

Wednesday, July 18, 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.

Statement of Representative Spiliotis of Peabody.

A statement of Ms. Spiliotis of Peabody 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 absent from the House Chamber for the latter part of the sitting of Tuesday, July 17, due to a medical appointment. Had I been present for the roll calls taken yesterday, I would have voted in the negative on roll call No. 307; and in the affirmative on roll call numbers 308, 309, 310 and 311. My missing of roll calls yesterday was due entirely to the reason stated. Statement of Ms. Spiliotis of Peabody.

Guests of the House.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced interns from the Department of Mental Health along with Jessica Soares-Cabral, Steve Cidlevich, Legislative Director, Abigail Monska, Human Resources Liaison and Liam Seward of the Department of Mental Health staff. The goal of the DMH internship program is to have each intern complete specific project which will provide them with knowledge of mental health services as well as a comprehensive understanding of working in public service. DMH interns.

Resolutions.

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

Resolutions (filed by Mr. Calter of Kingston) congratulating Adam C. Creighton on receiving the Eagle Award of the Boy Scouts of America; Adam C. Creighton.

Resolutions (filed by Ms. Coakley-Rivera of Springfield) congratulating Dinorah Hernandez on her retirement after twenty-three years of dedicated service to the Commonwealth; Dinorah Hernandez.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Edward Grayson Kempster on earning the Eagle Scout Award; and Edward Grayson Kempster.

Resolutions (filed by Mr. McMurtry of Dedham) honoring Cory Krakowsky for his work in helping to prevent alcohol use by teens and saving lives; Cory Krakowsky.

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. O'Day of West

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

Emergency Measure.

Fragile X
Awareness
Day.

The engrossed Bill establishing Fragile X Awareness Day (see House, No. 843, 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.

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 7 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Bills
enacted.

Engrossed bills

Authorizing the exchange of certain parcels of land in the town of Marshfield (see Senate, No. 2137, amended) (which originated in the Senate); and

Authorizing the town of Sudbury to establish a means tested senior citizen property tax exemption (see House, No. 4062, amended) (which 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.

Recesses.

Recesses.

At fourteen minutes after one o'clock P.M., on motion of Mr. Humason of Westfield (Mr. Donato of Medford being in the Chair), the House recessed until half past one o'clock; and at two o'clock the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. Peterson of Grafton, until a half past two o'clock; and at fourteen minutes before three o'clock the House was called to order with Mr. Donato in the Chair.

Papers from the Senate.

Natick,—
property
lease.

The House Bill authorizing the town of Natick to lease certain town-owned property (House, No. 3870), came from the Senate passed to be engrossed, in concurrence, with amendments in section 1 by adding the following paragraph:

“Any lease entered into pursuant to this act shall be subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws.”; and striking out section 2 and inserting in place thereof the following two sections:

“SECTION 2. Chapter 181 f the acts of 1999 is hereby repealed.

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

Under suspension of Rule 35, on motion of Mr. Linsky of Natick, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

The House Bill authorizing the town of Natick to lease certain town-owned property (House, No. 3871), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1 by adding the following paragraph:

Natick,—
property
lease.

“Any lease entered into pursuant to this act shall be subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws.”

Under suspension of Rule 35, on motion of Mr. Linsky of Natick, 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.

The House Bill authorizing the town of Reading to grant a utility easement over certain parcels of land (House, No. 4170), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 2 and inserting in place thereof the following three sections:

Reading,—
utility
easement.

“SECTION 2. As a condition for the conveyance authorized in section 1, the town of Reading shall transfer a parcel of land under the care, custody, management and control of the board of selectmen and dedicated for general municipal purposes to the conservation commission and such parcel shall be dedicated for conservation purposes. If no suitable parcel shall be available for transfer to the conservation commission, the town shall acquire a parcel of land or place a conservation restriction upon private or public land as provided in section 31 of chapter 184 of the General Laws. Any such land acquired or restricted shall be under the jurisdiction of the conservation commission and shall be dedicated or restricted for conservation purposes. The parcel dedicated, acquired or restricted pursuant to this section shall be of equal or greater size and value for conservation, park or water supply purposes than the parcel described in said section 1.

SECTION 3. If the land conveyed pursuant to section 1 ceases to be used for the purposes described in said section 1, the land shall revert to the town of Reading for conservation, park or water supply purposes.

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

Under suspension of Rule 35, on motion of Mr. Jones of North Reading, 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.

Reports of Committees.

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on House, No. 4056, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of a certain House document concerning the replanting of trees (House, No. 4289). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Trees,—
study.

Subsequently Mr. Binienda of Worcester, for said committees, reported asking to be discharged from further consideration of the

Trees,—
study.

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.

Price
adjustment.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to price adjustment (House, No. 822), ought to pass with an amendment in line 6 by striking out the figures "\$100,000" and inserting in place thereof the figures "\$1,000,000". Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (House, No. 822, amended) was ordered to a third reading.

Chelsea,—
land.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the House Bill relative to a certain parcel of land in the city of Chelsea (House, No. 4202), ought to pass. 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 Rule 7A, on motion of Mr. Dempsey, the bill was read a second time forthwith; and it was ordered to a third reading.

Transportation
system,—
bonds.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the House Bill providing the terms of certain bonds to finance improvements to the Commonwealth's transportation system (printed in House, No. 4235), ought to pass. 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 Rule 7A, on motion of Mr. Dempsey, the bill was read a second time forthwith; and it was ordered to a third reading.

Louise
Moson,—
sick leave
bank.

By Mr. Scibak of South Hadley, for the committee on Public Service, on a joint petition, a Bill establishing a sick leave bank for Louise Moson, an employee of the Massachusetts Department of Transportation (House, No. 4280). Read; and 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.

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

Youth
workforce.

By Ms. Peisch of Wellesley, for the committee on Education, on House, No. 2712, a Bill improving coordination of the youth workforce development system in the Commonwealth (House, No. 4288). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Ms. Peisch of Wellesley, for the committee on Education, on House, No. 1962, a Bill relative to safe and supportive schools (House, No. 4284). Read; and referred, under Rule 33, to the committee on Ways and Means.

Safe and supportive schools.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Senate Bill relative to access to a decedent's electronic mail accounts (Senate, No. 2313, amended), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Electronic mail,—access.

Orders of the Day.

The Senate Bill authorizing the 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), 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, in concurrence.

Third reading bill.

House bills

Clarifying participation in athletic safety programs (House, No. 2347, changed);

Third reading bills.

Relative to school improvement plans (House, No. 3923);

Authorizing the town of Northborough to convey certain parklands to abutters (House, No. 4075); and

Establishing a sick leave bank for Diane Johnson, an employee of the Department of Revenue (House, No. 4229);

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. Severally sent to the Senate for concurrence.

Senate bills

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

Second reading bills.

Designating a portion of the route 128 extension in the city of Gloucester as the Purple Heart Highway (Senate, No. 2286, amended); and

House bills

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

Establishing a regional lockup facility in Suffolk County (House, No. 2919);

Relative to reducing phosphorus runoff (House, No. 3270);

Making faculty sabbatical provisions at state universities consistent with other higher education institutions (House, No. 3805);

Relative to encouraging volunteerism for non-profit organizations providing transportation options for seniors (House, No. 3921);

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);

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

Relative to utility service call centers (House, No. 4224); and

Establishing a sick bank for Patricia Morin (House, No. 4262);

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

Second reading
bill amended.

The Senate Bill requiring the registration of motor vehicle glass repair shops (Senate, No. 2216, 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 section 22 and inserting in place thereof the following:

“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.”— was adopted.

The bill (Senate, No. 2216, amended) then was ordered to a third reading.

Id. The House Bill relative to increasing consumer access to licensed marriage and family therapists (House, No. 68), 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. 4247),— was adopted; and the substituted bill was ordered to a third reading.

Id. The House Bill to establish a lupus erythematosus study and registry (House, No. 1481), 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. 4255),— was adopted; and the substituted bill was ordered to a third reading.

Id. The House Bill requiring the Department of Public Health to implement a provider choice system for certain vaccines (House, No. 2386), 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. 4251),— was adopted; and the substituted bill was ordered to a third reading.

Second reading
resolve
amended.

The House Resolve providing for an investigation and study by a special commission relative to reducing the costs associated with the purchase of college textbooks (House, No. 4060), was read a second time.

The amendments previously recommended by the committees on Rules of the two branches, acting concurrently,— that the bill be amended in line 12 by striking out the figures “13” and inserting in place thereof the figures “14”, in line 15 by striking out the figure “9” and inserting in place thereof the figures “10”, in line 20 by inserting after the word “commonwealth,” the following: “1 of whom shall be representatives of bookstores of higher education institutions of the commonwealth”,— were adopted.

The resolve (House, No. 4060, amended) then was ordered to a third reading.

The House Bill relative to premature infant hospital discharge and quality improvement (House, No. 3826), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Premature infants,—
hospital discharge.

Pending the question on passing the bill to be engrossed, Mrs. Had-dad of Somerset moved to amend it in section 1, in lines 3 to 17, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following two paragraphs:

“(a) The department shall, in consultation with the department’s multidisciplinary perinatal advisory committee, develop standardized procedures for hospital discharge and follow-up care for premature infants born less than 37 weeks gestational age and shall ensure that standardized and coordinated processes are followed as premature infants leave the hospital from a well baby nursery, step down or transitional nursery or neonatal intensive care unit and transition to follow-up care by a health care or homecare provider. The department and its advisory committee shall utilize national evidence based guidance, including, but not limited to, the Centers for Medicare and Medicaid Services’ Neonatal Outcomes Improvement Project or the Institute for Healthcare Improvement’s national initiative for children’s healthcare quality to establish hospital discharge and follow-up care processes.

The department shall utilize existing perinatal databases, such as the pregnancy to early life longitudinal database to develop a statewide report on the causes and incidence of re-hospitalizations of infants that were born premature at less than 37 weeks gestational age and who are within their first 6 months of life; provided further that the department’s perinatal advisory committee shall use such report in developing their standardized procedures.”

The amendment was adopted; and the bill (House, No. 3826, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill authorizing the town of Orange to convey a certain parcel of land (House, No. 4009, changed), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Orange,—
land.

Pending the question on passing the bill to be engrossed, Ms. Andrews of Orange moved to amend it in section 2, in line 13, by inserting after the word “acres” the words “more or less”; and by striking out section 3 and inserting in place thereof the following three sections:

“SECTION 3. The proceeds of the disposition of the property in Section 2 after expenses, shall be allocated as follows: (a) 25 per cent shall be remitted to the town water department to be held in the Water Department Land Acquisition Fund dedicated account, established pursuant to section 4, for the specific purpose of land acquisition for water supply purposes; (b) 50 per cent of the amount remaining shall be deposited into the town treasury; and, (c) 50 per cent of the amount remaining shall be remitted to the town of Orange water department enterprise fund to be used generally for water supply purposes and other costs associated with the development of water supply; provided, however, that if the net proceeds of such disposition is equal to or greater than \$1,000,000 no less than \$500,000 shall be expended for the purposes of clauses (a) and (c).

Orange,—
land.

SECTION 4. Notwithstanding the provisions of section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Orange is hereby authorized to establish a Water Department Land Acquisition Fund, which shall be kept separate and apart from all other monies of the town and in which shall be deposited the proceeds of those funds allocated in clause (c) of section 3 for the purpose of said clause. Any interest earned thereon shall be credited to the water department enterprise fund referred to in section 3.

SECTION 5. This act shall take effect upon its passage.”.

The amendments were adopted; and the bill (House, No. 4009, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

Chatham,—
charter.

The House Bill relative to the charter of the town of Chatham (House, No. 4141), was read a second time.

Pending the question on ordering the bill to a third reading, it was recommitted to the committee on Municipalities and Regional Government, on motion of Ms. Peake of Provincetown.

State
government
and
finance.

The 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), recommending passage of a Bill to improve the administration of state government and finance (Senate, No. 2342), having been accepted by the Senate, was considered.

Conference
committee
report
accepted,—
yea and nay
No. 312.

After remarks on the question on acceptance of the report, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Kocot of Northampton; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 312 in Supplement.]

Therefore the report of the committee of conference was accepted, in concurrence.

Wampanoag
Tribal-State
Compact.

The House Resolve relating to the tribal-state compact between the Mashpee Wampanoag Tribe and the Commonwealth of Massachusetts (printed in House, No. 4261), was read a second time; and after debate it was ordered to a third reading.

Under suspension of the rules, on motion of Mr. O’Day of West Boylston, the resolve, having been reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time forthwith.

Resolve
passed to be
engrossed,—
yea and nay
No. 313.

After remarks on the question on passing the resolve to be engrossed (the Speaker being in the Chair), the sense of the House was taken by yeas and nays, at the request of Ms. Orrall of Lakeville; and on the roll call (Mr. Donato of Medford being in the Chair) 121 members voted in the affirmative and 32 in the negative.

[See Yea and Nay No. 313 in Supplement.]

Therefore the resolve was passed to be engrossed. Ms. Reinstein of Revere moved that this vote be reconsidered; and the motion to reconsider was negatived. The resolve (printed in House, No. 4261) then was sent to the Senate for concurrence.

The report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment of the House Bill relative to sentencing and improving law enforcement tools (House, No. 3818), recommending that the House recede from its non-concurrence with the Senate in its amendment and concur therein with a further amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4286; and that the Senate concur in the further amendment, was considered [Note: An errata signed by the five conferees who had signed the report and approved by both House and Senate Counsels was submitted prior to a vote on acceptance of the conference report. The errata struck out, in lines 249 and 252, the word "section" and inserted in place thereof, in each instance, the word "subsection"].

Sentencing and law enforcement.

After debate on the question on acceptance of the report, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), 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 152 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 314.

[See Yea and Nay No. 314 in Supplement.]

Therefore a quorum was present.

The Speaker being in the Chair,—

After remarks on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of Mr. O'Flaherty of Chelsea; and on the roll call (Mr. Donato of Medford being in the Chair) 139 members voted in the affirmative and 14 in the negative.

Conference committee report accepted,—
yea and nay
No. 315.

[See Yea and Nay No. 315 in Supplement.]

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town of Hopkinton (see House, No. 3909) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

Hopkinton,—
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking),—
yea and nay
No. 316.

[See Yea and Nay No. 316 in Supplement.]

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

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Next sitting.

Mr. Humason of Westfield 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 four minutes before seven 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.