

# JOURNAL OF THE HOUSE.

Thursday, August 8, 2013.

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.

### *Resolutions.*

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

Thomas Bennett Hancox.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Thomas Bennett Hancox on earning the Eagle Scout Award;

Joseph Francisco Nunez.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Joseph Francisco Nunez on earning the Eagle Scout Award;

Millis,— POW/MIA Memorial Chair.

Resolutions (filed by Mr. Linsky of Natick) honoring Prisoners of War and those Missing in Action on the dedication of the Prisoner of War/Missing in Action Memorial Chair in the town of Millis;

Christopher Rich.

Resolutions (filed by Mr. Roy of Franklin) congratulating Christopher Aaron Rich on receiving the Eagle Award of the Boy Scouts of America; and

Zachary Rohrbach.

Resolutions (filed by Mr. Roy of Franklin) congratulating Zachary Rohrbach on receiving the Eagle Award of the Boy Scouts of America;

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

### *Annual and Special Reports.*

#### Reports

Disability retirement.

Of the special commission established (under Section 59 of Chapter 176 of the Acts of 2011 and most recently revived and continued by Section 30 of Chapter 36 of the Acts of 2013) to investigate and study all aspects of the ordinary and accidental disability provisions of the Massachusetts contributory retirement system as well as the provisions of injured on duty benefits and presumptions for public employees contained in the General Laws; and

Water Resource Commission,— report.

Of the Water Resource Commission (pursuant to Section 8C of Chapter 21 of the General Laws) submitting an amendment to the Interbasin Transfer Approval Foxborough Witch Pond Wells dated July 11, 2013; and

UMass.

The annual report of the University of Massachusetts (under Section 15 of Chapter 75 of the General Laws) illustrating the accountability, assessment, improvement and continued progress of the UMass system;

Severally were placed on file.

*Papers from the Senate.*

The House Bill relative to financing the production and preservation of housing for low and moderate income residents (House, No. 3492, amended), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1845. Housing.

Under suspension of Rule 35, on motion of Mr. Dempsey of Haverhill, the amendment was considered forthwith.

The House then non-concurred with the Senate it is amendment; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Dempsey, Honan of Boston and Smola of Warren were appointed to the committee on the part of the House. Sent to the Senate to be joined. Committee of conference.

The House Bill eliminating the preliminary elections in the city of Malden in 2013 (House, No. 3591), came from the Senate passed to be engrossed, in concurrence, with an amendment adding the following section: Malden,—  
election.

“SECTION 2. This act shall take effect upon its passage.”

The amendment (having been 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 Wellesley to convey a certain parcel of land (House, No. 3513) (its title having been changed by the Senate committee on Bills in the third Reading), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 1, striking out the words “Notwithstanding the provisions of any general or special law to the contrary” and inserting in place thereof the following: “Notwithstanding section 4 of chapter 267 of the acts of 2002 or any other general or special law to the contrary”. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading. Wellesley,—  
land.

A Bill relative to the release of a body by the medical examiner to a person charged with an offense which resulted in the death of the deceased (Senate, No. 1099, changed in line 8 after the word “an”, by striking out the word “intentional” and in lines 9 and 10 by striking out the words “; provided further that such person shall be disqualified from acting as executor or administrator of the estate of the deceased” and amended in lines 5 and 6 by striking out the following: “if such person is aged 18 years old or older,”) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Deceased  
persons,—  
release of  
body.

A report of the committee on Transportation, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1713) of Bruce E. Tarr, Bradley H. Jones, Jr., and Michael R. Knapik for legislation to include Federal Law Enforcement Officers as police officers, and recommending that the same be referred, to the committee on Public Safety and Homeland Security,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence. Federal law  
enforcement  
officers.

Petersham,—  
debt limit.

A petition (accompanied by bill, Senate, No. 1844) of Stephen M. Brewer, Denise Andrews and Anne M. Gobi (by vote of the town) for legislation to authorize the town of Petersham to borrow outside the debt limit for a certain town project, was referred, in concurrence to the committee on Municipalities and Regional Government.

Fall River,—  
land.

A petition (accompanied by bill) of Michael J. Rodrigues and Alan Silvia for legislation to authorize the Massachusetts Department of Transportation to acquire certain parcels of land in the city of Fall River, came from the Senate referred, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1847) was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.

#### *Reports of Committees.*

Somerset,—  
Swansea and  
Dighton  
water.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rules 12 and 9 be suspended on the petition of Patricia A. Haddad and Michael J. Rodrigues (by vote of the town) that the town of Somerset be authorized to supply the towns of Swansea and Dighton and their inhabitants with water. Under suspension of the rules, on motion of Mr. Smizik of Brookline, the report was considered forthwith. Joint Rules 12 and 9 were suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the Senate for concurrence.

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:

Transitional  
Assistance,—  
residency  
requirements.

Petition (accompanied by bill) of Linda Dean Campbell relative to residency requirements for recipients of programs administered by the Department of Transitional Assistance. To the committee on Children, Families and Persons with Disabilities.

Northampton  
and  
Williamsburg,—  
easement.

Petition (accompanied by bill) of Stephen Kulik, Benjamin B. Downing and others (with the approval of the mayor and city council of the city of Northampton and by vote of the town of Williamsburg) that the town of Williamsburg be authorized to acquire a perpetual easement to be held jointly with the city of Northampton for the purposes of a multi-use recreation trail. To the committee on Municipalities and Regional Government.

Mary  
Ford,—  
sick leave.

Petition (accompanied by bill) of Tom Sannicandro for legislation to establish a sick leave bank for Mary Ford, an employee of the Department of Correction. To the committee on Public Service.

Veterans,—  
mental health  
programs.

Petition (accompanied by bill) of Linda Dean Campbell relative to mental health and substance abuse programs for veterans. To the committee on Veterans and Federal Affairs.

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

By Mr. Scibak of South Hadley, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill relative to the sale of alcoholic beverages in the town of Harvard (House, No. 3494, changed in section 1, in line 3, by striking out the word “issue” and inserting in place thereof the word “grant”) [Local Approval Received].

Harvard,—  
alcoholic  
beverages.

By the same member, for the same committee, on a petition, a Bill repealing the law authorizing the town of Lincoln to grant a license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3527) [Local Approval Received].

Lincoln,—  
alcoholic  
beverages.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Lincoln to grant a license for the sale of wine and malt beverages to be drunk on the premises (House, No. 3531) [Local Approval Received].

Id.

By the same member, for the same committee, on a petition, a Bill relative to the granting of special licenses for the sale of alcoholic beverages in the town of Lincoln (House, No. 3532) [Local Approval Received].

Id.

By the same member, for the same committee, on House, No. 238, a Bill regulating residential paving (House, No. 3612).

Paving,—  
regulate.

By the same member, for the same committee, on House, No. 266, a Bill relative to time share resale and transfer service providers (House, No. 3613).

Time shares,—  
services.

By the same member, for the same committee, on House, No. 3519, a Bill authorizing the town of Dedham to grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3614) [Local Approval Received].

Dedham,—  
alcoholic  
beverages.

By the same member, for the same committee, on House, No. 3529, a Bill authorizing the town of Concord to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3615) [Local Approval Received].

Concord,—  
alcoholic  
beverages.

By the same member, for the same committee, on House, No. 3530, a Bill authorizing the town of Natick to grant an on-premises alcohol license to the Center for Arts in Natick (House, No. 3616) [Local Approval Received].

Natick,—  
alcoholic  
beverages.

By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill relative to manslaughter (House, No. 1534).

Corporations,—  
manslaughter.

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

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

The Senate Bill authorizing the rent board of the town of Middleborough to impose fees for the employment of outside consultants (Senate, No. 966) [Local Approval Received]; and

Middleborough,—  
fees.

House bills

Authorizing the town of Westborough to grant an additional liquor license (House, No. 3471, changed) [Local Approval Received];

Westborough,—  
liquor license.

Authorizing the town of Andover to convey a certain parcel of land (House, No. 3483, changed) [Local Approval Received]; and

Andover,—  
land.

Relative to the membership of conservation commission of the town of Dedham (House, No. 3518) [Local Approval Received];

Dedham,—  
conservation  
commission.

Under suspension of Rule 7A, in each instance, on motion of the same member, the bills severally were read a second time forthwith; and they were ordered to a third reading. commission.

*Engrossed Bill.*

Bill  
enacted.

The engrossed Bill eliminating the preliminary elections in the city of Malden in 2013 (see House, No. 3591, amended) (which originated in the House), 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.

*Orders of the Day.*

Third  
reading  
bill.

The House Bill establishing a sick leave bank for Amber Wilkin, an employee of the Executive Office of Health and Human Services (House, No. 3606), 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.

*Order.*

Next  
sitting.

On motion of Mr. DeLeo of Winthrop,—  
*Ordered*, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

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At nine minutes before twelve o'clock noon, on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.