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**Thursday, July 28, 2011 (at 1:00 o'clock P.M.).**

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 Mr. Boldyga of Southwick.*

A statement of Representative Boldyga of Southwick 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 due to previously scheduled personal obligations, I was unable to attend the unexpectedly called formal session of Monday, July 11. Had I been in attendance on that day, I would have voted in favor of the proposed amendments to the municipal health care legislation. My missing of roll calls on July 11 was due entirely to the reason stated.

Statement of  
Mr. Boldyga  
of Southwick.

*Statement Concerning Representative Markey of Dartmouth.*

A statement of Mr. Mariano of Quincy concerning Mr. Markey of Dartmouth was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Markey of Dartmouth, is unable to be present in the House Chamber for today's sitting due to family obligations. His missing of roll calls today is due entirely to the reason stated.

Statement  
concerning  
Mr. Markey  
of Dartmouth.

*Statement of Mr. Rogers of Norwood.*

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

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of today's sitting due to official business in another part of the State House. If I had been present for the taking of yea and nay Nos. 100 and 101, I would have voted, in each instance, in the affirmative.

Statement of  
Mr. Rogers of  
Norwood.

*Recess.*

At one minute after one o'clock P.M. (Thursday, July 28), on motion of Mr. Wagner of Chicopee (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twenty-four minutes after one o'clock the House was called to order with Mr. Wagner in the Chair.

Recess.

*Petitions.*

Mr. Torrissi of North Andover presented a petition (subject to Joint Rule 12) of

Cities and  
towns,—

David M. Torrissi, James J. Lyons, Jr. and Bruce E. Tarr for legislation to authorize the appointment of group insurance committees within the cities and towns of the Commonwealth for the purpose of making changes in the design and composition of group health insurance policies for public employees; and the same was referred, under Rule 24, to the committee on Rules.

group health insurance.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Mariano of Quincy, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Mrs. Ferguson of Holden presented a petition (subject Joint Rule 12) of Paula Makovitch relative to retirement benefits and UMass Memorial Health Care, Inc.; and the same was referred, under Rule 24 to the committee on Rules.

UMass,— retirement.

#### *Papers from the Senate.*

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 1983) of Barry R. Finegold (with the approval of the mayor and city council) for legislation to protect certain housing stock in the city of Lawrence. To the committee on Housing.

Lawrence,— housing stock.

Petition (accompanied by bill, Senate, No. 1984) of Harriette L. Chandler and Kimberly Ferguson (by vote of the town) for legislation relative to the charter of the town of Holden. To the committee on Municipalities and Regional Government.

Holden,— charter.

A petition (accompanied by bill) of Richard T. Moore and George N. Peterson for legislation relative to the surrender of the firearms and ammunition to licensing authorities, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Safety and Homeland Security.

Firearms and ammunition,— licensing.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1992) was referred, in concurrence, to the committee on Public Safety and Homeland Security.

#### *Reports of Committees.*

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Donald F. Humason, Jr., Colleen M. Garry and others relative to reporting of a missing child; and

Missing child.

Petition (accompanied by bill) of Cleon H. Turner and Denise Provost for legislation to establish penalties for employers falsely asserting to have an active workers' compensation insurance policy;

Workers' compensation,— penalties.

Severally to the committee on the Judiciary.

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

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a joint

Michael Jordan,—

petition, a Bill establishing a sick leave bank for Michael Jordan, an employee of the department of the Trial Court (House, No. 3446). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

sick leave.

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

Under suspension of the rules, on motion of Mr. Stanley of Waltham, 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 establishing a sick leave bank for Gina Rossi, an employee of Parole Board (House, No. 3574). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Gina Rossi,—  
sick leave.

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

Under suspension of the rules, on motion of Mr. Boldyga of Southwick, 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 joint petition, a Bill establishing a sick leave bank for Kevin R. Byrne, Sr., an employee of the Trial Court (House, No. 3586). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Kevin R. Byrne,—  
sick leave.

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

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

By Mr. Scibak of South Hadley, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Arcelia Williams-Sullivan an employee of the Massachusetts Rehabilitation Commission (House, No. 3588). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Arcelia Williams-  
Sullivan,—  
sick leave.

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

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

By Mr. Costello of Newburyport, for the committee on Financial Services, asking to be discharged from further consideration:

So much of the recommendations of the Commission on Uniform State Laws (House, No. 22) as relates to making amendments to the uniform commercial code covering general provisions, documents of title and secured transactions (House, No. 25),— and recommending that the same be referred to the committee on Economic Development and Emerging Technologies.

Uniform  
Commercial  
Code.

Of the petition (accompanied by bill, House, No. 2767) of Paul McMurtry (by vote of the town) for legislation to establish a group insurance liability fund in the town of Westwood,— and recommending that the same be referred to the committee on Public Service.

Westwood,—  
insurance  
liability fund.

Of the petition (accompanied by bill, House, No. 2773) of Angelo M. Scaccia and William F. Galvin relative to certain business entity procedures,— and recommending that the same be referred to the committee on State Administration and Regulatory Oversight.

Business  
corporations.

By Mr. Honan of Boston, for the committee on Housing, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2787) of Demetrius J. Atsalis for legislation to establish construction trust funds and regulating the use of such funds for improvements to property,— and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure.

Property improvements,— trust fund.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, asking to be discharged from further consideration:

Of the petition (accompanied by bill, House, No. 1821) of Bradford Hill, Joyce A. Spiliotis and Lori A. Ehrlich relative to total amounts distributed to cities and towns for the purpose of education,— and recommending that the same be referred to the committee on Education.

Fund distributions,— education.

Of the petition (accompanied by bill, House, No. 3101) of James Arciero and Carolyn C. Dykema that the General Court determine and publish local aid to cities and towns no later than the first day of March of each year;

Publishing of local aid.

Of the petition (accompanied by bill, House, No. 3102) of Antonio F. D. Cabral and others for legislation to assure fair and adequate municipal gap funding for municipalities; and

Municipalities,— funding.

Of the petition (accompanied by bill, House, No. 3103) of Peter V. Kocot for the establishment of a special working group (including members of the General Court) to investigate and make recommendations relative to reforming municipal aid formulas;

Municipal aid formulas,— reform.

And recommending that the same severally be referred to the committee on Municipalities and Regional Government.

Of the petition (accompanied by bill, House, No. 3218) of Martin J. Walsh for legislation to fully fund the collective bargaining agreement in the Sheriff's Department of Suffolk County,— and recommending that the same be referred to the committee on Public Service.

Suffolk county Sheriff,— collective bargaining.

Of the petition (accompanied by bill, House, No. 3309) of John H. Rogers and others relative to the revenue to the stabilization fund;

Stabilization fund.

Of the petition (accompanied by bill, House, No. 3384) of Thomas P. Conroy and others relative to the disbursement of tobacco settlement funds; and

Tobacco settlement funds.

Of the petition (accompanied by bill, House, No. 3426) of Bradley H. Jones, Jr. and others for legislation to require a two-thirds vote of the Senate and the House of Representatives prior to making appropriations from the Stabilization Fund;

Stabilization fund,— vote requirement.

And recommending that the same severally be referred to the committee on Revenue.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence in the reference to the joint committees.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill relative to third party training and background checks for violent history for security staff at bars and clubs (House, No. 1833). Read; and referred, under Rule 33, to the committee on Ways and Means.

Security staff,— bars and clubs.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and

Real estate

Professional Licensure, on a petition, a Bill clarifying the continuing education requirements for real estate brokers and sales persons (House, No. 123, changed, in line 3 by striking the figures “2011” and inserting in place thereof the figures “2013”, and in line 4 by striking the words “is later.”).

brokers.

By the same member, for the same committee, on a joint petition, a Bill authorizing the board of selectmen in the town of West Tisbury to issue licenses for the sale of beer and wine in restaurants, inns and hotels and to issue one day liquor licenses for events (House, No. 3454) [Local Approval Received].

West Tisbury,—  
alcoholic  
beverages.

By the same member, for the same committee, on House, No. 3500, a Bill relative to the issuance of an all alcohol beverage license in the city of Easthampton (House, No. 3639) [Local Approval Received].

Easthampton,—  
alcoholic  
beverages.

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

### *Engrossed Bill.*

The engrossed Bill amending the city of Gloucester Charter (see Senate, No. 1059, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

### *Reports of Committees.*

Mr. Donato of Medford being in the Chair,—

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 3581), returning with his disapproval of certain sections contained in the engrossed Bill making appropriations for the fiscal year 2012 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 3535), reported, in part, that section 81 stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

General  
Appropriation  
Bill.

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 report was considered forthwith.

Section 81 (prescription drug waste), which had been disapproved by the Governor, then was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 153 members voted in the affirmative and 0 in the negative.

Prescription  
drug waste  
section 81  
stands,—  
yea and nay  
No. 100.

### **[See Yea and Nay No. 100 in Supplement.]**

Therefore section 81 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

### *Emergency Measure.*

Mr. Wagner of Chicopee being in the Chair,—

The engrossed Bill relative to economic development in the North Point area of the city of Cambridge (see Senate, No. 1955, 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 25 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was put upon its final passage.

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 (Mr. Donato of Medford being in the Chair) 151 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 101 in Supplement.]**

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

Cambridge,—  
North Point area  
development.

Bill enacted  
(land taking),—  
yea and nay  
No. 101.

#### *Reports of Committees.*

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 3581), returning with his disapproval of certain sections contained in the engrossed Bill making appropriations for the fiscal year 2012 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 3535), reported, in part, that sections 178, 207 and 216 stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Section 207 (head injury regulations delay), which had been disapproved by the Governor, was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 102 in Supplement.]**

Therefore section 207 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 216 (prescription drug waste-effective date), which had been disapproved by the Governor, was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 155 members

General  
Appropriation  
Bill.

Delay DPH  
head injury  
regulations  
section 207  
stands,—  
yea and nay  
No. 102.

Prescription  
drug waste  
effective date  
section 216

voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 103 in Supplement.]**

Therefore section 216 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 178 (prescription drug waste), which had been disapproved by the Governor, was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 104 in Supplement.]**

Therefore section 178 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

stands,—  
yea and nay  
No. 103.

Prescription  
drug waste  
section 178  
stands,—  
yea and nay  
No. 104.

*Orders of the Day.*

The House Bill establishing a sick leave bank for Grace A. Rugnetta, an employee of the Executive Office of Health and Human Services (House, No. 3589) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly, was read a third time, under suspension of the rules, on motion of Mr. Michlewitz.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by substitution of a bill with the same title (House, No. 3640), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Grace A.  
Rugnetta,—  
sick leave.

*Recesses.*

At twenty-seven minutes after two o'clock P.M. (Thursday, July 28), on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until the hour of four o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. Mariano of Quincy, until the hour of five o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. Humason of Westfield, until the following day at eleven o'clock A.M.; and at that time the House was called to order with Mr. Donato of Medford in the Chair..

Recesses.