

# JOURNAL OF THE HOUSE.

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Monday, April 29, 2013.

Met at ten minutes after 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.

### *Resignation of Representative Sullivan of Fall River.*

The following communication was read; and spread upon the records of the House, as follows:

April 26, 2013.

The Honorable Steven T. James  
*Clerk of the House of Representatives*  
State House, Room 145  
Boston, MA 02133

Dear Mr. Clerk:

Resignation of Representative Sullivan of Fall River.

For over sixteen years, it has been my honor and distinct privilege to have served my district, region and state as a Member of the General Court in the Commonwealth of Massachusetts. The opportunity I have had to participate in legislative action that has benefited the people of the Commonwealth has been a unique experience and a true honor. More importantly, the confidence and faith of those who elected me time and time again is of great pride and will continue to guide me in my future endeavors.

Because I have accepted a new position as the Executive Director of the Fall River Housing Authority, I am resigning as State Representative from the 6th Bristol District, effective at 5:00 P.M. on Sunday, April 28, 2013.

Sincerely yours,

DAVID B. SULLIVAN,  
*State Representative,*  
*6th Bristol District.*

### *Resolutions.*

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

Jake Pantano.

Resolutions (filed by Representatives Poirier of North Attleborough and Winslow of Norfolk) congratulating Jake Pantano on receiving the Eagle Scout Award of the Boy Scouts of America;

Rabbi Loel Martin Weiss.

Resolutions (filed by Messrs. Timilty of Milton, Ayers of Quincy and Cusack of Braintree) honoring Rabbi Loel Martin Weiss on his retirement from Temple Beth Am;

Resolutions (filed by Mr. Beaton of Shrewsbury) on the occasion of honoring Susanne Beaton of the Paul and Phyllis Fireman Charitable Foundation at the Massachusetts Housing and Shelter Alliance's tenth annual spring event; and

Susanne Beaton.

Resolutions (filed by Mr. Brodeur of Melrose) congratulating the 2012 Melrose High School girls volleyball team on winning the Division II state championship; and

Melrose girls,—volleyball team.

Resolutions (filed by Representatives Nyman of Hanover, Bradley of Hingham, Cantwell of Marshfield, Cutler of Duxbury and Diehl of Whitman) congratulating the South Shore Vocational Technical High School on the occasion of its fiftieth anniversary;

South Shore Vocational Technical High School.

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.

*Communications.*

Communications

From the Department of Public Safety (see Section 46 of Chapter 147 of the General Laws) submitting the annual report of the State Athletic Commission for the year 2012; and

Athletic Commission.

From the Massachusetts Department of Transportation (MassDOT) (see Section 35 of Chapter 6C of the General Laws) submitting the annual report of said department for the fiscal year 2012;

MassDOT.

Severally were placed on file.

*Papers from the Senate.*

The House Bill authorizing the city of Malden to convey a sewer easement over a portion of certain park land (House, No. 1836), came from the Senate passed to be engrossed, in concurrence, with amendments striking out sections 3 and 4 and inserting in place thereof the following section:

Malden,—park land.

“SECTION 3. This act shall take effect upon passage.”

The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

Subsequently, the amendments (reported by said committee to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

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

The House Bill establishing a sick leave bank for Melaine Chapman, an employee of the Trial Court (House, No. 1179), came from the Senate passed to be engrossed, in concurrence, with an amendment in line 6, striking out the words “extended illness” and inserting in place thereof the words: “trial court paid”.

Melaine Chapman,—sick leave.

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Jacqueline Eld,—  
sick leave.

The House Bill establishing a sick leave bank for Jacqueline Eld, an employee of the Middlesex Probate and Family Court (House, No. 3328), came from the Senate passed to be engrossed, in concurrence, with amendments, striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1777, striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish immediately a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”, and by striking out the title and inserting in place thereof the following title: “An Act establishing a sick leave bank for Jacqueline Eld, an employee of the Trial Court”.

The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

Prescription drug distribution.

A Bill delaying the implementation of a certain law relative to prescription drug distribution (Senate, No 1778) (on Senate bill No. 1776), 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 Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Moran of Lawrence, 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, in concurrence.

Steven Dupras,—  
sick leave.

A Bill establishing a sick leave bank for Steven Dupras, an employee of the Department of Mental Health (Senate, No. 1754) (on a petition), passed to be engrossed by Senate, was 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 the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Hamilton, etc.,—  
unpaid water fees.

A petition (accompanied by bill, Senate, No. 1772) of Bruce E. Tarr and Bradford Hill (by vote of the town) for legislation to authorize the town of Hamilton to impose a lien upon property in the towns of Wenham and Essex to secure unpaid water fees and charges, was referred, in concurrence, to the committee on Municipalities and Regional Government.

#### *Reports of Committees.*

John Daley,—  
sick leave.

By Mr. Michlewitz of Boston, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for John Daley, an employee of the Department of Children and Families (House, No. 3442). 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 the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

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

The Senate Bill establishing a sick leave bank for Patricia Capozzoli, an employee of the Department of Correction (Senate, No. 1762, amended); and

Patricia Capozzoli.

House bills

Authorizing the city of Springfield to exchange parcels of land (House, No. 3226) [Local Approval Received];

Springfield,—land.

Relative to the Community Preservation Committee in the town of Nantucket (House, No. 3324) [Local Approval Received];

Nantucket.

Relative to the capital investment fund of town of Sterling (House, No. 3357) [Local Approval Received]; and

Sterling,—fund.

Authorizing the town of Framingham to place municipal charge liens on certain properties in the town of Framingham for nonpayment of any local charges, fee or fine (House, No. 3358) [Local Approval Received];

Framingham,—liens.

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

*Reports of Committees on Proposals for Legislative Amendments to the Constitution.*

By Mr. Murphy of Weymouth, for the committee on Election Laws, on the petition (accompanied by proposal, Senate, No. 12) of Therese Murray, Josh S. Cutler, James M. Cantwell, Barry R. Finegold and other members of the General Court for a legislative amendment to the Constitution relative to absentee and early voting,— reported (in accordance with a provision of Joint Rule 23), recommending that the amendment proposed by said petition, ought to pass.

Absentee voting.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 61) of Jay R. Kaufman and others for a legislative amendment to the Constitution relative to vacancies in the office of Governor or Lieutenant-Governor,— reported (in accordance with a provision of Joint Rule 23), recommending that the amendment proposed by said petition, ought to pass [Senator Tarr of Gloucester dissenting].

Governor and Lieutenant-Governor,—vacancies.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 62) of David M. Nangle for a legislative amendment to the Constitution relative to voting by qualified voters of the Commonwealth who are also poll workers,— reported (in accordance with a provision of Joint Rule 23), recommending that the amendment proposed by said petition, ought to pass [Senator Tarr of Gloucester dissenting].

Poll workers,—voting.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 63) of William M. Straus and others for a legislative amendment to the Constitution relative to absentee voting by qualified voters of the Commonwealth,— reported (in accordance with a provision of Joint Rule 23), recommending that the amendment proposed by said petition, ought to pass.

Absentee voting.

The reports were severally read and placed on file, in accordance with the requirements of said rule.

State Senate,—  
members.

By Mr. Murphy of Weymouth, for the committee on Election Laws, on the petition (accompanied by proposal, Senate, No. 10) of Walter Ziobro for a legislative amendment to the Constitution relative to the election of members of the State Senate,— reported (in accordance with a provision of Joint Rule 23), recommending that the amendment proposed by said petition, ought NOT to pass.

Independent  
redistricting  
commission.

By the same member, for the same committee, on the petition (accompanied by proposal, Senate, No. 11) of James B. Eldridge for a legislative amendment to the Constitution to establish an independent redistricting commission,— reported (in accordance with a provision of Joint Rule 23), recommending that the amendment proposed by said petition, ought NOT to pass [Senator Lovely of Salem dissenting].

Id.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 60) of Bradley H. Jones, Jr. and others for a legislative amendment to the Constitution relative to creating an independent redistricting commission,— reported (in accordance with a provision of Joint Rule 23), recommending that the amendment proposed by said petition, ought NOT to pass [Senator Tarr of Gloucester dissenting].

Initiative  
petitions.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on the petition (accompanied by proposal, Senate, No. 13) of Cynthia S. Creem for a legislative amendment to the Constitution relative to the subject matter of initiative petitions,— reported (in accordance with a provision of Joint Rule 23), recommending that the amendment proposed by said petition, ought NOT to pass.

Eminent  
domain.

By the same member, for the same committee, on the petition (accompanied by proposal, Senate, No. 14) of Richard J. Ross, Bruce E. Tarr, Robert L. Hedlund, Michael R. Knapik and other members of the General Court for a legislative amendment to the Constitution to prohibit eminent domain,— reported (in accordance with a provision of Joint Rule 23), recommending that the amendment proposed by said petition, ought NOT to pass.

Executive  
Council,—  
reform.

By the same member, for the same committee, on the petition (accompanied by proposal, Senate, No. 15) of Bruce E. Tarr, Richard J. Ross and Geoff Diehl for a legislative amendment to the Constitution relative to the reform of the Executive Council,— reported (in accordance with a provision of Joint Rule 23), recommending that the amendment proposed by said petition, ought NOT to pass.

General Court  
and Executive  
Councilors,—  
terms of office.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 64) of Denise Andrews and Cleon H. Turner for a legislative amendment to the Constitution relative to the terms of office of Executive Councilors and members of the General Court,— reported (in accordance with a provision of Joint Rule 23), recommending that the amendment proposed by said petition, ought NOT to pass.

Judges,—  
term  
limits.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 65) of Thomas A. Golden, Jr., for a legislative amendment to the Constitution relative to term limits for judges,— reported (in accordance with a provision of Joint Rule 23), recommending that the amendment proposed by said petition, ought NOT to pass.

Eminent  
domain.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 66) of Bradley H. Jones, Jr., and others

for a legislative amendment to the Constitution relative to prohibiting eminent domain takings,—reported (in accordance with a provision of Joint Rule 23), recommending that the amendment proposed by said petition, ought NOT to pass.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 67) of Byron Rushing and others for a legislative amendment to the Constitution relative to the subject matter of initiative petitions,— reported (in accordance with a provision of Joint Rule 23), recommending that the amendment proposed by said petition, ought NOT to pass.

Initiative petitions.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 68) of Ellen Story for a legislative amendment to the Constitution relative to the retirement of judges,— reported (in accordance with a provision of Joint Rule 23), recommending that the amendment proposed by said petition, ought NOT to pass.

Judges,— retirement.

By the same member, for the same committee, on the petition (accompanied proposal, House, No. 69) of Martha M. Walz and others for a legislative amendment to the Constitution relative to eminent domain takings,— reported (in accordance with a provision of Joint Rule 23), recommending that the amendment proposed by said petition, ought NOT to pass.

Eminent domain.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on the petition (accompanied by proposal, Senate, No. 18) of Bruce E. Tarr, Richard J. Ross and Michael R. Knapik for a legislative amendment to the Constitution to require a supermajority vote for the utilization of rainy day funds,— reported (in accordance with a provision of Joint Rule 23), recommending that the amendment proposed by said petition, ought NOT to pass [Senator Tarr of Gloucester and Representative Orrall of Lakeville dissenting].

Rainy day funds.

Under the provisions of Joint Rule 23, the following proposals were placed on file, the time within which the said committees were required to report having expired:—

Of the committee on the Revenue, ought NOT to pass (under Joint Rule 23):

On the petition (accompanied by proposal, Senate, No. 16) of James B. Eldridge, Peter V. Kocot and Sonia Chang-Diaz for a legislative amendment to the Constitution relative to creating a progressive income tax; and

Progressive income tax.

On the petition (accompanied by proposal, Senate, No. 17) of Stanley C. Rosenberg, Peter V. Kocot and Jason M. Lewis for a legislative amendment to the Constitution to allow for a graduated income tax.

Graduated income tax.

*Emergency Measure.*

The engrossed Bill delaying the implementation of a certain law relative to prescription drug distribution (see Senate, No 1778), 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.

Prescription drug distribution.

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 4 to 0. Sent to the Senate for concurrence.

Bill  
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Engrossed Bill.*

Milton,—  
liquor  
license.

The engrossed Bill authorizing the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (see House bill printed in House, No. 3329) (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.

*Order.*

Next  
sitting.

On motion of Mr. DeLeo of Winthrop,—  
*Ordered,* That when the House adjourns today, it adjourn to meet on Wednesday next at a quarter before twelve o'clock noon.

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At twenty minutes after twelve o'clock noon, on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at a quarter before twelve o'clock noon.