

Wednesday, October 5, 2011.

Met according to adjournment, at twelve o'clock noon, 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).

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 Concerning Representative Coakley-Rivera of Springfield.

A statement of Mrs. Haddad of Somerset concerning Ms. Coakley-Rivera of Springfield 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 Coakley-Rivera of Springfield is unable to be present in the House Chamber for today's sitting due to illness. Her missing of roll calls today is due entirely to the reason stated. Statement concerning Ms. Coakley-Rivera of Springfield.

Statement Concerning Representative Galvin of Canton.

A statement of Mr. Mariano of Quincy concerning Mr. Galvin of Canton 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 Galvin of Canton is unable to be present in the House Chamber for today's sitting due to a long-standing personal commitment. His missing of roll calls today is due entirely to the reason stated. Statement concerning Mr. Galvin of Canton.

Statement Concerning Representative Spiliotis of Peabody.

A statement of Mrs. Haddad of Somerset concerning Ms. Spiliotis of Peabody 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 Spiliotis of Peabody is unable to be present in the House Chamber for today's sitting due to previously scheduled medical appointments. Her missing of roll calls today is due entirely to the reason stated. Statement concerning Ms. Spiliotis of Peabody.

Statement Concerning Representative Vallee of Franklin.

A statement of Mr. Mariano of Quincy concerning Mr. Vallee of Franklin 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 Vallee of Franklin is unable to be present in the House Chamber for today's sitting due to his being on active military duty. His missing of roll calls today is due entirely to the reason stated. Statement concerning Mr. Vallee of Franklin.

Resolutions.

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

Brigadier General Thomas J. Sellars, Links, Incorporated.

Resolutions (filed by Mr. Keenan of Salem) honoring Brigadier General Thomas J. Sellars for his service to the National Guard and to the Commonwealth; and

Resolutions (filed by Mr. Swan of Springfield) congratulating the Greater Springfield chapter of the Links, Incorporated on their twenty-fifth anniversary;

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

Annual Report.

Mass Biologics.

The annual report of Mass Biologics (under section 43(f) of Chapter 75 of the General Laws) of its activities for fiscal year 2011, was placed on file.

Papers from the Senate.

West Tisbury,—liquor licenses.

The House Bill authorizing the town of West Tisbury to place a certain question on the ballot relative to the issuance of licenses for the sale of wines and malt beverages in restaurants, inns and hotels and the issuance of 1 day licenses for the sale of wines and malt beverages at events (House, No. 3687), came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 3, inserting after the word "election" the following: "held at least 35 days after the effective date of this act"; inserting after section 1 the following section:

"SECTION 2. Notwithstanding any general or special law, rule or regulation to the contrary, if this act is not in effect on or after March 6, 2012, the state secretary shall print on the official state election ballot for the town of West Tisbury the ballot question proposed in section 1 at the next biennial state election held at least 60 days after the effective date of this legislation. The question shall appear on the official state election ballot below all other candidates and binding questions required by law to be included on such ballot and shall take the form in section 1.

The question may be followed by a summary which the town of West Tisbury may furnish to the state secretary not later than September 7, 2012.

Approval of this question at the state election shall have the same force and effect as approval at a general or special town election of the town of West Tisbury."; and in section 2, in line 25, striking out the figure "2" in inserting in place thereof the figure "3".

Under suspension of Rule 35, on motion of Mr. Madden of Nantucket, 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.

Bills

Plymouth,—contributions.

Relative to the contributions of certain employees in the town of Plymouth (Senate, No. 1346) (on a petition) [Local Approval Received]; and

Authorizing the town of Millbury to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2020) (on Senate, No. 1961) [Local Approval Received];

Millbury,—liquor license.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill Senate, No. 2028) of Benjamin B. Downing for legislation relative to the feeding of wildlife. To the committee on Environment, Natural Resources and Agriculture.

Wildlife feeding.

Petition (accompanied by bill Senate, No. 2029) of Harriett L. Chandler and Vincent A. Pedone for legislation to authorize the Massachusetts Department of Transportation to acquire certain parcels of land in the city of Worcester. To the committee on Transportation.

Worcester,—land transfer.

Motion to Discharge the Committee on Rules from Further Consideration of a Certain Matter.

Mr. Jones of North Reading moved that the committee on Rules be discharged from further consideration of the Order relative to amending House Rules 16, 16A, 17 and 18 concerning ethics (House, No. 3718).

House Rules,—ethics.

Pending the question on the motion to discharge, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll 142 members were recorded as being in attendance.

Quorum,—yea and nay No. 116.

[See Yea and Nay No. 116 in Supplement.]

Therefore a quorum was present.

Subsequently a statement of Ms. Fox of Boston 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, on the previous quorum roll call, I was absent from the House Chamber on official business in my district.

Statement of Ms. Fox of Boston.

Subsequently a statement of Mr. Holmes of Boston 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, on the previous quorum roll call, I was absent from the House Chamber on official business in another part of the State House and was not notified that a roll call was taking place.

Statement of Mr. Holmes of Boston.

After debate on the motion to discharge the committee on Rules, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 34 members voted in the affirmative and 117 in the negative.

Motion to discharge netated,—yea and nay No. 117.

[See Yea and Nay No. 117 in Supplement.]

Therefore the motion to discharge was negatived.

Reports of Committees.

Supplemental appropriations,—procedures.

Mr. Binienda of Worcester, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the House Bill making appropriations for the fiscal year 2011 for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3735) (for order, see House, No. 3736). The order then was adopted.

Health care,—rates.

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 Ronald Mariano and others relative to promoting equity and efficiency in health care rates. To the committee on Health Care Financing.

Dinamarie McCarthy,—sick leave.

Petition (accompanied by bill) of Ronald Mariano and others for legislation to establish a sick leave bank for Dinamarie McCarthy, an employee of the Department of Children and Families; and

Lawrence Mainville,—sick leave.

Joint petition (accompanied by bill) of Joseph F. Wagner and Michael R. Knapik for legislation to establish a sick leave bank for Lawrence Mainville, an employee of the Massachusetts Department of Transportation;

Severally to the committee on Public Service.

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.

Municipal residency.

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

The Senate Bill eliminating the residency requirement for certain assistant treasurers and assistant collectors (Senate, No. 1325); and House bills

Waltham,—Landry Way.

Designating a state road in the city of Waltham as Landry Way (House, No. 920);

Dartmouth,—medical fund.

To create a trust fund for police officer medical benefits (House, No. 2328) [Local Approval Received];

Weston,—liquor licenses.

Relative to the granting of club and special licenses for the sale of alcoholic beverages in the town of Weston (House, No. 3459) [Local Approval Received];

Westhampton,—elections.

Validating the acts and proceedings at the town caucus in the town of Westhampton (House, No. 3623) [Local Approval Received];

South Hadley,—payments.

Authorizing the town of South Hadley to pay certain unpaid bills (House, No. 3653) [Local Approval Received];

Danvers,—liquor license.

Authorizing the town of Danvers to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3699) [Local Approval Received];

Fairhaven,—liquor license.

Relative to the town of Fairhaven issuing a common victualer beer and wine license to Zhang Brothers, Inc., d/b/a A Kitchen, 142 Huttleston Avenue in the town of Fairhaven (House, No. 3722) [Local Approval Received]; and

Relative to the town of Fairhaven issuing a restaurant beer and wine license to Lady J's Inc. d/b/a Griddles, 140 Huttleston Avenue in the town of Fairhaven (House, No. 3724) [Local Approval Received];

Fairhaven,—liquor license.

Under suspension of Rule 7A, in each instance, on motion of Mr. Kafka, the bills were read a second time forthwith; and they were 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 Luis Rodriguez (House, No. 3731). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Luis Rodriguez,—sick leave bank.

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 the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a message from His Excellency the Governor, a Bill establishing the Massworks infrastructure program (printed in House, No. 3619). Read; and referred, under Rule 17G, to the committee on Bonding, Capital Expenditures and State Assets.

Massworks infrastructure,—establish program.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on House, No. 2590, a Bill to promote municipal collaboration and regionalization throughout the Commonwealth (House, No. 3732). Read; and referred, under Rule 33, to the committee on Ways and Means.

Municipal collaboration.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on House, No. 3695, reported, in part, a Bill making appropriations for the fiscal year 2011 for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3735) [Total appropriation: \$162,542,021.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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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 the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Dempsey, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill to be engrossed, Mr. Sullivan of Fall River moved to amend it in section 2A by inserting after 7052-0006 the following item:

“7061-9626 For a program for the education and development training of disconnected youth throughout the state; including programs designed towards getting a GED and high school diploma, job training through renovating and building affordable housing, and training youth in leadership devel-

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opment, community service, and life skills for unemployed and uneducated young people aged 16 to 24 years old.”.

The amendment was rejected.

Ms. Coakley-Rivera of Springfield then moved to amend the bill by inserting after section 96 the following section:

“SECTION 96A. (A) Subsection (a) of section 7 of Chapter 150E of the General Laws, as appearing in the 2008 Official Edition, is hereby amended in line 3 by inserting after the word ‘years’, the following:— ; but a provision in a collective bargaining agreement stating that the agreement’s terms remain in effect beyond 3 years while the parties negotiate a successor agreement shall be valid and enforceable.

(B) Subsection (A) shall apply retroactively to a collective bargaining agreement that contained a provision stating that the agreement’s terms remain in effect beyond 3 years while the parties negotiate a successor agreement but otherwise expired before the effective date of this act, unless the continued effectiveness of such an agreement was the subject of judicial proceedings pending on October 22, 2010 in a state or federal court in the commonwealth.”.

The amendment was rejected.

Mr. Levy of Marlborough then moved that this vote be reconsidered and, there being no objection, the motion was considered forthwith; and it was negated.

Ms. Coakley-Rivera of Springfield then moved to amend the bill in section 2A by inserting after line item 0340-1100 the following item:

“0340-0501 For the overtime costs of state police officers assigned to the Hampden district attorney’s office \$45,000.00”.

The amendment was rejected.

The same member then moved to amend the bill in section 2A by inserting after item 8910-0619 the following item:

“8910-0620 For Dispute Resolution Services, Inc. of Springfield to provide community mediation services to ex-offenders as an outlet for conflict resolution once they return to the community, provide general community mediation services to the residents of Hampden County to prevent everyday conflict escalation that would require police, court and potentially corrections interventions and involvement, additional service would include training for correctional officers and other staff members as requested in mediation and conflict resolution techniques to effectively address daily conflicts \$68,000.00”.

The amendment was rejected.

Messrs. Sannicandro of Ashland and Walsh of Framingham moved to amend the bill by adding the following item:

“xxxx-xxxx For the Christa McAuliffe Challenger Center at Framingham State University \$750,000.00”.

The amendment was rejected.

Representatives Coakley-Rivera of Springfield and Ehrlich of Marblehead then moved to amend the bill in section 2 by inserting after item 5046-0000 the following item:

“7002-0012 \$9,000,000.00”.

The amendment was rejected.

Messrs. Walsh of Framingham and Sannicandro of Ashland then moved to amend the bill in section 89, in line 935, by inserting after the words “the city of Brockton” the following: “and \$2,000,000 for downtown revitalization in the town of Framingham.”. The amendment was rejected.

Mr. Pedone of Worcester moved to amend the bill in section 89, in line 935, by inserting after the word “Brockton” the following: “and up to \$2,000,000 for reconstruction of Microbiology and Physiological Systems at the University of Massachusetts Medical School in Worcester.”. The amendment was rejected.

Mr. Atsalis of Barnstable then moved to amend the bill by adding the following section:

“SECTION 98. And provided further that not less than \$20 Million will be made available for Community DSH hospitals so designated by the Administration as of June 30, 2011; and not recognized as a DSH hospital in Group A category of hospitals as so designated in the prior 1115 Waiver that ended June 30, 2011 and not included for funding in the recently revised proposal by the Administration for the 1115 Waiver Renewal currently under negotiation between the Federal Centers for Medicaid and Medicare and the Massachusetts Executive Office of Health and Human Services. Said money shall be distributed through a formula that recognizes the volume of both Medicaid and Medicare utilization in said hospitals.”.

The amendment was rejected.

Mr. Michlewitz of Boston then moved to amend the bill in section 95 (as published), in line 978, by inserting after the words “within the executive office of health and human services” the words “, homeless shelters within the department of housing and community development and the executive office of elder affairs”. The amendment was rejected.

Messrs. O’Day of West Boylston, Fresolo of Worcester and Mahoney of Worcester then moved to amend the bill in section 2 by inserting after item 7003-0702 the following item:

“7003-0703 For an investment in Youth Works \$4,500,000.00”.

The amendment was rejected.

Mr. Scibak of South Hadley then moved to amend the bill by striking out section 66 (as published) and inserting in place thereof the following section:

“SECTION 65. Item 0337-0002 of said section 2 of said chapter 68 is hereby amended by striking out the words ‘that in fiscal year 2012 the department shall proportionately reduce the amount allocated to the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, 0337-0700, and 0337-0900 of section 2 of chapter 182 of the

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acts of 2008' and inserting in place thereof the following:— the department shall expend funds for the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, and 0337-0700 of section 2 of chapter 182 of the acts of 2008, provided, however, that the department shall expend funds for the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, and 0337-0700 of section 2 of chapter 182 of the acts of 2008, provided, however, that the department may reduce funding to each item not more than the proportional reduction to item 0337-0002 from section 2 of chapter 182 of the acts of 2008.”.

Pending the question on adoption of the amendment, Mr. Dempsey of Haverhill moved to amend it by striking out the proposed new section and inserting in place the following section:

“SECTION 65. Item 0337-0002 of said section 2 of said chapter 68 is hereby amended by striking out the words ‘that in fiscal year 2012 the department shall proportionately reduce the amount allocated to the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, 0337- 0700, and 0337-0900 of section 2 of chapter 182 of the acts of 2008’ and inserting in place thereof the following words:— the department shall expend funds for the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, 0337-0700, and 0337-0900 of section 2 of chapter 182 of the acts of 2008, provided, however, that the department may reduce funding to each item by not more than 5 per cent.”.

The further amendment was adopted, thus precluding a vote on the pending amendment.

Ms. Malia of Boston then moved to amend the bill in section 18, in lines 448 to 473, inclusive, by striking out the paragraph contained in those lines and inserting in place the following:

“If, after a hearing, the court based upon competent testimony [A] finds that said person is an alcoholic or substance abuser and there is a likelihood of serious harm as a result of the person’s alcoholism or substance abuse, it may order such person to be committed for a period not to exceed 90 days, followed by the availability of case management services provided by the department of public health for a period up to 1 year; a review of the necessity of said commitment shall take place by the superintendent on days 30, 45, 60 and 75 as long as the commitment continues. A person so committed may be released prior to the expiration of the period of commitment upon written determination by the superintendent that release of said person will not result in a likelihood of serious harm. Such commitment shall be for the purpose of inpatient care in public or private facilities approved by the department of public health under the provisions of chapter 111B for the care and treatment of alcoholism or substance abuse. The person may be committed to the Massachusetts correctional institution at Bridgewater, if a male, or at Framingham, if a female, provided that there are not suitable facilities available under chapter 111B; and provided, further, that the person so committed shall be housed and treated separately from convicted criminals. Said person shall be encouraged to consent to further treatment and shall be allowed voluntarily to remain in the facility for such purposes. The department of mental health, in conjunction with the department of public health, shall maintain a roster of

public and private facilities available, together with the number of beds currently available, for the care and treatment of alcoholism or substance abuse and shall make it available to the district courts of the commonwealth on a monthly basis.

SECTION 18A. Section 18A shall take effect on July 1, 2012.”.

Pending the question on adoption of the amendment, Mr. Dempsey of Haverhill moved to amend it by inserting after the word “testimony” [at “A”] the words “, which shall include, but not be limited to, medical testimony.”. The further amendment was adopted.

The amendment, as amended, then also was adopted.

Ms. O’Connell of Taunton then moved to amend the bill by adding the following section:

“SECTION 98. Notwithstanding any general or special law to the contrary, there shall be a special commission to study and report on the use of electronic benefit transfer (EBT) cards in the Commonwealth. The commission shall consist of the commissioner of the department of transitional assistance, or her designee; the inspector general, or his designee; 2 members of the house of representatives, 1 of whom shall be appointed by the speaker of the house, and 1 of whom shall be appointed by the minority leader of the house; and 2 members of the senate, 1 of whom shall be appointed by the senate president, and 1 of whom shall be appointed by the senate minority leader. The scope of the commission shall include, but not be limited to, researching and evaluating the following: the use of EBT cards for the purchase of products other than those products for which they are intended to be used, such as firearms, tobacco, lottery tickets, and alcohol; the frequency and location of out-of-state card use; the in-state stores where cards are used; the proportion of one month’s EBT cash assistance that is withdrawn from ATM machines rather than used in stores to directly purchase products; and the costs associated with requiring the department to include, on the front of each newly issued and re-issued EBT card, as well as all existing EBT cards, a photograph of the cardholder. The commission shall research, assess, and develop recommendations regarding the best method of preventing the inappropriate use of electronic benefit transfer cards, including implementing a monthly limit to the amount of EBT cash assistance that a recipient of cash assistance can withdraw from ATMs, as well as the feasibility of prohibiting the purchase of certain items by restricting the ability of EBT cards to be used in purchasing said items. Finally, the commission shall study and research the implementation of requiring stores to apply to accept EBT cards. The commission shall prepare a final report of the findings and recommendations together with recommendations for legislation to implement those recommendations by filing the same with the clerks of the senate and house not later than April 1, 2012.”.

The amendment was adopted.

Mr. Lyons of Andover then moved to amend the bill by adding the following section:

“SECTION 99. (a) Notwithstanding any general or special law to the contrary, the executive office of administration and finance shall prepare a report on the following: 1) the total amount of the state budget that is being used to fund individual, family, and other benefits or expenditures on behalf of citizens of the United States who are

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residents of the Commonwealth of Massachusetts; 2) the total amount of the state budget that is being used to fund individual, family, and other benefits or expenditures on behalf of persons holding Green Cards who are residents of the Commonwealth of Massachusetts; 3) the total amount of the state budget that is being used to fund individual, family, and other benefits or expenditures on behalf of citizens of the United States whose residence in the Commonwealth of Massachusetts cannot be established; and 4) the total amount of the state budget that is being used to fund individual, family, and other benefits and expenditures on behalf of all other persons. (b) Said report shall also itemize expenditures used to provide services to residents of the Commonwealth, non-residents, and those whose residence cannot be identified with respect to: legal services, including but not limited to criminal defense costs; translations and translator services; the detention of prisoners; and the Health Safety Net program, including cost to government, cost shifting to other payers or insurers, and the cost to hospitals, clinics, and other health-care providers. (c) In calculating the amounts described in subsections (a) and (b), the executive office of administration and finance shall utilize generally accepted accounting principles encompassing all state spending. (d) Said report shall be filed with to the chair and ranking minority member of the house committee on ways and means, the chair and ranking minority member of the senate committee on ways and means, and the clerks of the house of representatives and senate no later than April 1, 2012.”.

The amendment was adopted.

Mr. Walsh of Lynn then moved to amend the bill in section 19, in line 481, by striking out the year “2011” and inserting in place the year “2010”. The amendment was adopted.

Mr. Timilty of Milton then moved to amend the bill by adding the following section:

“SECTION 100. (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws, or any other general or special law to the contrary, the division of capital asset management and maintenance, using those competitive proposal processes as the division considers necessary or appropriate, in consultation with the department of conservation and recreation, may lease and enter into other agreements with 1 or more persons or entities, for terms not to exceed 25 years, for the continued use, operation, maintenance, repair and improvement of the Max Ulin Memorial Rink, together with the land and appurtenances associated therewith. (b) The failure of a city or town to apply for prequalification under subsection (c) shall not prohibit that city or town from bidding under this section. (c) Before the division, in consultation with the department, sends out a request for proposals under this section, the division shall hold open a prequalification period of 30 days for the town of Milton and any nonprofit organization located within the town of Milton that desires to bid on the rink, or for a partnership of municipalities which share geographic boundaries as long as the subject rink is located within the geographic area of the municipalities comprising the partnership. The town, a nonprofit organization or a partnership of municipalities that desires to lease the rink under this section may submit materials for prequalification. The prequalification determination may consider, but

need not be limited to, the town’s, nonprofit organization’s or partnership’s ability to finance the capital improvements determined to be necessary at the rink by the division and to manage, operate and maintain the property. The division, in consultation with the department, shall determine whether the town, a nonprofit or a partnership is prequalified within 15 days of the expiration of the prequalification period. If the town or nonprofit organization is determined to be prequalified, then the town or non-profit organization shall be awarded the lease for the Max Ulin Skating Rink under the terms and conditions set forth in this act; provided, however, that only 1 lease shall be awarded based on preference as described in subsection (d). (d) (1) The town of Milton shall be given a right of first refusal to lease the Max Ulin Skating Rink provided that the town meets the prequalification standards established by the department under subsection (c). (2) If the town does not bid for the lease, and a nonprofit organization and a partnership of municipalities are determined to be prequalified, the nonprofit organization shall be awarded the lease. (3) If more than 1 nonprofit organization is determined to be prequalified, the department, in consultation with the town of Milton, may choose to which nonprofit the lease for the rink shall be awarded. (4) The town or a nonprofit organization awarded the lease under this act shall pay the sum of \$1.00 as consideration for the lease, subject to the required capital improvements, performance specifications and other prequalification requirements and terms of the division and submitted proposal. The length of the lease shall be determined between the division and the town or nonprofit organization. (e) The lease and other agreements shall be on terms acceptable to the commissioner of capital asset management and maintenance, after consultation with the commissioner of conservation and recreation and, notwithstanding any general or special law to the contrary, shall provide for the lessees to operate, manage, improve, repair and maintain the property and to undertake initial capital improvements that commissioner determines are necessary due to the structural condition of the property. Leases or other arrangements requiring improvements to be made on the property may include a description of the initially required improvements and performance specifications. (f) Ice time at the rink shall be allocated to user groups in the following order of priority: general public skating; non-profit youth groups; high school hockey, not for profit schools or colleges; for-profit youth groups and adult organizations or informal groups. Ice time may be allocated at the discretion of the operator, but general public skating shall be booked, in 2-hour contiguous blocks at a minimum of 12 hours per week, with a range of times and days which reasonably allow for public skaters of all ages to participate in some public skating sessions. Every effort shall be made to balance the ice allocation needs of long-established youth organizations and newly-formed youth organizations in a manner that provides equal opportunity and equal access for youths of each gender. (g) The leases and other agreements authorized in this section shall provide that any benefits to the community and the costs of improvements and repairs made to the property provided by the lessees or the recipients of the property shall be taken into account as part of the consideration for such leases or other agreements. Consideration received from the leases or other

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agreements for the rink shall be payable to the department of conservation and recreation for deposit into the General Fund. The lessees or the recipients of the property shall bear the costs considered necessary or appropriate by the commissioner of conservation and recreation for the transactions including, without limitation, costs for legal work, survey, title and the preparation of plans and specifications. (h) The name of the Max Ulin Memorial Rink shall not be altered or changed under any lease or agreement entered into under this section.”.

The amendment was adopted.

Messrs. Timilty of Milton, Ayers of Quincy and Cusack of Braintree then moved to amend the bill in section 89 (as published) by adding the following: “; up to \$1,000,000 for Randolph High School Athletic field infrastructure improvements in the town of Randolph;”. The amendment was rejected.

The same members then moved to amend the bill in section 89 by adding the following: “; up to \$1,000,000 for sewer improvements in the town of Randolph;” and the amendment was rejected.

Bill passed to be engrossed,—yea and nay No. 118.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yea and nays, at the request of Mr. Jones of North Reading; and on the roll call 150 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 118 in Supplement.]

Therefore the bill (House, No. 3737, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Emergency Measure.

Upton State Forest,—land.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement over an access road in Upton State Forest (see House, No. 3706) (which originated in the House), 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 16 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

Bill enacted.

The engrossed Bill relative to the town of Burlington representative town meeting form of government (see House, No. 3501) (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.

Motion to Discharge a Certain Matter in the Orders of the Day.

Hanover,—liquor license.

The House Bill authorizing the town of Hanover to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3721) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was discharged from its position in the Orders of

the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mrs. Nyman of Hanover; and it 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 half past ten o'clock A.M. Next sitting.

Representatives Gobi of Spencer and Smola of Palmer then moved that as a mark of respect to the memory of James R. Nolen, a member of the House from Ware from 1959 to 1978, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twenty-one minutes after four 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 day at half past ten o'clock A.M.