

Monday, June 4, 2012.

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

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

*Resolutions.*

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

Resolutions (filed by Mr. O'Day of West Boylston) congratulating the Children's School and Early Education Department at Quinsigamond Community College on its fortieth anniversary; Quinsigamond Early Education Department.

Resolutions (filed by Representatives Smizik of Brookline, Balsler of Newton, Coppinger of Boston, Khan of Newton, Moran of Boston and Sánchez of Boston) congratulating Ruth Kaplan on being named an honoree by Citizens for Public Schools; Ruth Kaplan.

Resolutions (filed by Messrs. Torrisi of North Andover and Devers of Lawrence) congratulating Elsie Eunice Claus on the occasion of her one hundredth birthday; Elsie Eunice Claus.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Ryan Brecht on receiving the Eagle Award of the Boy Scouts of America; Ryan Brecht.

Resolutions (filed by Mr. Vallee of Franklin) congratulating William Costello on receiving the Eagle Award of the Boy Scouts of America; William Costello.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Matthew Laneve on receiving the Eagle Award of the Boy Scouts of America; Matthew Laneve.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Drew Leonard on receiving the Eagle Award of the Boy Scouts of America; Drew Leonard.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Neil Pfizenmaier on receiving the Eagle Award of the Boy Scouts of America; and Neil Pfizenmaier.

Resolutions (filed by Mr. Webster of Pembroke) on the occasion of the three hundred and seventy-fifth anniversary of the incorporation of the town of Duxbury; Duxbury,—incorporation.

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

*Annual Report.*

The annual report of the financial condition of the Massachusetts Life Insurance Community Investment Initiative (under the provisions of Section 2 (e) of Chapter 259 of the Acts of 1998) for the calendar year 2011, was placed on file. Life insurance,—community investments.

*Petition.*

Fairhaven,—  
alcoholic  
beverages.

Mr. Straus of Mattapoissett presented a petition (accompanied by bill, House, No. 4149) of William M. Straus (by vote of the town) for legislation to authorize the town of Fairhaven to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises; and the same was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

*Papers from the Senate.*

General  
Appropriation  
Bill.

The House Bill making appropriations for the fiscal year 2013 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4101), came from the Senate with the endorsement that said branch had insisted on its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2275) (in which the House had non-concurred).

Committee of  
conference.

The bill bore the further endorsement that said branch had concurred with the House in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Brewer, Flanagan and Knapik had been joined as the committee on the part of the Senate.

Brian J.  
Waldron,—  
sick leave  
bank.

A Bill establishing a sick leave bank for Brian J. Waldron, an employee of the Trial Court (Senate, No. 2272) (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.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House; and it was placed in the Orders of the Day for the next sitting for a second reading.

Everett,—  
vehicle  
licenses.

Petition (accompanied by bill, Senate, No. 2276) of Sal N. DiDomenico and Steven Stat Smith (with the approval of the mayor and city council) for legislation to regulate the issuance of second hand motor vehicle licenses in the city of Everett, was referred, in concurrence, to the committee on Municipalities and Regional Government.

*Reports of Committee.*

Elder  
protective  
services.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the Resolve providing for an investigation and study by a special commission relative to elder protective services (House, No. 1965), ought to pass.

Bourne  
Water  
District,—  
land.

By Mr. Cabral of New Bedford, for the committee on Bonding, Capital Expenditures and State Assets, that the Bill authorizing a lease of a certain parcel of land under the control of the Department of Fish and Game to the Bourne Water District for water distribution purposes (Senate, No. 2215), ought to pass.

Small  
businesses.

By Mr. Binienda of Worcester, for the committee on Rules, that the Bill to promote sales tax fairness for Main Street retailers (House, No. 3673), ought to pass.

Severally referred, under Rule 33, to the committee on Ways and Means.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on House, No. 4084, a Bill financing improvements to the Commonwealth's transportation system (House, No. 4145). Read; and referred, under Rule 17G, to the committee on Bonding, Capital Expenditures and State Assets.

Transportation,—  
improvements.

By Ms. Peisch of Wellesley, for the committee on Education, on House, No. 1085, a Bill regarding an analysis of health education in the Commonwealth (House, No. 4148). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Health education,—  
analysis.

By Ms. Peisch of Wellesley, for the committee on Education, on a petition, a Bill relative to school libraries (House, No. 165).

School libraries.

By the same member, for the same committee, on a petition, a Bill relative to special education (House, No. 1062).

Special education.

By the same member, for the same committee, on a petition, a Bill relative to pricing for chapter 71B approved private school programs (House, No. 1923).

Private schools.

By the same member, for the same committee, on a petition, a Bill relative to chapter 71B approved private school pricing rating formula (House, No. 1924).

Id.

By the same member, for the same committee, on a petition, a Bill to promote inclusive transition programs for students with severe disabilities (House, No. 1950).

Disabled students.

By the same member, for the same committee, on House, Nos. 1961 and 2721, a Bill relative to public school facilities (House, No. 1961).

School facilities.

By the same member, for the same committee, on Senate, No. 220 and House, Nos. 138 and 1040, a Bill relative to a special education services for low incidence populations (House, No. 4147).

Special education.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Ms. Peisch of Wellesley, for the committee on Education, on a petition, a Bill providing for opportunities for single-sex schools and classes (House, No. 137). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Single-sex schools.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill establishing the Massworks infrastructure program (House, No. 3619), be scheduled for consideration by the House.

Massworks infrastructure program.

Placed in the Orders of the Day for the next sitting for a second reading, with an amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets,— that the bill be amended by substitution of a bill with the same title (House, No. 3863),— and an amendment previously recommended by the House committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4090),— pending.

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

Tyringham,—  
Peter  
Curtin.

Authorizing the town of Tyringham to continue the employment of the Chief of Police, Peter Curtin (House, No. 3524, changed) [Local Approval Received]; and

Tyringham,—  
Rainsford  
Morehouse.

Authorizing the town of Tyringham to continue the employment of Rainsford Morehouse, a member of the police department (House, No. 3525, changed) [Local Approval Received];

Severally placed in the Orders of the Day for the next sitting, the question being, in each instance, on passing the bill to be engrossed.

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

Fire insurance.  
Insurance.

Relating to fire insurance (House, No. 298);

Relative to continuing education of insurance producers (House, No. 300);

Fitness  
training.

To encourage well qualified practitioners in the field of personal training (House, No. 1005);

Harvard,—  
economic area.

Relative to adding the town of Harvard to the Devens Economic Target Area (House, No. 3717) [Local Approval Received];

Acton and  
Boxborough,—  
water.

Amending Chapter 372 of the Acts of 1963 relative to the rights of the water supply district of Acton to acquire any water source in the town of Boxborough (House, No. 3820);

Lowell,—  
Gentz Bridge.

Designating a certain bridge in the city of Lowell as the Gentz Brothers Memorial Bridge (House, No. 3951);

Worcester,—  
park land.

Authorizing the conveyance, lease and change of use of certain park lands in the city of Worcester (House, No. 4033) [Local Approval Received]; and

Foxborough,—  
town  
buildings,  
etc.

Relative to the management of town buildings, properties and facilities in the town of Foxboro (House, No. 4052) [Local Approval Received];

Severally placed in the Orders of the Day for the next sitting for a second reading.

#### *Emergency Measure.*

Paula  
Connolly,—  
sick leave  
bank.

The engrossed Bill establishing a sick leave bank for Paula Connolly, an employee of the Trial Court (see House, No. 3844), 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 3 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 House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

#### *Engrossed Bills.*

Bills  
enacted.

Engrossed bills  
Establishing a sick leave bank for Carla Senna, an employee of the Department of Correction (see Senate, No. 2131); and

Establishing a sick leave bank for Judith Christainson, an employee of the Department of Transitional Assistance (see Senate, No. 2161, amended):

(Which severally originated in the Senate);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Reconsideration.*

Mr. Dempsey of Haverhill asked that the vote be reconsidered by which the House, at the preceding sitting, passed to be engrossed the House Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4132, amended); and the motion to reconsider was entertained; and it prevailed.

Supplemental appropriations.

The same member then moved to amend the bill in section 26, in lines 387 and 388, by striking out the following: “for the years 2014, 2015 and 2016”; by striking out section 28 and inserting in place thereof the following section:

“SECTION 28. Chapter 176J of the General Laws is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:—

Section 8. The commissioner shall have the authority to study the implementation of, establish, if warranted, and supervise of a Transitional Reinsurance Program, according to section 1341 of the federal Affordable Care Act, or, if the commissioner believes that such program is not appropriate for the commonwealth, to apply for any appropriate waiver from the requirement to implement such program. The commissioner may promulgate regulations to enforce the provisions of this section.”; and by striking sections 60 and 61.

The amendments were adopted; and the bill was passed to be engrossed. The bill (House, No. 4144, published as amended) then was sent to the Senate for concurrence.

*Orders of the Day.*

Senate bills

Authorizing the town of Plymouth to make improvements on unaccepted roads (Senate, No. 1049);

Third reading bills.

Authorizing the town of Plymouth to establish another post-employment benefits fund (Senate, No. 2030); and

Amending the charter of the town of Bourne (Senate, No. 2114, amended);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

The House Bill establishing a Fragile X Awareness Day (House, No. 843), 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. Sent to the Senate for concurrence.

Third reading bill.



Sudbury,—  
property tax  
exemption.

The House Bill authorizing the town of Sudbury to establish a means tested senior citizens property tax exemption (House, No. 4062), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Conroy of Wayland moved to amend it in section 1, in line 4, by striking out the words "household income" and inserting in place thereof the words "qualifying income for purposes of the states' 'circuit breaker' income tax credit", in line 6, by striking out the word "household" and inserting in place thereof the word "qualifying"; in section 2, in line 16, by striking out the word "spouses" and inserting in place thereof the word "persons", in line 17, by inserting after the word "year" the following: "and if the joint applicant is 60 years of age or older"; in section 3, in lines 29 and 30, by striking out the words "as an additional tax levy on all other residential taxpayers not eligible for this exemption" and inserting in place thereof the words "within the tax levy on all residential taxpayers", in line 35, by striking out the word "household" and inserting in place thereof the word "qualifying"; and by striking out section 8 (as published) and inserting in place thereof the following two sections:

"SECTION 7. No exemption shall be granted under this act until the Department of Revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

SECTION 8. This act shall expire after 3 years of implementation of the exemption."

The amendments were adopted; and the bill (House, No. 4062, 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 one o'clock P.M.

Next  
sitting.

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At twenty-two minutes after eleven o'clock A.M., on motion of Mr. Barrows of Mansfield (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet the following day at one o'clock P.M.