farm Stable.

By the same member, for the same committee, on a joint petition, a Bill expanding the Town Forest Committee of the town of Natick from Three (3) to Five (5) members (House, No. 3869) [Local Approval Received]. Natick,—town forest committee.

By the same member, for the same committee, on a joint petition, a Bill authorizing the town of Natick to lease certain town-owned property (House, No. 3870) [Local Approval Received]. Natick,—lease.

Natick,—  
lease.

By the same member, for the same committee, on a joint petition, a Bill authorizing the town of Natick to lease certain town-owned property at 20 Middlesex Avenue (House, No. 3871) [Local Approval Received].

Chelmsford,—  
land.

By the same member, for the same committee, on a joint petition, a Bill relative to leasing Sunny Meadow Farm in the town of Chelmsford (House, No. 3881) [Local Approval Received].

Old Colony  
High  
School,—  
debt.

By the same member, for the same committee, on a petition, a Bill validating the proceedings relating to the authorization of debt by the Old Colony Regional Vocational Technical High School District (House, No. 3914).

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

*Emergency Measure.*

Network  
health  
plans.

The engrossed Bill relative to tiered and selective network health plans (see Senate, No. 2148, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 6 to 0. Sent to the Senate for concurrence.

*Engrossed Bills.*

Bills  
enacted.

Engrossed bills

Relative to community housing and services (see Senate, No. 1967, amended) (which originated in the Senate);

Relative to the town clerk in the town of Tewksbury (see Senate, No. 2104);

(Which severally originated in the Senate); and

Providing retirement options for nonprofit organizations (see House, No. 3754, amended) (which 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 it were signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*

Third  
reading  
bill.

The House 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), 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.

Janet  
Ruggieri,—  
sick leave  
bank,

The House Bill establishing a sick leave bank for Janet Ruggieri, an employee of the Department of Revenue (House, No. 3976) (its title having been changed by the committee on Bills in the Third Reading, reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Linsky of Natick 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 department of revenue, 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. 3976) 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 on Thursday next at eleven o'clock A.M. Next sitting.

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At sixteen minutes after eleven o'clock A.M., on motion of Mr. Barrows of Mansfield (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M., in an Informal Session.