

Wednesday, November 9, 2011.

Met according to adjournment, at one o'clock P.M.

At the request of the Speaker, the members, guests and employees joined with him in reciting the pledge of allegiance to the flag. Pledge of allegiance.

Message from the Governor.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating certain votes passed by the town of Athol at the special town meeting held on January 31, 2011 and validating the annual town election held on April 4, 2011 (House, No. 3796), was filed in the office of the Clerk on Tuesday, November 8, 2011. Athol,— town election.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Election Laws. Sent to the Senate for concurrence.

Special Communication.

The following communication, together with returns of votes and schedules therein referred to, was received from the Secretary of the Commonwealth, to wit:—

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE SECRETARY
STATE HOUSE, BOSTON 02133

November 9, 2011.

To the Honorable House of Representatives:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the eighteenth day of October, 2011, for Representative in the General Court, Third Berkshire District, together with schedules showing the number of ballots which appear to have been cast for each person voted for. Returns of votes for Representative in the Third Berkshire District.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

The communication was read; and, there being no objection, it was placed on file.

Order.

On motion of Mr. Mariano of Quincy,—

Ordered, That a special committee of the House be appointed to wait upon His Excellency the Governor and inform him that Representative-elect Tricia Farley-Bouvier of the Third Berkshire District is ready to take the oaths and affirmations of qualification.

The Speaker then appointed Representatives Vallee of Franklin, Cariddi of North Adams, Pignatelli of Lenox, Cabral of New Bedford, Mark of Hancock, Story of Amherst, Poirier of North Attleborough, Harrington of Groton, Ferguson of Holden, Vieira of Falmouth and Fatman of Sutton as the special committee of the House.

Subsequently Mr. Vallee, for the committee, reported that they had attended to the duty assigned them, and that the Governor had stated that he would attend forthwith and administer the oaths of office.

Guest of the House.

The Speaker thereupon introduced the Honorable Suzanne M. Bump, Auditor of the Commonwealth, who was present in the House Chamber to attend the qualification of Representative-elect Tricia Farley-Bouvier.

Member Qualified.

Soon afterward His Excellency the Governor, Deval L. Patrick, accompanied by members of the Honorable Council came in; the oaths and affirmation required by the Constitution and laws were administered by the Governor to Ms. Farley-Bouvier, and were subscribed by her; after which His Excellency declared that Ms. Farley-Bouvier was duly qualified to enter upon the discharge of her duties.

His Excellency the Governor and the Honorable Councillors present then departed the Chamber under escort of the Sergeant-at-Arms.

Ms. Farley-Bouvier then addressed the House briefly; and was assigned to Seat No. 44 by the Speaker.

Statement Concerning Representative Garry of Dracut.

A statement of Ms. Reinstein of Revere concerning Miss Garry of Dracut 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 Garry of Dracut, 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 Representative Gobi of Spencer.

A statement of Ms. Reinstein of Revere concerning Ms. Gobi of Spencer 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 Gobi of Spencer, is unable to be present in the House Chamber for today's sitting due to the funeral of her father. Her missing of roll calls today is due entirely to the reason stated.

Governor notified.

Auditor Suzanne M. Bump.

Representative Farley-Bouvier of Pittsfield,— qualification.

Statement concerning Miss Garry of Dracut.

Statement concerning Ms. Gobi of Spencer.

Statement Concerning Representative Spiliotis of Peabody.

A statement of Ms. Reinstein of Revere 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 scheduled medical appointments. Her missing of roll calls today is due entirely to the reason stated.

Statement concerning Ms. Spiliotis of Peabody.

Statement of Representative Wolf of Cambridge.

A statement of Ms. Wolf of Cambridge was spread upon the records of the House, as follows:

MADAM SPEAKER: I would like to call to the attention of the House the fact that I am unable to be present in the House Chamber for the remainder of today's sitting due to long-standing scheduled official business in my district. My missing of roll calls for the remainder of today's sitting will be due entirely to the reason stated.

Statement of Ms. Wolf of Cambridge.

Guests of the House.

During the session, the Speaker took the Chair, declared a brief recess, and introduced Ed Stanton, Phil Audet, Connie Uriot, Al Viau and Leo Langlois of the Attleboro POW/MIA Remembrance Committee for the purpose of presenting the POW/MIA Flag to the House as a gift from said committee.

Attleboro POW/MIA Remembrance Committee.

Mr. Stanton then addressed the House briefly outlining the history of the flag. Connie Uriot then sang Taps in honor of the occasion. They were the guests of Representatives Ross of Attleboro and Poirier of North Attleborough.

Resolutions.

Mrs. Haddad of Somerset being in the Chair,—

Resolutions (filed with the Clerk by Mr. Pedone of Worcester) congratulating Gloria Acquaro Rovezzi on the occasion of her ninetieth birthday, were referred, under Rule 85, to the committee on Rules.

Gloria Acquaro Rovezzi.

Mr. Binienda of Worcester, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Pedone of Worcester, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

The following order (filed this day by Mr. Binienda of Worcester) was adopted:—

Ordered, That, notwithstanding the provisions of any rule to the contrary, the Speaker shall assign a court officer to cast roll call votes, except quorum roll calls, for Representative Keenan of Salem while said member is conducting the hearing of the joint committee on Telecommunications, Utilities and Energy being held this day.

Representative Keenan of Salem,— voting.

Petitions.

Petitions severally were presented and referred as follows:

Westborough,—
charter. By Mr. Peterson of Grafton, a petition (accompanied by bill, House, No. 3800) of George N. Peterson, Jr., and others (by vote of the town) for legislation to amend the charter of the town of Westborough. To the committee on Municipalities and Regional Government.

Sharon,—
land. By Representative Kafka of Stoughton and Senator Timilty, a joint petition (accompanied by bill, House, No. 3794) of Louis L. Kafka and James E. Timilty (by vote of the town) for legislation to authorize the town of Sharon to convey a certain parcel of land to be used for a utility scale solar project. To the committee on Telecommunications, Utilities and Energy.
Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Housing,—
eligibility. By Mr. Collins of Boston, a petition (subject to Joint Rule 12) of Nick Collins relative to eligibility for admittance to state subsidized elderly-disabled housing.

Probation,—
records
access. By Mr. Murphy of Lowell, a petition (subject to Joint Rule 12) of Kevin J. Murphy and David M. Nangle relative to police officer access to probation records.
Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Malden,—
financial
officers. A Bill relative to the administrative organization of financial officers in the city of Malden (Senate, No. 1990) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Charles
Maynard,—
sick leave
bank. A petition (accompanied by bill) of Stephen M. Brewer and Denise Andrews for legislation to establish a sick leave bank for Charles Maynard, an employee of the Department of Developmental Services, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2055) was referred, in concurrence, to the committee on Public Service.

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:

Real estate
appraisers. Joint petition (accompanied by bill) of John V. Fernandes and Richard T. Moore relative to the licensing of real estate appraisers. To the committee on Consumer Protection and Professional Licensure.

Illegal
aliens. Joint petition (accompanied by bill) of John V. Fernandes, Richard T. Moore and others for legislation to enhance community safety by strengthening the laws regulating undocumented illegal aliens residing or working in the Commonwealth. To the committee on the Judiciary.

Adrienne
Epstein,—
sick leave. Petition (accompanied by bill) of Jeffrey Sánchez for legislation to establish a sick leave bank for Adrienne Epstein, an employee of the

Executive Office of Health and Human Services. To the committee on Public Service.

Petition (accompanied by bill) of John V. Fernandes relative to the excise taxes of motor vehicles ten years old and older. To the committee on Revenue. Old vehicles,—
excise taxes.

Under suspension of the rules, on motion of Mr. Donato of Medford, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally 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 petition of William B. Saint relative to handicapped parking in municipal parking facilities. 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 Transportation. Sent to the Senate for concurrence. Handicapped,—
municipal
parking.

By Ms. Malia of Boston, for the committee on Mental Health and Substance Abuse, on a petition, a Bill relative to the civil commitment of women for alcoholism and substance abuse to MCI Framingham,—
commitment. (House No. 1423, changed in line 19 by striking out the word "psychology" and inserting the word "psychiatry").

By the same member, for the same committee, on a petition, a Bill relative to behavioral health managed care organizations (House, No. 1425). Managed care
organizations.

By the same member, for the same committee, on a petition, a Bill providing equitable access to behavioral health services for MassHealth consumers (House, No. 1428, changed in line 5 by inserting after the word "firms" the words "and third party administrators"; and in line 6 by inserting after the word "services" the words ", benefits, and medications"). MassHealth,—
behavioral
health
services.

By the same member, for the same committee, on a petition, a Bill increasing public safety by increasing access to addiction treatment (House, No. 1431). Addiction
treatment.

By the same member, for the same committee, on a petition, a Bill relative to substance abuse treatment (House, No. 1433). Substance abuse
treatment.

By the same member, for the same committee, on a petition, a Bill to amend the Commonwealth's drug treatment program to allow for the diversion of low level offenders under court supervision (House, No. 1435). Drug treatment
program.

By the same member, for the same committee, on a petition, a Bill relative to creating a difficult to manage unit within the Department of Mental Health (House, No. 2316). Difficult to
manage unit.

By the same member, for the same committee, on a petition, a Bill relative to services for persons with mental illness who are living with older family members or primary caretakers (House, No. 2880, changed in line 5 by striking out the following: "reaches the age of 65, or" and inserting in place thereof the word "has"; and by inserting after the word "circumstances" the word "which". Mental
illness
services.

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

Dartmouth,—
land.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on House, No. 3671, a Bill authorizing the release of certain land in the town of Dartmouth from the operation of an agricultural preservation restriction (House, No. 3797). Read; and referred, under Rule 33, to the committee on Ways and Means.

Orders of the Day.

Second
reading
bills.

The Senate Bill authorizing the appointment of Antonio F. Dinis as a police officer in the town of Milford notwithstanding the minimum age requirements (Senate, No. 1942); and

House bills

Exempting Sean C. Lewis, Sr. from the maximum age requirement for appointment as a firefighter in the town of North Andover (House, No. 3593);

Exempting original labor service appointments in to town of Arlington from the civil service law (House, No. 3654);

Relative to affiliate transfers (House, No. 3791); and

Banning the use of credit in underwriting and rating private passenger motor vehicle insurance (House, No. 3795);

Severally were read a second time; and they were ordered to a third reading.

Report of a Committee.

Congressional
redistricting,—
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 relative to redistricting in the Commonwealth [House, No. 3798, App. A] (see House order numbered 3771).

Pending the question on adoption of the order, Mr. Jones of North Reading and other members of the House moved to amend it by striking out the following:

“*Ordered*, That any amendment that does not meet the requirement that the total population for a Congressional district cannot be less than 727,514 or more than 727,515, as set forth in H. 3798, shall be considered out of order”.

Amendment
rejected,—
yea and nay
No. 141.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Jones; and on the roll call 32 members voted in the affirmative and 108 in the negative.

[See Yea and Nay No. 141 in Supplement.]

Therefore the amendment was rejected.

Order
adopted,—
yea and nay
No. 142.

On the question on adoption of the order, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 106 members voted in the affirmative and 31 in the negative.

[See Yea and Nay No. 142 in Supplement.]

Therefore the order (House, No. 3771) was adopted.

Order.

On motion of Mr. DeLeo of Winthrop,—
Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M. Next sitting.

Mr. Hill of Ipswich then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-one minutes after three o'clock P.M. (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.