

Wednesday, July 11, 2012.

Met according to adjournment at one o'clock P.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.

Change in a House Standing Committee.

Notice was received from the Minority Leader that Representative Webster of Pembroke had resigned from his position on the House committee on Ethics, pursuant to a request of the Minority Leader [a letter from Representative Webster requesting that he be removed from the committee was enclosed with the communication from the Minority Leader]. Ethics committee,—change in membership

Statement Concerning Representative Holmes of Boston.

A statement of Mr. Rushing of Boston concerning Mr. Holmes of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Holmes of Boston, is unable to be present in the House Chamber for today's sitting due to official business outside of the Commonwealth, attending the Emerging Leaders Program at the Darden Graduate School of Business Administration at the University of Virginia, Charlottesville, Virginia. His missing of roll calls today will be due entirely to the reason stated. Statement concerning Mr. Holmes of Boston.

Statement of Mr. Rogers of Norwood.

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

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not recorded on roll calls 295 through 300, which were held on Wednesday, June 27 and Thursday, June 28. On Wednesday evening, June 27, I was unable to remain in the House Chamber for the latter part of the session due to personal reasons. Pursuant to the rules, my voting machine was locked. As a result, unbeknownst to me, my voting machine was still locked during the session of June 28, thus not recording any of the votes I made during that session. If I had been recorded for the taking of the yeas and nays, I would have voted in the affirmative on roll calls 295, 296, 297, 298, 299 and 300. Statement of Mr. Rogers of Norwood.

Resolutions.

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

Adam
Carvalho.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Adam Carvalho on receiving the Eagle Award of the Boy Scouts of America;

David
Gray.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating David Gray on receiving the Eagle Award of the Boy Scouts of America;

Kayla
Harrison.

Resolutions (filed by Representatives Brodeur of Melrose, Ehrlich of Marblehead and Wong of Saugus) congratulating Kayla Harrison on earning a position on the United States judo team for the 2012 summer Olympic Games;

James
Pedro, Jr.

Resolutions (filed by Representatives Brodeur of Melrose, Campbell of Methuen, Lyons of Andover and Wong of Saugus) congratulating James "Jimmy" Pedro, Jr., on his selection to coach the United States judo team in the 2012 summer Olympic Games;

Travis
Stevens.

Resolutions (filed by Representatives Brodeur of Melrose, Dwyer of Woburn and Wong of Saugus) congratulating Travis Stevens on earning a position on the United States Olympic judo team for the 2012 summer Olympic Games;

Theresa E.
Dougall.

Resolutions (filed by Mr. Markey of Dartmouth) congratulating Theresa E. Dougall on her exemplary career in private education on the occasion of her retirement; and

Robert
Murray.

Resolutions (filed by Mr. Vieira of Falmouth) congratulating Robert Murray on the twentieth anniversary of the Cape Cod Housing With Love Walk;

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. Brodeur, 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. Michlewitz of Boston) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Election
Laws,—
extension
of time for
reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Election Laws be granted until Tuesday, July 24, 2012 within which to make its final report on current Senate document numbered 304 and current House document numbered 1985.

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

Annual Reports.

Annual reports

Life Insurance
Community
Investment
Initiative.

Of the Massachusetts Life Insurance Community Investment Initiative, LLC (under Section 2(e) of Chapter 259 of the Acts of 1998) for the year 2011 [copies of said report forwarded to the House committee on Ways and Means and the committees on Financial Services and Revenue]; and

Green
Communities
Program.

Of the Green Communities Division of the Executive Office of Energy and Environmental Affairs (under Section 10 of Chapter 25A of the General Laws) relative to activities and accomplishments related to the Green Communities Program [copies of said report forwarded to

the House committee on Ways and Means and the committees on State Administration and Regulatory Oversight and Telecommunications, Utilities and Energy].

Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Miceli of Wilmington, a petition (subject to Joint Rule 12) of James R. Miceli for legislation to establish a sick leave bank for Linda Tierney, an employee of the Department of Public Health.

Linda Tierney,—
sick leave.

By Ms. Wolf of Cambridge, a petition (subject to Joint Rule 12) of Alice K. Wolf for legislation to establish a sick leave bank for Timothy J. O'Brien, an employee of the Executive Office of Health and Human Services.

Timothy J. O'Brien,—
sick leave.

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

Papers from the Senate.

A Bill increasing the membership on the board of health in the city of Northampton (Senate, No. 2106, amended by striking out all after the enacting clause and inserting in place thereof the following:

Northampton,—
board of
health.

“SECTION 1. Chapter 250 of the acts of 1883 is hereby amended by striking out section 27 and inserting in place thereof the following section:—

Section 27. There shall be established in the city of Northampton a board of health consisting of 5 members, each of whom shall serve a term of 3 years and be appointed by the mayor, subject to the approval of the city council. The members of the board of health shall be legal voters in the city and at least 1 of whom shall be a physician. The members of the board shall serve without compensation.

SECTION 2. Nothing in this act shall affect the 3 incumbent members of the board of health on the effective date of this act and those members may serve out the remainder of their terms. Upon the conclusion of those terms, 2 members shall be appointed for terms of 2 years and 1 member for a term of 1 year. The 2 additional members of the board of health shall be appointed, in the manner provided in section 1, at the first council meeting after the effective date of this act and be appointed to serve for terms of 3 years.

SECTION 3. This act shall take effect upon its passage.”; and

By striking out the title and inserting in place thereof the following title: “An Act increasing the membership on the board of health in the city of Northampton.”) (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.

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

Petition (accompanied by bill, Senate, No. 2341) of Richard T. Moore for legislation to establish a sick leave bank for Tina L. Sarty, an employee of the Department of Transitional Assistance. To the committee on the Public Service.

Tina L. Sarty,—
sick leave
bank.

Methuen,—
Eric D.
Currier
bridge.

Petition (accompanied by bill, Senate, No. 2340) of Steven A. Badour and Linda Dean Campbell for legislation to name a certain bridge in the city of Methuen. To the committee on Transportation.

Reports of Committees.

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 following petitions:

Delinquency
records.

Petition (accompanied by bill) of John J. Binienda relative to community service to expedite the sealing of delinquency records. To the committee on the Judiciary.

Veterans,—
civil service.

Petition (accompanied by bill) of John J. Binienda relative to veterans civil service benefits. To the committee on the Public Service.

Hazardous
materials,—
removal.

Petition (accompanied by bill) of Elizabeth A. Poirier, George T. Ross and others for legislation to authorize municipalities to establish certain property tax abatements for the assessment, containment and removal of oil or hazardous materials. To the committee on Revenue.

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

Transporta-
tion,—
bonds.

By Mr. Cabral of New Bedford, for the committee on Bonding, Capital Expenditures and State Assets, on a message from His Excellency the Governor, a Bill providing the terms of certain bonds to finance improvements to the Commonwealth's transportation system (printed in House, No. 4235). Read; and referred, under Rule 33, to the committee on Ways and Means.

Healthcare
facilities.

By Mr. Walsh of Lynn, for the committee on Health Care Financing, that the Bill requiring pain assessment and management in health-care facilities (House, No. 1489), ought to pass. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Group health
insurance.

By Mr. Walsh of Lynn, for the committee on Health Care Financing, that the Bill relative to eligibility for state group health insurance (House, No. 704), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4217).

Marriage
and family
therapists.

By the same member, for the same committee, that the Bill relative to increasing consumer access to licensed marriage and family therapists (House, No. 68), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4247).

Breakthrough
seizures.

By the same member, for the same committee, that the Bill to protect patients from breakthrough seizures (House, No. 585), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4248).

Vaccines,—
provider
choice.

By the same member, for the same committee, that the Bill requiring the Department of Public Health to implement a provider choice system for certain vaccines (House, No. 2386), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4251).

Intellectual
disability,—
definition.

By the same member, for the same committee, that the Bill to adopt a definition of intellectual disability consistent with the American Association of Intellectual and Developmental Disabilities (House,

No. 3527), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4252). definition.

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

By Mr. Walsh of Lynn, for the committee on Health Care Financing, on Senate, No. 492, a Bill improving the children's medical security program and simplifying the administration process (House, No. 4250) [Cost: Greater than \$100,000]. Read; and referred, under Rule 33, to the committee on Ways and Means.

Children,—
medical
security.

Report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 3677) of Mark J. Cusack and John F. Keenan for legislation to authorize the town of Braintree to grant two additional licenses for the sale of all alcoholic beverages to be drunk on the premises. Under suspension of the rules, on motion of Mr. Speiotis of Danvers, the report was considered forthwith.

Braintree,—
alcoholic
beverages.

Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Clifton Watson, an employee of the Registry of Motor Vehicles (see House, No. 4159, amended), 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.

Clifton
Watson,—
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 15 to 0. Sent to the Senate for concurrence.

The engrossed Bill establishing a sick leave bank for Chereel Stafilopatis, an employee of the Executive Office of Health and Human Services (see House, No. 4166, amended), 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.

Chereel
Stafilopatis,—
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 18 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Authorizing the town of Erving to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see Senate, No. 2093, amended) (which originated in the Senate);

Bills
enacted.

Authorizing the town of Tyringham to continue the employment of the chief of police, Peter Curtin (see House, No. 3524, changed and amended); and

Relative to Hamilton Development Corporation (see House, No. 3710, amended);

(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.

Second reading
bill engrossed.

The House bill relative to the transfer of land in the town of Sharon (House, No. 3794) was read a second time; and was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Kafka of Stoughton, the bill (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.

Second
reading
bills.

Senate bills

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

Further regulating certain town meeting notices in the town of Belmont (Senate, No. 2223) [Local Approval Received]; and

House bills

Relative to the prevention of falls in the elderly community (House, No. 180);

Relative to regulating the practice of human body piercing (House, No. 584);

Relative to medication technician (House, No. 1472);

To clarify penalties for violations occurring while driving with a hardship license (House, No. 1801);

Relative to the Massachusetts Water Resources Authority (House, No. 2941);

To reduce healthcare costs by promoting provider education through academic detailing (House, No. 3367);

Relative to promoting women's health (House, No. 3542);

Designating the second week of May as Williams Syndrome awareness day (House, No. 4078); and

For consumer protection and regulation in psychotherapy (House, No. 4123);

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

Second reading
bill amended.

The Senate Bill regarding families and children engaged in services (Senate, No. 1963, amended), was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4244,— was adopted; and the bill (Senate, No. 1963, amended) was ordered to a third reading.

Id.

The House Bill requiring child and parent involvement in permanency and placement planning (House, No. 61, changed), was read a second time.

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. 4178),— was adopted; and the substituted bill was ordered to a third reading.

The House Bill relative to renovation and repair contracts (House, No. 1392), was read a second time. Second reading
bill amended.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4242),— was adopted; and the substituted bill was ordered to a third reading.

The House Bill relative to the promotion of breastfeeding in hospitals (House, No. 1478), was read a second time. Id.

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. 4185),— was adopted; and the substituted bill was ordered to a third reading.

The House Bill relative to cueing and supervision in the PCA program (House, No. 2685), was read a second time. Id.

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. 4186),— was adopted; and the substituted bill was ordered to a third reading.

The House Bill concerning the right of persons receiving services from programs or facilities of the Department of Mental Health to daily access to the outdoors (House, No. 4023), was read a second time. Id.

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. 4191),— was adopted; and the substituted bill was ordered to a third reading.

The House Bill relative to third grade reading proficiency (House, No. 4152), was read a second time. Third grade
reading
proficiency.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4243),— was adopted.

After debate on the question on ordering the substituted bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Ms. Peisch of Wellesley; and on the roll call 151 members voted in the affirmative and 0 in the negative. Bill ordered
to a third
reading,—
yea and nay
No. 301.

[See Yea and Nay No. 301 in Supplement.]

Therefore the bill was ordered to a third reading.

Under suspension of the rules, on motion of Ms. Peisch, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

The engrossed Bill relative to the electronic benefit transfer program (see House, No. 4237), being a printed copy of sections 52, 53, 54, 173 to 176, inclusive, and 228 contained in the engrossed Bill making appropriations for the fiscal year 2013 (see House, No. 4200), which had been returned by His Excellency the Governor with recom- Direct cash
assistance
funds.

Direct cash assistance funds.

mentation of amendment (for message, see Attachment D of House, No. 4240), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form contained in the Governor's message as approved by said committee; and the report was accepted.

Governor's amendment rejected,— yea and nay No. 302.

After remarks on the question on adoption of the amendment recommended by the Governor, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 1 member voted in the affirmative and 152 members voted in the negative.

[See Yea and Nay No. 302 in Supplement.]

Therefore the amendment recommended by the Governor was rejected. Sent to the Senate for its action.

Motor vehicle and trailer registration,— identification, etc.

The engrossed Bill relative to the registration of motor vehicles and trailers (see House, No. 4238), being a printed copy of sections 92 and 217 contained in the engrossed Bill making appropriations for the fiscal year 2013 (see House, No. 4200), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment E of House, No. 4240), was considered.

The committee on Bills in the Third Reading reported that the amendment recommended by the Governor be considered in the form contained in the Governor's message as approved by said committee; and the report was accepted.

Governor's amendment rejected,— yea and nay No. 303.

On the question on adoption of the amendment recommended by the Governor, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 12 member voted in the affirmative and 140 in the negative.

[See Yea and Nay No. 303 in Supplement.]

Therefore the amendment recommended by the Governor was rejected. Sent to the Senate for its action.

Private functions,— caterer's licenses.

The Senate Bill providing for annual caterer's licenses for the service of alcoholic beverages at private functions (Senate, No. 2063), was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4245,— was adopted; and the bill (Senate, No. 2063, amended) was ordered to a third reading.

Reports of Committees.

General Appropriation Bill.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4240), returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items, and also with recommendation of amendment of certain sections contained in the engrossed 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 (see House, No. 4200), reported, in part, that a section and certain items stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee reported, in each instance, that the matters be scheduled for consideration by the House. Under suspension of Rule 7A, in each instance, on motion of Mr. Dempsey of Haverhill, the reports were considered forthwith.

Item 2330-0100 (contained in section 2) (marine fisheries), which had been disapproved (in part) by the Governor was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 150 members voted in the affirmative and 1 in the negative.

Marine fisheries item 2330-0100 stands,—
yea and nay No. 304.

[See Yea and Nay No. 304 in Supplement.]

Therefore item 2330-0100 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 5095-0015 (contained in section 2) (hospital services), which had been disapproved (in part) by the Governor was considered.

After debate on the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 152 members voted in the affirmative and 0 in the negative.

Hospital services item 5095-0015 stands,—
yea and nay No. 305.

[See Yea and Nay No. 305 in Supplement.]

Therefore item 5095-0015 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 186 (hospital services), which had been disapproved by the Governor was considered.

After remarks on the question on passing said section, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 152 members voted in the affirmative and 0 in the negative.

Hospital services section 186 stands,—
yea and nay No. 306.

[See Yea and Nay No. 306 in Supplement.]

Therefore section 186 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

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. deMacedo of Plymouth 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 ten minutes after three 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.