

Monday, July 16, 2012.

Met at five minutes after 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).

Pledge of allegiance.

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.

Resolutions.

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

Zachary Gaskill.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Zachary Gaskill on earning the Eagle Scout Award; and

Nelson Mandela Day.

Resolutions (filed by Mr. Lewis of Winchester) recognizing Nelson Mandela Day, July 18, 2012;

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

Communication.

Dukes County Registry of Deeds,— technology expenditure.

A communication from the Dukes County Registry of Deeds (pursuant to Section 2KKK of Chapter 29 of the General Laws) submitting a request for expenditure for technological improvements from the County Registers Technological Fund [copies of said communication forwarded to the House and Senate committees on Ways and Means and Post Audit and Oversight], was placed on file.

Petitions.

Petitions severally were presented and referred as follows:

Hingham,— land.

By Representative Bradley of Hingham and Senator Hedlund, a joint petition (accompanied by bill, House, No. 4275) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) for legislation to authorize the town of Hingham to transfer and change the use of certain parcels of land in said town;

Lenox,— land.

By Representative Pignatelli of Lenox and Senator Downing, a joint petition (accompanied by bill, House, No. 4277) of William Smitty Pignatelli and Benjamin B. Downing (by vote of the town) that the town of Lenox be authorized to reclassify and lease a certain parcel of land known as the old landfill in said town for the construction of a solar powered generation facility; and

Lee,— land.

By Representative Pignatelli of Lenox and Senator Downing, a joint petition (accompanied by bill, House, No. 4278) of William Smitty Pignatelli and Benjamin B. Downing (by vote of the town) that the

town of Lee be authorized to reclassify and lease certain recreational land in said town for the construction of a solar powered generation facility;

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

Papers from the Senate.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendment of the Senate Bill to improve the administration of state government and finance (Senate, No. 1940) (for report, see Senate, No. 2342), came from the Senate with the endorsement that it had been accepted by said branch; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Government,—
administration
and finance.

Mr. Kafka of Stoughton, for said committee, then reported recommending that the matter be scheduled for consideration by the House; and it was placed in the Orders of the Day for the next sitting, the question being on acceptance.

Bills

Relative to increasing consumer access to licensed marriage and family therapists (Senate, No. 72) (on a petition); and

Marriage, etc.
therapists.

Designating a portion of the Route 128 extension in the city of Gloucester as the Purple Heart Highway (Senate, No. 2286, amended in section 1, in lines 1 to 5, inclusive, by striking out the sentence contained in those lines and inserting in place thereof the following sentence: "Notwithstanding chapter 360 of the acts of 1941, the length of highway, currently referred to as the route 128 extension, that runs between Grant Circle at Washington street in an easterly direction for a distance of 1.6 miles to its intersection with East Main street and Bass avenue in the city of Gloucester, shall be designated and known as the Purple Heart Highway in honor of the brave recipients of the Purple Heart.") (on a petition) [Local Approval Received];

Gloucester,—
Purple Heart
Highway.

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.

Reports of Committees.

By Mr. Wagner of Chicopee, for the committee on Economic Development and Emerging Technologies, on a message from His Excellency the Governor, that the communication submitting to the General Court for approval, the Tribal-State Compact between the Mashpee Wampanoag Tribe and the Commonwealth of Massachusetts (printed in House, No. 4260), be placed on file. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Gaming,—
Tribal-State
Compact.

By Ms. Wolf of Cambridge, for the committee on Elder Affairs, on Senate, No. 282 and House, No. 1096, a Bill relative to reserving beds in nursing homes during certain leaves of absences (House, No. 4264). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Nursing
homes,—
leaves.

Firearms.

By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to the right to carry firearms (House, No. 1567).

Jet ski safety.

By the same member, for the same committee, on a petition, a Bill [sic] to jet ski safety (House, No. 3369).

Chelsea,—
land.

By Mr. Kocot of Northampton, for the committee on the State Administration and Regulatory Oversight, on a petition, a Bill relative to a certain parcel land in the city of Chelsea (House, No. 4202).

RMV,—
Selective
Service.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on a petition, a Bill to insure benefits through enhanced Selective Service registration (House, No. 4146).

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

Sharon,—
liquor
license.

By Mr. Spiliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill authorizing the town of Sharon to issue licenses to certain establishments for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4163) [Local Approval Received].

Danvers,—
liquor
license.

By the same member, for the same committee, on a joint petition, a Bill authorizing the town of Danvers to grant an additional license for the sale of all alcoholic [sic] beverages (House, No. 4168) [Local Approval Received].

Tribal-state
compact.

By Mr. Wagner of Chicopee, for the committee on Economic Development and Emerging Technologies, on a message from His Excellency the Governor, a Resolve relating to the tribal-state compact between the Mashpee Wampanoag tribe and the Commonwealth of Massachusetts (printed in House, No. 4261).

Municipal
service fees.

By Ms. Spiliotis of Peabody, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to municipal service fees (House, No. 577).

Suffolk
County,—
regional
lockup.

By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on a petition, a Bill establishing a regional lockup facility in Suffolk County (House, No. 2919).

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

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

Family
therapy.

Relative to increasing consumer access to licensed marriage and family therapy (House, No. 295);

Minors.

Relative to the health care of minors (House, No. 1500);

Patient safety,—
improvements.

Reducing medical errors and improving patient safety (House, No. 1519, changed);

Medical
insurance.

Relating to the medical professional mutual insurance company (House, No. 2765); and

Health
education.

Regarding an analysis of health education in the Commonwealth (House, No. 4148);

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

By Mr. Walsh of Lynn, for the committee on Health Care Financing, that the Bill relative to financial services contracts for dental benefits corporations (House, No. 3916), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4265) [Cost: Greater than \$100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means, with the amendment pending. Dental benefits corporations.

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

Relative to certain tanks used for the storage of fluids (Senate, No. 2166); Storage tanks.

To strengthen and expand the board of agriculture (House, No. 3221, changed); Agriculture.

Relative to reducing phosphorous runoff (House, No. 3270); and Phosphorous.
 Making faculty sabbatical provisions at state universities consistent with other higher education institutions (House, No. 3805) [Representative Diehl of Whitman dissenting]; Sabbatical provisions.

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

Severally placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Senate Bill further regulating animal control (Senate, No. 2192), ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4266. Animal control,— regulate.

By the same member, for the same committee, that the Bill requiring the registration of motor vehicle glass repair shops (Senate, No. 2216, amended), ought to pass with an amendment by striking out section 22 and inserting in place thereof the following: Vehicle glass repair shops.

“SECTION 22. Notwithstanding any general or special law to the contrary, a registered motor vehicle repair shop, as defined in section 1 of chapter 100A of the General Laws, performing motor vehicle glass repair on the effective date of this act shall not be required to register with the division of standards as both a registered motor vehicle repair shop and a registered motor vehicle glass repair shop.”

By the same member, for the same committee, that the Bill relative to groundwater recharge (House, No. 1144), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4267). Groundwater recharge.

By the same member, for the same committee, that the Bill to establish the uniform enforcement of foreign judgments (House, No. 1277), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4268). Foreign judgments.

By the same member, for the same committee, that the Bill relative to the selection of retirement options (House, No. 3476), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4269). Retirement options.

Retirement systems,—
accounting.

By the same member, for the same committee, that the Bill relative to the accounting of public employee retirement systems (House, No. 3478), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4270).

Involuntary retirement.

By the same member, for the same committee, that the Bill amending CH32 sec 16 (House, No. 3481), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4271).

Foxborough,—
land.

By the same member, for the same committee, that the Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the Foxborough Housing Authority (House, No. 3859), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4272).

Shirley,—
land.

By the same member, for the same committee, that the Bill authorizing the Department of Fish and Game to exchange certain property in the town of Shirley for other property in the same town (House, No. 3860), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4273).

Virtual schools.

By the same member, for the same committee, that the Bill establishing commonwealth virtual schools (House, No. 3873), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4274).

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending. Mr. Kafka of Stoughton, for said committee, then reported that the matters be scheduled for consideration by the House.

Severally placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

Consumer Protection and Professional Licensure,—
study.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 1027, 1877, 1882, 2027, 3266, and 3903, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning matters relative to licensure issues (House, No. 4256). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently, Mr. Binienda of Worcester, for said committees, reported asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

Transportation,—
study.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on House, Nos. 893, 894, 895, 896, 897, 898, 899, 900, 902, 903, 904, 906, 908, 909, 910, 911, 917, 919, 921, 922, 924, 925, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 943, 944, 945, 946, 947, 948, 950, 952, 953, 954, 955, 956, 957, 958, 1786, 1788, 1789, 1793, 1800, 1804, 1806, 1807, 1810, 1811, 1812, 1813, 1814, 1818, 1819, 1848, 2630, 2631, 2632, 2634, 2635, 2636, 2637, 2638, 2641, 2642, 2643, 2646, 2647, 2652, 2655, 2656, 2661, 2663, 2665, 3068, 3070, 3071, 3073, 3074, 3075, 3076, 3077, 3078, 3080, 3081, 3083, 3084, 3086, 3087, 3088, 3089, 3091, 3092, 3093, 3097, 3098, 3211, 3213, 3214,

3246, 3247, 3305, 3306, 3383, 3422, 3449, 3517, 3611, 3612, 3634, 3643, and 3872, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning matters relative to transportation issues (House, No. 4263). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Binienda of Worcester, for said committees, reported asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Binienda of Worcester, for the committee on Rules, on the foregoing Order, then reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3083), of James M. Murphy for legislation to require the Registrar of Motor Vehicles to collect emergency contact information from certain persons,— and recommending that the same be recommitted to the committee on Transportation. Under Rule 42, the report was considered forthwith; and it was accepted.

Registrar of Motor Vehicles,— emergency contact.

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

The Senate Bill establishing a sick leave bank for Laurie Bourassa, an employee of the Department of Developmental Services (Senate, No. 2339); and

Laurie Bourassa,— sick leave.

House bills

Authorizing the town of Wellfleet to grant an easement on certain lands in the town (House, No. 4171) [Local Approval Received]; and

Medical devices.

Relative to authorizing the town of Needham to authorize the sale of all alcoholic beverages not to be drunk on the premises under article of amendment XLIX (House, No. 4187) [Local Approval Received];

Needham,— liquor.

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 House Bill to protect patients from breakthrough seizures (House, No. 585), be scheduled for consideration by the House.

Breakthrough seizures.

Placed in the Orders of the Day for the next sitting for a second reading with an 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. 4248),— pending.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill to adopt a definition of intellectual disability consistent with the American Association of Intellectual and Developmental Disabilities (House, No. 3527), be scheduled for consideration by the House.

Intellectual disability,— definition.

Intellectual disability,— definition.

Placed in the Orders of the Day for the next sitting for a second reading, with an 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. 4252),— pending.

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

Senate bills

Superintendency.

Relative to superintendency union benefits (Senate, No. 2092, amended);

Northampton,— health board.

Increasing the membership on the board of health in the city of Northampton (Senate, No. 2106, amended) [Local Approval Received];

Blue Star Mothers.

Designating the month of May as Blue Star Mothers Month (Senate, No. 2265); and

Groveland,— solar facility.

Authorizing the town of Groveland to provide for the construction and maintenance of a solar generating facility on land held for water supply purposes (Senate, No. 2320) [Local Approval Received]; and

House bills

Railroads.

Relative to railroad crossings (House, No. 3094);

Holidays.

To allow certain store and shops to open on holidays (House, No. 4173);

Directory assistance.

Regarding regulation of directory assistance (House, No. 4228);

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

Emergency Measure.

Heidi A. Lennon,— sick leave bank.

The engrossed Bill establishing a sick leave bank for Heidi A. Lennon, and employee of the Department of Children and Families (see Senate, No. 2319), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 10 to 0. Sent to the Senate for concurrence.

Electronic benefit transfer program.

The engrossed Bill relative to the electronic benefit transfer program (see House, No. 4237), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 11 to 0. Sent to the Senate for concurrence.

Motor vehicles and trailer,— registration.

The engrossed Bill relative to the registration of motor vehicles and trailers (see House, No. 4238), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 9 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Authorizing the town of Hawley to grant a license for the sale or service of wine to be drunk on the premises of a farmer-winery (see Senate, No. 97) (which originated in the Senate); Bills enacted.

Authorizing the town of Natick to lease or sell the former East School (see House, No. 3332);

Authorizing the town of Tyringham to continue the employment of Rainsford Morehouse, a member of the police department (see House, No. 3525);

(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 it were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Senate bills

Designating a certain bridge in the city of Boston as the Honorable Francis X. Coppinger Bridge (Senate, No. 1787) (its title having been changed by the committee on Bills in the Third Reading); and Third reading bills.

Designating a certain bridge in the city of Boston the Honorable Charles Doyle Bridge (Senate, No. 1788);

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

House bills

Relative to adding the town of Harvard to the Devens Economic target Area (House, No. 3717); and Third reading bills.

Relative to the rights of the water supply district of Acton to acquire any water source in the town of Boxborough (House, No. 3820) (its title having been changed by the committee on Bills in the Third Reading);

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

Order.

On motion of Mr. DeLeo of Winthrop,—

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

At sixteen minutes after eleven o'clock A.M., on motion of Mr. Humason of Westfield (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M.