

Wednesday, May 23, 2012.

Met according to adjournment at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of  
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

*Statement Concerning Representative Garlick of Needham.*

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

Statement  
concerning  
Ms. Garlick  
of Needham.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Garlick of Needham, was unable to be present in the House Chamber for today's sitting due to a family emergency. Had she been present for Yea and Nay No. 254, she would have voted in the affirmative. Her missing of roll calls today was due entirely to the reason stated.

*Statement of Representative Rogers of Norwood.*

A statement of Mr. Rogers of Norwood was spread upon the records of the House, as follows:

Statement of  
Mr. Rogers  
of Norwood.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of today's sitting due to a previously-scheduled family commitment. Had I been present for Yea and Nay Nos. 250, 251 and 253, I would have voted, in each instance, in the affirmative. Had I been present for Yea and Nay No. 252, I would have voted in the negative. My missing of roll calls earlier today was due entirely to the reason stated.

*Distinguished Guest.*

Congressman  
William R.  
Keating.

During the session, the Chair (Mr. Mariano of Quincy) declared a brief recess and introduced Congressman William R. Keating. Congressman Keating was the guest of the Speaker and the Cape Cod delegation.

*Resolutions.*

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

Samuel  
Carignan.

Resolutions (filed by Representatives Barrows of Mansfield, Poirier of North Attleborough and Howitt of Seekonk) congratulating Samuel Carignan on receiving the Eagle Scout Award of the Boy Scouts of America;

Brandon J.  
Salvas.

Resolutions (filed by Representatives Barrows of Mansfield, Poirier of North Attleborough and Howitt of Seekonk) congratulating Brandon J. Salvas on receiving the Eagle Scout Award of the Boy Scouts of America; and

Resolutions (filed by Messrs. Collins of Boston, Sánchez of Boston and Stanley of Waltham) congratulating Mariah Rich on her graduation from the Harvard School of Public Health;

Mariah Rich.

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

*Order.*

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 Wednesday, June 27, 2012, within which to make its final report on current House documents numbered 562, 575, 577, 580, 1448, 1449, 1454, 3102, 3317, 3745 and 4051.

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. Kane, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

*Annual Report.*

The annual report of the Executive Office of Energy and Environmental Affairs (under the provisions of Section 3 of Chapter 21I of the General Laws) relative to the Toxics Use Reduction Program activities and accomplishments for the year 2011, was placed on file.

Toxic reduction report.

*Petitions.*

Ms. Reinstein of Revere presented a petition (subject to Joint Rule 12) of Kathi-Anne Reinstein for legislation to establish a sick leave bank for Lawrence Marino, an employee of the Massachusetts Department of Transportation; and the same was referred, under Rule 24, to the committee on Rules.

Lawrence Marino,—sick leave bank.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending Joint Rule 12 be suspended. Under suspension of the rules, on motion of Ms. Reinstein, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Ms. Balser of Newton, a petition (subject to Joint Rule 12) of Ruth B. Balser and others for legislation to provide for an exemption to the uniform procurement act.

Uniform procurement.

By Ms. Forry of Boston, a petition (subject to Joint Rule 12) of Linda Dorcena Forry for legislation to establish a sick leave bank for Chereel Stafilopatis, an employee of the Executive Office of Health and Human Services.

Chereel Stafilopatis,—sick leave.

Chelsea,—  
land.

By Representatives O'Flaherty of Chelsea and Reinstein of Revere, a petition (subject to Joint Rule 12) of Eugene L. O'Flaherty and Kathi-Anne Reinstein for legislation to authorize the Massachusetts Water Resources Authority to convey a certain parcel land in the city of Chelsea to said city.

Susan  
Tremblay,—  
sick leave.

By Mr. Rosa of Leominster, a petition (subject to Joint Rule 12) of Dennis A. Rosa for legislation to establish a sick leave bank for Susan Tremblay, an employee of the Department of Correction.

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

*Papers from the Senate.*

Health  
care.

A Bill improving the quality of health care and reducing costs through increased transparency, efficiency and innovation (Senate, No. 2270) (on Senate Bill No. 2260), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Essex  
Region,—  
retirement.

A Bill relative to the Essex Regional Retirement System (Senate, No. 2230) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Brian J.  
Waldron,—  
sick leave  
bank.

A petition (accompanied by bill) of John A. Hart, Jr., for legislation to establish a sick leave bank for Brian J. Waldron, an employee of the Trial Court, came from the Senate referred, under suspension of Joint Rule 12, to the committee on the Judiciary.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2272) was referred, in concurrence, to the committee on the Judiciary.

*Reports of Committees.*

Firearms,—  
storage.

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 petition of Kevin J. Murphy for legislation to further regulate the security in the storage of firearms in the Commonwealth. Under suspension of the rules, on motion of Ms. Reinstein of Revere, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Safety and Homeland Security. Sent to the Senate for concurrence.

Lowell,—  
Gentz  
Brothers  
Bridge.

Report of the committee on Transportation, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 3951) of David M. Nangle for legislation to designate a certain bridge on Morton Street in the city of Lowell as the Gentz Brothers Memorial Bridge. Under suspension of the rules, on a motion of Mr. Straus of Mattapoisett, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommended, on motion of Mr. Nangle.

- By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on a petition, a Bill relative to prevailing wages (House, No. 2306). Referred, under Joint Rule 1E, to the committee on Health Care Financing. Prevailing wages.
- By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on House, No. 2713, a Bill establishing a middle-skills council and the creation of regional skills academies in the Commonwealth (House, No. 4113). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently. Middle-skills council.
- By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on a petition, a Bill relative to unemployment insurance (House, No. 538). Unemployment insurance.
- By the same member, for the same committee, on a petition, a Bill to enhance the quality of security services on state property (House, No. 548). Security services.
- By Mr. Brady of Brockton, for the committee on Public Safety and Homeland Security, on a petition, a Bill pertaining to a firefighter apprenticeship program (House, No. 635). Firefighters,— apprenticeship.
- By the same member, for the same committee, on a petition, a Bill relative to the licensing fees of firearms (House, No. 1552). Firearms, — licensing fees.
- By the same member, for the same committee, on a petition, a Bill regarding police details (House, No. 1571). Police details.
- By the same member, for the same committee, on a petition, a Bill establishing the Massachusetts child AMBER Alert plan (House, No. 2390). AMBER alerts.
- By the same member, for the same committee, on a petition, a Bill relative to the lawful use of shotguns (House, No. 2402). Shotguns,— use.
- By the same member, for the same committee, on a petition, a Bill relative to public benefits (House, No. 3549). Public benefits.
- By Mr. Keenan of Salem, for the committee on Telecommunications, Utilities and Energy, under the provisions of Joint Rule 3A, a Committee Bill relative to the development of wind siting standards (House, No. 4112). Wind siting.
- Severally read; and referred, under Rule 33, to the committee on Ways and Means.
- By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on a petition, a Bill related to personnel records (House, No. 1397). Personnel records,— access.
- By the same member, for the same committee, on a petition, a Bill relative to job creation through employee ownership (House, No. 2305). Employee ownership.
- By Mr. Brady of Brockton, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to the University of Massachusetts Police Department (House, No. 659). UMass,— police.
- By the same member, for the same committee, on a petition, a Bill relative to the possession of weapons (House, No. 667). Weapons,— possession.
- By the same member, for the same committee, on a petition, a Bill regarding the certification and training of fire service personnel (House, No. 2389) [Local Approval Received]. Boston,— fire personnel.

Shotguns,—  
use.

By the same member, for the same committee, on a petition, a Bill relative to the use of shotguns (House, No. 2398).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Engrossed Bill.*

Bill  
enacted.

The engrossed Bill designating a certain bridge in the town of Barre as the Purple Heart Bridge (see Senate, No. 1724) (which originated in the Senate), 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.

*Recess.*

Recess.

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

*Engrossed Bills — Land Takings.*

Holyoke  
Community  
College  
Foundation.

The engrossed Bill authorizing the city of Holyoke to convey a certain parcel of land to the Holyoke Community College Foundation (see House, No. 3849, amended) (which originated in the House), 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. 250.

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 151 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 250 in Supplement.]**

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

Monroe  
State Forest,—  
easement.

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), in respect to which the House had concurred in adoption of the emergency preamble, was put upon its final passage.

Bill enacted  
(land taking),—  
yea and nay  
No. 251.

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. 251 in Supplement.]**

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

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

The House Bill relative to infrastructure investment, enhanced competitiveness and economic growth in the Commonwealth (House, No. 4110), reported by the committee on Bills in the Third Reading to be correctly drawn, was taken from its position in the Orders of the Day, and read a third time, under suspension of Rule 47, on motion of Mr. Wagner of Chicopee.

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growth.

After remarks on the question on passing the bill to be engrossed, Mr. Vallee of Franklin moved to amend it by striking out section 79 (as published) and inserting in place thereof the following section:

“SECTION 79. Section 2WWW of Chapter 29 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after fifth paragraph the following paragraph:—

A portion of the grant fund shall be used to address the gap between the skills held by workers and the skills needed by employers for jobs that require more than a high school diploma but less than a 4-year degree. Grants awarded under this program shall focus on building relationships and partnerships among geographic clusters of high schools, vocational-technical schools, community colleges, state universities, institutions of higher education, local employers, industry partners, local workforce investment boards, and workforce development entities, in order to create multiple and seamless pathways to employment through enhanced coordination of existing institutions and resources. Each cluster shall designate 1 entity or organization as the lead partner for each cluster and approved procurements shall be jointly applied for by, at a minimum, a public educational institution including a community college, at least one regional workforce investment board, and at least one regional employer in a high growth sector. Grants made under this program shall include consideration of, but not be limited to: defining and establishing the process for students to transition from adult basic education programs to college-based programs; programs accessible to working, unemployed or underemployed adults; support of education and workforce development initiatives that collaborate with the efforts or initiatives of public educational institutions, including development of stackable certificates and credentials, non-semester-based modular programs and accelerated associate degree programs, provided however that the grants issued from this fund shall serve to supplement, and not supplant, ongoing initiatives at community colleges; providing sector-based training including developmental education and certification programs; providing student support services; using competency-based placement assessments; leveraging regional resources, including shared equipment and funding; partnering with 2 or more training organizations in a region; and partnering with 2 or more employers in a region. This portion of the grant fund may also be used to develop regional centers of excellence, which shall be aligned to the commonwealth's economic development strategies to meet the needs of employers in high growth sectors, including but not limited to, health care, life sciences, information technology and advanced manufacturing. Each center of excellence shall be located at

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a community college, state university, vocational or technical high school or collaboration between these entities. A project grant program shall be designed by Commonwealth Corporation, in consultation with a middle skills subcommittee of the fund committee, which shall include, at a minimum, a representative from the business community to be appointed by the secretary of labor and workforce development; the director of the Center for Labor Market Studies at Northeastern University or a designee; a representative of adult basic education or non-traditional college students in the commonwealth to be appointed by the secretary of education; the Massachusetts Workforce Board Association; a representative from a non-profit trade association with a state approved apprenticeship program and the Massachusetts AFL-CIO, as well as any representatives of the other mandatory advisory committee constituencies under paragraph (b).”

The amendment was adopted.

Mr. Kulik of Worthington then moved to amend the bill by striking out sections 87 and 88 (as published). The amendment was rejected.

Mr. Sannacandro of Ashland then moved to amend the bill in section 92 (as published), in line 1939, by inserting after the word “education,” the words “joint committee on higher education,”. The amendment was adopted.

Representatives Benson of Lunenburg and Orrall of Lakeville then moved to amend the bill by adding the following six sections:

“SECTION 96. Subsection (b) of Section 12 of Chapter 90D of the General Laws is hereby amended by adding at the end thereof, the following new sentence:— This section shall not apply to a vehicle described in subsection (e) of section 20 of this chapter.

SECTION 97. Section 13 of Chapter 90D of the General Laws is hereby amended by striking subsection (a) and inserting in place thereof the following:— (a) Except as provided for in subsection (e) of section 20, the applicant is not the owner of the vehicle; or

SECTION 98. Section 15 of Chapter 90D of the General Laws is hereby amended by striking subsection (a) and inserting in place thereof the following:—

Section 15. (a) Except as provided for in subsection (e) of section 20, if an owner of a vehicle for which a certificate of title has been issued under this chapter transfers his interest therein, other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, execute an assignment including the actual odometer reading and warranty of title to the transferee in the space provided therefor on the certificate, or such other form as the registrar shall prescribe, and cause the certificate and assignment to be mailed or delivered to the transferee or to the registrar.

SECTION 99. Section 19 of Chapter 90D of the General Laws is hereby amended by striking subsection (a) and inserting in place thereof the following:—

Section 19. (a) The registrar, upon receipt of a properly assigned certificate of title, except as provided for in subsection (e) of section 20, with an application for a new certificate of title, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner and mail it to the first lienholder named in it or, if none, to the owner. If in accordance with sub-

section (e) of section 20, the outstanding certificate of title is not delivered to him, the registrar shall make demand therefor from the holder thereof.

SECTION 100. Section 20 of Chapter 90D of the General Laws is hereby amended by striking subsection (a) and inserting in place thereof the following:—

Section 20. (a) Except as provided for in subsection (e), whenever an insurer acquires ownership of a motor vehicle which it has determined to be a total loss salvage motor vehicle, it shall, within ten days from the date of acquisition, surrender the certificate of title to the registrar and shall apply for a salvage title. Section 20 of Chapter 90D of the General Laws is hereby further amended by adding at the end thereof the following new subsection:—

(e)(1) Whenever an insurer acquires a motor vehicle which it has determined to be a total loss salvage motor vehicle but is unable to obtain the certificate of title, the insurer may apply for a salvage title in its name without surrendering the certificate of title. Such application shall be accompanied by evidence that the insurer has paid a total loss claim on the vehicle and made at least 2 written attempts, addressed to the last known owner of the vehicle and any known lienholder, to obtain the certificate of title. In lieu of a salvage title, the insurer may similarly apply for a certificate of title in its name for a vehicle if the age of the vehicle precludes issuance of a salvage title. (2) Whenever an insurer requests that Class 2 or Class 3 dealer take possession of a motor vehicle that is the subject of an insurance claim and subsequently a total loss claim is not paid by the insurer with respect to such motor vehicle, the Class 2 or Class 3 dealer may, if such motor vehicle has been abandoned at the facility of the Class 2 or Class 3 dealer for more than 30 days, apply for a salvage title in such dealer's name without surrendering the certificate of title. Such application shall be accompanied by evidence that the Class 2 or Class 3 dealer made at least 2 written attempts, addressed to the last known owner of the vehicle and any known lienholder, to have the vehicle removed from the facility. In lieu of a salvage title, the Class 2 or Class 3 dealer may similarly apply for a certificate of title in the dealer's name for a vehicle if the age of the vehicle precludes issuance of a salvage title.

SECTION 101. Section 20A of Chapter 90D of the General Laws is hereby amended by striking subsection (a) and inserting in place thereof the following:—

Section 20A. (a) The application for the salvage title shall be made by the owner, except as provided for in subsection (e) of section 20, to the registrar on such form or forms as the registrar shall prescribe and shall be accompanied by: (1) a properly assigned certificate of title, except as provided for in subsection (e) of section 20; (2) any other information and documents the registrar may reasonably require to establish ownership of the vehicle and the existence or nonexistence of a lien to the extent not inconsistent with subsection (e) of section 20; and (3) the required fee.”.

The amendment was adopted.

Mr. Linsky of Natick and other members of the House then moved to amend the bill in section 20, in line 159, by striking out the figure “7” and inserting in place thereof the figure “8”, and in line 163, by

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inserting after the word “island” the following: “1 of whom shall be from the MetroWest region.”. The amendments were adopted.

Mr. Cantwell of Marshfield then moved to amend the bill by adding the following section:

“SECTION 102. Notwithstanding any general or special law to the contrary, the commissioner of the division of capital asset management and maintenance, in consultation with the president of Massasoit community college and the department of higher education, is hereby authorized to enter into a lease or other contractual arrangement with Marine and Environmental Education Alliance, Inc., a not-for-profit corporation, to allow the college to utilize facilities now or hereafter owned, leased or operated by the corporation for the purpose of providing post-secondary career and training opportunities in marine and environmental studies. The lease or other contractual arrangement shall be for a term, including extensions, of up to 30 years, and shall be on such terms and conditions as the commissioner of the division of the division of capital asset management and maintenance, in consultation with the president of Massasoit community college and the department of higher education, deems appropriate.”.

The amendment was adopted.

Representatives deMacedo of Plymouth and Peake of Provincetown then moved to amend the bill in section 4, in line 37, by inserting after the word “workforce” the following: “; provided further that \$25,000 shall be used by the Cape Cod and Plymouth Regional Economic Development Organizations to study and design a Plymouth and Cape Cod economic incubator program whose purpose shall be to identify, mentor, support and grow technology startups and innovation companies located in Plymouth County, Cape Cod and the Islands; provided further that \$225,000 shall be used by the Cape Cod and Plymouth Regional Economic Development Organizations to fund said economic incubator program and that funds expended for this purpose shall leverage at least \$1 for each dollar granted” and in line 42 by striking out the figures “2,225,000” and inserting in place thereof the figures “2,500,000”. The amendments were rejected.

After debate on the question on passing the bill, as amended, to be engrossed, the House took up amendments of Ms. Garlick of Needham to amend it in section 4, in line 41, by inserting after the following “acts of 2006” the following: “; provided further, that \$75,000 shall be used for the design of a streetscape project in the town of Needham to support the New England Business Center”, and in line 42, by striking out the figure “2,225,000” and inserting in place thereof the figure “2,300,000”. The amendments were rejected.

Ms. Ferrante of Gloucester then moved to amend the bill in section 45 (as published), in line 1292, by inserting after the word “universities” the words “, non-profit entities.”. The amendment was adopted.

Mr. Keenan of Salem then moved to amend the bill in section 45 (as published), in line 1282, by inserting after the word “competitiveness.” the following sentence: “Research leadership and the capacity to create new jobs in major growth sectors including but not limited to life sciences, IT and cybersecurity and advanced manufacturing in turn depends on a new generation of academic and industry partnerships aimed at solving national and global challenges.”, and in line 1303, by

inserting after the word “commonwealth” the words “through industry partnerships”. The amendments were adopted.

The House then considered an amendment of Mr. Rogers of Norwood to amend the bill by adding the following section:

“SECTION 103. Chapter 312 of the acts of 2008 in section 2A in item 2870-7014 is amended by inserting after the words ‘Jamaica Plain’ the words:— and one hundred fifty percent of said amount may be expended for a similar purpose in Norwood.”.

The amendment was rejected.

Mr. Mariano of Quincy being in the Chair,—

Ms. Provost of Somerville and other members of the House then moved to amend the bill by striking out section 39 (as published).

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Provost of Somerville; and on the roll call 14 members voted in the affirmative and 139 in the negative.

Amendments  
rejected,—  
yea and nay  
No. 252.

**[See Yea and Nay No. 252 in Supplement.]**

Therefore the amendment was rejected.

Ms. Forry of Boston then moved to amend the bill in section 67 (as published), in line 1653, by inserting after the word “commonwealth” the following sentence:— The Commissioner shall file annual reports regarding the activities of the small business loan review boards with the chairs of the joint committee on community development and small business, chairs of the joint committee on economic development and emerging technologies, and chairs of the joint committee on revenue, on or before January 1.”. The amendment was adopted.

Mr. Kuros of Uxbridge and other members of the House by inserting after section 66 (as published) the following section:

“SECTION 65A. Section 12 of chapter 156C of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking subsection (d) and inserting in place thereof the following:—

(d) No fee shall be issued for the filing of the certificate of organization required by subsection (a). The fee for the filing of the annual report required by subsection (c) shall be \$125. The fee shall be paid to the state secretary at the time the annual report is filed.”.

The amendment was rejected.

Ms. Coakley-Rivera of Springfield then moved to amend the bill in section 4, in line 22, by inserting after the word “program” the following: “; provided that no less than \$300,000 shall be expended for the Tri-City Minority Employment Program;”, and in item 7007-1200 by striking out the figures: “2,250,000” and inserting in place thereof the figures: “2,550,000”. The amendments were rejected.

The same member then moved to amend the bill by inserting after section 95 (as published), the following section:

“SECTION 94A. Not later than 10 days after the start of fiscal year 2013, the comptroller shall transfer \$20,000,000 from the General Fund to the Affordable Housing Trust Fund established by chapter 121D of the General Laws, and said funds shall be used by department of housing and community development as grants or loans for foreclosed property acquisition and rehabilitation, and related property inspection and improvements to local infrastructure that help promote neighborhood stabilization activities in areas that have high numbers of

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foreclosed and distressed properties, provided that loans and grants may be administered by the department through contracts with the Massachusetts Housing Partnership Fund established in section 35 of chapter 405 of the acts of 1985, as amended, and through the Neighborhood Stabilization Loan Fund, and provided further that notwithstanding section 3 of chapter 121D of the General Laws, the department may employ affordability restrictions consistent with federal Neighborhood Stabilization Program created pursuant to Division B, Title II of the Housing and Economic Recovery Act of 2008 and the American Recovery and Reinvestment Act of 2009.”

The amendment was rejected.

Mr. Hecht of Watertown and other members of the House then moved to amend the bill in section 41 (as published), in line 1145, by inserting after the words “unemployed or underemployed adults;” the words “programs that focus on the recruitment, training and employment of older workers”. The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 65 (as published) the following section:

“SECTION 64A. Chapter 79 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 1 the following new section:—

Section 1A. The taking of real estate or of any interest therein by right of eminent domain under this chapter or chapter 80A shall be effected only when necessary for the possession, occupation, and enjoyment of land by the public at large or by public agencies and shall not be effected for the purpose of commercial enterprise, private economic development, or any private use of the property. Property shall not be taken from one owner and transferred to another on the grounds that the public will benefit from a more profitable use. Whenever an attempt is made to take property for a use alleged to be public, the question whether the contemplated use is truly public shall be a judicial question and determined as such without regard to any legislative assertion that the use is public. In the event that property taken pursuant to this chapter or chapter 80A is not used for the purpose for which it was taken within 5 years of the taking, the governmental authority that took the property must offer to sell the property to the owner from whom it was acquired, or his or her known or ascertainable heirs or assigns, at the price which was paid for the property or for the fair market value of the property at the time of the sale, whichever is less, and if the offer is not accepted within 180 days from the date it is made, the property may be sold to any other person, but only at public sale after legal notice is given.”

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 66 (as published) the following section:

“SECTION 65A. Section 25 of chapter 151A of the General Laws, as appearing in the 2010 Official Edition, is amended by inserting after subsection (j) the following new subsection (k):—

(k) Any week in which the individual is barred from working for, or being paid by, the employing unit by reason of the provisions of section 91(b) of chapter 32.”

The amendment was adopted.

Mr. Diehl of Whitman and other members of the House then moved to amend the bill by inserting after section 5 the following section:

“Section 5A. Chapter 7 of the General Laws, as so appearing, is hereby amended by inserting after Section 40G the following section:

Section 40G½. The commissioner shall establish a retail incubator program, hereafter referred to as ‘MassMarket,’ in collaboration with the state’s regional workforce investment boards and the office of small business and entrepreneurship within the executive office of housing and economic development, to locate small business start-up entrepreneurs seeking to develop a business plan into a new, successful retail company unoccupied, state-owned buildings. Eligible participants of MassMarket will be determined through a selection process determined by the respective workforce investment boards of that region. The office of small business and entrepreneurship will utilize appropriate resources at their disposal to enhance the opportunity for success for each eligible MassMarket participant. The commissioner shall provide each workforce investment board with a list of properties that are available for use in the MassMarket program. Costs for security and insurance of each property available will be borne by the MassMarket participant. In exchange for the no-cost retail space, for a maximum of 24 months, the MassMarket participant agrees to the following conditions, which are required in an effort to ensure success: (1) Retailer shall participate in the training and mentoring programs offered by the regional workforce investment board; (2) Retailer shall, at a minimum, be open for business 40 hours per week, 6 days per week; (3) Retailer shall meet once every quarter with a WIB mentor, who shall have access to information on sales, inventory and expenses one week prior to meeting; and (4) A percentage of profits will be set-aside each month to act as a security against any potential damage to the property and will be forfeited if, upon completion of the program, repairs exceed the amount held in escrow. Upon completion of the program, if the MassMarket participant has generated enough business to purchase the property, they will be given first right of refusal to acquire said property, at fair market value, to be determined by the commissioner. If the MassMarket participant wishes to end use of the property, written notice must be given one month prior to the respective workforce investment board.”

Mr. Donato of Medford thereupon raised a point of order that the amendment offered by the gentleman from Whitman was improperly before the House for the reason that it was beyond the scope of the pending bill.

Point of order.

The Chair (Mr. Mariano of Quincy) ruled that the point of order was well taken, and the amendment was laid aside accordingly.

Mr. Diehl thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Webster of Pembroke.

Appeal from decision of Chair.

The question then was put “Shall the decision of the Chair stand as the judgment of the House?”

The sense of the House then was taken by yeas and nays, at the request of Mr. Diehl; and on the roll call 118 members voted in the affirmative and 33 in the negative.

Decision of Chair sustained,—yea and nay No. 253.

**[See Yea and Nay No. 253 in Supplement.]**

Therefore the decision of the Chair was sustained.

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Ms. Wolf of Cambridge then moved to amend the bill in section 41 (as published), in line 1145, by inserting before word “supports” the words “programs in which one or more non-profit corporations collaborate with a community college to prepare low income or underemployed adults for employment in the workforce of regional emerging industries;”. The amendment was adopted.

Messrs. Puppolo of Springfield and Wagner of Chicopee then moved to amend the bill in section 33, in line 344, by inserting after the word “business” the words “and examining the current regulatory impacts upon small to medium sized manufacturers.”. The amendment was adopted.

Mrs. O’Connell of Taunton then moved to amend the bill by inserting after section 56 (as published) the following section:

“SECTION 55A. Chapter 62 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting in line 1447, after the words ‘nonprofit organization’ the following words:— including a business improvement district organized as a 501(c)3”.

The amendment was rejected.

Ms. Forry of Boston then moved to amend the bill in section 20, in line 157, by striking out “a representative of MOBD designated by the director” and inserting in place thereof the words “the director of small business and entrepreneurship in the office of business development”; in section 27, in line 298, by inserting after the word “revenue” the following: “, the chairs of the joint committee on community development and small business”; and in section 95 (as published), in line 1961, by inserting after the word “technologies” the words “, the chairs of the joint committee on community development and small business”. The amendments were adopted.

Messrs. Swan of Springfield and Wagner of Chicopee then moved to amend the bill in section 41 (as published), in line 1153, by inserting after the word “region;” the following: “adopting innovative approaches to high intensity training methodologies of periods of less than 6 months duration;”. The amendment was adopted.

Messrs. Collins of Boston and Wagner of Chicopee then moved to amend the bill by striking out section 91 (as published); and by adding the following two sections:

“SECTION 103. Notwithstanding anything in subsection (g) of section 3 of chapter 152 of the acts of 1997 to the contrary, in addition to the construction and development of an expansion to the hotel located in the northeast corner of the convention center development area, as defined in said chapter 152, not more than 7 additional hotels may be constructed and developed within a BCEC Hotel Zone, so called, within the city of Boston, such BCEC Hotel Zone to include the portion of the convention center finance district located south of Summer Street and east of Fort Point Channel, provided that (i) such hotels shall include not more than a total of 2700 rooms, including not more than 1 additional headquarters hotel, so called, with not more than 1200 rooms; and (ii) the developer or operator of each such hotel shall enter into a contract with the Massachusetts Convention Center Authority with provisions regarding the cooperative marketing, pricing and use of such hotels to encourage the use of the Boston convention and exhibition

center and incorporating community input from the neighborhoods surrounding the BCEC Hotel Zone.

SECTION 104. In accordance with section 38N of chapter 190 of the acts of 1982, as amended, capital facility projects described in the report titled "Top 5 Initiative – Phase 1 Feasibility Study and Program," dated May 16, 2012 shall be filed with the clerks of the senate and house of representatives and the senate and house committees on ways and means. Said capital facility projects and the acquisition of lands for the purpose of said projects are facilities of the Authority and may be funded pursuant to section 10(c)(iv) of chapter 152 of the acts of 1997, as amended."

The amendments were adopted.

Mr. Levy of Marlborough then moved to amend the bill by striking out sections 87 and 88 (as published). The amendment was rejected.

Mr. Golden of Lowell then moved to amend the bill by adding the following section:

"SECTION 105. (a) Notwithstanding any general or special law to the contrary, there is hereby created a commission that shall investigate the economic impact of the Commonwealth's minimum pricing laws on businesses and residents within the Commonwealth. The commission shall analyze the additional costs, if any, incurred by Massachusetts residents as compared to businesses and residents of neighboring states. (b) The commission shall consist of the secretary of the executive office of administration and finance or his designee; the commissioner of the department of revenue or his designee; the director of the department of agriculture or his designee; the treasurer or his designee; the house and senate chairs of the joint committee on revenue, who shall co-chair the commission; a representative of the Retailers Association of Massachusetts; a representative of the Massachusetts Chamber of Commerce; a representative appointed by the Governor from each of the industries currently impacted by minimum pricing laws, including the dairy, alcohol and tobacco industries; an individual with an expertise in finance or consumer economics; and a representative of the New England Convenience Store Association as appointed by the Governor. The commission shall adopt rules and establish procedures it considers necessary for the conduct of its business. No action of the commission shall be considered official unless approved by a majority vote of the commission members. (c) In the course of its investigation, the commission shall: (1) examine the minimum pricing laws in existence in the Commonwealth and the purpose behind their initial creation; (2) examine the minimum pricing laws in existence in the Commonwealth's neighboring states, if any; (3) provide an analysis of the impact of the Commonwealth's minimum pricing laws on the cost and price of products so regulated; (4) provide an analysis of the impact of the neighboring states' minimum pricing laws on the cost and price of products so regulated; (5) develop recommendations as to whether the Commonwealth's minimum pricing laws continue to serve their original purpose and whether such laws put the Commonwealth and its businesses and residents at a competitive disadvantage as compared to neighboring states; (6) determine whether the Commonwealth's minimum pricing laws benefit certain businesses as opposed to others by creating subsidies of unnecessarily large profit. (d) The

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commission may hold public hearings to assist in the collection and evaluation of data and testimony. (e) Any research, analysis or other staff support that the commission reasonably requires shall be provided by the executive office of administration and finance and its agencies. (f) The commission shall prepare a written report detailing its findings and recommendations, together with drafts of legislation, as may be necessary to carry those recommendations into effect. The commission shall submit its initial report to the governor, the secretary of the executive office of administration and finance, the clerks of the senate and house of representatives, the chairs of the house and senate committees on ways and means and the joint committee on revenue not later than 1 year after the effective date of this act.”

The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 15, in line 100, by striking out the figures “50” and inserting in place thereof the figure “10”. The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 65 (as published) the following eleven sections:

“SECTION 64B. Subsection (c) of section 3 of chapter 63B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking said subsection and inserting in place thereof the following:—

(c) For purposes of this chapter, there shall be four required installments for each taxable year, except as otherwise provided by this chapter. The first installment shall be paid on or before the fifteenth day of the third month of the taxable year; the second installment shall be paid on or before the fifteenth day of the sixth month of the taxable year; the third installment shall be paid on or before the fifteenth day of the ninth month of the taxable year; and the fourth installment shall be paid on or before the fifteenth day of twelfth month of the taxable year. The amount of any installment shall be 25 percent of the required annual payment.

The term ‘required annual payment’ means the lesser of (i) 90 per cent of the tax shown on the return for the taxable year or, if no return is filed, 90 per cent of the tax for such year, or (ii) 100 per cent of the tax shown on the return of the corporation for the preceding taxable year, or (iii) 90 per cent of the tax for the taxable year or, (iv) ninety per cent of the tax that would be required to be shown on the return for taxable year if the tax were determined by using the income apportionment percentage determined for the preceding taxable year under chapter 63.

Clause (ii) shall not apply if the preceding taxable year was not a taxable year of 12 months or the corporation did not file a return for such preceding taxable year showing a liability for tax.

Clause (ii) shall not apply in the case of a large corporation, as defined in section 6655 (g) of the Internal Revenue Code of the United States, as amended on January 1, 1989 and in effect for the taxable year except for purposes of determining the amount of the first required installment for any taxable year; provided, however that any reduction in such first installment by reason of this provision shall be recaptured

by increasing the amount of the next required installment by the amount of such reduction.

SECTION 64C. Section 4A of chapter 63B of the General Laws, as so appearing, is hereby amended by striking the word ‘sixty-five’ in line 4 and inserting in place thereof the following:— 50.

SECTION 64D. Section 4A of chapter 63B of the General Laws, as so appearing, is hereby amended by striking the word ‘ten’ in line 9 and inserting in place thereof the following:— 25.

SECTION 64E. Section 4A of chapter 63B of the General Laws, as so appearing, is hereby amended by striking the word ‘ninety’ in line 14 and inserting in place thereof the following:— 25.

SECTION 64F. Section 4A of chapter 63B of the General Laws, as so appearing, is hereby amended by striking the word ‘ten’ in line 16 and inserting in place thereof the following:— 25.

SECTION 64G. Section 4B of chapter 63B of the General Laws, as so appearing, is hereby amended by striking the word ‘thirty’ in line 7 and inserting in place thereof the following:— 25.

SECTION 64H. Section 4B of chapter 63B of the General Laws, as so appearing, is hereby amended by striking the word ‘twenty-five’ in line 10 and inserting in place thereof the following:— 25.

SECTION 64I. Section 4B of chapter 63B of the General Laws, as so appearing, is hereby amended by striking the word ‘twenty-five’ in line 13 and inserting in place thereof the following:— 25.

SECTION 64J. Section 4B of chapter 63B of the General Laws, as so appearing, is hereby amended by striking the word ‘twenty’ in line 15 and inserting in place thereof the following:— 25; and by adding the following two sections:—

SECTION 106. Notwithstanding any general or special law to the contrary, the comptroller may, on or before June 30, 2014, transfer no more than \$200,000,000 to the General Fund from the Commonwealth Stabilization Fund; provided, the amount of the transfer shall be Commonwealth Stabilization Fund shall be reimbursed the full amount of the transfer by December 31, 2014. The comptroller, in consultation with the secretary of administration and finance, may take the overall cash flow needs of the commonwealth into consideration in determining the timing of any transfer of funds. The comptroller shall provide a schedule of transfers to the secretary of administration and finance and to the house and senate committees on ways and means.

SECTION 107. Sections 64A through 64I, inclusive, shall take effect beginning January 1, 2014.”

The amendments were adopted.

Mr. Costello of Newburyport then moved to amend the bill by inserting before section 106 (inserted by amendment) the following section:

“SECTION 105. The joint committee on telecommunications, utilities and energy, in consultation with the state 911 department and department of revenue, shall study and report on the amount of revenue collected from the current enhanced 911 system surcharge for prepaid wireless service and any uncollected revenue from the current system. The study shall include an investigation on collecting the enhanced 911 system surcharge for prepaid wireless service at the point of sale and an estimate of the annual revenue collected from a

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prepaid wireless service surcharge at the point of sale. The joint committee on telecommunications, utilities and energy shall report its findings and recommendations, together with drafts of legislation necessary to carry the recommendations into effect, by filing the same with the clerks of the house of representatives and senate and the house and senate committees on ways and means not later than November 1, 2012.”.

The amendment was adopted.

Mr. Kaufman of Lexington then moved to amend the bill by striking out sections 55 and 65 (as published). The amendment was rejected.

Representatives Ross of Attleboro and Poirier of North Attleboro then moved to amend the bill by inserting after section 14 the following section:

“SECTION 14A. Section 3A of chapter 23A of the General Laws, as so appearing, is hereby amended by striking, in lines 139 and 140, the words ‘below the commonwealth’s average’ and inserting in place thereof the following:— below 100.5 percent of the commonwealth’s average.”.

The amendment was adopted.

Ms. Reinstein of Revere then moved to amend the bill in section 41, in line 1137, by inserting after the word “boards,” the following: “labor organizations to support the creation of workforce investment training opportunities for civilians or for veterans who served on active duty in the armed forces during a war or in a campaign or expedition for which a campaign badge has been authorized and who have separated from the military within 48 months of the effective date of this act.”. The amendment was adopted.

Mr. Wagner of Chicopee then moved to amend the bill in section 6, in line 50 by inserting after the word “said” the following: “clauses (i) or (ii) of subsection (a) of”; in section 8, in line 20, by inserting after the word “creation” the following “;”; in section 15, in line 100, by striking out the words: “before or”, in line 101, by striking out the words: “preceding the year”, in line 113, by inserting after the word “commonwealth or” the following: “(c)”; and, in line 115, by inserting after the word “employees” the words “and not a relocation of permanent full-time employees employed by the controlling business at any other facility located within the commonwealth.”; in section 27, in lines 258 and 259, by striking out the following “(b) the controlling business made a material misrepresentation in its project proposal or anytime thereafter” and inserting in place thereof the following: “(b) the controlling business made a material misrepresentation in its project proposal or anytime thereafter in its information provided to a municipality, MOBD or EACC”; in section 39 (as published), in lines 607 to 610, inclusive, by striking out the text contained in those lines, in lines 781 to 784, inclusive, by striking out the text contained in those lines, in lines 795 to 799, inclusive, by striking out the text contained in those lines; by striking out section 47 (as published) and inserting in place thereof the following section:

“SECTION 46. (a) Notwithstanding any general or special law to the contrary, any city or town by vote of its town meeting, town council or city council with the approval of the mayor where required by law may designate development districts within the boundaries of the

city or town provided, however, a development district may consist of 1 or more parcels or lots of land, whether or not contiguous, or 1 or more buildings or structures, whether or not adjacent, on 1 or more parcels of land, provided that the total area of all development districts shall not exceed 25 per cent of the total area of a city or town; and provided that the boundaries of a development district may be altered only after meeting the requirements for adoption under this subsection. The city or town shall find that the designation of the development district is consistent with the requirements of this section and will further the public purpose of encouraging increased residential, industrial and commercial activity in the commonwealth.”;

In section 49 (as published), in line 1360, by inserting after the year “2012” the words: “because of a material variance”, in line 1361 and also in section 59, in lines 1588 and 1589, by striking out the words “or material misrepresentation”. The amendments were adopted.

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. Wagner of Chicopee; and on the roll call 152 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,—yea and nay No. 254.

**[See Ye and Nay No. 254 in Supplement.]**

Therefore the bill (House, No. 4119, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Orders of the Day.*

The House Bill establishing a sick leave bank for Patricia Chasse, an employee of the Executive Office of health and Human Services (House, No. 4094) (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; and it was passed to be engrossed. Sent to the Senate for concurrence.

Third reading bill.

House bills

Relative to municipal use of insurance proceeds (House, No. 557);

Revising certain provisions of the mutual holdings company law (House, No. 1210);

Relative to reducing outsourcing (House, No. 3684);

Proving retirement benefits for an employee of Western Massachusetts Communities (House, No. 3936, changed); and

To provide personal care attendant orientation program (House, No. 4081);

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

Second reading bills.

The House Bill relative to dementia patients in long term care facilities (House, No. 3947), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Long term care,—dementia patients.

Pending the question on passing the bill to be engrossed, Ms. Wolf of Cambridge moved to amend it by striking out section 2 and inserting in place thereof the following section:

“SECTION 2. Regulations promulgated by the department of public health under section 71C of chapter 111 of the General Laws shall not

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be presumed to require a higher reimbursement rate for licensees under section 71.”

The amendment was adopted; and the bill (House, No. 3947, amended) was passed to be engrossed. Sent to the Senate for concurrence.

*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.

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Mr. Hill of Ipswich 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 thirteen minutes after six o'clock P.M. (Mr. Mariano of Quincy being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.