

Wednesday, April 4, 2012.

Met according to adjournment at twelve o'clock noon, 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.

*Appointments of the Minority Leader.*

The Minority Leader announced that he had made the following change and appointments:

Creative  
Economy  
Council.

That Mr. Howitt of Seekonk had been appointed as his designee (replacing Mr. deMacedo of Plymouth) to the Creative Economy Council established (under Section 1 of Chapter 354 of the Acts of 2008) to develop a statewide strategy for the enhancement, encouragement, and growth of the creative economy in the Commonwealth and to promote through public and private means responsive public policies and innovative private sector practices; and

Education  
collaboratives.

That Terri Ann Medeiros of East Falmouth had been appointed as his designee on the special commission established (under Section 5 of Chapter 43 of the Acts of 2012) to make an investigation and study of the role of education collaboratives.

*Statement Concerning Representative Reinstein of Revere.*

A statement of Mrs. Haddad of Somerset concerning Mrs. Reinstein of Revere was spread upon the records of the House, as follows:

Statement  
concerning  
Ms. Reinstein  
of Revere.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Reinstein of Revere, was unable to be present in the House Chamber for today's sitting due to personal business. If she could have been present for the roll calls on passing to be engrossed House bill No. 537 and Senate bill No. 2132, she would have voted in the affirmative, in both instances. Her missing of roll calls today was due entirely to the reason stated.

*Recess.*

Recess.

At three minutes after twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until two o'clock P.M.; and at six minutes after two o'clock the House was called to order with Mr. Donato in the Chair.

*Guests of the House.*

James Smith,—  
New England  
Wrestling  
Champion.

During the session, Mr. Linsky of Natick took the Chair, declared a brief recess, and introduced James Smith from Natick, the New England Wrestling Champion for the 138 pound weight class. Mr. Linsky then presented to Mr. Smith a citation of the House, congratulating him on his achievement. Mr. Smith was accompanied by his parents. They were the guests of Mr. Linsky.

*Resolutions.*

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

Resolutions (filed by Mr. Fernandes of Milford) congratulating Brandon Elliott on earning the Eagle Scout Award;	Brandon Elliott.
Resolutions (filed by Mr. Fernandes of Milford) congratulating Spencer Hess on earning the Eagle Scout Award;	Spencer Hess.
Resolutions (filed by Mr. Fernandes of Milford) congratulating Ian Jankauskas on earning the Eagle Scout Award;	Ian Jankauskas.
Resolutions (filed by Mr. Fernandes of Milford) congratulating Christopher Merolli on earning the Eagle Scout Award;	Christopher Merolli.
Resolutions (filed by Mr. Fernandes of Milford) congratulating Richard Schofield III on earning the Eagle Scout Award; and	Richard Schofield III.
Resolutions (filed by Mr. Keenan of Salem) congratulating Andrew Oliver on his service to Lifebridge;	Andrew Oliver.

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

*Petitions.*

By Messrs. Calter of Kingston and Webster of Pembroke presented a petition (accompanied by bill, House, No. 4026) of Thomas J. Calter, Robert L. Hedlund and Daniel K. Webster (by vote of the town) for legislation to exempt the position of deputy police chief in the town of Duxbury from the civil service law; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

Duxbury,—  
deputy  
police  
chief.

Representative Jones of North Reading and Senator Tarr presented a joint petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., Bruce E. Tarr and others relative to access to certain institutions of higher education and vocational schools; and the same was referred, under Rule 24, to the committee on Rules.

Schools,—  
access.

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. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Higher Education. Sent to the Senate for concurrence.

Representative Jones of North Reading and Senator Tarr presented a joint petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., Bruce E. Tarr and others relative to job growth; and the same was referred, under Rule 24, to the committee on Rules.

Job  
growth.

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. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue. Sent to the Senate for concurrence.

Regulatory  
reform,—  
businesses.

Representative Jones of North Reading and Senator Tarr presented a joint petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., Bruce E. Tarr and others for legislation to provide regulatory reform to promote job growth; 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. Peterson of Grafton, 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.

Military,—  
registration  
plates.

Mr. Vallee of Franklin presented a petition (subject to Joint Rule 12) of James E. Vallee relative to military license plates; 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. Peterson of Grafton, the report was 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.

Employment,—  
privacy  
policies.

Petitions severally were presented and referred as follows:  
By Ms. Coakley-Rivera of Springfield, a petition (subject to Joint Rule 12) of Cheryl A. Coakley-Rivera and others relative to privacy policies as relates to social networking and employment.

Special  
education.

By Mr. Galvin of Canton, a petition (subject to Joint Rule 12) of William C. Galvin relative to special education costs.

Barbers,—  
requirements.

By Mr. Madden of Nantucket, a petition (subject to Joint Rule 12) of Timothy R. Madden and others for legislation to amend the occupational requirements for barbers.

Disabled,—  
rape.

By Ms. Poirier of North Attleborough, a petition (subject to Joint Rule 12) of Elizabeth A. Poirier and others relative to rape of a person with disabilities.

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

#### *Papers from the Senate.*

First Sergeant  
Charles W.  
Parker Bridge.

The House Bill designating a certain bridge on interstate highway Route 195 in the town of Wareham as the First Sergeant Charles W. Parker Memorial Bridge (House, No. 3757), came from the Senate with the endorsement that it had been passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Chapter 46 of the acts of 1971 is hereby repealed.

SECTION 2. Bridge W-6-51 on interstate highway route 195 in the town of Wareham shall be designated and known as the First Sergeant Charles W. Parker Memorial Bridge, in memory of Charles W. Parker, who was killed in action while a member of the armed forces of the

United States during World War II. The division of highways within the Massachusetts Department of Transportation shall erect and maintain suitable markers bearing this designation in compliance with the standards of the department.”

Under suspension of Rule 35, on motion of Ms. Gifford of Wareham, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

A Bill authorizing the town of Hawley to grant a license for the sale or service of wine to be drunk on the premises (Senate, No. 97) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Hawley,—  
liquor  
license.

A petition (accompanied by bill) of Michael R. Knapik and Donald F. Humason for legislation to establish the 104th fighter wing fire department, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Safety and Homeland Security.

104th fighter  
wing fire  
department.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2208) was referred, in concurrence, to the committee on Public Safety and Homeland Security.

#### Reports

Of the committee on Transportation, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1721) of Stephen M. Brewer, Angelo J. Puppolo, Jr. and Anne M. Gobi for legislation to place the word “veteran” on any eligible driver’s license;

Driver  
licenses,—  
“veteran”.

Of the petition (accompanied by bill, Senate, No. 1722) of Stephen M. Brewer and Anne M. Gobi for legislation to further regulate the sale of distinctive registration plates for veterans; and

Veterans,—  
registration  
plates.

Of the petition (accompanied by bill, Senate, No. 1731) of Cynthia S. Creem for legislation relative to the penalties for drag racing;

Drag racing,—  
penalties.

And recommending the same severally be referred to the Senate committee on Ways and Means.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence, inasmuch as relates to the discharge of the joint committee.

#### *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 Geoffrey G. Diehl and others for legislation to authorize the Registry of Motor Vehicles to register eighteen year old male applicants for military selective service. Under suspension of the rules, on motion of Mrs. Haddad of Somerset, the report was 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.

RMV,—  
selective  
service.

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;

Health care services.

Joint petition (accompanied by bill) of Bradley H. Jones, Jr., Bruce E. Tarr and others relative to health care services. To the committee on Health Care Financing.

Cyrus E. Dallin,—sculptor.

Petition of Sean Garballey for legislation to designate Cyrus E. Dallin as the official sculptor of the Commonwealth. To the committee on State Administration and Regulatory Oversight.

Electricity cost reduction.

Joint petition (accompanied by bill) of Bradley H. Jones, Jr., Bruce E. Tarr and others relative to cost-effective energy policies and electricity cost reduction. To the committee on Telecommunications, Utilities and Energy.

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

Election laws,—reform.

By Mr. Michlewitz of Boston, for the committee on Election Laws, on Senate, Nos. 298, 302 and 313 and House, Nos. 1979, 1980 and 2739, a Bill reforming election laws (House, No. 4022). 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 Rule 7A, on motion of Mr. Michlewitz, the bill was read a second time forthwith; and it was referred, by the acting Speaker, under Rule 33, to the committee on Ways and Means.

Ambulance services.

Mr. Walsh of Lynn, for the committee on Health Care Financing, that the Bill relative to payment for use of ambulance services (House, No. 3917), ought to pass. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

In-patient psychiatric relief.

By Ms. Malia of Boston, for the committee on Mental Health and Substance Abuse, on a petition, a Bill creating a community hospital in-patient psychiatric relief program (“chipp”) (House, No. 550).

Mental health,—outdoor access.

By the same member, for the same committee, on Senate, No. 986 and House, No. 1430, a Bill concerning the right of persons receiving services from programs or facilities of the Department of Mental Health to daily access to the outdoors (House, No. 4023).

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

Hospitalizations,—court ordered.

By Ms. Malia of Boston, for the committee on Mental Health and Substance Abuse, on House, No. 551, a Bill relative to court ordered hospitalizations (House, No. 4021).

Fire districts.

By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on Senate, No. 1006 and House, No. 565, a Bill to include fire districts (House, No. 565, changed in section 2, in line 8, by inserting after the figures “100G” the following figures “1/4”).

Stabilization funds.

By the same member, for the same committee, on House, No. 2321, a Bill relative to regional stabilization funds (House, No. 4016).

By the same member, for the same committee, on House, No. 3890, a Bill supporting municipal fiscal stability through a special education stabilization fund (House, No. 4017). Special education,—fund.

By Mr. Kaufman of Lexington, for the committee on Revenue, on a petition, a Bill authorizing property tax exemptions for rental properties in the town of Truro restricted as affordable housing (House, No. 3489) [Local Approval Received]. Truro,—affordable housing.

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

Report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 99) of Carlo Basile and Anthony W. Petruccelli (with the approval of the mayor and city council) that the licensing board for the city of Boston be authorized to issue certain licenses for the sale of alcoholic beverages at Logan Airport located in said city. Logan airport,—liquor license.

Under suspension of the rules, on a motion of Mr. Basile of Boston, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

Mr. Speliotis of Danvers, for said committee, reported on the foregoing petition, a Bill providing for designated licenses for the sale of alcoholic beverages and wine and malt beverages at Logan International Airport granted by the licensing board for the city of Boston (House, No. 99) [Local Approval Received]. 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 Mr. Basile of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

*Engrossed Bill.*

The engrossed Bill validating the actions taken at a certain town meeting in the town of Abington (see House bill printed in House, No. 3843) (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 (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

*Orders of the Day.*

The Senate Bill authorizing the town of Kingston to install, finance and operate wind energy facilities (Senate, No. 1915), 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. Third reading bill.

The House Bill designating a certain pedestrian bridge in the city of Revere as the Christina Markey and John Markey Memorial Pedestrian Bridge and the new maintenance facility for the Department of Conservation and Recreation located in the city of Revere as the Captain Id.

Third reading bill.

Arthur "Icy" Reinstein Memorial Maintenance Facility (House, No. 3955), 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.

Second reading bills.

The Senate Bill amending the charter of the town of Bourne (Senate, No. 2114, amended); and

House bills

Establishing School Bus Driver Day (House, No. 842);

Establishing Fragile X Awareness Day (House, No. 843);

Relative to identification for the sale of alcoholic beverages (House, No. 1012);

Proclaiming May as Aviation Awareness Month (House, No. 1742);

To create an annual City Year Day (House, No. 2580);

Relative to the recorking of wine (House, No. 3108);

Promoting fairness in private construction contracts (House, No. 3158);

Relative to the supplemental reserve fund to ensure fiscal stability in the town of Swansea (House, No. 3950); and

Relative to the town of Swansea Volunteer Fire Department (House, No. 3996);

Several were read a second time; and they were ordered to a third reading.

Firefighters and EMTs,—dismissal.

The House Bill protecting volunteer firefighters and emergency medical technicians from dismissal (House, No. 537) (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.

Bill passed to be engrossed,—yea and nay No. 212.

After debate on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Kulik of Worthington; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 212 in Supplement.]**

Therefore the bill was passed to be engrossed. Sent to the Senate for concurrence.

Schools,—emergencies.

The Senate Bill relative to medical emergency response plans for schools (Senate, No. 2132, amended) (having been reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time.

Bill passed to be engrossed,—yea and nay No. 213.

After debate on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Ms. Peisch of Wellesley; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 213 in Supplement.]**

Therefore the bill was passed to be engrossed, in concurrence.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

WEDNESDAY, APRIL 4, 2012.

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Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-seven minutes after three o'clock P.M., on motion of Mr. Peterson of Grafton (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.