

Monday, June 11, 2012.

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

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.

*Resignation of Representative Kane of Holyoke.*

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

June 8, 2012.

Steven T. James, Clerk  
*House of Representatives*  
State House  
Boston, MA 02133

Dear Mr. Clerk,

I am writing to submit my resignation as State Representative for the 5th Hampden District, effective at the close of business today, June 8, 2012. Thank you for your attention to this matter, and I want to offer you and your staff a personal thank you for our service together. Resignation of Representative Michael F. Kane of Holyoke.

Sincerely,

MICHAEL F. KANE,  
*State Representative.*

*Resolutions.*

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

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Kathryn Anne O'Connor on the occasion of her retirement; Kathryn Anne O'Connor.

Resolutions (filed by Messrs. Atsalis of Barnstable and Turner of Dennis) congratulating Judy Walden Scarafile on being named the 2012 Mercy Otis Warren Cape Cod Woman of the Year; Judy Walden Scarafile.

Resolutions (filed by Representatives Fox of Boston, Donato of Medford, Bradley of Hingham, Garballey of Arlington, Honan of Boston and O'Day of West Boylston) honoring Philip Irvin Bailey and the Music is Unity Foundation for their dedicated work on behalf of Foster Youths; Philip Irvin Bailey.

Resolutions (filed by Ms. Hogan of Stow) congratulating Conor R. Butler on achieving the rank of Eagle Scout with the Boy Scouts of America; Conor R. Butler.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Jeffrey R. Baudisch on receiving the Eagle Award of the Boy Scouts of America; Jeffrey R. Baudisch.

Alexander  
Gagnon.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Alexander Evan Gagnon on receiving the Eagle Award of the Boy Scouts of America;

William  
Shirley  
Hein.

Resolutions (filed by Ms. Peisch of Wellesley) honoring William Shirley Hein on receiving the Eagle Award of the Boy Scouts of America;

B. Angus  
MacDonald.

Resolutions (filed by Representatives Peisch of Wellesley and Khan of Newton) honoring B. Angus MacDonald on receiving the Eagle Award of the Boy Scouts of America;

Keegan  
O'Leary.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Keegan Timothy O'Leary on receiving the Eagle Award of the Boy Scouts of America;

Citizens for  
Public Schools.

Resolutions (filed by Mr. Smizik of Brookline) congratulating Citizens for Public Schools on the occasion of its thirtieth anniversary;

Daniel G.  
Durgin, Sr.

Resolutions (filed by Representatives Smola of Palmer and Gobi of Spencer) congratulating Daniel G. Durgin, Sr., on his retirement as superintendent of Tantasqua and Union 61 school districts; and

Anthony  
Mucciarone.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Anthony Mucciarone on his retirement from the Franklin Department of Public Works;

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. Walsh of Lynn, 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:

Sharon,—  
liquor  
licenses.

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 4163) of Louis L. Kafka, James E. Timilty and Brian A. Joyce (by vote of the town) for legislation to authorize the town of Sharon to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure.

Newburyport,—  
land in  
Newbury.

By Representative Costello of Newburyport and Senator Tarr, a joint petition (accompanied by bill, House, No. 4164) of Michael A. Costello and Bruce E. Tarr (with the approval of the mayor and city council of the city of Newburyport) that the city of Newburyport be authorized to acquire interests in certain land in the town of Newbury. To the committee on Telecommunications, Utilities and Energy.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Plumbing,—  
insurance.

By Mr. Durant of Spencer, a petition (subject to Joint Rule 12) of Peter J. Durant for legislation to clarify insurance requirements for plumbing work.

Breathalyzer  
refusal,—  
licenses.

By Mr. O'Flaherty of Chelsea, a petition (subject to Joint Rule 12) of Eugene L. O'Flaherty, Martha M. Coakley and others relative to the suspension of driver's licenses for refusing to take a breathalyzer test.

Louise  
Moson,—  
sick leave.

By Representative Wagner of Chicopee and Senator Welch, a joint petition (subject to Joint Rule 12) of Joseph F. Wagner and James T.

Welch for legislation to establish a sick leave bank for Louise Moson, an employee of the Massachusetts Department of Transportation.

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

*Papers from the Senate.*

The House Bill providing for certain reforms to the Massachusetts Department of Transportation (House, No. 4125), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 3 and inserting in place thereof the following section:

MassDOT,—  
reforms.

“SECTION 3. Section 132 of chapter 25 of the acts of 2009 is hereby amended by adding the following sentence:— Section 6 of chapter 15 of the acts of 1993 shall cease to have legal effect 10 days after the authority provides notice to the clerks of the senate and house of representatives and the chairs of the senate and house committees on ways and means and to the chair of the joint committee on transportation of an intent, consistent with the requirements of section 132 of chapter 25 of the acts of 2009, to enter into any sale, conveyance, mortgage, pledge, lease, exchange, abandonment or other disposition of said garage.”

Under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the amendments were considered forthwith. The House then non-concurred with the Senate in its amendments. Sent to the Senate for its action.

A Bill further regulating certain town meeting notices in the town of Belmont (Senate, No. 2223) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Belmont,—  
town meeting  
notices.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2294) of Michael R. Knapik and John W. Scibak (with the approval of the mayor and city council) for legislation to authorize the city of Easthampton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure.

Easthampton,—  
liquor license.

Petition (accompanied by bill, Senate, No. 2295) of Therese Murray, Viriato Manuel deMacedo and Thomas J. Calter (by vote of the town) for legislation to amend the charter of the town of Plymouth. To the committee on Municipalities and Regional Government.

Plymouth,—  
town charter.

*Reports of Committees.*

Mr. Binienda of Worcester, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the House Bill relative to certain reforms relative to the Massachusetts Department of Transportation (House, No. 4161) (for order, see House, No. 4162). The order was considered forthwith; and it was adopted.

Transportation,—  
reforms.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on the residue of House, No. 4109, a Bill relative to certain reforms

Id.

Transportation,—  
reforms.

relative to the Massachusetts Department of Transportation (House, No. 4161). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Straus of Matapoisett, the bill was read a second time forthwith; and it was ordered to a third reading.

Virginia  
Wise,—  
retirement  
benefits.

By Mr. Scibak of South Hadley, for the committee on Public Service, on a petition, a Bill directing the State Board of Retirement to grant certain retirement benefits (House, No. 1593). Read; and referred, under Rule 33, to the committee on Ways and Means.

North  
Andover,—  
selectmen.

By Mr. Michlewitz of Boston, for the committee on Election Laws, on a petition, a Bill relative to vacancies in the office of selectmen in the town of North Andover (House, No. 3832) [Local Approval Received].

Boston,—  
ballots.

By the same member, for the same committee, on a petition, a Bill amending the preparation of certain ballots in the city of Boston (House, No. 4020) [Local Approval Received].

Hopedale,—  
direct  
deposits.

Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a recommitted joint petition, a Bill authorizing the town of Hopedale to allow direct deposit of receipts into certain funds (House, No. 3937) [Local Approval Received] (Report filed on May 17, 2012).

North  
Andover,—  
Amy  
McCarthy.

By Mr. Scibak of South Hadley, for the committee on Public Service, on a petition, a Bill authorizing the appointment of Amy McCarthy as a police officer in the town of North Andover, notwithstanding the maximum age requirements (House, No. 3835) [Local Approval Received].

Haverhill,—  
William M.  
Cowl, Jr.

By the same member, for the same committee, on a joint petition, a Bill authorizing the appointment of William M. Cowl, Jr., as a firefighter in the city of Haverhill notwithstanding the maximum age requirement (House, No. 3990) [Local Approval Received].

Lawrence  
Marino,—  
sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Lawrence Marino, an employee of the Massachusetts Department of Transportation (House, No. 4158).

Clifton  
Watson,—  
sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Mr. Clifton Watson, an employee of the Registry of Motor Vehicles (House, No. 4159).

East  
Bridgewater,—  
tax titles.

By Mr. Kaufman of Lexington, for the committee on Revenue, on a petition, a Bill relative to tax titles in the town of East Bridgewater (House, No. 3991) [Local Approval Received].

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

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

Counties.

Relative to certain county elections for certain vacancies (House, No. 211);

Establishing identification requirements for voters who registered by mail (House, No. 1981);	Voter identification.
Relative to public access of private restrooms (House, No. 2366);	Restrooms.
Relative to absentee ballots (House, No. 2734);	Absent voting.
Relative to absentee voting (House, No. 2740);	Id.
Prohibiting certain election practices (House, No. 3113);	Campaign sites.
Regarding Decennial division of wards and precincts in the city of Boston (House, No. 3819) [Local Approval Received];	Boston,—wards, etc.
Relative to the recall of elective officers in the town of North Andover (House, No. 3831) [Local Approval Received];	North Andover,—recall.
Designating male breast cancer awareness week (House, No. 4019);	Breast cancer.
Relative to protective headgear for soccer players (House, No. 4082);	Soccer helmets.
Relative to a town of Canton conservation restriction (House, No. 4103) [Local Approval Received];	Maresfield Farm.
Relative to specially qualified voters (House, No. 4126); and	Voters.
To prohibit negative option sales (House, No. 4130);	Option sales.
Generally placed in the Orders of the Day for the next sitting for a second reading.	

*Engrossed Bills.*

The engrossed Bill establishing a sick leave bank for Janet Ochner, an employee of the Department of Developmental Services (see House, No. 3969) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bills enacted.

The engrossed authorizing the board of selectmen of the town of Middleborough to impose reasonable fees for the employment of outside consultants in connection with the review of earth removal applications (see Senate, No. 1949, amended) (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.*

At twenty-two minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until half past twelve o'clock noon; and at twenty-one minute before one o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

*Emergency Measure.*

The engrossed Bill relative to certain reforms relative to the Massachusetts Department of Transportation (see House, No. 4125), 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.

MassDOT,—reforms.

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

*Order.*

On motion of Mr. DeLeo of Winthrop,—

Next  
sitting.

*Ordered,* That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

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At five minutes before one o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.