

## JOURNAL OF THE HOUSE.

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Monday, July 26, 2010.

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).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

As we begin this final week of formal legislative session, we take a moment to offer a prayer to You, God our Creator and Guide, for Your assistance. In Your goodness, inspire us to make the right, ethical and the best decisions on the legislative items which come before us. Help us to be patient, open and thoughtful in working together to resolve all the issues and especially items which are sensitive and controversial. In dealing with current issues, may we be aware of the consequences of our decisions on future generations and on the future of the Commonwealth itself. Teach us to encourage all people, through our many educational programs, to utilize their intellectual gifts and talents in a positive and beneficial manner for their own well-being and for the common good. In addressing issues, may we remain faithful to our traditional principles, ideals, goals and religious values.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

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.

### *Statement of Representative Falzone of Saugus.*

A statement of Mr. Falzone of Saugus was spread upon the records, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on Tuesday, July 20, 2010, on Yea and Nay No. 447, it was my intention to vote in the affirmative. However, I now find that, for some inexplicable reason, I was recorded in the negative.

### *Resolutions.*

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

Resolutions (filed by Mr. Costello of Newburyport) congratulating the United States Coast Guard on the occasion of its two hundred and twentieth anniversary;

Resolutions (filed by Mr. Keenan of Salem and other members of the House) congratulating the Boston Pops on its one hundred and twenty-five year anniversary;

Resolutions (filed by Ms. Peake of Provincetown and other members of the House) celebrating the one hundredth anniversary of the dedication of the Pilgrim Monument;

Jane and Jack Fitzpatrick. Resolutions (filed by Mr. Pignatelli of Lenox) recognizing Jane and Jack Fitzpatrick's dedication and service to the town of Stockbridge; and

Avard W. Craig, Jr. Resolutions (filed by Mr. Turner of Dennis) congratulating Avard W. Craig, Jr., on the occasion of his eighty-fifth birthday and receiving his high school diploma.

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

*Papers from the Senate.*

Volunteer dentistry. The Senate Bill relative to certain temporary registrations and volunteer dentistry (Senate, No. 2567) (on Senate bill No. 891), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matters be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading.

**Bills**

Quaboag and Ware River,—commission. Establishing the Quaboag and Ware River Valley Heritage District Commission (Senate, No. 369, amended in section 3, in lines 50 and 51, by striking out the words "but may receive reasonable expenses for travel when engaged in commission business if the expenses are not reimbursed by any other source") (on a petition);

State police,—memorial flag. Relative to providing the next of kin of a state police officer killed in the line of duty with a flag during the memorial service (Senate, No. 1013, amended by striking out all after the enacting clause and inserting in place thereof the following:

"Section 1. Section 89 of chapter 112 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following paragraph:—

If an officer of the department of state police is killed, or dies from injuries received, or dies as a natural and proximate result of undergoing a hazard peculiar to his employment, while in the performance of his duty, the next of kin of the deceased officer shall be entitled to receive from the department, at the expense of the commonwealth, a flag of the commonwealth which may be presented at any memorial service honoring the deceased officer.") (on a petition);

Wildfire team. Relative to the state wildfire team (Senate, No. 2563) (on Senate bill No. 669);

Hoisting. Updating the hoisting law (Senate, No. 2564) (on Senate bill No. 915); and

Corporate manslaughter. To increase the penalties for corporate manslaughter (Senate, No. 2565) (on Senate bill No. 1820);

Severally passed to be engrossed by the Senate were read; and they were referred, under Rule 33, to the committee on Ways and Means.

A report of the committee the Judiciary, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2526) of Michael O. Moore, Harriette L. Chandler and John J. Binienda (with the approval of the mayor and city council) for legislation relative to the enforcement of illegal dumping violations in the city Worcester,— and recommending the same be referred to the committee on Environment, Natural Resources and Agriculture,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Worcester,—illegal dumping.

*Reports of Committees.*

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on House, Nos. 65, 85, 856, 897, 899, 924, 925, 952, 966, 967, 990 1013, 1019, 1041, 1061, 3680, 3890 and 3891, an Order relative to authorizing the committee on Financial Services to make an investigation and study of certain House documents concerning financial services (House, No. 4920).

Financial Services,—study.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 637, 3151, 3161, 3165, 3166, 3173, 3176, 3177, 3180, 3183, 3184, 3185, 3188, 3192, 3195, 3203, 3204, 3215, 3221, 3223, 3235, 3236, 3237, 3249, 3262, 3268, 3269, 3272, 3275, 3285, 3288, 3291, 3309, 3310, 3311, 3312, 3313, 3325, 3326, 3327, 3336, 3339, 3341, 3352, 3371, 3542, 3543, 3634, 3642, 3788, 3791, 3844, 4016, 4017, 4018, 4019, 4021, 4022, 4023, 4024, 4032, 4033, 4034, 4035, 4037, 4039, 4205 and 4214, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning transportation issues (House, No. 4928).

Transportation,—study.

Severally 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, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill further amending Chapter 407 of the Acts of 1983 establishing the Mattapoisett River Valley Water Supply protection advisory committee (House, No. 4858). Read; referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mattapoisett River Valley Water Supply.

By Mr. Moran of Boston, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill validating the actions taken at a certain town election in the town of Hopkinton (printed in House, No. 4893). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Hopkinton,—election.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading.

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

Plimoth.  
Boston,—  
land.

Relative to Plimoth Plantation (House, No. 4510);  
Authorizing the Division of Capital Asset Management and Maintenance to transfer care and control of certain land in Boston (House, No. 4778);

Sherborn,—  
water  
system.

To convey certain Commonwealth property consisting of the waters of Farm Pond, its tributaries, and water distribution system to the town of Sherborn (House, No. 4783);

Tewksbury,—  
open space.

Authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Tewksbury for recreational and open space purposes (House, No. 4822);

Cambridge,—  
land.

Authorizing the city of Cambridge to grant a permanent easement on and over certain strips of land owned by the city of Cambridge in Watertown, Massachusetts (House, No. 4874); and

Id.

Authorizing the grant of easements upon land of the Commonwealth located in the city of Cambridge (House, No. 4875);

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

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading.

Somerville,—  
land.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville Housing Authority (Senate, No. 2286, amended) ought to pass with amendments in lines 2, 3 and 4, by striking out the following “, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, may convey by deed approved as to form by the inspector general” and inserting in place thereof the following “and the Metropolitan Water Resources Authority, may convey, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, by deed”; and by adding the following section:

“SECTION 5. The use of the parcel shall be restricted to the development and operation of affordable senior housing pursuant to section 2. In the event the property ceases to be used for such purpose, title to the property shall, after the provision of notice and an opportunity to cure from the commonwealth, revert to the commonwealth.”

Salisbury,—  
land.

By the same member, for the same committee, that the Bill conveying land to the town of Salisbury (House, No. 634) ought to pass with an amendment substituting a bill with the same title (House, No. 4929).

Girls,—  
programs.

By the same member, for the same committee, that the Bill establishing a special commission on gender-responsive programming for system-involved girls (House, No. 3418) ought to pass with an amendment substituting a bill with the same title (House, No. 4931).

Hull,—  
land.

By the same member, for the same committee, that the Bill relative to the use of buildings and park land in the town of Hull for development purposes (House, No. 3666) ought to pass with an amendment substituting a Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain Nantasket Beach reservation

buildings and park land in the town of Hull for development purposes (House, No. 4932).

Cambridge,—  
North Point  
Park land.

By the same member, for the same committee, that the Bill authorizing the Department of Conservation and Recreation to enter into a certain lease (House, No. 4482) ought to pass with an amendment in line 31 by striking out the following “Urban Parks trust, established under section 1 of chapter 132A of the General Laws” and inserting in place thereof the words “General Fund”; and in line 54 by inserting after the word “of” the words “equal or”.

Students,—  
career  
plans.

By the same member, for the same committee, that the Bill to assure college and career readiness through six-year career plans for all Massachusetts public school students (House, No. 4523) ought to pass with an amendment substituting a bill with the same title (House, No. 4933).

Hingham,—  
lease.

By the same member, for the same committee, that the Bill authorizing a ground lease of land owned by the Department of Conservation and Recreation for conservation and recreation purposes in the town of Hingham (House, No. 4823) ought to pass with an amendment in lines 29 and 30 by striking out the following “a minimum 3,285 gross square feet” and inserting in place thereof the word “space”.

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

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to the Connecticut River Rowing Facility (House, No. 3145) ought to pass with an amendment substituting a bill with the same title (House, No. 4930).

Connecticut  
River,—  
rowing  
facility.

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets,— that the bill be amended by substitution of a bill with the same title (House, No. 4765),— and the amendment recommended by the committee on Ways and Means, pending.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill increasing access to affordable health insurance coverage (printed as Senate, No. 455) be scheduled for consideration by the House, 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. 4799),— pending.

Affordable  
health  
insurance.

By the same member, for the same committee, that the House Bill relative to certified professional midwives and enhancing the practice of nurse-midwives (printed as Senate, No. 2341) be scheduled

Midwives.

Midwives. for consideration by the House, 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. 4810),— pending.  
 Severally placed in the Orders of the Day for the next sitting for a second reading, with the amendments 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

Gloucester,— linkage. Establishing a linkage extraction program in the city of Gloucester (Senate, No. 100) [Local Approval Received];

Hazardous materials. Authorizing municipalities to petition for public involvement plans in hazardous materials sites (Senate, No. 418);

Somerville,— police. Exempting the position of deputy chief of police in the city of Somerville from the civil service law (Senate, No. 2263) [Local Approval Received];

Great Barrington,— police. Exempting the position of chief of police of the town of Great Barrington from the civil service law (Senate, No. 2332) [Local Approval Received];

Warrantless arrest. Authorizing the warrantless arrest for reckless or negligent operation that results in serious bodily injury or death (Senate, No. 2472); and

House bills

Employment agencies. Updating and streamlining the regulation of employment agencies (House, No. 4623);

East Bridgewater. Further regulating tax titles in the town of East Bridgewater (House, No. 4678) [Local Approval Received];

Westborough,— liquor licenses. Authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4736) [Local Approval Received];

Littleton,— light department. Relative to the town of Littleton Electric Light Department (House, No. 4741) [Local Approval Received];

Schools. Relative to school district regionalization (House, No. 4754);

Pepperell,— ballot question. Authorizing the placement of a certain question on the ballot to be used at the November 2010 biennial state election in the town of Pepperell relative to the sale of all alcoholic beverages (House, No. 4846) [Local Approval Received]; and

North Adams,— reserve funds. Authorizing the city of North Adams to use reserve funds to reduce debt (House, No. 4851) [Local Approval Received];

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

*Engrossed Bills.*

Engrossed bills

Bills enacted. Relative to property tax exemptions in the town of Ashland (see House, No. 1904, changed and amended);

Regulating elections in the town of Yarmouth (see House, No. 4243);

Establishing a shellfish mitigation receipts reserved for appropriation fund in the town of Dennis (see House, No. 4245);

Relative to qualified financial contracts (see House, No. 4399);

Relative to certain exemptions in Massachusetts automobile insurance plans (see House, No. 4476, amended); and  
 Designating Eunice Kennedy Shriver Day (see House, No. 4796); (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.*

The Senate Bill exempting the office of deputy chief of police in the town of Rockland from the civil service law (Senate, No. 2475), 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.

The House Bill relative to the public health enterprise fund in the town of Stoughton (House, No. 4852), 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. Id.

The House Bill relative to the protection of children (House, No. 1589) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time. Children.— protection.

Pending the question on passing the bill to be engrossed, Messrs. Driscoll of Braintree and Pedone of Worcester moved to it by adding the following two sections:

“SECTION 75. Subsection (1) of section 178L of chapter 6 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:—

(a) Not less than 180 days prior to the release or parole of a sex offender from custody or incarceration, the board shall notify the sex offender of his right to submit to the board documentary evidence relative to his risk of reoffense and the degree of dangerousness posed to the public and his duty to register according to the provisions of section 178E. If the sex offender is a juvenile at the time of such notification, notification shall also be mailed to the sex offender’s legal guardian and his most recent attorney of record. Such sex offender may submit such evidence to the board within 30 days of receiving such notice from the board. Upon a reasonable showing, the board may extend the time in which such sex offender may submit such documentary evidence by no more than 30 days. The board may extend the time in which such sex offender may submit such documentary evidence after the 30 days, but only after additional reasonable showing and not more than 30 days at a time. Upon reviewing such evidence, the board shall notify the sex offender within 30 days of the board’s recommended sex offender classification, his duty to register, if any, his right to petition the board to request an evidentiary hearing to challenge such classification and duty, his right to retain counsel to represent him at such hearing and his right to have counsel appointed for him if he is found to be indigent as determined by the board using the standards

Children,—  
protection.

under chapter 211D; provided, however, that such indigent offender may also apply for and the board may grant payment of fees for an expert witness in any case where the board in its classification proceeding intends to rely on the testimony or report of an expert witness prepared specifically for the purposes of the classification proceeding. If the offender is found to be indigent as determined by the board using the standards under chapter 211D, counsel shall be appointed within 20 days. Such sex offender shall petition the board for such hearing within 20 days of receiving such notice. The board shall conduct such hearing within 60 days from the latter of petition from the sex offender or appointment of counsel. The failure to timely petition the board for such hearing shall result in a waiver of such right and the registration requirements, if any, and the board's recommended classification shall become final.

SECTION 76. Said subsection (1) of said section 178L of said chapter 6, as so appearing, is hereby further amended by striking out paragraph (c) and inserting in place thereof the following paragraph:—

(c) In the case of any sex offender not in custody, upon receiving registration data from the agency, the police department at which the sex offender registered, the sentencing court or by any other means, the board shall promptly notify the sex offender of his right to submit to the board documentary evidence relative to his risk of reoffense and the degree of dangerousness posed to the public and his duty to register, if any, according to the provisions of section 178E. If such sex offender is a juvenile at the time of such notification, notification shall also be mailed to the sex offender's legal guardian and his most recent attorney of record. Such sex offender may submit such evidence to the board within 30 days of receiving such notice from the board. Upon a reasonable showing, the board may extend the time in which such sex offender may submit such documentary evidence by no more than 30 days. The board may extend the time in which such sex offender may submit such documentary evidence after the 30 days, but only after additional reasonable showing and not more than 30 days at a time. Upon reviewing such evidence, the board shall notify the sex offender within 30 days of the board's recommended sex offender classification, his duty to register, if any, his right to petition the board to request an evidentiary hearing to challenge such classification and duty, his right to retain counsel to represent him at such hearing and his right to have counsel appointed for him if he is found to be indigent as determined by the board using the standards under chapter 211D; provided, however, that such indigent offender may also apply for and the board may grant payment of fees for an expert witness in any case where the board in its classification proceeding intends to rely on the testimony or report of an expert witness prepared specifically for the purposes of the classification proceeding. If the offender is found to be indigent as determined by the board using the standards under chapter 211D, counsel shall be appointed within 20 days. Such sex offender shall petition the board for such hearing within 20 days of receiving such notice. The board shall conduct such hearing within 60 days from the latter of petition from the sex offender or appointment of counsel. The failure to timely petition the board

for such hearing shall result in a waiver of such right and the registration requirements, if any, and the board's recommended classification shall become final."

The amendment was adopted; and the bill (House, No. 1589, 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 tomorrow at eleven o'clock A.M. Next sitting.

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At twenty-seven 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 the following day at eleven o'clock A.M.