

Wednesday, June 13, 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.

Recess.

At three minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at ten minutes after one o'clock the House was called to order with the Speaker in the Chair. Recess.

Quorum.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum. Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 143 members were recorded as being in attendance. Quorum,—
yea and nay
No. 276.

[See Yea and Nay No. 276 in Supplement.]

Therefore a quorum was present.

Valedictory Address.

During the session, there being no objection, Mr. Vallee of Franklin addressed the House regarding his departure from service in the House of Representatives. Valedictory address.

Resolutions.

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

Resolutions (filed by Mr. Arciero of Westford) congratulating Judith E. Ramirez on the occasion of her retirement from the town of Westford Council on Aging; and Judith E. Ramirez.

Resolutions (filed by Mr. deMacedo of Plymouth) congratulating James Shobbrook on receiving the Eagle Award of the Boy Scouts of America; James Shobbrook.

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. deMacedo of Plymouth, 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:

Danvers,—
liquor
license.

By Representative Speliotis of Danvers and Senator Berry, a joint petition (accompanied by bill, House, No. 4168) of Theodore C. Speliotis and Frederick E. Berry (by vote of the town) for legislation to authorize the town of Danvers to grant an additional license for the sale of all alcoholic beverages to be drunk on the premise. To the committee on Consumer Protection and Professional Licensure.

Springfield,—
land.

By Mr. Curran of Springfield, a petition (accompanied by bill, House, No. 4169) of Sean Curran (with the approval of the mayor and city council) for legislation to authorize the city of Springfield to convey a certain parcel of land in said city;

Reading,—
easement.

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 4170) of Bradley H. Jones, Jr., James J. Dwyer and Katherine M. Clark (by vote of the town) for legislation to authorize the town of Reading to grant a utility easement over certain parcels of land in said town;

Wellfleet,—
land.

By Ms. Peake of Provincetown, a petition (accompanied by bill, House, No. 4171) of Sarah K. Peake and Daniel A. Wolf (by vote of the town) relative to authorizing the town of Wellfleet to grant an easement on a certain parcel of land in said town; and

Fairhaven,—
land.

By Mr. Straus of Mattapoisett, a petition (accompanied by bill, House, No. 4172) of William M. Straus (by vote of the town) relative to authorizing the town of Fairhaven to grant an easement on a certain parcel of land;

Severally to the committee on Municipalities and Regional Government.
Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Gloria
Chisholm,—
sick leave.

By Representative Durant of Spencer and Senator Moore, a joint petition (subject to Joint Rule 12) of Peter J. Durant and Richard T. Moore for legislation to establish a sick leave bank for Gloria Chisholm, an employee of the Massachusetts Department of Transportation.

Fireworks,—
classification.

By Mr. Murphy of Weymouth (by request), a petition (subject to Joint Rule 12) of Matthew Maloney relative to further defining the classification of fireworks.

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

Papers from the Senate.

Topsfield,—
land.

The House Bill authorizing the town of Topsfield to convey a certain conservation land (House, No. 3719, amended), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. The conservation commission of the town of Topsfield may transfer the care, custody and control of a certain parcel of conservation land located off Pheasant Lane in said town to the board of selectmen. This parcel contains 7,681 square feet of land and is shown as ‘Parcel A’ on a plan of land entitled ‘Plan of Land in Tops-

field, Mass. Prepared for Brigitte & Timothy O'Malley And The Town of Topsfield Showing Parcels A & B', dated April 20, 2011, and prepared by The Neve-Morin Group, Inc., a copy of which is on file in the office of the board of selectmen of said town. Parcel A is a portion of an open space parcel granted to the town of Topsfield by deed dated May 20, 1991 and recorded in book 10857, page 271 in the Essex south district registry of deeds.

SECTION 2. If the conservation commission makes the transfer authorized in section 1, the town of Topsfield, acting by and through its board of selectmen, may then convey such parcel to Brigitte and Timothy O'Malley of 19 Pheasant Lane, subject to subsections (a), (b) and (g) of section 16 of chapter 30B of the General Laws.

SECTION 3. In consideration for and as a condition of the conveyance authorized in section 2, Brigitte and Timothy O'Malley shall convey to the town of Topsfield a certain parcel of land containing 7,681 square feet and shown as 'Parcel B' on the plan of land described in section 1, to be held in the care, custody and control of the conservation commission for conservation purposes.

SECTION 4. This act shall take effect upon its passage."

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

Bills

Relative to anti-freeze and engine coolant (Senate, No. 88) (on a petition); Anti-freeze.

Further regulating tanning facilities (Senate, No. 2211) (on Senate, No. 1175); and Tanning facilities.

Relative to the effective enforcement of municipal ordinances and bylaws (Senate, No. 2300) (on Senate bill No. 1018); Municipal,—bylaws.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Petition (accompanied by bill, Senate, No. 2297) of Thomas M. McGee, Steven M. Walsh, Robert F. Fennell, Lori A. Ehrlich and others (with the approval of the mayor and city council) for legislation relative to the adjustment of disability retirement benefits to Lynn police officer Gregory LeBlanc, was referred, in concurrence, to the committee on Public Service. Gregory LeBlanc,—benefits.

The petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2306) of William N. Brownsberger for legislation to authorize the lease of the Daly field complex located in the Brighton section of the city of Boston. To the committee on State Administration and Regulatory Oversight. Boston,—Daly field.

Petition (accompanied by bill, Senate, No. 2305) of Kenneth J. Donnelly for legislation to designate a certain bridge in the town of Billerica as the Helen Knight bridge. To the committee on Transportation. Helen Knight,—bridge.

Reports of Committees.

Chelsea,—
land.

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 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. Under suspension of the rules, on motion of Mr. O'Flaherty of Chelsea, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Cyber cafes,—
regulate.

Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill relative to the regulation of cyber cafes (House, No. 3765). 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 the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

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

Lawrence
Marino.

Establishing a sick leave bank for Lawrence Marino, an employee of the Department of Transportation (House, No. 4158); and

Clifton
Watson.

Establishing a sick leave bank for Mr. Clifton Watson, an employee of the Registry of Motor Vehicles (House, No. 4159);

Under suspension of Rule 7A, in each instance, on motion of the same member, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Disabled,—
responsibilities,
etc.

Mr. Walsh of Lynn, for the committee on Health Care Financing, that the Bill to encourage responsibility, cost effectiveness and meaningful lives for individuals with disabilities (House, No. 984), ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4167). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Truro,—
land.

By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a petition, a Bill amending a conservation restriction in the town of Truro (House, No. 3919) [Local Approval Received] (Report filed on May 2, 2012).

Chereel
Stafilopatis,—
sick leave.

By Mr. Scibak of South Hadley, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Chereel Stafliopatis, an employee of the Executive Office of Health and Human Services (House, No. 4166).

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

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Dacia Thompson, an employee of the Department of Children and Families (see House, No. 4029), 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.

Dacia Thompson,—
sick leave bank.

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 35 to 0. Sent to the Senate for concurrence.

The engrossed Bill establishing a sick leave bank for Mark Lewis, an employee of the Department of Developmental Services (see House, No. 4065), 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.

Mark Lewis,—
sick leave bank.

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 52 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Providing for the protection of volunteer emergency medical technicians from dismissal (see House, No. 537); and

Bills enacted.

Requiring certain information relative to down syndrome be provided to certain parents and families (see House, No. 3825);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill relative to the Essex Regional Retirement System (Senate, No. 2230), reported by the committee on Bills in the Third Reading to correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third reading bill.

House bills

Designating a state road in the city of Waltham as Landry Way (House, No. 920);

Third reading bills.

Relative to leasing Sunny Meadow Farm in the town of Chelmsford (House, No. 3881); and

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

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

House bills

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

Second reading bills.

Second
reading
bills.

Relative to the removal or transportation of trash (House, No. 1546);
 Establishing identification requirements for voters who registered
 by mail (House, No. 1981);
 Relative to public access of private restrooms (House, No. 2366);
 Regarding decennial division of wards and precincts in the city of
 Boston (House, No. 3819);
 Relative to the recall of elective officers in the town of North Andover
 (House, No. 3831);
 Designating male breast cancer awareness week (House, No. 4019);
 Relative to a town of Canton conservation restriction (House, No. 4103);
 and
 To prohibit negative option sales (House, No. 4130);
 Severally were read a second time; and they were ordered to a
 third reading.

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The House Bill relative to an accelerated transportation devel-
 opment and improvement program for the Commonwealth (House,
 No. 4161) (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.

After remarks on the question of passing the bill to be engrossed,
 Messrs. Winslow of Norfolk and Diehl of Whitman moved to amend it
 by adding the following three sections:

“SECTION 7. Section 6 of chapter 64C of the General Laws, as
 appearing in the 2010 Official Edition, is hereby amended by striking,
 in lines 3 and 11, respectively, the figure ‘100½’ and inserting in place
 thereof the following:— 125½.

SECTION 8. Section 13 of chapter 64C of the General Laws, as so
 appearing, is hereby amended by striking, in line 54, the words
 ‘twenty-five’ and inserting in place thereof the following:— twelve
 and one half.

SECTION 9. Section 6 of chapter 64C of the General Laws, as so
 appearing, is amended by adding at the end thereof:—

All cigarette excise revenues in excess of the amount received in the
 fiscal year ending June 30, 2012, shall be credited to the Massachusetts
 Transportation Trust Fund for the purpose of subsidizing the cost of
 fares for the Massachusetts Bay Transportation Authority.”

Point of
order.

Mr. Moran of Boston thereupon raised a point of order that the
 amendment offered by Mr. Winslow et al was improperly before the
 House for the reason that it went beyond the scope of the pending bill.

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

Mr. Winslow thereupon appealed from the decision of the Chair;
 and the appeal was seconded by Mr. Peterson of Grafton.

Decision
of Chair
sustained,—
yea and nay
No. 277.

After remarks on the question: “Shall the decision of the Chair
 stand as the judgment of the House?”, the sense of the House was
 taken by yeas and nays, at the request of Mr. Peterson; and on the roll
 call 121 members voted in the affirmative and 32 in the negative.

[See Yea and Nay No. 277 in Supplement.]

Therefore the decision of the Chair was sustained.

Mr. Durant of Spencer then moved to amend the bill by adding the following four sections:

“SECTION 7. Section 1 of chapter 21 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word ‘recreation’ in lines 29 and 30 the following words:— a division of the Rose Fitzgerald Kennedy greenway.

SECTION 8. Chapter 21 of the General Laws is hereby amended by adding the following 3 sections:—

Section 64. As used in this section and in sections 65 to 66, inclusive, the term ‘greenway’ shall include (1) the open space and park parcels between the northerly limit of Causeway street and the southerly limit of Kneeland street in the city of Boston, not including the development parcels, and including at minimum parcels 5, 8, 10, 13, 14, 15, 16, 17, 19, 21, 22 and 23a through d, inclusive, as shown on a plan entitled ‘Parcel Land Use – Massachusetts Turnpike Authority – 2008’, drawn by Don Kindsvatter, April 1999 and most recently revised May 2008, the original of which is kept on file at the office of the Massachusetts Department of Transportation, together with any additional parcels and other areas as may not be developed by the Massachusetts Department of Transportation; (2) landscaped and sidewalk areas owned by the authority and shown on the plan that are not used exclusively for highway purposes, as well as such of development parcels 6, 12 and 18, for which the Massachusetts Department of Transportation has not previously executed a development agreement; and (3) such other properties as may be agreed to by the board and the Massachusetts Department of Transportation or as the legislature may from time to time add to the greenway; provided, however, that in no event shall the term ‘greenway’ include any element or space, deemed by the written certification of the secretary and chief engineer of the Massachusetts Department of Transportation to be necessary for the use, operation or maintenance of the Thomas P. O’Neill, Jr. tunnel.

(a) There shall be within the department, a division of the Rose Fitzgerald Kennedy greenway. The division shall maintain, subject to section 65, exclusive control over the greenway.

(b) The division, on behalf of the commonwealth and in consultation with the department, is hereby authorized and empowered to:

(1) improve, maintain and operate the greenway, including associated buildings and facilities and improvements thereon, as a public park for the benefit and enjoyment of the general public;

(2) apply for and receive funds from any source, public or private, by gift, grant, bequest, or otherwise, and to expend the same on behalf of the department to provide for the design, construction and operation of approved structures, facilities, and improvements thereon.

Section 65. (a) There shall be a Rose Fitzgerald Kennedy greenway board which shall consist of 11 members: 4 of whom shall be appointed by the commissioner of the department; 2 of whom shall be appointed by the secretary of the Massachusetts Department of Transportation; 2 of whom shall be the district’s house of representatives member and/or his designee(s); 2 of whom shall be the district’s senate member and/or his designee(s); and 1 of whom shall be the Mayor of Boston or his designee; provided, however, that of these appointed members:

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1 shall be a horticulturist; 1 shall be a landscape architect; 1 shall be an arborist; and at least 6 shall reside in the city of Boston.

(b) With the exception of the elected officials specified in Section 65 paragraph (a), board members shall serve for no more than two consecutive terms of three years each. In the creation of the board, members shall be appointed in the following manner: 3 members shall be appointed to a one year term, 4 members appointed to a 2 year term and 4 members appointed to a 3 year term. Subsequent appointees shall be made at the expiration of each term for a period of 3 years.

(c) The board shall be responsible for maintaining a balance of public recreation and open space programs for the greenway.

(d) The board may assess an event fee for any commercial use of the greenway. All monies collected pursuant to this subsection shall be deposited into the Rose Fitzgerald Kennedy Greenway Fund, established by section 66 of chapter 21.

(e) The board may receive and expend funds from any source, public or private, to carry out the purposes of this section. The monies collected and deposited into the Rose Fitzgerald Kennedy Greenway Fund, established under section 66 of chapter 21, shall be controlled by the board, in conjunction with and subject to an annual spending plan that shall be approved by the secretary of administration and finance.

(f) The board shall keep books, records and accounts of all its activities, which shall be open to inspection. The books and records of the board shall be subject to an annual audit by the state auditor. The state auditor shall present the results of the audit to the board, the state treasurer and the house and senate committees on ways and means. The board shall also prepare an annual report which shall include: a summary of all receipts and expenditures, including expenditures for specific operation, preservation, maintenance or recreation programs; a description of the various programs operated, contracted or sponsored by the board; and a directory of current board members, including their affiliation and terms of office thereof. The board shall provide a copy of the annual report to the house and senate committee on ways and means and the executive office of administration and finance.

(g) Board members shall serve without compensation, but shall be reimbursed for their expenses actually and necessarily incurred as proposal review board members. The board shall conduct all meetings in public, pursuant to sections 18 through 24, inclusive, of chapter 30A. Six members shall constitute a quorum.

(h) The board may adopt rules and regulations governing conduct and activity within the greenway, after consultation with the commissioner of the department of conservation and recreation.

Section 66. There shall be established and set upon the books of the commonwealth a separate fund to be known as the Rose Fitzgerald Kennedy Greenway Fund, consisting of revenues received pursuant to sections 64 and 65 of chapter 21, including any interest or investment earnings on such monies and all other monies credited or transferred thereto from any other fund or source pursuant to law. This fund shall include money received from the Rose Kennedy Greenway Conservancy pursuant to section 12 of chapter 306 in the acts of 2008. Any unexpended balance in the fund at the end of the fiscal year shall not revert to the General Fund, but shall remain available for expenditure

in subsequent fiscal years. No expenditure made from the Rose Fitzgerald Kennedy Greenway Fund shall cause the fund to become deficient at any point during a fiscal year. The books and records of the Rose Fitzgerald Kennedy Greenway Fund shall be subject to an annual audit by the state auditor.

SECTION 9. Notwithstanding any general or special law to the contrary, any interest in land, lease, covenant, contract or agreement to operate, preserve, maintain, program or manage the greenway and the other open space parcels referred to in section 64 of chapter 21 of the General Laws is hereby transferred from either the Massachusetts Department of Transportation or the Rose Fitzgerald Greenway Conservancy, Inc., to the board of the Rose Fitzgerald Kennedy greenway division of the department of conservation and recreation.

SECTION 10. Chapter 306 of the Acts of 2008 is hereby repealed.”

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

Point of order.

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

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

“SECTION 7. Section 3 shall not take effect until such time as the apportionment for the construction and reconstruction of town and county ways as described in clause (b) of section 4 of chapter 6C of the General Laws, commonly known as Chapter 90 program, for the 2012 calendar year is authorized by the General Court and approved by the Governor.”

After debate on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Winslow of Norfolk; and on the roll call 34 members voted in the affirmative and 117 in the negative.

Amendment rejected,—yea and nay No. 278.

[See Yea and Nay No. 278 in Supplement.]

Therefore the amendment was rejected.

Mr. Bastien of Gardner then moved to amend the bill by adding the following section:

“SECTION 7. Section 7A of chapter 90 of the General Laws, as so appearing in the 2010 edition, is hereby amended by inserting after the word ‘cycle’, in line 71, the following:— and provided further that such fee shall not exceed \$25 in any year.”

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 the same member; and on the roll call 33 members voted in the affirmative and 120 in the negative.

Amendment rejected,—yea and nay No. 279.

[See Yea and Nay No. 279 in Supplement.]

Therefore the amendment was rejected.

The same member then moved to amend the bill by striking out section 3 and inserting in place thereof the following section:

“SECTION 3. Notwithstanding any general or special law or regulation to the contrary, the registrar of motor vehicles is hereby authorized to transfer \$51,000,000 from the Motor Vehicle Inspection Trust Fund to the General Fund, such authorization limited to fiscal year

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2013 only and expiring on June 30, 2013. Not later than 30 days following said transfer, the comptroller shall transfer \$51,000,000 from the General Fund to the cities and towns of the Commonwealth for the construction and reconstruction of town and county ways as described in clause (b) of section 4 of chapter 6C of the General Laws.”.

The amendment was rejected.

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

“SECTION 7. Notwithstanding any general or special law to the contrary, the Board of the Massachusetts Bay Transport Authority shall, in conjunction with the Commonwealth’s transparency-promoting open checkbook program, publish online all pension payment information including name, former position, amount of yearly distribution of pension, and age of collector by April 30, 2013.”.

Point of
order.

Mr. Moran of Boston thereupon raised a point of order that the amendment offered by the lady from Taunton was improperly before the House for the reason that it went beyond the scope of the pending bill.

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

Mrs. O’Connell thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Winslow of Norfolk.

Decision
of Chair
sustained,—
yea and nay
No. 280.

After remarks on the question: “Shall the decision of the Chair stand as the judgment of the House?”, the sense of the House was taken by yeas and nays, at the request of Mrs. O’Connell of Taunton; and on the roll call 121 members voted in the affirmative and 32 in the negative.

[See Yea and Nay No. 280 in Supplement.]

Therefore the decision of the Chair was sustained.

Messrs. Cantwell of Marshfield and Murphy of Weymouth then moved to amend the bill by adding the following section:

“SECTION 7. Notwithstanding any general or special law to the contrary the Massachusetts Department of Transportation shall submit a report to the House and Senate Committees on Ways and Means, the Joint Committee on Transportation, and the Joint Committee on Travel and Tourism no later than August 31, 2012 that said report shall include, but not be limited to, an estimated cost for restoring weekend service of said Old Colony Rail service and the cost of a new marketing plan for said service.”.

The amendment was adopted.

Mr. Cantwell of Marshfield then moved to amend the bill in section 3, in line 67, by inserting after the word “authority” the words “further provided that the Massachusetts Bay Transportation Authority be required to restore weekend service for the old colony regional rail lines.”; and 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 section:

“SECTION 8. Chapter 161A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting at the end thereof the following new section:

Section 49. Notwithstanding any general or special law to the contrary, the department or the authority shall not undertake any system

expansion, defined as encompassing the development, conceptual planning, design and construction of any effort to expand the scope of MBTA services, until the department or the authority conducts a cost analysis reflecting the expected fare recovery ratio for that project, and certifies that the project will exceed the fare recovery ratio for that particular mode of transportation system wide. This cost analysis shall include any and all costs associated with the project including debt service, construction costs, future maintenance and associated costs. The auditor of the commonwealth shall request that the administrator of the appropriate division of the Massachusetts Department of Transportation prepare the fiscal analysis, including life cycle costs, demonstrating that sufficient revenues exist or will be generated to operate and maintain in good repair the expansion. This analysis shall also be submitted to the joint legislative committee on revenue.

Nothing in this section shall be construed to prevent any system enhancement, defined as encompassing capital projects that improve existing service and foster increased ridership.”.

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 the same member; and on the roll call 33 members voted in the affirmative and 121 in the negative.

Amendment
rejected,—
yea and nay
No. 281.

[See Yea and Nay No. 281 in Supplement.]

Therefore the amendment was rejected.

Mr. Barrows of Mansfield then moved to amend the bill by adding the following two section:—

“SECTION 8. Notwithstanding any general or special law to the contrary, no pass purchased for a single ride or as part of a multi-ride pass for use on the commuter rail will expire less than 90 days from the date of purchase.

SECTION 9. Section 8 shall take effect on July 1, 2012.”.

After debate on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 154 members voted in the affirmative and 0 in the negative.

Amendment
adopted,—
yea and nay
No. 282.

[See Yea and Nay No. 282 in Supplement.]

Therefore the amendment was adopted.

Mr. Straus of Mattapoisett then moved to amend the bill in section 5, in line 89, by inserting after the word “time” the words “and procedures”, in line 100, by inserting after the words “requirements of” the words “Massport and”; and in section 6, in line 114, by striking out the words “the seaport district” and inserting in place thereof the words “Boston Harbor”. The amendments were adopted.

Messrs. Dempsey of Haverhill and Rushing of Boston then moved to amend the bill in section 1, in lines 27 to 35, inclusive, by striking out the text contained in those lines and inserting in place thereof the following paragraph:

“(c) A person who is issued a noncriminal citation shall be assessed a fine as follows: \$25 for a first offense; \$100 for a second offense; or \$250 for a third or subsequent offense. If the person fails to pay the fine within 90 days of the date of the issuance of a noncriminal citation under this section, or the violator fails to request a hearing within 90 days of the date of the issuance of a noncriminal citation under this

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section, the authority shall provide notice of nonpayment of a fine indicating that the person's license or right to operate a motor vehicle will be suspended until the fine is paid. The authority shall provide reasonable opportunity for a hearing and may waive or reduce a fine imposed under this section within its discretion. If the fine is not waived under this section, the violator shall have 90 days from the date of the hearing to pay the fine.”; in lines 51 and 52, by striking out the words “and an application for a criminal complaint will be made in accordance with paragraph one of this section”; and by adding the following section:

“SECTION 10. The comptroller shall deposit funds received through federal reimbursement due to actions authorized in section 4 of this act to the Massachusetts Transportation Trust Fund, provided that said deposits shall not exceed \$5,000,000.”.

The amendments were adopted.

Mr. Sciortino of Medford then moved to amend the bill by adding the following section:

“SECTION 11. There shall be study at the direction of the Secretary of Transportation of all issues relating to the need for additional revenue for transportation operations, maintenance and capital funding for transportation in the Commonwealth including roads and bridges, public transportation and bicycle and pedestrian facilities. Said study shall be filed with the Clerk of the House of Representatives and the Clerk of the Senate on or before December 1, 2012.”.

The amendment was adopted.

After debate, Mr. Hecht of Watertown moved to amend the bill by adding the following section:

“SECTION 12. There shall be a study of the impact of the MBTA fare increases effective July 1, 2012 on seniors, persons with disabilities, and students. The study shall include, but not be limited to, the impact of the fare increases on their finances, health, employment, education, and quality of life the RIDE Program. The study shall also examine and propose possible ways of mitigating these impacts. The study shall be conducted jointly by the Executive Office of Elder Affairs, the Office of Disability, and the Department of Elementary and Secondary Education. The MBTA shall cooperate and provide all information necessary to prepare the report. The report, together with any recommendations for legislative or administrative action, shall be submitted by January 1, 2013 to the joint committee on transportation, the Senate and House committees on Ways and Means and the MBTA.”.

After remarks the amendment was adopted.

After debate on the question of passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Straus of Mattapoisett; and on the roll call 130 members voted in the affirmative and 25 in the negative.

[See Yeas and Nays No. 283 in Supplement.]

Therefore the bill (House, No. 4174, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed to
be engrossed,—
yea and nay
No. 283.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Mr. 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 sixteen minutes after five o'clock P.M., (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.