

Wednesday, April 11, 2012.

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).

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.

*Message from the Governor.*

Wareham,—  
town  
election.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at the annual town election in the town of Wareham (House, No. 4032), was filed in the office of the Clerk on Tuesday, April 10, 2012.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Election Laws. Sent to the Senate for concurrence.

*Statement Concerning Representative Cariddi of North Adams.*

A statement of Mrs. Haddad of Somerset concerning Ms. Cariddi of North Adams was spread upon the records of the House, as follows:

Statement  
concerning  
Ms. Cariddi of  
North Adams.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Cariddi of North Adams, is unable to be present in the House Chamber for today's sitting due to the recent passing of her father. Her missing of roll calls today is due entirely to the reason stated.

*Statement Concerning Representative Gobi of Spencer.*

A statement of Mrs. Haddad of Somerset concerning Ms. Gobi of Spencer was spread upon the records of the House, as follows:

Statement  
concerning  
Ms. Gobi of  
Spencer.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Gobi of Spencer, is unable to be present in the House Chamber for today's sitting due to her attending the funeral of a family member. Her missing of roll calls today is due entirely to the reason stated.

*Statement Concerning Representative Scibak of South Hadley.*

A statement of Mrs. Haddad of Somerset concerning Mr. Scibak of South Hadley was spread upon the records of the House, as follows:

Statement  
concerning  
Mr. Scibak of  
South Hadley.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Scibak of South Hadley, is unable to be present in the House Chamber for today's sitting due to personal reasons. His missing of roll calls today is due entirely to the reason stated.

*Guests of the House.*

During the session, Ms. Campbell of Methuen took the Chair, declared a brief recess and introduced members of the Methuen High School Rangers wrestling team, accompanied by their coach, Bill James, Division 1 Coach of the Year. Sophomore Christian Monserrat (113 pounds), junior Paul Sughrue (126 pounds) and senior C.J. Doherty (145 pounds) each won their respective weight class in a recent Division 1 State Tournament in Weymouth. Ms. Campbell then presented them with a Citation of the House. They were the guests of Representative Campbell of Methuen.

Methuen  
High School  
wrestling  
team.

During the session, Mr. Hecht of Watertown took the Chair, declared a brief recess and introduced members of the 2012 Watertown High School indoor relay team, accompanied by their coach, Dave Mastro. Team members Talia Flores, Lauren Basile, Meagan Kelly and Christelle Madou placed first at the MIAA Division 4 State Championship Meet, setting a school record in the 4x200 relay at the New England Regional Meet, posting the fastest time of all Massachusetts schools and placing third overall in New England. They also ran their third-fastest time and finished 29th out of 60 at the Nationals in New York City. They were the guests of Representative Hecht and Lawn of Watertown.

Watertown  
High School  
indoor  
relay team.

During the session, Mr. Howitt of Seekonk took the Chair, declared a brief recess and introduced Ibrahim Halil Sivgan, District Governor of Tasova, Turkey. Mr. Sivgan is currently working on a project to promote the involvement of women in Turkish local government, gathering information from the experiences of women officials in America. One of his many achievements includes the project "Renovations for the Schools for Tomorrows", which enhances structural facilities of schools and provides modern educational environments. He was the guest of Representative Howitt.

Ibrahim  
Halil  
Sivgan.

*Communication.*

A communication from the Department of Transportation, Rail and Transit Division (pursuant to Subsection 11 of Section 151 of Chapter 127 of the Acts of 1999) submitting a report outlining the net operating investment per passenger mile ratio for fiscal years 2010 through 2014, was placed on file.

MBTA,—  
per passenger  
mile ratios.

*Resolutions.*

Resolutions (filed with the Clerk by Mr. Speliotis of Danvers) honoring Ronald A. Parsons' twenty-fifth anniversary as band director and teacher at Danvers High School, were referred, under Rule 85, to the committee on Rules.

Ronald A.  
Parsons.

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

*Petition.*

Worcester,—  
land.

Messrs. Mahoney of Worcester and Binienda of Worcester presented a petition (accompanied by bill, House, No. 4033) of John J. Mahoney, John J. Binienda and Harriette L. Chandler (with the approval of the mayor and city council) that the city of Worcester be authorized to transfer certain property and land in said city; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

*Papers from the Senate.*

Bourne  
Water  
District,—  
land.

The Senate Bill authorizing a lease of a certain parcel of land under the control of the Department of Fish and Game to the Bourne Water District for water distribution purposes (Senate, No. 2215) (on Senate bill No. 2130), passed to be engrossed by the Senate, was read; and it was referred, under Rule 17G, to the committee on Bonding, Capital Expenditures and State Assets.

Electricity,—  
competitively  
priced.

The Senate Bill relative to competitively priced electricity in the Commonwealth (Senate, No. 2214, amended by striking out section 2 and inserting in place thereof the following section:

“SECTION 2. Section 19 of said chapter 25, as so appearing, is hereby amended by adding the following subsection:—

(d) There shall be a voluntary accelerated rebate pilot program which shall be made available to the 5 largest electric users and 5 largest gas users in each utility service territory. Multiple locations of the same customer shall not be aggregated for purposes of meeting this threshold. Eligible customers electing to participate in the accelerated pilot program shall notify the appropriate program administrator on or before January 31 of each calendar year during the pilot program. Customers electing to participate shall be eligible for financial support of up to 100 per cent of the cost for qualified energy efficiency measures as determined by the program administrator using energy efficiency advisory council criteria. Total rebate levels for participating customers in any year of the pilot program shall not exceed 90 per cent of the amount the customer was charged for energy efficiency programs for calendar year 2012. A participating customer shall not aggregate a rebate from any year in which the customer does not participate in the pilot. Qualified energy efficiency measures shall include cost-effective energy efficiency program measures approved by the applicable program administrator recognized by the department using energy efficiency advisory council criteria under section 21; provided, however, that up to 15 per cent of any accelerated rebate may be used for other improvements that support energy efficiency improvements made under a program approved by the department or emission reductions, including, but not limited to infrastructure improvements, metering, circuit level technology and software. Customers opting to receive an accelerated rebate shall be ineligible for other energy efficiency program rebates under said section 21 during the period in which they participate in the pilot program. All qualified installations shall be substantially completed by the end of the program, and shall be subject to verification and review by the department. Electric and gas distribution

companies shall recalibrate their energy efficiency goals, as reviewed by the energy efficiency advisory council under subsection c of said section 21, to reflect the rebates provided to any customer electing to participate in this pilot program.”) (on Senate bill No. 2200), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A petition of Therese Murray, Randy Hunt and Viriato Manuel deMacedo for legislation to designate certain bridges in the town of Bourne as the Staff Sergeant Matthew A. Pucino bridges, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Transportation.

Bourne,—  
Pucino  
bridges.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2218) was referred, in concurrence, to the committee on Transportation.

*Order.*

The following order (filed by Mr. O’Flaherty of Chelsea) 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 the Judiciary be granted until Friday, April 27, 2012 within which to make its final report on current House documents numbered 9, 11, 23, 24, 27, 28, 29, 30, 31, 40, 41, 42, 382, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 503, 504, 505, 506, 507, 508, 509, 510, 512, 513, 514, 515, 516, 518, 519, 520, 521, 522, 524, 525, 526, 527, 528, 1274, 1275, 1276, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1388, 1389, 1390, 1835, 1836, 1837, 1838, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209,

Judiciary  
committee,—  
extension of  
time for  
reporting.

Judiciary  
committee,—  
extension of  
time for  
reporting.

2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2221,  
2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232,  
2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243,  
2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254,  
2255, 2257, 2258, 2259, 2260, 2262, 2264, 2265, 2266, 2267, 2268,  
2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279,  
2280, 2281, 2282, 2283, 2284, 2285, 2684, 2793, 2795, 2796, 2797,  
2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808,  
2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819,  
2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830,  
2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841,  
2842, 2843, 2844, 2845, 2846, 2847, 2851, 2852, 2853, 2854, 2855,  
2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866,  
2867, 3137, 3138, 3139, 3140, 3141, 3142, 3144, 3145, 3146, 3147,  
3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3229,  
3230, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288,  
3289, 3290, 3291, 3292, 3330, 3340, 3358, 3359, 3360, 3361, 3362,  
3385, 3441, 3471, 3516, 3518, 3545, 3559, 3569, 3587, 3631, 3636,  
3681, 3682, 3729, 3739, 3743, 3744, 3765, 3766, 3768, 3840, 3884,  
3905, 3913 and 3934.

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

#### *Recess.*

Recess.

At two minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at a quarter after one o'clock the House was called to order with Mr. Donato in the Chair.

#### *Quorum.*

Quorum.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum. Subsequently a count showed that 128 members were in attendance.

#### *Reports of Committees.*

General  
Appropriation  
Bill,—  
procedures.

Mr. Binienda of Worcester, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the General Appropriation Bill for the fiscal year 2013 (House, No. 4100) (for order, see House, No. 4099).

After debate on the question on adoption of the order, Mr. Winslow of Norfolk moved to amend it by inserting in the sixth paragraph, in line 28, after word "member" the following:—" , or any cosponsor of the amendment,". After remarks the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by inserting after line 26 the following paragraph:

“*Ordered*, That, any amendment in the second degree containing language which would create a study of any part of the subject matter contained in the original amendment, may only be adopted if such further amendment has the express approval of the sponsor of the original amendment. Express approval shall be limited to the original sponsor speaking in favor of the further amendment on the floor of the House during the formal session in which the amendment is offered, provided that such speech is recorded in the Journal of the House, or the filing of the further amendment by the original sponsor. If the original sponsor does not provide express approval of such further amendment, the further amendment may only be adopted by an affirmative vote of not less than two-thirds of the members on a recorded ye and nay vote.”

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 32 members voted in the affirmative and 119 in the negative.

Amendment rejected,—yea and nay No. 215.

**[See Yea and Nay No. 215 in Supplement.]**

Therefore the amendment was rejected.

After remarks on the question on adoption of the order, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 119 members voted in the affirmative and 31 in the negative.

Order adopted,—yea and nay No. 216.

**[See Yea and Nay No. 216 in Supplement.]**

Therefore the order (House, No. 4099, amended) was adopted.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on House, No. 2, reported, in part, a Bill making appropriations for the fiscal year 2013 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4100) [Total appropriation: \$32,297,314,489.00]. Read; and referred, under 7A, to the committee on Steering, Policy and Scheduling.

General Appropriation Bill.

Subsequently Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House; and, under the provisions of House order No. 4099 (adopted this day), the bill was placed in the Orders of the Day for Monday, April 23, for a second reading.

By Ms. Peisch of Wellesley, for the committee on Education, on a petition, a Bill enhancing student opportunity for achievement and results (House, No. 176).

Student achievement.

By the same member, for the same committee, on House, No. 1909, a Bill relative to school attendance (House, No. 4031).

School attendance.

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

By Mr. Scibak of South Hadley, for the committee on Public Service, on a joint petition, a Bill establishing a sick leave bank for Karen Langley, an employee of the Executive Office of Health and Human Services (House, No. 4028). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Karen Langley,—sick leave bank.

Karen Langley,—  
sick leave  
bank.

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 Ms. Campbell of Methuen, the bill was read a second time forthwith; and it was ordered to a third reading.

Dacia Thompson,—  
sick leave  
bank.

By Mr. Scibak of South Hadley, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Dacia Thompson, an employee of the Department of Children and Families (House, No. 4029).

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 the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Hamilton,—  
development  
corporation.

Report of the committee on Economic Development and Emerging Technologies, ought NOT to pass (under Joint Rule 10), on the joint petition (accompanied by bill, House, No. 3710) of Bradford Hill and Bruce E. Tarr (by vote of the town) for legislation to authorize the town of Hamilton to establish a Hamilton development corporation.

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

#### *Engrossed Bills.*

##### Engrossed bills

Bills  
enacted.

Relative to medical emergency response plans for schools (see Senate, No. 2132, amended) (which originated in the Senate); and

Establishing a sick leave bank for Pearlene Odom, an employee of the Massachusetts Department of Transportation (see House, No. 3910); and

Establishing a sick leave bank for Janet Ruggieri, an employee of the Department of Revenue (House, No. 3976, amended);

(Which severally which originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

##### Engrossed bills

Id.

Increasing screening for HIV (see Senate, No. 2158, amended) (which originated in the Senate); and

Relative to the appointment of department heads in the town of Brookline (House, No. 4015) (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 they were signed by the acting Speaker and sent to the Senate.

#### *Motion to Discharge a Certain Matter in the Orders of the Day.*

World Voice  
Week.

The Senate Bill designating World Voice Week (Senate, No. 2107), reported by the committee on Bills in the Third Reading to be correctly

drawn, was taken from its position in the Orders of the Day, and read a third time, under suspension of Rule 47, on motion of Mr. Binienda of Worcester; and it was passed to be engrossed, in concurrence.

*Orders of the Day.*

House bills

Authorizing the appointment of Sean C. Lewis, Sr. as a firefighter in the town of North Andover notwithstanding the maximum age requirement (House, No. 3593) (its title having been changed by the committee on Bills in the Third Reading);

Third reading bills.

Validating the actions taken at the June 7, 2011 annual town meeting held by the town of North Andover (printed in House, No. 3665); and

Relative to Mattapoisett aquaculture license fees (House, No. 3833); Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The Senate 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); and

Second reading bills.

House bills

Relative to the definition of mandated reporters (House, No. 78);

Relative to the regulation of animal shelters (House, No. 561);

To increase the amount that can be appropriated from the balance of the capital project fund (House, No. 1440);

Relative to handicap automobile licenses of placards (House, No. 2331);

Clarifying participation in athletic safety programs (House, No. 2347, changed)

Creating the Melpet Farm Stable Operations and Improvement Fund for the town of Dennis (House, No. 3845);

Relative to leasing Sunny Meadow Farm in the town of Chelmsford (House, No. 3881); and

Redefining executive and legislative agents (House, No. 4012);

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

The House Bill relative to the town of Swansea volunteer fire department (House, No. 3996), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Swansea,— fire department.

Pending the question on passing the bill to be engrossed, Mrs. Hadad of Somerset moved to amend it by striking out section 3.

The amendment was adopted; and the bill (House, No. 3996, amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Engrossed Bill.*

The engrossed Bill designating World Voice Week (Senate, No. 2107) (which originated in the Senate), 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.

Bill enacted.

*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.

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Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-nine minutes before three o'clock P.M., on motion of Mr. Hill of Ipswich (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.