

Friday, July 27, 2012.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

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.

Petitions.

Petitions severally were presented and referred as follows:

Maynard,—
land.

By Representative Hogan of Stow and Senator Eldridge, a joint petition (accompanied by bill, House, No. 4335) of Kate Hogan and James B. Eldridge (by vote of the town) that the town of Maynard be authorized to reclassify and lease a certain parcel of land in said town for the construction of a solar powered generation facility; and

Id.

By the same members, a joint petition (accompanied by bill, House, No. 4336) of Kate Hogan and James B. Eldridge (by vote of the town) for legislation to authorize the conveyance of a certain parcel of land in the town of Maynard;

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

Resolutions.

Joseph B.
Duggan.

Resolutions (filed with the Clerk by Ms. Peisch of Wellesley) honoring Joseph B. Duggan on his retirement as water and sewer superintendent in the town of Wellesley, were referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Hecht of Watertown, 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.

CHINS.

Mr. Kafka of Stoughton being in the Chair,—

The Senate Bill regarding children and families engaged in services (Senate, No. 1963, amended), came from the Senate with the endorsement that said branch had non-concurred with the House in its amendments (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4330).

Committee of
conference.

The bill bore the further endorsement that the Senate had appointed a committee of conference on the disagreeing votes of the two branches; and that Senators Spilka, Flanagan and Knapik had been appointed the committee on the part of the Senate.

On motions of Ms. Khan of Newton, the House insisted on its amendments; and concurred with the Senate in the appointment of a

committee of conference. Representatives Dempsey of Haverhill, Donato of Medford and Winslow of Norfolk then were appointed the committee on the part of the House. Sent to the Senate to be noted.

Mr. Donato of Medford being in the Chair,—

The House Bill authorizing the town of Northborough to convey certain parklands to abutters (House, No. 4075), came from the Senate passed to be engrossed, in concurrence, with an amendment inserting after section 2 the following section:

Northborough,—
land.

“SECTION 2A. The consideration paid to the town of Northborough for ‘Parcel C-2’ and ‘Parcel C-3’ under section 2 shall be deposited in a dedicated account to be used solely for park and recreation projects in the town.”

Under suspension of Rule 35, on motion of Mr. Naughton of Clinton, 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 Senate Bill authorizing the lease of Daly Field Complex located in the Brighton section of the city of Boston (Senate, No. 2383, amended in section 1, in lines 9, 42, 44; in section 3, in line 76; in section 4, in lines 97 and 98, 100, 103, 110; in section 6, in line 111; and in section 7, in line 117, by striking out, in each instance, the words “or another entity”;

Boston,—
Daly Field
Complex.

In section 1, in line 15, by striking out the words “facilities to accommodate”, in line 22, by striking out the words “or if Simmons College declines to enter any such agreement, then another entity, authorizing Simmons College or such other entity” and inserting in place thereof the words “authorizing Simmons College”, in lines 35 and 39, by striking out the words “or other entity”, in line 61, by striking out the word “reserved” and inserting in place thereof the words “permitted by the department of conservation and recreation”;

In section 3, in line 69, by striking out the word “may” and inserting in place thereof the word “shall”, in line 95, by adding the following sentence: “For the purposes of this section, ‘abutting communities’ shall also include, but not be limited to, the city known as the town of Watertown”;

In section 6, in lines 113 and 114, by striking out the following: “not later than March 1, 2013” and inserting in place thereof the following: “prior to entry into the lease under section 1”, in line 115, by striking out the words “and the city and town clerks of abutting communities.”;

And by inserting after section 9 the following two sections:

“SECTION 9A. To ensure a no-net-loss of lands protected for conservation and recreation purposes and as a condition of the leasehold interests authorized in this act, the grantee shall compensate the commonwealth through the payment of funds or the transfer of land or a conservation restriction upon land to the department of conservation and recreation, which shall be equal to or greater than the full and fair market value of its leasehold interest under this act as determined by independent appraisal prepared in accordance with the usual and customary professional appraisal practices by a qualified appraiser

Boston,—
Daly Field
Complex.

commissioned by the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation. Any land or interest in land, including any conservation restriction, shall be acceptable to the department of conservation and recreation. The appraisal shall include an examination of the value of the physical capital improvements to be constructed by Simmons College, the relative value associated with the exclusive private use of the improvements by Simmons College and the relative value associated with use of the improvements by the general public to be scheduled by the department of conservation and recreation. In determining the funds due to ensure a no-net-loss of protected land for conservation and recreation purposes, the division of capital asset management and maintenance, in consultation with the department of conservation and recreation, may determine a credit on account of the relative value associated with the public use of the improvements and shall provide a credit for the \$500,000 contributed to the department of conservation and recreation under section 7. Any sums due under this section shall be paid by the grantee to the department of conservation and recreation for deposit into the Conservation Trust, established in section 1 of chapter 132A of the General Laws, to be used to acquire land or interests in land for conservation and recreation purposes. In no event shall any funds be due from the department of conservation and recreation.

SECTION 9B. The commissioner of capital asset management and maintenance shall submit any appraisals completed under section 9A to the inspector general for review and comment. The inspector general shall review and approve the appraisals and the review shall include an examination of the methodology utilized for the appraisals. The inspector general shall prepare a report of such review and file the report with the commissioner of capital asset management and maintenance for submission by the commissioner to the house and senate committees on ways and means and the senate and house chairs of the joint committee on state administration and regulatory oversight. The commissioner shall submit copies of the appraisals and the inspector general's review and approval and comments to the house and senate committees on ways and means and the senate and house chairs of the joint committee on state administration and regulatory oversight at least 15 days before the execution of any documents effecting the lease or other agreements described in section 1.”) (on Senate bill No. 2306); and

Hinsdale,—
land.

Authorizing the Massachusetts Department of Transportation to acquire a parcel of land in the town of Hinsdale (Senate, No. 2385) (on Senate bill No. 2343);

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

Reports of Committees.

Julie
Nantais,—
sick leave
bank.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing a sick leave bank for Julie Nantais, an employee of the Department of Public Health (Senate, No. 2266), be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Kafka, the bill was read a second time forthwith; and it was ordered to a third reading.

- By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill to expand juvenile jurisdiction, increase public safety and protect children from harm (House, No. 450). Juvenile jurisdiction.
- By the same member, for the same committee, on a petition, a Bill relative to the profits from crime (House, No. 457). Crime,—profits.
- By the same member, for the same committee, on a petition, a Bill relative to the judicial advisory board (House, No. 2187). Judicial advisors.
- By the same member, for the same committee, on a petition, a Bill relative to bail fees (House, No. 2828). Bail fees.
- By the same member, for the same committee, on a petition, a Bill relative to the Sex Offender Registry (House, No. 3229). Sex Offender Registry.
- By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a joint petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Shrewsbury (House, No. 4333) [Local Approval Received]. Shrewsbury,—land.
- Severally read; and referred, under Rule 33, to the committee on Ways and Means.
- By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill requiring the posting of security for the seizure and impoundment of animals (House, No. 422). Animals,—impoundment.
- By the same member, for the same committee, on a petition, a Bill clarifying warehousing (House, No. 438). Warehousing.
- By the same member, for the same committee, on a petition, a Bill relative to historic homes (House, No. 442). Historic homes.
- By the same member, for the same committee, on a petition, a Bill relative to parental rights and child survivors of homicide (House, No. 454). Homicide.
- By the same member, for the same committee, on a petition, a Bill to prevent farm animal cruelty (House, No. 458). Farm animals.
- By the same member, for the same committee, on a petition, a Bill relative to oil spills on public ways (House, No. 487). Oil spills.
- By the same member, for the same committee, on a petition, a Bill relative to the concealment of the death of children and the penalties for the sale or purchase of minor children (House, No. 1308). Children,—death concealment.
- By the same member, for the same committee, on a petition, a Bill relative to advertising for the placement of children under 16 years of age (House, No. 1328). Children,—placement.
- By the same member, for the same committee, on a petition, a Bill relative further regulating the appointment of certain guardians (House, No. 1337). Guardians,—appointment.
- By the same member, for the same committee, on a petition, a Bill relative to the rescue of foals (House, No. 2827). Foals,—rescue.
- By the same member, for the same committee, on a petition, a Bill making uniform the law regarding trade schools (House, No. 2846). Trade schools.
- By the same member, for the same committee, on a petition, a Bill relative to the intimidation of a witness statute (House, No. 3977). Witness intimidation.
- Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

New Bedford,—
land.

Authorizing the commissioner of the Division of Capital Asset Management and Maintenance to convey certain land in New Bedford to the city of New Bedford (Senate No. 2367, amended) [Local Approval Received]; and

Sutton,—
land.

Relative to the conveyance of easements in the town of Sutton (Senate, No. 2369).

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; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

Lawrence,—
land.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property in the city of Lawrence to the Greater Lawrence Community Boating Program, Inc. (Senate, No. 2338), ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4338.

Needham,—
land.

By the same member, for the same committee, that the Bill relative to authorizing the town of Needham to take by eminent domain easements in land owned by the Commonwealth of Massachusetts adjacent to South Street and the Charles River for the purpose of installing utilities and to change the use of the land from open space to utility use under Article of Amendment XLIX (House, No. 2582), ought to pass with an amendment substituting therefor a Bill authorizing the Division of Capital Management and Maintenance to grant an easement over a parcel of land in the town of Needham in exchange for a parcel of land to be conveyed to the Commonwealth (House, No. 4339) [Local Approval Received].

Halifax,—
land.

By the same member, for the same committee, that the Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Halifax (House, No. 4320), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4340) [Local Approval Received].

South Hadley,—
land.

By the same member, for the same committee, that the Bill authorizing and directing the commissioner of capital asset management and maintenance to convey certain land in the town of South Hadley (House, No. 4322), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4341).

Shrewsbury,—
land.

By the same member, for the same committee, that the Bill authorizing the division of capital asset management and maintenance [sic] to convey certain parcels of land in the town of Shrewsbury (House, No. 4333), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4342) [Local Approval Received].

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; and, under said rule, they were 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 relative to student access to educational services and exclusion from school (House, No. 4131), be scheduled for consideration by the House. 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 Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4332),— 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:

- Relative to municipal service fees (House, No. 577); Municipal fees.
 - Reducing medical errors and improving patient safety (House, No. 1519, changed); Patient safety.
 - Relative to a form of governance for the Boston Housing Authority (House, No. 4008) [Local Approval Received]; Boston Housing Authority.
 - Validating the actions taken at a certain annual town election held on April 2, 2012 in the town of Blackstone (printed in House, No. 4134); Blackstone,—town meeting.
 - Validating the actions taken at a certain annual town election held in the town of Lincoln (printed in House, No. 4135); Lincoln,—town meeting.
 - Authorizing the town of Danvers to grant an additional license for the sale of all alcoholic beverages (House, No. 4168) [Local Approval Received]; Danvers,—liquor license.
 - Regarding the town of Marion Open Space Acquisition Commission (House, No. 4188) [Local Approval Received]; Marion,—commission.
 - Establishing the charter of the town of Hubbardston (House, No. 4209) [Local Approval Received]; Hubbardston,—charter.
 - Amending the charter of the town of Westborough (House, No. 4211) [Local Approval Received]; Westborough,—charter.
 - Providing for the establishment and administration of rent regulations and the control of evictions in manufactured housing communities in the town of Acushnet (House, No. 4221) [Local Approval Received]; Acushnet,—housing.
 - Establishing the position of treasurer-collector in the town of Oakham (House, No. 4232) [Local Approval Received]; Oakham.
 - Relative to a special fund in the town of Plympton (House, No. 4276) [Local Approval Received]; Plympton,—fund.
 - Providing for recall elections in the town of Wales (House, No. 4281) [Local Approval Received]; Wales,—elections.
 - Creating a library building fund for the town of Wales (House, No. 4282) [Local Approval Received]; and Wales,—library fund.
 - Desiganting a certain corner in the town of Watertown as Menton Corner (House, No. 4287); Watertown,—Menton corner.
- Severally placed in the Orders of the Day for the next sitting for a second reading.

A report of the committee on Labor and Workforce Development, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 1412) of Martha M. Walz and others relative to certain independent contractors under the labor laws. Placed in the Orders of the Day for the next sitting, the question being on acceptance. Independent contractors,—regulate.

Engrossed Bill.

Bill
enacted.

The engrossed Bill relative to superintendency union benefits (see Senate, No. 2092, amended) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third
reading
bill.

The Senate Bill authorizing the Division of Capital Asset Management to grant to the city of Lowell easements over certain parcels of land (Senate, No. 2233), 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.

House bills

Third
reading
bills.

Authorizing the town of Fairhaven to grant an easement over certain land (House, No. 4172) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the town of Cohasset to transfer certain interests in land (House, No. 4230);

Authorizing the change of use and the lease of certain land in the town of Lee for a solar powered generation facility (House, No. 4278); and

Authorizing the exchange of land in the town of Rockland (printed in House, No. 4327);

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.

Recess.

Recess.

At seventeen minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until three o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Papers from the Senate.

Worcester,—
land.

The Senate Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the city of Worcester (Senate, No. 2250, amended), came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House, No. 4300) with a further amendment striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“*Whereas*, The deferred option of this act would tend to defeat its purpose, which is to forthwith authorize the Massachusetts Department of Transportation to acquire certain parcels of land in the city of Worcester, therefore it is hereby declared to an emergency law, necessary for the immediate preservation of the public convenience.”

Under suspension of Rule 35, on motion of Mr. Binienda of Worcester, the further 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 relative to the transfer of land in the town of Sharon (House, No. 3794), came from the Senate passed to be engrossed, in concurrence, with amendments striking out sections 2 and 3 and inserting in place thereof the following two sections:

Sharon,—
land.

“SECTION 2. Notwithstanding any general or special law or rule or regulation to the contrary, the town of Sharon may use the landfill closed under the Landfill Capping Grant Program established in 310 CMR 37.00 et seq. and transferred under section 1 for renewable energy in accordance with any applicable permit from the department of environmental protection pursuant to 310 CMR 19.000.

SECTION 3. In consideration for and as a condition of the transfer of land authorized in section 1, the town of Sharon shall transfer a parcel of land located at Hixson Farm road in the town of Sharon, containing approximately 11.02 acres, under the care, custody, management and control of the board of selectmen for general municipal purposes to the Sharon conservation commission for permanent conservation purposes. The parcel is shown as lot 14 on assessors map 121 and is more particularly described in a deed dated December 1, 1976 recorded in the Norfolk county registry of deeds in book 5309, page 526. It is also shown as ‘Lot A’ and ‘Lot B’ on a plan entitled ‘Plan of Land Belonging to the Sharon Housing Authority, Sharon, Mass. February 4, 1976, scale 1" = 80', Town of Sharon Engineering Department, Henry L. Munson, P.E., Town Engineer’ and recorded at said registry of deeds in plan book 258, plan 94. A copy of this plan is on file with the town clerk.”; and in section 5, in lines 33, 34 and 35, striking out the following: “section 1 and the release of the restriction and acceptance of a new restriction as set forth in sections 2 and 3” and inserting in place thereof the following: “sections 1 and 3 and the change of use permitted in section 2”.

Under suspension of Rule 35, on motion of Mr. Kafka of Stoughton, 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 Department of Fish and Game to exchange certain property in the town of Shirley for other property in the same town (House, No. 4273), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in lines 1 and 2, striking out the words “department of fish and game may” and inserting in place thereof the words “the commissioner of capital asset management and maintenance, in consultation with the commissioner of fish and game, may”.

Shirley,—
land.

Under suspension of Rule 35, on motion of Ms. Benson of Lunenburg, 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.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

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

At ten minutes after three o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M.