

Thursday, September 15, 2011.

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.

Reconsideration.

Expanded gaming.

Mr. Dempsey of Haverhill asked unanimous consent to move reconsideration a second time of the vote by which the House, at the preceding sitting, passed to be engrossed the House Bill establishing expanded gaming in the Commonwealth (House, No. 3702, amended), and, there being no objection, the motion to reconsider was entertained; and it prevailed.

The same member then moved that the vote be reconsidered by which the House adopted an amendment (offered by Mr. Atsalis of Barnstable, as amended), that the bill be amended in section 89, in lines 3187, 3188 and 3189, by striking out the following: "if, at any time on or after [A] August 1, 2012, the commission determines that the tribe will not have land placed into trust for their benefit due to a decision by the Secretary of the Department of the Interior or a court of competent jurisdiction" [sic] and inserting in place thereof the words "upon a final and binding determination by a court of competent jurisdiction that the tribe has no rights to land-in-trust"; and the motion to reconsider prevailed.

Mr. Dempsey then moved that the vote be reconsidered by which the House had adopted a further amendment (offered by him) (striking out [at "A"] "August 1, 2012 the commission determines that the tribe will not be granted land-in-trust by the Bureau of Indian Affairs at the United States Department of the Interior" and inserting in place thereof "August 1, 2012, the commission determines that the tribe will have land placed into trust for their benefit due to a decision by the Secretary of the Department of the Interior or a court of competent jurisdiction") to the amendment (offered by Mr. Atsalis), to amend the bill in section 89, in lines 3187, 3188 and 3189, by striking out the following: "if, at any time on or after [B] August 1, 2012 the commission determines that the tribe will not be granted land-in-trust by the Bureau of Indian Affairs at the United States Department of the Interior" and inserting in place thereof the words "upon a final and binding determination by a court of competent jurisdiction that the tribe has no rights to land-in-trust". The motion to reconsider prevailed. On the recurring question the further amendment was rejected.

Mr. Dempsey of Haverhill then moved that the amendment (offered by Mr. Atsalis) be amended by striking out the [at "B"] the following: "August 1, 2012 the commission determines that the tribe will not be granted land-in-trust by the Bureau of Indian Affairs at the United States Department of the Interior" and inserting in place thereof the

following: "August 1, 2012, the commission determines that the tribe will not have land placed into trust for their benefit due to a decision by the Secretary of the Department of the Interior or a court of competent jurisdiction". The further amendment was adopted, thus precluding a vote on the amendment offered by Mr. Atsalis.

The bill then was passed to be engrossed. The bill (House, No. 3711, published as amended) then was sent to the Senate for concurrence.

Papers from the Senate.

The House Bill reforming alimony in the Commonwealth (House, No. 3617, 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 contain in Senate document numbered 1989, amended in section 4, in lines 196, 197 and 198, by striking out the paragraph in those lines as follows:

Alimony,— reform.

"Existing alimony awards shall be deemed general term alimony and shall not be modified upon a complaint for modification without additional material change of circumstance, unless the court finds that deviation from the durational limits is warranted." and inserting in place thereof the following paragraph:

"Existing alimony awards shall be deemed general term alimony. Existing alimony awards which exceed the durational limits established in said section 49 of said chapter 208 shall be modified upon a complain for modification without additional material change of circumstance, unless the court finds that deviation from the durational limits is warranted."

Under suspension of Rule 35, on motion of Mr. Walsh of Lynn, 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.

A petition (accompanied by bill) of Bruce E. Tarr, Bradley H. Jones, Jr., Robert L. Hedlund, Michael R. Knapik and other members of the General Court for legislation to promote motor vehicle safety, came from the Senate referred, under suspension of Joint Rule 12, to the committee on the Judiciary.

Motor vehicle operators,— dangerous driving.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2012) was referred, in concurrence, to the committee on the Judiciary.

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 James M. Cantwell and Lori A. Ehrlich for legislation to establish monitoring stations throughout a twenty mile radius of nuclear power plants. To the committee on Telecommunications, Utilities and Energy.

Nuclear plants,— monitoring.

Petition (accompanied by bill) of George T. Ross and others for legislation to categorize bath salts, so-called, as a class C substance. To the committee on the Judiciary.

Bath salts,— classification.

Attleboro,—  
September 11th  
memorial  
bridge.

Petition (accompanied by bill) of George T. Ross and others for legislation to designate a certain bridge on County Street in the city of Attleboro as the Lynn Goodchild and Shawn Nassaney September 11th memorial bridge. To the committee on Transportation.

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

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

Lowell,—  
voting age.

Allowing citizens 17 years or older to vote in the city of Lowell municipal elections (House, No. 1111) [Local Approval Received];

Chelsea,—  
civil service.

Relative to the order of placement of a certain person on the civil service eligibility list (House, No. 2967);

Amesbury,—  
councilors.

Relative to district councilors elected at the 2011 election in the town of Amesbury (House, No. 3620) [Local Approval Received];

Amesbury,—  
town charter.

Relative to the charter of the town of Amesbury (House, No. 3621) [Local Approval Received];

Amesbury,—  
fluoridation.

Authorizing the town of Amesbury to place a certain question relative to the fluoridation of the public water supply on the town's election ballot (House, No. 3622) [Local Approval Received];

Braintree,—  
facility.

Authorizing the design and build contract for a recreational facility in the town of Braintree (House, No. 3660) [Local Approval Received];

Abington,—  
election.

Validating the actions taken at certain elections held in the town of Abington (printed in House, No. 3664);

Chelsea  
Creek.

Exempting certain water dependent structures from certain harbor lines in Chelsea Creek (House, No. 3690);

Elaine Strout-  
Clement.

Establishing a sick leave bank for Elaine Strout-Clement (House, No. 3704); and

Haverhill,—  
elections.

Authorizing the city clerk of the city of Haverhill to arrange the names of candidates for municipal elective office by random drawing (House, No. 3705);

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

#### *Orders of the Day.*

Third  
reading  
bill.

The House Bill authorizing the town of Norton to grant easements and restrictions over certain town-owned land (House, No. 3431), 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 twenty-five minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (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.