

Thursday, December, 8, 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).

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.

Messages from the Acting Governor.

A message from His Honor the Lieutenant-Governor, Acting Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the recertification of the fiscal year 2012 tax rate in the town of Acushnet (House, No. 3839), was filed this day in the office of the Clerk. Acushnet,— tax rate.

The message was read; and it was referred, on motion of Mr. Koczera of New Bedford, with the accompanying draft of a bill, to the committee on Rules.

Subsequently Mr. Binienda of Worcester, for said committee, on the foregoing message, reported a Bill relative to authorizing the recertification of the fiscal year 2012 tax rate in the town of Acushnet (printed in House, No. 3839). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Subsequently on further suspension of the rules, on motion of Mr. Koczera, the bill (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.

A message from His Honor the Lieutenant-Governor, Acting Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at a certain town meeting in the town of Abington (House, No. 3843), was filed this day in the office of the Clerk. Abington,— validating actions.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Municipalities and Regional Government.

Resignation of Assistant Majority Leader.

The Speaker announced that Representative Murphy of Burlington had resigned from his position of Assistant Majority Leader of the House. Assistant Majority Leader.

Changes in House Majority Leaders and Committees.

Under the provisions of Rule 18, the Speaker announced that the Majority Party Caucus had ratified the following changes and appointments:

Majority Leaders.

Representative Mariano of Quincy, Majority Floor Leader; Representative Haddad of Somerset, Speaker *pro-tempore*; Representative Rushing of Boston, Assistant Majority Floor Leader; and Representative Reinstein of Revere, Second Assistant Majority Floor Leader.

Floor Division Committees. — First Division Chairperson, Representative Bradley of Hingham; Second Division Chairperson, Representative Moran of Boston; Third Division Chairperson, Representative Donato of Medford; and Fourth Division Chairperson, Representative Story of Amherst.

House Standing Committees.

House standing committees:—

Rules. — Representatives Binienda of Worcester, Atkins of Concord, Rushing of Boston, Petrolati of Ludlow, Mariano of Quincy, Story of Amherst, O'Flaherty of Chelsea, Nangle of Lowell, Reinstein of Revere, Bradley of Hingham, Haddad of Somerset, Fernandes of Milford, Humason of Westfield, Frost of Auburn and Diehl of Whitman.

Ways and Means. — Representatives Dempsey of Haverhill, Kulik of Worthington, Walz of Boston, Scaccia of Boston, Fox of Boston, Petrolati of Ludlow, Koczera of New Bedford, Canavan of Brockton, Toomey of Cambridge, Swan of Springfield, Garry of Dracut, Creedon of Brockton, Murphy of Lowell, Sullivan of Fall River, Balsler of Newton, Fresolo of Worcester, Timilty of Milton, Stanley of Waltham, Pignatelli of Lenox, Spiliotis of Peabody, Sciortino of Medford, Puppolo of Springfield, Brady of Brockton, Dwyer of Woburn, Ferrante of Gloucester, Madden of Nantucket, deMacedo of Plymouth, Webster of Pembroke, Diehl of Whitman, D'Emilia of Bridgewater, O'Connell of Taunton and Wong of Saugus.

Bills in the Third Reading. — Representatives Pedone of Worcester, O'Day of West Boylston and Peterson of Grafton.

Bonding, Capital Expenditures and State Assets. — Representatives Cabral of New Bedford, Golden of Lowell, Fennell of Lynn, Garry of Dracut, Stanley of West Newbury, Sciortino of Medford, Brownsberger of Belmont, Ehrlich of Marblehead, Cantwell of Marshfield, Smola of Palmer and Levy of Marlborough.

Ethics. — Representatives Walsh of Boston, Nangle of Lowell, Spiliotis of Danvers, Reinstein of Revere, Donato of Medford, Haddad of Somerset, Kocot of Northampton, Webster of Pembroke, Barrows of Mansfield, O'Connell of Taunton and Winslow of Norfolk.

Global Warming and Climate Change. — Representatives Smizik of Brookline, DiNatali of Fitchburg, Miceli of Wilmington, Stanley of West Newbury, Torrissi of North Andover, Spiliotis of Peabody,

Brownsberger of Belmont, Chan of Quincy, Farley-Bouvier of Pittsfield, Beaton of Shrewsbury, Bastien of Gardner.

Personnel and Administration. — Representatives Galvin of Canton, Puppolo of Springfield, Garry of Dracut, Ayers of Quincy, Murphy of Weymouth, Pignatelli of Lenox, Turner of Dennis, Provost of Somerville, Schmid of Westport, O'Connell of Taunton, Diehl of Whitman, D'Emilia of Bridgewater and Wong of Saugus.

Post Audit and Oversight. — Representatives Linsky of Natick, Swan of Springfield, Stanley of West Newbury, Ayers of Quincy, Torrissi of North Andover, Stanley of Waltham, Smith of Everett, Benson of Lunenburg, Hecht of Watertown, Harrington of Groton and Kuros of Uxbridge.

Steering, Policy and Scheduling. — Representatives Kafka of Stoughton, Smith of Everett, Fox of Boston, Golden of Lowell, Atsalis of Barnstable, Murphy of Weymouth, Brownsberger of Belmont, Fernandes of Milford, Dwyer of Woburn, Hill of Ipswich and Gifford of Wareham.

Joint Standing Committees.

House members of Joint standing committees:—

Children, Families and Persons with Disabilities. — Representatives Khan of Newton, Devers of Lawrence, Scaccia of Boston, O'Day of West Boylston, Hecht of Watertown, Lewis of Winchester, Collins of Boston, Walsh of Framingham, Farley-Bouvier of Pittsfield, Ross of Attleboro and Ferguson of Holden.

Community Development and Small Businesses. — Representatives Forry of Boston, Benson of Lunenburg, Fennell of Lynn, Calter of Kingston, Conroy of Wayland, McMurtry of Dedham, Ehrlich of Marblehead, Hogan of Stow, Lewis of Winchester, Lyons of Andover and D'Emilia of Bridgewater.

Consumer Protection and Professional Licensure. — Representatives Spiliotis of Danvers, Fennell of Lynn, Creedon of Brockton, Stanley of Waltham, Spiliotis of Peabody, Puppolo of Springfield, Brodeur of Melrose, Chan of Quincy, Nyman of Hanover, Howitt of Seekonk and Humason of Westfield.

Economic Development and Emerging Technologies. — Representatives Wagner of Chicopee, Toomey of Cambridge, Koczera of New Bedford, Canavan of Brockton, Calter of Kingston, DiNatali of Fitchburg, Ferrante of Gloucester, Devers of Lawrence, Brodeur of Melrose, Collins of Boston, Lawn of Watertown, Frost of Auburn, and Kuros of Uxbridge.

Education. — Representatives Peisch of Wellesley, Sullivan of Fall River, Rogers of Norwood, Creedon of Brockton, Curran of Springfield, Benson of Lunenburg, Devers of Lawrence, Garlick of Needham, Henriquez of Boston, Ferguson of Holden and Vieira of Falmouth.

Elder Affairs. — Representatives Wolf of Cambridge, Hecht of Watertown, Miceli of Wilmington, Ayers of Quincy, Balsler of Newton, Curran of Springfield, Collins of Boston, Lawn of Watertown, Farley-Bouvier of Pittsfield, Hunt of Sandwich and Ferguson of Holden.

Majority
Leaders and
Speaker
pro-tempore.

House
standing
committees.

Joint
standing
committees.

Joint
standing
committees.

Election Laws. — Representatives Michlewitz of Boston, Garballey of Arlington, Murphy of Burlington, Atkins of Concord, Smith of Everett, Ashe of Longmeadow, Rosa of Leominster, Andrews of Orange, Parisella of Beverly, Webster of Pembroke and Lombardo of Billerica.

Environment, Natural Resources and Agriculture. — Representatives Gobi of Spencer, Ferrante of Gloucester, Koczera of New Bedford, Dykema of Holliston, Madden of Nantucket, Cariddi of North Adams, Mark of Hancock, Markey of Dartmouth, Schmid of Westport, Gifford of Wareham and Beaton of Shrewsbury.

Financial Services. — Representatives Costello of Newburyport, Basile of Boston, Fallon of Malden, Murphy of Lowell, Ehrlich of Marblehead, Cantwell of Marshfield, Dwyer of Woburn, Coppinger of Boston, Holmes of Boston, Boldyga of Southwick and Lombardo of Billerica.

Health Care Financing. — Representatives Walsh of Lynn, Conroy of Wayland, Koczera of New Bedford, Toomey of Cambridge, Swan of Springfield, Murphy of Lowell, Nangle of Lowell, Dykema of Holliston, Cusack of Braintree, Finn of West Springfield, Garlick of Needham, Barrows of Mansfield and Gifford of Wareham.

Higher Education. — Representatives Sannicandro of Ashland, Calter of Kingston, Atkins of Concord, Pignatelli of Lenox, Provost of Somerville, Conroy of Wayland, DiNatale of Fitchburg, Arciero of Westford, Mark of Hancock, Bastien of Gardner, and Boldyga of Southwick.

Housing. — Representatives Honan of Boston, Fox of Boston, Canavan of Brockton, Fresolo of Worcester, Curran of Springfield, Basile of Boston, Coppinger of Boston, Holmes of Boston, Markey of Dartmouth, Lombardo of Billerica and Lyons of Andover.

The Judiciary. — Representatives O'Flaherty of Chelsea, Fernandes of Milford, Garry of Dracut, Murphy of Lowell, Curran of Springfield, Puppolo of Springfield, Henriquez of Boston, Markey of Dartmouth, Holmes of Boston, Winslow of Norfolk and Harrington of Groton.

Labor and Workforce Development. — Representatives Coakley-Rivera of Springfield, Ehrlich of Marblehead, Rogers of Norwood, Atsalis of Barnstable, Fresolo of Worcester, Torrissi of North Andover, Campbell of Methuen, Arciero of Westford, Andrews of Orange, Orrall of Lakeville and Fattman of Sutton.

Mental Health and Substance Abuse. — Representatives Malia of Boston, Scaccia of Boston, Sullivan of Fall River, Balsler of Newton, O'Day of West Boylston, McMurtry of Dedham, Henriquez of Boston, Mark of Hancock, Lawn of Watertown, Hunt of Sandwich and Beaton of Shrewsbury.

Municipalities and Regional Government. — Representatives Kane of Holyoke, Spiliotis of Peabody, Turner of Dennis, Garballey of Arlington, Ashe of Longmeadow, Madden of Nantucket, Cariddi of North Adams, Cusack of Braintree, Parisella of Beverly, Kuros of Uxbridge and Fattman of Sutton.

Public Health. — Representatives Sánchez of Boston, Lewis of Winchester, Canavan of Brockton, Fallon of Malden, Balsler of Newton, Sciortino of Medford, Dykema of Holliston, Garlick of Needham, Mahoney of Worcester, Adams of Andover and Ross of Attleboro.

Public Safety and Homeland Security. — Representatives Naughton of Clinton, Brady of Brockton, Ayers of Quincy, Torrissi of North Andover, Turner of Dennis, Campbell of Methuen, Ashe of Longmeadow, Dwyer of Woburn, Nyman of Hanover, Vieira of Falmouth and Boldyga of Southwick.

Public Service. — Representatives Scibak of South Hadley, Rosa of Leominster, Miceli of Wilmington, Petrolati of Ludlow, Creedon of Brockton, Brownsberger of Belmont, Aguiar of Fall River, Brodeur of Melrose, Nyman of Hanover, Fattman of Sutton and Smola of Palmer.

Revenue. — Representatives Kaufman of Lexington, Aguiar of Fall River, Stanley of West Newbury, Fallon of Malden, Arciero of Westford, Benson of Lunenburg, Cantwell of Marshfield, Andrews of Orange, Schmid of Westport, Levy of Marlborough and Adams of Andover.

State Administration and Regulatory Oversight. — Representatives Kocot of Northampton, Murphy of Weymouth, Nangle of Lowell, Aguiar of Fall River, Brady of Brockton, Ferrante of Gloucester, Hogan of Stow, Lewis of Winchester, Coppinger of Boston, Orrall of Lakeville and Levy of Marlborough.

Telecommunications, Utilities and Energy. — Representatives Keenan of Salem, Hogan of Stow, Rogers of Norwood, Golden of Lowell, Timilty of Milton, DiNatale of Fitchburg, Basile of Boston, Chan of Quincy, Mahoney of Worcester, Adams of Andover and Hunt of Sandwich.

Tourism, Arts and Cultural Development. — Representatives Peake of Provincetown, McMurtry of Dedham, Murphy of Burlington, Sullivan of Fall River, Pignatelli of Lenox, Turner of Dennis, Garballey of Arlington, Cariddi of North Adams, Walsh of Framingham, Howitt of Seekonk and Vieira of Falmouth.

Transportation. — Representatives Straus of Mattapoisett, Atsalis of Barnstable, Miceli of Wilmington, Sciortino of Medford, Provost of Somerville, Madden of Nantucket, Devers of Lawrence, Cusack of Braintree, Finn of West Springfield, Mahoney of Worcester, Walsh of Framingham, Durant of Spencer and Howitt of Seekonk.

Veterans and Federal Affairs. — Representatives Vallee of Franklin, Campbell of Methuen, Murphy of Burlington, Timilty of Milton, Arciero of Westford, Dykema of Holliston, Rosa of Leominster, Finn of West Springfield, Parisella of Beverly, Ross of Attleboro and Bastien of Gardner.

Resolutions.

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

Resolutions (filed by Mr. Lombardo of Billerica) honoring the distinguished military service of United States Army Sergeant John Giasullo, Jr. of Billerica; and

John
Giasullo, Jr.

National Guard,—
birthday.

Resolutions (filed by Mr. Vallee of Franklin) honoring the Massachusetts National Guard on the occasion of its three hundred seventy-fifth birthday;

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

Petition.

Brewster,—
room
occupancy
tax.

Representatives Turner of Dennis and Peake of Provincetown presented a petition (accompanied by bill, House, No. 3842) of Cleon H. Turner, Sarah K. Peake and Daniel A. Wolf (by vote of the town) that the town of Brewster be authorized to impose a room occupancy tax on certain property rentals located in said town; and the same was referred to the committee on Revenue. Sent to the Senate for concurrence.

Papers from the Senate.

Kevin W.
Rose,—
sick leave
bank.

A Bill establishing a sick leave bank for Kevin W. Rose, an employee of the Bristol County Sheriff's Office (Senate, No. 2090) (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.

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. Smizik of Brookline, the bill was read a second time forthwith; and it was ordered to a third reading.

Sturbridge,—
town
elections.

A Bill relative to town elections in the town of Sturbridge (Senate, No. 1947) (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.

Abuse
prevention.

A report of the committee on Mental Health and Substance Abuse, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 976) of Hector Montalvo for legislation relative to abuse prevention, and recommending the same be referred to the committee on the Judiciary,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Reports of Committees.

Mandated
reporter,—
definition.

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 Kevin J. Kuros, Richard T. Moore and others for legislation to expand the Department of Children and Families definition of mandated reporter. Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Children, Families and Persons with Disabilities. Sent to the Senate for concurrence.

Homeowners
associations.

By Mr. Honan of Boston, for the committee on Housing, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1897) of Brian A. Joyce for legislation relative to homeowners associations,— and recommending that the same be referred to the committee on Revenue. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Alcoholic
beverages,—
sales.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the sale of alcoholic beverages (House, No. 1009), be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith; and it was ordered to a third reading.

Penny
Harvey,—
retirement
benefits.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the retirement of Penny Harvey (House, No. 3730), be scheduled for consideration by the House, with the amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 3828),— pending.

Under suspension of Rule 7A, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Placement of
children.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill requiring child and parent involvement in permanency and placement planning (House, No. 61, changed in section 5, in line 104, by striking out the words "mental retardation" and inserting in place thereof the words "intellectual disabilities"). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Homeless
youth.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on House, No. 1862, a Bill providing housing and support services for unaccompanied homeless youth (House, No. 3838).

Education
collaboratives.

By Ms. Peisch of Wellesley, for the committee on Education, on House, Nos. 1043, 1047, 1092 and 3764, a Bill relative to improving accountability and oversight of education collaboratives (House, No. 3837).

Severally read; and referred, under Joint Rule 29, to the committee on Rules of the two branches, acting concurrently.

State
property,—
advertising.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on House, Nos. 851 and 2597, a Bill prohibiting alcohol advertising on Commonwealth property (House, No. 851). Read; and referred, under Rule 33, to the committee on Ways and Means.

Nantucket,—
land. By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on House, No. 3461, a Bill approving the Nantucket Islands Land Bank to sell, convey or otherwise dispose of certain land situated in the town of Nantucket for any lawful purpose (House, No. 3836) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bill.

Bill
enacted. The engrossed Bill exempting the position of inspector of buildings, also known as the building commissioner, of the town of Natick from the civil service law (see House, No. 3507) (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 Senate Bill designating a certain bridge in the city of Leominster as the Jonathan Roberge Memorial Bridge (Senate, No. 1741), 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, in concurrence.

Id. The Senate Bill authorizing Holyoke Community College to borrow funds for the acquisition and renovation of certain real property in the city of Holyoke (Senate, No. 1901, amended), 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, in concurrence. Sent to the Senate for concurrence in the amendment previously adopted by the House.

House bills

Third
reading
bills. Relative to information in certain health insurance policies to certain persons (House, No. 1181) (its title having been changed by the committee on Bills in the Third Reading); and

Exempting the position of fire chief in the city of Haverhill from the civil service law (House, No. 3486);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Recess.

Recess. At twenty-two minutes before the hour of twelve o'clock noon, the Chair (Mr. Donato of Medford), declared a recess, until twelve minutes before twelve o'clock; and at two minutes before twelve o'clock, the House was called to order by Mr. Donato.

Report 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 Ronald Mariano and others relative to the classification of risk for volunteer drivers for non-profit organizations providing transportation options for senior citizens. To the committee on Financial Service.

Elderly,—
volunteer
drivers.

Petition (accompanied by bill)) of Ronald Mariano and others relative to the acquisition and use of motor vehicles by charitable organizations for the purpose of transporting senior and disabled citizens. To the committee on Public Safety and Homeland Security.

Charitable
organizations,—
motor
vehicles.

Petition (accompanied by bill) of Chris Walsh for legislation to establish a sick leave bank for Robert T. Martin, an employee of the Department of Revenue. To the committee on Public Service.

Robert T.
Martin,—
sick leave.

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

Recess.

At one minute after the hour of twelve o'clock noon, on motion of Mr. Koczera of New Bedford, (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M., and at eight minutes after one o'clock, the House was called to order by Mr. Donato.

Recesses.

The House thereupon took a further recess, on further motion of Mr. Koczera, until half past one o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

Engrossed Bill.

The engrossed Bill authorizing the recertification of the fiscal year 2012 tax rate in the town of Acushnet (see House bill printed in House, No. 3839) (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 (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Acushnet,—
tax rate.

Order.

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.

Next
sitting.

At twenty-eight minutes before two o'clock P.M., 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