

Monday, June 18, 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.

*Silent Prayer.*

At the request of Speaker DeLeo of Winthrop, the members, guests and employees stood in a moment of silent tribute to the memory of Robert E. MacQueen of Weymouth, Clerk of the House of Representatives, from 1983 to 1998, inclusive. Robert E. MacQueen.

*Resolutions.*

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

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and Kafka of Stoughton) congratulating Mitchell Negus on receiving the Eagle Scout Award of the Boy Scouts of America; Mitchell Negus.

Resolutions (filed by Mr. Calter of Kingston) congratulating Ryan P. Wallace on receiving the Eagle Scout Award of the Boy Scouts of America; Ryan P. Wallace.

Resolutions (filed by Mr. Fernandes of Milford) congratulating John James Fitzgerald on earning the Eagle Scout Award of the Boy Scouts of America; John James Fitzgerald.

Resolutions (filed by Ms. Hogan of Stow) congratulating Richard Braga on his retirement as Chief of the Hudson Police Department; and Richard Braga.

Resolutions (filed by Mr. Sánchez of Boston and other members of the House) congratulating Jovita Fontanez on her retirement as a neighborhood business manager in the Office of Business Development in the city of Boston; Jovita Fontanez.

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

*Communication.*

A communication from the Water Infrastructure Finance Commission (under Section 145 of Chapter 27 of the Acts of 2009) relative to the current state of water infrastructure investments in Massachusetts, was placed on file. Water Infrastructure Finance Commission.

*Papers from the Senate.*

Blue Star  
Mothers  
month.

A Bill designating the month of May as Blue Star Mothers Month (Senate, No. 2265) (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.

Arlington,—  
antenna  
leases.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2304) of Kenneth J. Donnelly and Sean Garballey (by vote of the town) for legislation to authorize the town of Arlington to establish a separate account for proceeds from wireless communications antenna leases. To the committee on Municipalities and Regional Government.

Wilbraham,—  
special  
police.

Petition (accompanied by bill, Senate, No. 2303) of Gale D. Candaras (by vote of the town) for legislation to allow the town of Wilbraham to appoint special police officers. To the committee on Public Service.

Burlington,—  
veteran tax  
exemptions.

Petition (accompanied by bill, Senate, No. 2302) of Kenneth J. Donnelly and Charles A. Murphy (by vote of the town) for legislation relative to the acceptance of real estate exemption provisions for certain military personnel in the town of Burlington. To the committee on Revenue.

*Reports of Committees.*

Transporta-  
tion,—  
bond.

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 financing improvements to the Commonwealth's transportation system (House, No. 4179) (for order, see House, No. 4180). The order was considered forthwith; and it was adopted.

By Mr. Binienda of Worcester, for the committees on Rules and the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions;

Gloria  
Chisholm,—  
sick leave.

Joint petition (accompanied by bill) 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; and

Susan  
Tremblay,—  
sick leave.

Petition (accompanied by bill) of Dennis A. Rosa for legislation to establish a sick leave bank for Susan Tremblay, an employee of the Department of Correction;

Severally to the committee on Public Service.

Under suspension of the rules, on motion of Ms. Peake of Provincetown, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Plymouth  
Nuclear  
Plant.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to the Plymouth Nuclear Power Plant (House, No. 645),— and recommending the same be referred to the committee on Telecommunications, Utilities and Energy.

Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the reference.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the House Bill relative to financing improvements to the Commonwealth's transportation system (House, No. 4145), ought to pass with an amendment by substitution of a bill with the same title (House, No. 4179). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Transportation,—  
improvement  
financing.

Mr. Kafka of Stoughton, for said committee, then reported recommending that the matter be scheduled for consideration of the House, with the amendment pending.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means was adopted; and the substituted bill was ordered to a third reading.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the following bills ought to pass:

Authorizing the establishment of a sewer construction fund for the town of Barnstable (Senate, No. 1065, amended);

Barnstable,—  
sewer fund.

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); and

Bourne  
Water  
District.

Authorizing the town of Groton, acting by and through its board of selectmen and board of water commissioners, to convey a conservation restriction on certain parcels of land to the Division of Fisheries and Wildlife by its Department of Fish and Game (House, No. 3886); and

Groton,—  
land.

Authorizing the town of Orange to convey a certain parcel of land (House, No. 4009, changed);

Orange,—  
land.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Mr. Kafka of Stoughton, for said committee, reported recommending that the bills severally be scheduled for consideration by the House.

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.

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

Concerning fair retainage payments in private construction (House, No. 1401); and

Construction  
payments.

Providing certain accidental disability retirement benefits for the widow of a former police officer of the city of Boston (House, No. 3989);

Maureen  
Shaw,—  
benefits.

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.

By Mr. Walsh of Lynn, for the committee on Health Care Financing, that the following bills ought to pass:

To define the use of observation services (House, No. 304) [Cost: Greater than \$100,000]; and

Observation  
services

To establish community based grant programs to eliminate racial and ethnic health disparities in the Commonwealth (House, No. 1518) [Cost: Greater than \$100,000].

Health  
disparities.

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

By Mr. Walsh of Lynn, for the committee on Health Care Financing, that the following bills ought to pass:

- Body piercing. Relative to regulating the practice of human body piercing (House, No. 584);
- Medication. Relative to medication technician (House, No. 1472);
- Cancer fund. Relative to a lung cancer research fund (House, No. 2342);
- Provider education. To reduce healthcare costs by promoting provider education through academic detailing (House, No. 3367); and
- Women's health. Relative to promoting women's health (House, No. 3542);
- Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Municipal records,—  
preservation. By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a joint petition, a Bill to establish a municipal record preservation commission (House, No. 4053). Read; and referred, under Rule 29, to the committee on Rules of the two branches, acting concurrently.

Jewelry dealers,—  
regulation. By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 1006 and 3348, a Bill to protect consumer rights (House, No. 3348).

MCAD,—  
investigations. By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill relative to the timeframe for MCAD investigations (House, No. 4024) [Senator Fargo dissenting].

Utility poles. By Mr. Keenan of Salem, for the committee on Telecommunication, Utilities and Energy, on Senate, Nos. 1649 and 1654 and House, Nos. 876, 884, 886, 1755, 1764, 1769, 2609, 2619, 3057, 3059 and 3380, a Bill relative to utility poles (House, No. 4177) [Representative Adams of Andover dissenting].

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

Harvard,—  
water commissioners. By Mr. Michlewitz of Boston, for the committee on Election Laws, on a joint petition, a Bill relative to electing water commissioners in the town of Harvard (House, No. 3997) [Local Approval Received].

Boston,—  
Art Commission. By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a petition, a Bill amendment to the city of Boston Art Commission enabling legislation, Chapter 410 of the Acts of 1898 (House, No. 3784) [Local Approval Received] (Reported filed on May 2, 2012).

Provincetown,—  
finance committee. By the same member, for the same committee, on a petition, a Bill relative to the finance committee of the town of Provincetown (House, No. 4054) [Local Approval Received] (Reported filed on May 17, 2012).

Williams Syndrome awareness day. By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill designating the second week of May as Williams Syndrome awareness day (House, No. 4078).

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

Disabled persons,—  
services. By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill to encourage responsibility, cost

effectiveness and meaningful lives for individuals with disabilities (House, No. 984), be scheduled for consideration by House.

Placed in the Orders of the Day for the next sitting for a second reading, with the amendment previously recommended by the committee on Health Care Financing,— that the bill be amended by substitution of a bill with the same title (House, No. 4167),— 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:

- Relative to the University of Massachusetts Police Department (House, No. 659); UMass,— police.
  - Relative to the possession of weapons (House, No. 667); Weapons.
  - Relative to red and blue flashing, rotating or oscillating lights (House, No. 942); Emergency lights.
  - Related to personnel records (House, No. 1397); Records.
  - Massachusetts Housing Authority (House, No. 2128); MHA.
  - Relative to job creation thorough employee ownership (House, No. 2305); Job creation.
  - Regarding the certification and training of fire service personnel (House, No. 2389) [Local Approval Received]; Fire service personnel.
  - Relative to the use of shotguns (House, No. 2398); Shotguns.
  - Relative to educational funding for charter schools (House, No. 3597, changed); Charter schools.
  - Relative to vacancies in the office of selectmen in the town of North Andover (House, No. 3832) [Local Approval Received]; North Andover.
  - Authorizing the appointment of Amy McCarthy as a police officer in the North Andover, notwithstanding the maximum age requirements (House, No. 3835) [Local Approval Received]; Id.
  - Authorizing a conservation restriction in the town of Truro (House, No. 3919) [Local Approval Received]; Truro.
  - Exempting the position of deputy police chief in the town of Duxbury from the civil service laws (House, No. 4026) [Local Approval Received]; and Duxbury.
  - Relative to housing rights for victims of domestic violence (House, No. 4108); Violence victims,— housing.
- Severally placed in the Orders of the Day for the next sitting for a second reading.

*Orders of the Day.*

The House Bill establishing a sick leave bank for Lawrence Marino, an employee of the Massachusetts Department of Transportation (House, No. 4158), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time. Lawrence Marino,— sick leave bank.

Pending the question on passing the bill to be engrossed, Ms. Reinstein of Revere moved to amend it by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the Massachusetts department of transportation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted; and the bill (House, No. 4158, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Clifton  
Watson,—  
sick leave  
bank.

The House Bill establishing a sick leave bank for Mr. Clifton Watson, an employee of the Registry of Motor Vehicles (House, No. 4159), 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. O'Day of Worcester moved to amend it by inserting before the enacting clause the following emergency preamble:

*"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the registry of motor vehicles, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."*

The amendment was adopted; and the bill (House, No. 4159, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Chereel  
Staflopatis,—  
sick leave  
bank.

The House Bill establishing a sick leave bank for Chereel Staflopatis, an employee of the Executive Office of Health and Human Services (House, No. 4166), 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, Ms. Forry of Boston moved to amend it by adding the following sentence: "Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the executive office of health and human services."

The amendment was adopted; and the bill (House, No. 4166, 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 on Wednesday next at twelve o'clock noon.

Next  
sitting.

Speaker DeLeo of Winthrop then moved that when the House adjourns today, it do so as a mark of respect to the memory of Robert E. MacQueen of Weymouth, an employee of the Sergeant-at-Arms Department from 1956 to 1961, inclusive (serving as a House Page, and later as Chief House Page); Clerical Assistant to the Clerk of the House, 1961 to 1967, inclusive; Second Assistant Clerk of the House in 1967 and 1968; Assistant Clerk of the House from 1969 to 1982, inclusive; Clerk of the House of Representatives from 1983 to 1998, inclusive; and Clerk Emeritus and Advisor to the Clerk of the House from 1999 to 2012, inclusive; and the motion prevailed.

Accordingly at twenty-six 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 adjourned, to meet on the following Wednesday at twelve o'clock noon.