

Wednesday, May 9, 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).

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. Pledge of allegiance.

Statement Concerning Representative O'Flaherty of Chelsea.

A statement of Mr. Mariano of Quincy concerning Mr. O'Flaherty of Chelsea was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative O'Flaherty of Chelsea, was unable to be present in the House Chamber for today's sitting due to official business outside of the Commonwealth. His missing of the roll call today was due entirely to the reason stated. Statement concerning Mr. O'Flaherty of Chelsea.

Statement Concerning Representative Scaccia of Boston.

A statement of Mr. Mariano of Quincy concerning Mr. Scaccia of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Scaccia of Boston, was unable to be present in the House Chamber for today's sitting due to a scheduling conflict. If he had been present he would have voted in the affirmative on Roll Call No. 244. His missing of the roll call today was due entirely to the reason stated. Statement concerning Mr. Scaccia of Boston.

Statement Concerning Representative Speliotis of Danvers.

A statement of Mr. Mariano of Quincy concerning Mr. Speliotis of Danvers was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Speliotis of Danvers, was unable to be present in the House Chamber for today's sitting due to the groundbreaking of a new school in his district, Essex North Shore Agricultural and Technical High School in Danvers. His missing of the roll call today was due entirely to his attendance at that event. Statement concerning Mr. Speliotis of Danvers.

Guests of the House.

Subsequent to the noon recess, the Chair (Mrs. Haddad of Somerset) declared a brief recess and introduced the Wilmington High School Boys Varsity Ice Hockey Team, winners of the Division 2 Boys Varsity Ice Hockey State Championship. Mrs. Haddad then turned the gavel over to Representative Miceli of Wilmington who read and presented to Athletic Director Ed Harrison and Varsity Head Coach Steve Scalon resolutions of the House (adopted this day) congratulating the team on their championship season. They were the guests of Mr. Miceli of Wilmington. Wilmington High School boys hockey team.

Resolutions.

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

Wilmington,—
hockey team.

Resolutions (filed by Mr. Miceli of Wilmington) congratulating the 2012 Massachusetts Interscholastic Athletic Association Division 2 championship of the Wilmington High School boy's hockey team; and

Boston
Carmen's
Union.

Resolutions (filed by Mr. Walsh of Boston and other members of the House) congratulating the Amalgamated Transit Union ALF-CIO/CLC, Local Division 589, Boston Carmen's Union on its centennial;

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

Communication.

Bristol
County
Registry of
Deeds.

A communication from the Bristol County Registry of Deeds (pursuant to Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Technological Fund [copies of the report were forwarded to the committees on Ways and Means and Post Audit and Oversight, as required by said law], was placed on file.

Petitions.

Northborough,—
land.

Mr. Naughton of Clinton presented a petition (accompanied by bill, House, No. 4075) of Harold P. Naughton, Jr., and others (by vote of the town) for legislation to authorize the conveyance of a certain parcel of land in the town of Northborough; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Tort
claims.

Ms. Andrews of Orange presented a petition (subject Joint Rule 12) of Denise Andrews for legislation to reform the tort claims act; and the same was referred, under Rule 24, to the committee on Rules.

*Papers from the Senate.**Bills*

Vehicle
glass repair
shops.

Requiring the registration of motor vehicle glass repair shops (Senate, No. 2216, amended in section 20, in lines 154 to 156, inclusive, by striking out the following: “; provided, however, that such information may include the contact information of at least 3 duly registered motor vehicle glass repair shops located within 50 miles of the insured”) (on Senate bill No. 2189); and

Optometry.

Further regulating the practice of optometry (Senate, No. 2249) (on Senate bill No. 2135);

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

Pepperell,—
veterans
bridge.

A petition (accompanied by bill, Senate, No. 2253) of Eileen M. Donoghue and Sheila Harrington (by vote of the town) for legislation to

designate a certain bridge in the town of Pepperell as the veterans bridge, was referred, in concurrence, to the committee on Transportation.

Reports of Committees.

- By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill to regulate coal ash as solid waste (House, No. 1991). Coal ash,—
regulate.
- By Mr. Costello of Newburyport, for the committee on Financial Services, on a petition, a Bill relative to third party administrators (House, No. 3599). Third party
administrators.
- By the same member, for the same committee, on House, No. 291, a Bill relative to the licensing and supervision of debt management services in the Commonwealth (House, No. 4074). Debt
management.
- By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on House, No. 1393, a Bill establishing a temporary workers right to know (House, No. 4076). Temporary
workers,—
rights.
- By Mr. Scibak of South Hadley, for the committee on Public Service, on a petition, a Bill relative to certain employees of the Massachusetts Rehabilitation Commission (House, No. 2412) [Senator Brownsberger dissenting]. Rehabilitation
Commission.
- By the same member, for the same committee, on a petition, a Bill relative to creditable service for employees of the Commonwealth (House, No. 3474) [Senator Brownsberger dissenting]. Creditable
service.
- By the same member, for the same committee, on a petition, a Bill relative to the payment of pension benefits (House, No. 3479). Retirement
benefits,—
suspension.
- Severally read; and referred, under Rule 33, to the committee on Ways and Means.

- By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, No. 1013, a Bill relative to liquor licenses (House, No. 4077). Liquor
licenses.
- By Mr. Scibak of South Hadley, for the committee on Public Service, on a petition, a Bill relative to the Massachusetts Water Resources Authority (House, No. 2941). Water
Resources
Authority.
- By the same member, for the same committee, on a joint petition, a Bill exempting Jeanine Bonnayer from maximum age requirement for applying for civil service appointment as a police officer in the town of Ware (House, No. 3875) [Local Approval Received]. Ware,—
Jeanine
Bonnayer.
- By the same member, for the same committee, on a petition, a Bill providing retirement benefits for an employee of western Massachusetts communities (House, No. 3936, changed in line 2 by striking out the word “may” and inserting in place thereof the word “shall”) [Senator Brownsberger dissenting]. Wendy
Foxmyn,—
retirement.
- Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

- By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the town of Essex to sell or lease certain real property at Conomo Point (Senate, No. 2246, amended) [Local Approval Received], be scheduled for consideration by the House. Essex,—
Conomo
Point.

Under suspension of Rule 7A, on motion of Mr. Mahoney of Worcester, the bill was read a second time forthwith; and it was ordered to a third reading.

Recess.

Recess.

At two minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at ten minutes after one o'clock the House was called to order with Mrs. Haddad of Somerset in the Chair.

Emergency Measures.

Cheryl A. Cole,—
sick leave
bank.

The engrossed Bill establishing a sick leave bank for Cheryl A. Cole, an employee of the Office of Medicaid (see House, No. 3967), 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 44 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.

Karen Langley,—
sick leave
bank.

The engrossed Bill establishing a sick leave bank for Karen Langley, an employee of the Executive Office of Health and Human Services (see House, No. 4028, 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 47 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.

Id.

The engrossed 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 Arthur "Icy" Reinstein Memorial Maintenance Facility (see House, No. 3955) (which originated in the House), having been certified by the Clerk to 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.

Matter Discharged from the Orders of the Day.

The House Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4071), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time forthwith, under suspension of Rule 47, on motion of Mr. Dempsey of Haverhill.

Supplemental
appropriations.

After remarks on the question on passing the bill to be engrossed, Mr. Jones of North Reading and other members of the House moved to amend it by adding the following two sections:

“SECTION 5. Subjection (l) of section 3 of chapter 23K, as appearing in section 16 of chapter 194 of the Acts of 2011, is hereby amended by striking, after the words ‘The commission’, the word ‘may’, and inserting, in place thereof, the word ‘shall’; and further, by inserting, in said subsection of said chapter, after the words ‘to conduct a credit’, the word:— and background.

SECTION 6. Subjection (m) of section 3 of chapter 23K, as appearing in section 16 of chapter 194 of the Acts of 2011, is hereby amended by adding, at the end thereof, the following:— The commission shall, at all times, strive to avoid impropriety and the appearance of impropriety in all matters under their jurisdiction and shall require all staff and personnel subject to their direction and control to observe the same standards of fidelity and diligence.”.

After debate the amendment was adopted.

Mr. Hill of Ipswich and other members of the House then moved to amend the bill by adding the following two sections:

“SECTION 7. Subsection (c) of section 222 of chapter 111 of the General Laws, as inserted by section 6 of chapter 197 of the Acts of 2010, is hereby amended by striking subdivision (2) and inserting in place thereof the following:— (2) All competitive foods or beverages sold or provided in public schools shall be limited to foods or beverages that comply with the nutritional standards; provided, however, that the nutritional standards shall not apply, unless a public school district or board of trustees elects to apply the nutritional standards, to: competitive foods or beverages sold on school grounds up to 30 minutes before the beginning of the school day or 30 minutes after the end of the school day, with the exception of competitive foods or beverages sold through vending machines, in which case the nutritional standards shall apply at all times; or, competitive foods or beverages sold during the school day at booster sales, concession stands, and other school-sponsored or school-related fundraisers and events.

SECTION 8. Clause (iv) of subdivision (4) of subsection (c) of section 222 of chapter 111 of the General Laws, as so appearing, is hereby amended by striking the word ‘may’ and inserting in place thereof the following:— shall.”.

After debate the amendment was adopted.

Mr. Adams of Andover then moved to amend the bill by inserting after section 3 the following section:

“SECTION 3A. \$200,000 of the \$6,000,000 appropriated for line item 7002-0012 shall be directed to Lawrence YouthBuild.”.

After remarks the amendment was rejected.

Bill passed to
be engrossed,—
yea and nay
No. 244.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Ms. Reinstein of Revere; and on the roll call 147 members voted in the affirmative and 4 in the negative.

[See Yea and Nay No. 244 in Supplement.]

Therefore the bill (House, No. 4071, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Subsequently a statement of Mr. Cantwell of Marshfield was spread upon the records of the House, as follows:

Statement of
Mr. Cantwell
of Marshfield.

MR. SPEAKER: I would like to call to the attention of the House the fact that, during the previous roll call, I was absent from the House Chamber on official business in another part of the State House and therefore I was not recorded. Had I been present, I would have voted in the affirmative.

Orders of the Day.

Swansea
fire
department.

The engrossed Bill relative to the town of Swansea volunteer fire department (see House, No. 3996, amended), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see House, No. 4066), was considered.

The committee on Bills in the Third Reading reported that the amendment recommended by the Governor be considered in the form approved by said committee; and the report was accepted. The amendment then was adopted. Sent to the Senate for its action.

House bills

Third
reading
bills.

Authorizing the town of Natick to allow a lease (House, No. 3332) (its title having been changed by the committee on Bills in the Third Reading);

Further regulating certain banking laws (House, No. 3775) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the town of Natick to lease certain town-owned property (House, No. 3870);

Authorizing the town of Natick to lease certain town-owned property (House, No. 3871) (its title having been changed by the committee on Bills in the Third Reading);

Establishing a sick leave bank for Kristin LaPlante, an employee of the Executive Office of Health and Human Services (House, No. 4061) (its title having been changed by the committee on Bills in the Third Reading); and

Establishing a sick leave bank for Mark Lewis, an employee of the Department of Developmental Services (House, No. 4065);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Second
reading
bills.

The Senate Bill authorizing the town of Plymouth to make improvements on unaccepted roads (Senate, No. 1049) [Local Approval Received]; and

House bills

Relative to commercial area revitalization districts (House, No. 89);
To include fire districts (House, No. 565, changed);

Relative to regional stabilization funds (House, No. 4016);
Supporting municipal fiscal stability through a special education
stabilization fund (House, No. 4017); and
Relative to court ordered hospitalizations (House, No. 4021);
Severally were read a second time; and they were ordered to a third
reading.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Mr. Peterson of Grafton then moved that the House adjourn; and the
motion prevailed. Accordingly, without further consideration of
the remaining matters in the Orders of the Day, at a quarter after two
o'clock P.M. (Mrs. Haddad of Somerset being in the Chair), the House
adjourned, to meet the following day at eleven o'clock A.M., in an
Informal Session.