

Wednesday, May 16, 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 of Representative Parisella of Beverly.*

A statement of Mr. Parisella of Beverly 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 I will be unable to be present in the House Chamber for the remainder of today's sitting due to official business outside of the Commonwealth. My missing of roll calls today will be due entirely to the reason stated. Statement of Mr. Parisella of Beverly.

*Statement Concerning Representative Lyons of Andover.*

A statement of Mr. Jones of North Reading concerning Mr. Lyons of Andover 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 Lyons of Andover, was unable to be present in the House Chamber for the sitting of Wednesday, April 11, and is also unable to be present in the House Chamber for today's sitting due to medical reasons. His missing of roll calls 214 and 215 on April 11 and any roll calls that may be held today is due entirely to the reason stated. Statement concerning Mr. Lyons of Andover.

*Guests of the House.*

During the session, the Speaker took the Chair and introduced the National College Hockey Champion Boston College Eagle's hockey team with their coaches, Head Coach Jerry York, Associate Coach Mike Cavanaugh and Assistant Coach Greg Brown. The Speaker also acknowledged the presence of former Representative Sherman W. "Whip" Saltmarsh, Jr., of Winchester, a former member of the team and a member of the Boston College Hockey Hall of Fame. Mr. Honan then took the Chair and presented to the coach previously adopted resolutions of the House commending the team on their championship season. Coach York then addressed the House briefly. The team, coaches and Mr. Saltmarsh were the guests of the Speaker and all of the Boston College alumni members of the House. Boston College Eagles.—  
2012  
College Hockey  
National Champions.

*Resolutions.*

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

Barry  
Cahill.

Resolutions (filed by Mr. Hill of Ipswich) congratulating Barry Cahill on the occasion of his retirement;

Cheryl Forster-  
Cahill.

Resolutions (filed by Mr. Hill of Ipswich) congratulating Cheryl Forster-Cahill on the occasion of her retirement;

Nick  
Basinas.

Resolutions (filed by Mr. Arciero of Westford) honoring Nick Basinas as the Westford Kiwanian of the Year;

Lois May  
Reed.

Resolutions (filed by Representatives D'Emilia of Bridgewater and O'Connell of Taunton) congratulating Lois May Reed on the occasion of her one hundredth birthday; and

David  
Luberoff.

Resolutions (filed by Mr. Sánchez of Boston and other members of the House) honoring David Luberoff and his many accomplishments as Executive Director of the Rappaport Institute for Greater Boston;

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

#### *Petitions.*

Petitions severally were presented and referred as follows:

Juries.

By Ms. Haddad of Somerset, a petition (subject to Joint Rule 12) of Patricia A. Haddad relative to juries.

John Kelley,—  
sick leave  
bank.

By Mr. Vallee of Franklin, a petition (subject to Joint Rule 12) of James E. Vallee for legislation to establish a sick leave bank for John Kelley, an employee of the Department of Correction.

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

#### *Papers from the Senate.*

Monroe  
State Forest,—  
easements.

The Senate Bill relative to an exclusive and perpetual easement within Monroe State Forest (Senate, No. 1988, amended), came from the Senate with the endorsement that said branch had concurred with the House in its amendments (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3755, amended; and striking out the title and inserting in place thereof the following title: "An Act authorizing the Commissioner of Capital Asset Management and Maintenance to grant easements within Monroe State Forest."), with a further amendment, striking out section 1 (inserted by amendment by the House) and inserting in place thereof the following section:

"SECTION 1. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may grant permanent easements over, under and through portions of certain parcels of land in the Monroe State Forest in the town of Monroe, to Iberdrola Renewables, LLC and Massachusetts Electric Company d/b/a National Grid, their successors and assigns, for the purposes of clearing vegetation and the installation, operation, and maintenance of poles, guy wires, anchors, and equipment in connection with the construction, operation and maintenance of an electrical tie line for a wind power facility, subject to sections 3 and 4, and subject to such reasonable additional terms and conditions consistent with

this act as the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may prescribe. The parcels are more particularly described in a deed to the Commonwealth of Massachusetts recorded in the Franklin county registry of deeds in book 690, page 231. The permanent easements to be granted shall apply to 6,400 square feet of land in the aggregate, more or less, as more fully described on certain plans titled 'Hoosac Wind Project/Distribution Line Tie-In,' prepared by Westwood Professional Services, Inc., numbered Sheets 1 through 5 of 5, and dated 12/15/11, as filed with the department of conservation and recreation; provided, however, that the plans shall also indicate certain clearing mitigation areas which are not part of the permanent easement. Modifications to the easement description set forth in the plans described above may be made in order to conform with a final land survey, as accepted by the division and the department, before any grant of easements to carry out this act."

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

*Reports of Committees.*

By Mr. Sánchez of Boston, for the committee on Public Health, asking to be discharged from further consideration:

Of the petition (accompanied by bill, House, No. 1469) of Christine E. Canavan and others relative to the establishment of a nursing advisory board within the Executive Office of Health and Human Services;

Nursing advisory board.

Of the petition (accompanied by bill, House, No. 2352) of Bradley H. Jones, Jr., and others relative to prescription drug coupons; and

Prescriptions,—coupons.

Of the petition (accompanied by bill, House, No. 2383) of David B. Sullivan and others relative to coupons of manufacturers submitted to health care insurers;

Id.

And recommending that the same severally be referred to the committee on Health Care Financing.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill further regulating business practices between motor vehicle dealers, manufacturers, and distributors (Senate, No. 2162), be scheduled for consideration by the House.

Vehicles,—business practices.

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.

*Reports*

Of the committee on Municipalities and Regional Government, ought NOT to pass (under Joint Rule 10), on the joint petition (accompanied by bill House, No. 3937) of John V. Fernandes and Richard T. Moore (by vote of the town) authorizing the town of Hopedale to allow direct deposit of receipts into certain funds; and

Hopedale,—direct deposits.

Northampton,—  
charter.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the joint petition (accompanied by bill House, No. 4001) of Stanley C. Rosenberg and Peter V. Kocot (with the approval of the mayor and city council) for legislation to establish a charter for the city of Northampton;

Under suspension of the rules, in each instance, on a motion of Mr. Kane of Holyoke, the reports severally were considered forthwith.

Pending the question, in each instance, on acceptance of the report, the petitions were recommitted, on further motion of the same member.

Prescription  
drugs,—  
disposal.

By Mr. Sánchez of Boston, for the committee on Public Health, on House, Nos. 595, 2364, 3296, 3365 and 3366, a Bill relative to safe disposal of prescription drugs (House, No. 3296). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Economic  
growth.

By Mr. Wagner of Chicopee, for the committee on Economic Development and Emerging Technologies, on House, Nos. 1902, 2708 and 3830, a Bill relative to infrastructure investment, enhanced competitiveness and economic growth in the Commonwealth (House, No. 4093). Read; and referred, under Rule 17G, to the committee on Bonding, Capital Expenditures and State Assets.

#### *Emergency Measure.*

Private  
occupational  
schools.

The engrossed Bill relative to oversight of private occupational schools (see House, No. 3625, 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 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.*

Bill  
enacted.

The engrossed Bill amending the charter of the town of Harwich (see House, No. 3503, changed) (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.

#### *Recess.*

Recess.

At three minutes after eleven o'clock A.M., on motion of Mr. Frost of Auburn (Mr. Donato of Medford being in the Chair), the House recessed until twelve o'clock noon; and at nineteen minutes after twelve o'clock the House was called to order with Mr. Donato in the Chair.

*Orders of the Day.*

The Senate Bill authorizing the town of Essex to sell or lease real property at Conomo Point (Senate, No. 2246), 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.

Senate bills

Relative to rock wall climbing safeguards (Senate, No. 1217, amended);

Second reading bills.

Designating a certain bridge in the town of Barre as the Purple Heart Bridge (Senate, No. 1724);

Designating a certain bridge in the city of Boston as the Honorable Francis X. Coppinger Bridge (Senate, No. 1787);

Designating a certain bridge in the city of Boston as the Honorable Charles Doyle Bridge (Senate, No. 1788);

Designating a certain portion of Route 197 in the town of Dudley as the Anthony B. DiDonato, Sr. Memorial Highway (Senate, No. 2169); and

Designating the birthplaces of Michael Bartlett and Dr. Elliot P. Joslin in the town of Oxford (Senate, No. 2232); and

House bills

Relative to insurance surcharges (House, No. 2058);

To provide landowner's title protection (House, No. 2794);

Prohibiting robocalls to all mobile telephone devices (House, No. 4073); and

Relative to liquor licenses (House, No. 4077);

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

The Senate Bill relative to veterans' access, livelihood, opportunity and resources (Senate, No. 2254, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Veterans' resources.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Chan of Quincy moved to amend it by adding the following two sections:

“SECTION 22. Section 6B of the General laws is hereby amended by lines 18, 26 and 33 by striking out figures ‘2,000’ and inserting in place thereof the following figures:— 2,500.

SECTION 23. Section 22 shall go into effect July 1, 2013.”.

The amendment was rejected.

Ms. Story of Amherst then moved to amend the bill by adding the following section:

“SECTION 22. Section 5 of Chapter 188 of the General Laws is hereby amended by inserting at the end thereof the following new subsection:—

(e) The declaration of homestead shall record whether the owner to be benefitted is a servicemember who may be subject to protection under the Servicemembers Civil Relief Act, 50 U.S.C. App. § 533 should the owner be called to active duty.”.

The amendment was adopted.

Veterans'  
resources.

Mr. Dempsey of Haverhill then moved to amend the bill in section 18, in lines 874, 875 and 876, by striking out the following: “review and analyze the employment processes and procedures of cities and 874 towns, veterans’ services districts and the county of Dukes County with respect to veterans. 875 benefits and services officers; (v) analyze and project costs associated with each of these items; and (iv)”.

The amendment was adopted.

Messrs. Jones of North Reading and Torrissi of North Andover then moved to amend the bill by adding the following section:

“SECTION 23. Clause Twenty-second A of section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by adding the following sentence:— No person who has received an exemption under this clause shall be denied the benefit of said exemption because such person returns to active service.”.

The amendment was adopted.

Mr. Naughton of Clinton then moved to amend the bill by adding the following two sections:

“SECTION 24. Section 40N of Chapter 7 of the general laws, as appearing in the 2010 Official Edition, is hereby amended, in line 21, after the words ‘minority-owned businesses’, by striking out the word ‘and’ and inserting in place thereof: ‘,’; and further, in line 21, by inserting after the words ‘women-owned businesses’, the following: ‘and service-disabled veteran-owned small businesses’; and further, in line 75, after the words ‘director of the’, by striking out the words ‘state office of minority and women business assistance, may’ and inserting in place thereof: ‘supplier diversity office, shall’; and further, in line 77, after the words ‘minority-owned’, by striking out the word ‘and’ and inserting in place thereof: ‘businesses,’; and further, in line 78, by inserting after the words ‘women-owned businesses’, the following: ‘and service-disabled veteran-owned small businesses’; and further, in line 80, after the words ‘minority-owned’, by striking out the word ‘and’ and inserting in place thereof: ‘businesses,’; and further, in line 80, by inserting after the words ‘women-owned businesses’, the following: ‘and service-disabled veteran-owned small businesses’; and further, in line 82, after the words ‘minority-owned business’, by striking out the word ‘and’ and inserting in place thereof: ‘,’; and further, in line 83, by inserting after the word ‘business’, the following: ‘and service-disabled veteran-owned small business’; and further, in line 84, after the words ‘minority-owned businesses’, by striking out the word ‘and’ and inserting in place thereof: ‘,’; and further, in line 84, by inserting after the words ‘women-owned businesses’, the following: ‘and service-disabled veteran-owned small businesses’; and further, in line 89, after the words ‘minority-owned businesses’, by striking out the word ‘and’ and inserting in place thereof: ‘,’; and further, in line 89, after the word ‘the’, by striking out the words ‘state office of minority and women business assistance’ and inserting in place thereof: ‘supplier diversity office’; and further, in line 92, after the words ‘minority-owned businesses’, by striking out the word ‘and’ and inserting in place thereof: ‘,’; and further, in line 92, by inserting after the words ‘women-owned businesses’, the following: ‘and service-disabled veteran-owned small businesses’; and further, in line 94, after the words ‘minority-owned businesses’, by striking out the word ‘and’ and inserting in

place thereof: ‘;’; and further, in line 94, by inserting after the words ‘women-owned businesses’, the following: ‘and service-disabled veteran-owned small businesses’; and further, in line 95, after the word ‘of’, by striking out the word ‘SOMWBA’ and inserting in place thereof: ‘SDO’.

SECTION 25. Section 61 of Chapter 7 of the general laws, as appearing in the 2010 Official Edition, is hereby amended, in line 80, after the words ‘minority-owned’, by striking out the word ‘and’ and inserting in place thereof: ‘businesses, ; and further, in line 80, by inserting after the word ‘businesses’, the following: ‘and service-disabled veteran-owned small businesses’; and further, in line 82-83, after the words ‘minority-owned’, by striking out the word ‘and’ and inserting in place thereof: ‘business,;’; and further, in line 83, by inserting after the word ‘business’, the following: ‘and service-disabled veteran-owned small business’; and further, in line 84-85, after the word ‘minority-owned business’, by striking out the word ‘and’ and inserting in place thereof: ‘;’; and further, in line 85, by inserting after the words ‘women-owned business’, the following: ‘and service-disabled veteran-owned small business’; and further, in line 86, after the word ‘businesses’, by striking out the word ‘and’ and inserting in place thereof: ‘;’; and further, in line 87, by inserting after the word ‘businesses’, the following:— and service-disabled veteran-owned small businesses.”.

The amendment was rejected.

Representatives Naughton of Clinton and Dykema of Holliston then moved to amend the bill in section 16, in line 824, by striking out the word ‘clinical’; in section 19, in line 898, and also in section 20, in line 907, by inserting after the word “services”, in each instance, the following: “and a representative from an institution of higher education with an expertise in veteran mental health assessment and treatment”; and by adding the following three sections:

“SECTION 24. Whereas, the Governor’s Advisory Council on Veterans’ Services reviews the current state and federal resources available to veterans while also working to develop new proposals to assist veterans; and

Whereas the General Court requested in 2010 a report on the effectiveness and efficiency of establishing a program of behavioral health career development for returning veterans in conjunction with the Massachusetts School of Professional Psychology under a Federal Yellow Ribbon Program of scholarship entitled, Train Vets to Treat Vets to respond to the Special Commission to Study and Investigate the Hidden Wounds of War on Massachusetts Service Members’ 2009 report examining the mental health effects of war upon returning Massachusetts service members, identifying best practices in the delivery of services to veterans and addressing the barriers to accessing these services, while it described the severity and incidence of mental health issues for returning veterans;

Be it enacted by the Senate and House of Representatives in the General Court assembled, and by the authority of the same, as follows:

SECTION 25. Chapter 10 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting the following new section:—

Veterans'  
resources.

Section 35PP. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Train Vets to Treat Vets Fund. The fund shall consist of monies paid to the registrar of motor vehicles pursuant to the nineteenth paragraph of section 2 of chapter 90, together with any interest or earnings accrued through investment or deposit. The state treasurer shall be custodian of the fund and shall receive, deposit and invest all monies transmitted to him under this section in accordance with sections 34, 34A and 38 of chapter 29 in such a manner as to secure the highest rate of return available consistent with the safety of the fund, and shall credit interest and earnings on the trust fund corpus to the trust fund. The state treasurer shall transfer funds, at the request of the council, from the income and receipts of the fund to the Governor's Advisory Council on Veterans Services established by Executive Order #483 in April of 2007. The council shall award and administer grants from the fund, without further appropriation, to community-based programs in clinical service partnership with institution(s) of higher education providing scholarship, career development and support for the formal education of veterans to work with veterans and their families in the provision of culturally competent behavioral health, clinical counseling and support services. The council shall develop, in conjunction with the Department of Veterans Services, written criteria for the awarding of those grants, which shall be evaluated and revised as necessary. For purposes of this section the word "veteran" shall have the same meaning as that defined in clause Forty-third of section 7 of chapter 4 of the General Laws. The council shall file a report detailing the amount of funds collected and expended from the fund along with a copy of the written criteria used to expend funds to the house and senate committees on ways and means not later than April 15 of each calendar year. An amount not to exceed 5 per cent of the total funds deposited in the fund may be expended by the council for administrative costs directly attributable to the grants and programs funded by the fund, including, but not limited to the costs of clerical and support personnel. Any unexpended balance of monies in the fund at the end of the fiscal year shall not revert to the General Fund but shall remain available for expenditure from such fund in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during the fiscal year.

SECTION 26. Section 2 of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the eighteenth paragraph the following new paragraph:—

The registrar shall furnish to owners of private passenger motor vehicles and motorcycle veteran and military special plates issued and renewed without charge, information about the purpose of the Train Vets to Treat Vets Fund upon registration or renewal presentation by the applicant or surviving spouse to the registrar. The applicant or surviving spouse may elect to contribute an amount to the Train Vets to Treat Vets Fund consistent with donations by non-veteran or non-military special plate registrants to charitable organizations identified on these special plates and if they do so elect, shall retain a distinctive Train Vets to Treat Vets Fund emblem for their private passenger motor vehicle or motorcycle veteran and military special plate use

upon payment of the registration donation amount established by the registrar.”.

The amendments were rejected.

Mr. Naughton then moved to amend the bill by adding the following section:

“SECTION 24. Section 7 of Chapter 132A of the General Laws, as appearing in the 2010 official edition is hereby amended in line 9 after the word ‘control,’ the following:— provided that service members on active duty and their families may be exempted from payment of fees and other charges within State Parks.”.

The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding the following two sections:

“SECTION 24. Section 7 of chapter 4 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following paragraph:—

Fifty-ninth, ‘Active Duty’ as used in section 2 of chapter 90 shall mean full-time duty in active military service of the army, navy, marine corps, coast guard or air force of the United States, but shall not include active duty being served for the purpose of training as a reservist in the army national guard or air national guard.

SECTION 25. Section 2 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting, after the word ‘registration,’ in line 423, the following new paragraph:—

The registrar shall furnish, upon request, to owners of private passenger motor vehicles and motorcycles who are residents of the state and serving in active duty as defined in clause fifty-ninth of section 7 of chapter 4 and upon presentation of evidence deemed satisfactory by the registrar, a distinctive emblem to be affixed to the plate that identifies the branch of the armed services in which such owner serves. The registrar may charge a fee directly attributable to the cost of issuance of such emblem, provided however that this fee shall not exceed \$35. Any member of the armed forces who is dishonorably discharged shall return such plates to the registrar not later than 30 days after such discharge. The registrar shall not renew the license plate of a dishonorably discharged armed forces member until confirming that the distinctive emblem is not affixed to the plate.”.

The amendment was adopted.

Mr. Binienda of Worcester then moved to amend the bill by inserting after section 4 the following section:

“SECTION 4A. Section 35CC of Chapter 10 of the General Laws, as so appearing in the 2010 Official Edition, is hereby amended by striking out in line 14 the figure ‘75,000’ and inserting:— 100,000.”.

The amendment was adopted.

Messrs. Brodeur of Melrose and Parisella of Beverly then moved to amend the bill in section 10, in lines 720 and 727, by inserting after the word “question.”, in each instance, the following sentence: “The secretary of administration shall provide a waiver of payment of any amount constituting an entry fee for any applicant making application pursuant to this section.”.

The amendments were adopted.

Veterans'  
resources.

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 6, in lines 39 and 46, by inserting before the word “policies”, in each instance, the word “written”.

The amendments were adopted.

Mr. D’Emilia of Bridgewater and other members of the House then moved to amend the bill by inserting after section 10 the following section:

“SECTION 10A. Chapter 147 of the General Laws, as so appearing, is hereby amended by inserting after section 61 the following new section:—

Section 62. (a) The commissioner shall coordinate and adopt a uniform policy within the department to accept, upon presentation of satisfactory evidence by an applicant for certification or licensure under the authority of the department, education, training, or service completed by an individual as a member of the armed forces, as defined in clause 43 of section 7 of chapter 4, or the United States military reserves toward the qualifications required to receive the license or certification in question.

(b) Notwithstanding any general or special law to the contrary, if a licensee or certificate holder, who received a license or certificate under the authority of the department, is engaged in active service in the armed forces of the United States, as defined in clause 43 of section 7 of chapter 4, the license or certification held by a licensee or certificate holder shall remain valid until the licensee or certificate holder is released from active duty and for a period of not less than ninety days following said release.

(c) Notwithstanding any general or special law to the contrary, the commissioner shall establish a procedure within the department to, upon the presentation of satisfactory evidence by an applicant for certification or licensure under the authority of the department, expedite the issuance of a license or certification for a person: (i) who is certified or licensed in a state other than Massachusetts; (ii) whose spouse is a member of the armed forces in the United States; (iii) whose spouse is the subject of a military transfer to Massachusetts; and (iv) who left employment to accompany their spouse to Massachusetts. The procedure shall include, but not be limited to: (i) issuing said person a license or certificate, if, in the opinion of the department, the requirements for licensure or certification of such other state are substantially equivalent to those required in Massachusetts; or (ii) issuing said person a temporary license or certificate to allow said person to perform services while completing any specific requirements that may be required in Massachusetts but were not required in the state in which said person was licensed or certified.

(d) The commissioner and the department shall adopt all necessary rules, regulations, and procedures to implement the provisions of this section, effective January 1, 2013.”

The amendment was adopted.

Mr. Collins of Boston then moved to amend the bill by adding the following section:

“SECTION 26. Section 26 of Chapter 31 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended in paragraph 1 by inserting at the end thereof the following sentence:— Veteran’s

preference is absolute. All eligible lists of disabled veterans, veterans, or widows or widowed mothers of veterans who were killed in action or died from a service connected disability incurred in wartime service must be exhausted on a certified list before another selective certification can be established.”.

The amendment was adopted.

Mrs. O’Connell of Taunton then moved to amend the bill by inserting after section 11 the following section:

“SECTION 11A. Section 46A of chapter 114 of the General Laws, as so appearing, is hereby amended by striking the first sentence in the second paragraph and inserting in the place thereof, the following sentence:— A certified copy of the affidavit shall forthwith be transmitted by the undertaker or other person authorized to make such burial or disposition, within 30 days of the burial or disposition, to the veterans’ agent or part-time veterans’ agent of the city or town of burial or other disposition of the body. Upon receipt of such certified copy, said veterans’ agent or part-time veterans’ agent shall forthwith transmit the certified copy to the veterans’ graves officer, appointed under section nine of chapter one hundred and fifteen, of the city or town of burial or other disposition of the body.”; and by adding the following section:

“SECTION 27. Notwithstanding any general or special law to the contrary, the board of registration of funeral directors and embalmers shall adopt and promulgate all necessary rules, regulations, and procedures to implement the provisions of section 46A of chapter 114 of the General Laws including, but not limited to, regulations ensuring that the undertaker or other person authorized to make such burial or disposition of the body of a deceased veteran, known to be such, shall notify the veterans’ agent or part-time veterans’ agents, as defined pursuant to section 1 of chapter 115, of the city or town of burial or other disposition of the body. In developing such rules and regulations, the department shall consult with the department of veterans’ services.”.

The amendments were adopted.

Mr. Rogers of Norwood then moved to amend the bill in section 16, after line 840, by adding the following subsection:

“Section 12. Notwithstanding any special or general law to the contrary, a pilot project known as the ‘Veterans Court’ program shall be established and administered within the Trial Court in the county of Norfolk; provided however, the chief justice of the District Court shall report findings on said program to the House and Senate committees on Ways and Means and the Joint Committee on the Judiciary on or before June 30, 2013.”.

The amendment was adopted.

Ms. Dykema of Holliston and other members of the House then moved to amend the bill by adding the following section:

“SECTION 28. Chapter 59 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after Section 5M, the following new section:—

Section 5N. In any city or town which accepts the provisions of this section, the board of selectmen of a town or in a municipality having a town council form of government, the town council or the mayor with the approval of the city council in a city may establish a program to allow persons who are veterans, as defined in clause forty-third of

Veterans'  
resources.

section 7 of chapter 4, to volunteer to provide services to such city or town. In exchange for such volunteer services, the city or town shall reduce the real property tax obligations of such veteran on his tax bills and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled and no such person shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for services provided pursuant to such reduction nor shall the reduction of the real property tax bill exceed \$1000 in a given tax year. It shall be the responsibility of the city or town to maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total amount by which the real property tax has been reduced and to provide a copy of such record to the assessor in order that the actual tax bill reflect the reduced rate. A copy of such record shall also be provided to the taxpayer prior to the issuance of the actual tax bill. Such cities and towns shall have the power to create local rules and procedures for implementing this section in any way consistent with the intent of this section. Nothing in this section shall be construed to permit the reduction of workforce or otherwise replace existing staff.

In no instance shall the amount by which a person's property tax liability is reduced in exchange for the provision of services be considered income, wages, or employment for purposes of taxation as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for the purposes of workers' compensation as provided in chapter 152 or any other applicable provisions of the general laws, but such person while providing such services shall be considered a public employee for the purposes of chapter 258, but such services shall be deemed employment for the purposes of unemployment insurance as provided in chapter 151A.

A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption in this clause by: (1) allowing an approved representative, for persons physically unable, to provide such services to the city or town; or (2) allowing the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather than \$1000."

The amendment was adopted.

Mr. Lombardo of Billerica then moved to amend the bill by adding the following section:

"SECTION 29. Section 9 of Chapter 15A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'tuition' in line 128, the following words:— ; provided, however, that any veteran of the United States armed services shall be considered Massachusetts residents for the purpose of admission and tuition expenses for any Massachusetts state college, community college, or state university under the following conditions: the veteran was honorably discharged from the U.S. armed services after at least one year of active service, excluding time spent at a military service academy; the veteran designates Massachusetts as his/her intended domicile, moves to Massachusetts for the purpose of establishing residency, and successfully establishes residency in Massachusetts within one year of matriculation in a Massachusetts public institution of higher learning."

The amendment was adopted.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Vallee of Franklin; and on the roll call 154 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,—  
yea and nay  
No. 245.

**[See Yea and Nay No. 245 in Supplement.]**

Therefore the bill (Senate, No. 2254, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment (for text of House amendment, see House, No. 4095, published as amended).

The House Bill preventing unlawful and unnecessary foreclosures (House, No. 4087) (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.

Unlawful  
foreclosures.

After remarks on the question on passing the bill to be engrossed, Mr. Madden of Nantucket moved to amend it in section 2, in lines 113, by inserting after the word “loan.” the following definition:

‘Foreclosure Process’, the commencement of the foreclosure process in Massachusetts which shall be deemed to commence with the sending to a borrower a default/right to cure notice in strict compliance with the requirements of section 35A of this Chapter and/or any other default notice requirement under a mortgage.”

The amendment was rejected.

The same member then moved to amend the bill in section 2, in line 139, and also in section 3 (as published), in line 272, by striking out the following: “publish notice of a foreclosure sale, as required by section 14” and inserting in place the words “commence the foreclosure process”, and in section 2, in line 159, and also in line 247, by striking out the following: “publishing a notice of a foreclosure sale, as required by section 14” and inserting in place thereof, in each instance, the words “commencing the foreclosure process”; and in section 3 (as published), in line 272, by striking out the following: “publish notice of foreclosure, pursuant to section 14” and inserting in place the words “commence the foreclosure process”. The amendments were rejected.

Mr. Madden then moved to amend the bill in section 2, in line 184, and also in lines 241 and 242; in section 3, in lines 294; and in section 4, in line 296, by striking out the words “division of banks” and inserting in place thereof, in each instance, the words “Attorney General”. The amendment was rejected.

Mr. Madden of Nantucket then moved to amend the bill in section 3 (as published) by adding the following clause:

“(g) a violation of this Section shall be considered a violation of G.L. c. 93A”.

The amendment was rejected.

The same member then moved to amend the bill in section 3 (as published), in lines 275 and 280, by inserting after the word “mortgage”, in each instance, the word “loan”. The amendment was rejected.

Mr. Madden then moved to amend the bill in section 3 (as published), in line 281, by inserting after the word “costs” the words “including its reasonable attorney’s fees”. The amendment was adopted.

Unlawful  
foreclosures.

Ms. Reinstein of Revere then moved to amend the bill in section 3 (as published) by adding the following clause:

“(g) In all circumstances in which an offer to purchase either a mortgage loan or residential property is made by an entity with a tax-exempt filing status under Section 501 (c)(3) of the Internal Revenue Code, or an entity controlled by an entity with such tax exempt filing status, no Creditor shall require as a condition of sale or transfer to any such entity any affidavit, statement, agreement or addendum limiting ownership or occupancy of the residential property by the Borrower and, if obtained, such affidavit, statement, agreement or addendum shall not provide a basis to avoid a sale or transfer nor shall it be enforceable against such acquiring entity or any real estate broker, Borrower, or settlement agent named in such affidavit, statement or addendum.”.

The amendment was adopted.

Messrs. Costello of Newburyport and Honan of Boston then moved to amend the bill in section 2, in line 105, by inserting after the word “cent.” the following paragraph:

“For the purposes of this section, loans financed by the Massachusetts Housing Finance Agency, established by Chapter 708 of the Acts of 1966, as amended, and loans originated through programs administered by the Massachusetts Housing Partnership Fund Board established in Section 35 of Chapter 405 of the Acts of 1985, as amended, shall not be certain mortgage loans.”; and in said section, in line 111, by inserting after the word “creditor.” the following paragraph:

“Notwithstanding the forgoing, the bodies politic and corporate and public instrumentalities of the Commonwealth established by Chapter 708 of the Acts of 1966, as amended, and established in section 35 of Chapter 405 of the Acts of 1985, as amended, shall not be a Creditor for purposes of this section.”.

The amendments were adopted.

Mr. Costello then moved to amend the bill in section 4 (as published), in line 298, by striking out the following: “on or before December 31” (as changed by the committee on Bills in the Third Reading) and inserting in place thereof the following: “within 90 days of the end of each calendar year through December 31, 2017”. The amendment was adopted.

Mr. Fallon of Malden then moved to amend the bill by inserting at the end of section 2 the following two sentences: “The affidavit shall be conclusive evidence in favor of an arm’s-length third party purchaser for value, at or subsequent to the resulting foreclosure sale, that the foreclosing party identified or referred to as the holder of the foreclosed mortgage in the affidavit has fully complied with this section and is entitled to proceed with foreclosure of the subject mortgage pursuant to the power of sale contained in the mortgage and any one or more of the foreclosure procedures authorized in this chapter. For purposes of this subsection, the term ‘arm’s-length, third party purchaser’ shall include such purchaser’s heirs, successors and assigns.”. The amendment was adopted.

Mr. Costello of Newburyport then moved to amend the bill in section 2, in line 96, by inserting after the word “time” the words “, except in the case where the mortgage loan is an open-end home equity line of credit”; and by striking out section 5 (as published) and inserting in place thereof the following section:

“SECTION 4. The law shall take effect upon its passage. Said section 2 shall not apply to such mortgages where the notice pursuant to section 35A of chapter 244 has been sent.”

The amendments were adopted.

Mr. Sciortino of Medford then moved to amend the bill in section 2, in line 223, by striking out the words “and proceed to foreclosure”, and in line 242, by inserting after the word “subsection” the following: “including the minimum requirements which constitute a good faith effort by the borrower to respond to the notice. The notice shall be similar in substance and form to the notice promulgated by the division of banks in accordance with section 35A”.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Winslow of Norfolk; and on the roll call 152 members voted in the affirmative and 0 in the negative.

Amendments  
adopted,—  
yea and nay  
No. 246.

**[See Yea and Nay No. 246 in Supplement.]**

[Mr. Kuros of Uxbridge answered “Present” in response to his name.]

Therefore the amendments were adopted.

Mr. Winslow of Norfolk then moved to amend the bill by adding the following section:

“SECTION 5. Chapter 186 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 13A the following section:—

Section 13B. Upon a foreclosure of residential real property pursuant to chapter 244, the mortgagor of the property at the time of the foreclosure, if the dwelling is not occupied by a tenant, shall be deemed a tenant at will on a month to month basis, subject to determination by this chapter. The rent due shall be payable to the owner in advance at 1 month intervals following foreclosure. The rent due shall be the fair market rent rates established by the U.S. Department of Housing and Urban Development for the area in which the dwelling unit is located and the number of bedrooms contained in the dwelling unit, unless the parties agree to a different monthly rental amount, inclusive of heat and utilities. Notwithstanding any general or special law to the contrary, no tenant at will of such dwelling may withhold rent for noncompliance with any state or local code requirements unless the tenant has (1) notified the mortgagee in writing of the defective condition of the property and (2) established a separate bank escrow savings account for deposit of rent that otherwise would be due to the mortgagee and sent proof thereof to the mortgagee each month, or paid for the repair or replacement of any defective condition from rent that otherwise would be due to the mortgagee and sent receipts for same to the mortgagee, or both.”

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 3 members voted in the affirmative and 148 in the negative.

Amendment  
rejected,—  
yea and nay  
No. 247.

**[See Yea and Nay No. 247 in Supplement.]**

[Mr. Kuros of Uxbridge answered “Present” in response to his name.]

Therefore the amendment was rejected.

Bill passed to  
be engrossed,—  
yea and nay  
No. 248.

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 Mr. Costello of Newburyport; and on the roll call 151 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 248 in Supplement.]**

[Mr. Kuros of Uxbridge answered “Present” in response to his name.]

Therefore the bill (House, No. 4096, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Emergency Measure.*

Monroe  
State  
Forest.

The engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to grant easements within Monroe State Forest (see Senate, No. 1988, amended) (which originated in the Senate), 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 51 to 0. Sent to the Senate for concurrence.

*Engrossed Bill — Land Taking.*

Essex,—  
Conomo  
Point  
land.

The engrossed Bill authorizing the town of Essex to sell or lease certain real property at Conomo Point (see Senate, No. 2246) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted  
(land taking),—  
yea and nay  
No. 249.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 152 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 249 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Orders.*

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

State  
Administration  
and  
Regulatory  
Oversight,—  
extension  
of time for  
reporting.

*Ordered,* That, notwithstanding the provisions of Joint Rule 10, the committee on State Administration and Regulatory Oversight be granted until Tuesday, July 31, 2012, within which to make its final report on current Senate documents numbered 1563, 1575, 1576 and 2053 and House documents numbered 821, 828, 1735, 1736, 1737, 1753, 2587, 3031, 3040, 3041, 3043 and 3209, relative to state administration and regulatory oversight.

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 Kocot, the order was considered forthwith.

Pending the question on adoption of the order, the same member moved to amend it by striking out the date "Tuesday, July 31" and inserting in place thereof the date "Saturday, June 30"; and the amendment was adopted.

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

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.

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Accordingly, without further consideration of the remaining matters in the Orders of the Day, at four o'clock P.M., on motion of Mr. Frost of Auburn (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.