

Tuesday, April 17, 2012.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Kafka of Stoughton 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. Kafka), 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 Messrs. Hecht of Watertown, Lawn of Watertown, Miceli of Wilmington and Fresolo of Worcester) honoring Steven Tolman for his tireless efforts to ensure that the memories and lessons of the Armenian Genocide will never be forgotten; Steven Tolman.

Resolutions (filed by Messrs. Hecht of Watertown, Lawn of Watertown, Miceli of Wilmington and Fresolo of Worcester) honoring Joyce van Dyke for her contributions to commemorate the Armenian Genocide; Joyce van Dyke.

Resolutions (filed by Messrs. Humason of Westfield and Boldyga of Southwick) honoring Senator Michael R. Knapik for his outstanding service to the community and receiving the Red Cross Community Spirit Award; and Michael R. Knapik.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) celebrating the dedication of the Francis J. Hesck Square in the town of Natick; Natick,—Francis J. Hesck Square.

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

### *Orders.*

The following order (filed by Mr. Speliotis of Danvers) 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 Consumer Protection and Professional Licensure be granted until Thursday, May 3, 2012, within which to make its final report on current House documents numbered 102, 116, 125, 1004, 1006, 1007, 1016, 1025, 1027, 1029, 1850, 1876, 1877, 1882, 1883, 1893, 2004, 2027, 2689, 3266, 3348, 3404, 3405, 3498, 3677, 3760, 3851, 3903, relative to professional licensure related issues in the Commonwealth. Consumer Protection and Professional Licensure committee,—extension of time for reporting.

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

The following order (filed by Mr. Wagner of Chicopee) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Economic  
Development  
and  
Emerging  
Technologies  
committee,—  
extension  
of time for  
reporting.

*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on Economic Development and Emerging Technologies be granted until Friday, June 1, 2012, within which to make its final report on current Senate documents numbered 157, 161 and 173 and House documents numbered 25, 1902, 2708 and 3830.

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

The following order (filed by Ms. Peisch of Wellesley) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Education  
committee,—  
extension  
of time for  
reporting.

*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on Education be granted until Friday, June 29, 2012, the time within which to make its report on current Senate documents numbered 176 and 197 and House documents numbered 1065, 1588, 1936, 1962, 2712, 3674, 3679, 3680 and 3846.

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

The following order (filed by Mr. Michlewitz of Boston) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Election  
Laws  
committee,—  
extension  
of time for  
reporting.

*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on Election Laws be granted until Wednesday, June 13, 2012, within which to make its final report on current Senate document numbered 304 and House document numbered 1985.

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

The following order (filed by Mr. Costello of Newburyport) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Financial  
Services  
committee,—  
extension  
of time for  
reporting.

*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on Financial Services be granted until Friday, April 13, 2012, within which to make its final report on current Senate document numbered 868 and House document numbered 1219.

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

The following order (filed by Mr. Costello of Newburyport) 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 Financial Services be granted until Thursday, June 21, 2012, within which to make its final report on current Senate documents numbered 413, 442, 443, 445, 449, 458, 476 and 1856 and House documents numbered 293, 311, 1173, 1174, 1204, 1212, 3322 and 3921.

Financial Services committee,—extension of time for reporting.

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

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, the time within which to make its report on current House documents numbered 3977, 3978 and 3987.

Judiciary committee,—extension of time for reporting.

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

The following order (filed by Ms. Coakley-Rivera of Springfield) 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 Labor and Workforce Development be granted until Thursday, June 21, 2012, within which to make its final report on current Senate documents numbered 932 and 957 and House documents numbered 1391, 1412, 2293, 2296, 2298, 2874 and 3546.

Labor and Workforce Development committee,—extension of time for reporting.

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

The following order (filed by Mr. Kane of Holyoke) 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 Municipalities and Regional Government be granted until Friday, May 18, 2012, within which to make its final report on current House documents numbered 562, 575, 577, 580, 1448, 1449, 1454, 3102, 3317 and 3745.

Municipalities and Regional Government committee,—extension of time for reporting.

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

The following order (filed by Mr. Keenan of Salem) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Telecommunications, Utilities and Energy committee,—extension of time for reporting.

*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on Telecommunications, Utilities and Energy be granted until Tuesday, May 1, 2012, within which to make its final report on current House documents numbered 876, 884, 886, 1755, 1764, 1769, 2609, 2619, 2622, 3057, 3059 and 3380, relative to double poles.

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

The following order (filed by Mr. Keenan of Salem) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

*Id.* *Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on Telecommunications, Utilities and Energy be granted until Friday, June 15, 2012, within which to make its final report on current House documents numbered 866, 871, 1768, 1771, 2610, 2623, 3047, 3048 and 3056, relative to telecommunications, utilities and energy and other matters.

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

The following order (filed by Mr. Keenan of Salem) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

*Id.* *Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on Telecommunications, Utilities and Energy be granted until Friday, June 15, 2012, within which to make its final report on current House documents numbered 883, 890, 1763, 1773, 2603, 2604 and 3050, relative to bottle deposit law expansion.

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

The following order (filed by Mr. Keenan of Salem) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

*Id.* *Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on Telecommunications, Utilities and Energy be granted until Friday, June 15, 2012, within which to make its final report on current House documents numbered 2612 and 2625, relative to coal fired power generation.

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

The following order (filed by Ms. Forry of Boston) 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 Community Development and Small Businesses be granted until Wednesday, April 18, 2012, within which to make its final report on current House document numbered 1867.

Community Development and Small Businesses committee,—extension of time for reporting.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. deMacedo of Plymouth, the order was considered forthwith.

Pending question on the adoption of the order Ms. Forry moved to amend it by striking out the date “Wednesday, April 18” and inserting in place thereof the date “Monday, April 30”. The amendment was adopted.

The order, as amended, then also was adopted. Sent to the Senate for concurrence.

*Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Costello of Newburyport, a petition (subject to Joint Rule 12) of Michael A. Costello relative to property and casualty actuary opinions.

Insurance actuaries.

By Representatives O’Connell of Taunton and Holmes of Boston, a petition (subject to Joint Rule 12) of Shaunna L. O’Connell, Russell E. Holmes and others for legislation to further regulate the use of electronic benefit transfer cards and establish penalties for certain prohibited transactions.

Electronic benefit transfer cards.

By Mr. Ross of Attleboro, a petition (subject to Joint Rule 12) of George T. Ross and others relative to continuously monitoring the entrances, exits and common areas of all facilities operated under the authority of the Department of Mental Health and the Department of Developmental Services.

Mental health, etc.,—security.

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

*Papers from the Senate.*

*Bills*

Revising the interstate compact clause on the placement of children (Senate, No. 63) (on a petition); and

Children,—placement.

Relative to the definition of fraud in public construction bid laws (on Senate, No. 2212) (on Senate bill No. 2145);

Public construction,—fraud.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

*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 Jennifer E. Benson and others relative to sex offender registration. To the committee on the Judiciary.

Sex offenders.

Petition (accompanied by bill) of John D. Keenan for legislation to establish a municipal record preservation commission. To the committee on State Administration and Regulatory Oversight.

Municipal records,—preservation.

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

Stadiums,—  
plumbing.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill exempting certain stadiums from plumbing regulations (House, No. 1894), — and recommending that the same be referred to the committee on Public Health. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the reference.

*Engrossed Bill.*

Bill  
enacted.

The engrossed Bill authorizing the town of Scituate to continue the employment of the chief of police, Brian E. Stewart (House, No. 3834) (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.

*Orders of the Day.*

House bills

Third  
reading  
bills.

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

Establishing a sick leave bank for Dacia Thompson, an employee of the Department of Children and Families (House, No. 4029);

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.

Karen  
Langley,—  
sick leave  
bank.

The House Bill establishing a sick leave bank for Karen Langley, an employee of the Executive Office of Health and Human Services (House, No. 4028), 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, Ms. Campbell of Methuen 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 executive office of health and human services, 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. 4028, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Southbridge,—  
charter.

The House Bill relative to the charter of the town of Southbridge (House, No. 3900), was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Southbridge,—  
by-laws.

Pending the question on passing the bill to be engrossed, Mr. Durant of Spencer moved to amend it by substitution, in part, of a Bill exempting the town of Southbridge from Attorney General approval of by-laws (House, No. 4039), which was read [Local Approval Received]. The amendment was adopted.

Under suspension of the rules, on further motion of the same member, the substituted bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. The bill (House, No. 4039) then was sent to the Senate for concurrence.

Mr. Durant of Spencer then moved to amend the bill (House, No. 3900) by substitution, in part, of a Bill relative to non-councilors on committees in the town of Southbridge (House, No. 4040), which was read [Local Approval Received]. The amendment was adopted.

Southbridge,—  
committees.

Under suspension of the rules, on further motion of the same member, the substituted bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. The bill (House, No. 4040) then was sent to the Senate for concurrence.

Mr. Durant of Spencer then moved to amend the bill (House, No. 3900) by substitution, in part, of a Bill relative to the removal of the vice chairperson of the council of the town of Southbridge (House, No. 4041), which was read [Local Approval Received]. The amendment was adopted.

Southbridge,—  
council vice  
chairperson.

Under suspension of the rules, on further motion of the same member, the substituted bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. The bill (House, No. 4041) then was sent to the Senate for concurrence.

Mr. Durant of Spencer then moved to amend the bill (House, No. 3900) by substitution, in part, of a Bill relative to prohibition on multiple appointments to quasi-judicial boards in the town of Southbridge (House, No. 4042), which was read [Local Approval Received]. The amendment was adopted.

Southbridge,—  
quasi-judicial  
boards.

Under suspension of the rules, on further motion of the same member, the substituted bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. The bill (House, No. 4042) then was sent to the Senate for concurrence.

Mr. Durant of Spencer then moved to amend the bill (House, No. 3900) by substitution, in part, of a Bill relative to the addition of members to the board of health in the town of Southbridge (House, No. 4043), which was read [Local Approval Received]. The amendment was adopted.

Southbridge,—  
board of  
health.

Under suspension of the rules, on further motion of the same member, the substituted bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. The bill (House, No. 4043) then was sent to the Senate for concurrence.

Mr. Durant of Spencer then moved to amend the bill (House, No. 3900) by substitution, in part, of a Bill relative to the appointment of the liquor licensing board in the town of Southbridge (House, No. 4044), which was read [Local Approval Received]. The amendment was adopted.

Southbridge,—  
liquor  
licensing  
board.

Under suspension of the rules, on further motion of the same member, the substituted bill was read a second and (having been reported

by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. The bill (House, No. 4044) then was sent to the Senate for concurrence.

Southbridge,—  
quasi-judicial  
bodies.

Mr. Durant of Spencer then moved to amend the bill (House, No. 3900) by substitution, in part, of a Bill relative the rescission of appointments to quasi-judicial bodies in the town of Southbridge (House, No. 4045), which was read [Local Approval Received]. The amendment was adopted.

Under suspension of the rules, on further motion of the same member, the substituted bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. The bill (House, No. 4045) then was sent to the Senate for concurrence.

Southbridge,—  
town  
manager.

Mr. Durant of Spencer then moved to amend the bill (House, No. 3900) by substitution, in part, of a Bill relative the removal of the manager of the town of Southbridge (House, No. 4046), which was read [Local Approval Received]. The amendment was adopted.

Under suspension of the rules, on further motion of the same member, the substituted bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. The bill (House, No. 4046) then was sent to the Senate for concurrence.

Southbridge,—  
liquor  
licensing  
board.

Mr. Durant of Spencer then moved to amend the bill (House, No. 3900) by substitution, in part, of a Bill relative to the prohibition on commercial manufacturing or sale of alcohol by the members of the liquor licensing board of the town of Southbridge (House, No. 4047), which was read [Local Approval Received]. The amendment was adopted.

Under suspension of the rules, on further motion of the same member, the substituted bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. The bill (House, No. 4047) then was sent to the Senate for concurrence.

Southbridge,—  
elective  
officers  
recall.

Mr. Durant of Spencer then moved to amend the bill (House, No. 3900) by substitution, in part, of a Bill relative to the recall of elective officers in the town of Southbridge (House, No. 4048), which was read [Local Approval Received]. The amendment was adopted.

Under suspension of the rules, on further motion of the same member, the substituted bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. The bill (House, No. 4048) then was sent to the Senate for concurrence.

The residue of the bill (House, No. 3900) then was recommitted to the committee on Bills in the Third Reading, on motion of Mr. Durant of Spencer.

*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.

TUESDAY, APRIL 17, 2012.

1071

At twenty-six minutes before twelve o'clock noon, on motion of Mr. deMacedo of Plymouth (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M., in an Informal Session.