

Monday, December 31, 2012.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Ms. Reinstein of Revere 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 (Ms. Reinstein), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag. Pledge of allegiance.

*Resignation of Representative Smith of Everett.*

The following communication was read; and spread upon the records of the House, as follows:

December 31, 2012.

The Honorable Steven T. James  
*Clerk of the House of Representatives*  
The Massachusetts State House  
Room 145  
Boston, MA 02133

Dear Mr. James:

I hereby resign as State Representative from the 28th Middlesex District, effective at 12:01 A.M. on January 1, 2013. Resignation of Representative Stephen Stat Smith of Everett.

Sincerely yours,

STEPHEN STAT SMITH,  
*State Representative,*  
*28th Middlesex District.*

*Resolutions.*

Resolutions (filed by Mr. Sánchez of Boston) honoring Angel Lopez and his many accomplishments as a champion of the communities in the city of Boston, were referred, under Rule 85, to the committee on Rules. Angel Lopez.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, 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.

*Communication.*

A communication from Northeastern University (under Chapter 645 of the Acts of 1986) relative to the lease entered into by and between the Commonwealth of Massachusetts and Northeastern University for the University Boathouse, was placed on file. Northeastern University Boathouse.

*Annual and Special Reports.*

## Special reports

Civic  
Engagement  
and Learning.

Of the Special Commission on Civic Engagement and Learning (established under Section 106 of Chapter 182 of the acts of 2008 and most recently revived and continued under Section 167 of Chapter 68 of the Acts of 2011) relative to ways to improve civic engagement and learning in the Commonwealth (House, No. 4562) [for recommended legislation, see App. C], was referred, under Rule 24, to the committee on Education.

Cashless  
System  
Commission.

Of the Cashless System Commission (under Section 5 of Chapter 161 of the Acts of 2012) relative to the feasibility of implementing a cashless payment system for the Department of Transitional Assistance (House, No. 4560), was referred, under Rule 24, to the committee on the Judiciary.

Severally sent to the Senate for concurrence.

## Annual reports

Brownsfields  
Advisory  
Group.

Of the Brownsfields Advisory Group (under Section 29A of Chapter 23G of the General Laws) including financial statements related to the effectiveness of the Brownsfields Redevelopment Fund [copies were forwarded to the Speaker of the House and the committee on Ways and Means, in accordance with said law]; and

Water  
Pollution  
Abatement  
Trust.

Of the Massachusetts Water Pollution Abatement Trust (under Section 17 of Chapter 29C of the General Laws) for the fiscal year ending June 30, 2012 [copies were forwarded to the President of the Senate, the Speaker of the House of Representatives and the chairpersons of the Senate and House committees on Ways and Means, in accordance with said law];

## First annual reports

Advanced  
Manufacturing  
Futures  
Program.

Of the Advanced Manufacturing Futures Program (under Section 45 of Chapter 23G of the General Laws) including a current assessment of the progress of each program funded through the manufacturing grant program and the progress of the advanced manufacturing collaborative activity [copies were forwarded to the House committee on Ways and Means and the joint committee on Economic Development and Emerging Technologies and the joint committee on Labor and Workforce Development, in accordance with said law]; and

Commissioner  
of Probation.

Of the Office of the Commissioner of Probation (under Section 99F of Chapter 276 of the General Laws) relative to the progress of the Massachusetts Probation Service in achieving certain goals [copies were forwarded to the House committee on Ways and Means, the joint committee on the Judiciary and the joint committee on Public Safety and Homeland Security, in accordance with said law].

## Special reports

Energy  
Resources,—  
renewable  
energy.

Of the Department of Energy Resources (under Section 45 of Chapter 209 of the Acts of 2012) relative to reducing alternative compliance payments in meeting the Massachusetts Class II renewable energy generating sources [a copy was forwarded to the joint committee on Telecommunications, Utilities and Energy, in accordance with said act].

Energy  
Resources,—  
Green  
Communities  
Act.

Of the Department of Energy Resources (under Section 48 of Chapter 209 of the Acts of 2012) relative to the assessing of long-term contract requirements under Section 83 of the Green Communities Act [a

copy was forwarded to the joint committee on Telecommunications, Utilities and Energy, in accordance with said Section 48].

Of the Executive Office of Environmental Affairs (under Section 92 of Chapter 238 of the Acts of 2012) relative to the viability of the Massachusetts Energy Conservation Project Fund [a copy was forwarded to the joint committee on Telecommunications, Utilities and Energy, in accordance with said act].

Environmental Affairs,—  
Energy Conservation Fund.

Of the Executive Office of Environmental Affairs (under Section 46 of Chapter 209 of the Acts of 2012) relative to the inclusion of useful thermal energy in the Alternative Portfolio Standard in Massachusetts [a copy was forwarded to the joint committee on Telecommunications, Utilities and Energy, in accordance with said act].

Environmental Affairs,—  
thermal energy.

Severally were placed on file.

*Papers from the Senate.*

Mrs. Haddad of Somerset being in the Chair,—

The Senate Bill protecting lakes and ponds from aquatic nuisances (Senate, No. 1904, amended), came from the Senate with the endorsement that said branch had concurred with the House in its amendments (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3908) with further amendments in section 1, in line 49 and in line 50, the second time it appears, inserting after the word “transporter”, in each instance, the words “, truck-trailer boat transporter”, in said line 50, striking out the words “or boat transporter” and inserting in place thereof the words “boat transporter or truck-trailer boat transporter”, and in line 52, after the words “truck-trailer”, inserting the word “boat”.

Aquatic nuisances.

Under suspension of Rule 35, on motion of Mr. Pignatelli of Lenox, the further amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

The Senate Bill establishing a sick leave bank for Sarah Bok, an employee of the Trial Court (Senate, No. 2475) (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.

Sarah Bok,—  
sick leave.

Mr. Kafka of Stoughton, for said committee, then 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. O’Day of West Boylston, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and the bill was passed to be engrossed, in concurrence.

*Engrossed Bills.*

Ms. Reinstein of Revere being in the Chair,—

Engrossed bills

Establishing a sick leave bank for Katrin Fox, an employee of the highway division of the Massachusetts Department of Transportation (see Senate, No. 2487) (which originated in the Senate);

Bills enacted.

Bills  
enacted.

Relative to commuter shuttles and public transportation improvements (see House, No. 901); and

Relative to certain retirement rights (see House, No. 4271, amended);  
(Which severally originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Engrossed bills

Id.

Amending the charter of the city known as the town of Greenfield to establish a mayor's task force against domestic violence (see Senate, No. 2480) (which originated in the Senate);

Designating a portion of Route 9 from the city of Northampton to the city of Pittsfield as the Marine Corps League highway (see House, No. 3637, amended);

Providing retirement benefits for a member of the Franklin Regional Retirement System (see House, No. 3936, changed and amended); and

Relative to annual immunization against influenza for children (see House, No. 3948, amended);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*

Mrs. Haddad of Somerset being in the Chair,—

Senate bills

Third  
reading  
bills.

Relative to residents of continuing care retirement communities (Senate, No. 2139);

Authorizing the town of Burlington to grant retroactive abatements for certain taxes to certain military personnel (Senate, No. 2302);

Increasing the membership of dental hygienists on the Board of Registration in Dentistry (Senate, No. 2328) (its title having been changed by the committee on Bills in the Third Reading); and

Protecting public water supply lands (Senate, No. 2371) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Id.

Relative to insurance surcharges (House, No. 2058);

Relative to the public shade tree law (House, No. 4545) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the Town of Dartmouth Fire District No. 1 (House, No. 4552);

Relative to Grandparents Commission membership (House, No. 4553) (its title having been changed by the committee on Bills in the Third Reading); and

Establishing a sick leave bank for Matthew Stuart, an employee of the Department of Children and Families (House, No. 4556);

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.

The Senate Bill relative to oral cancer therapy (Senate, No. 2363, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time. Oral cancer therapy.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Dempsey of Haverhill moved to amend it in sections 1 to 5, inclusive, by striking out, in each instance, the last two sentences. The amendment was adopted.

Mr. Moran of Boston then moved to amend the bill by adding the following section:

“SECTION 7. Chapter 244 of the acts of 2012 is hereby amended by inserting, after section 25, the following section:—

Section 25A. Section 4 shall take effect on May 1, 2013.”

The amendment was adopted; and the bill (Senate, No. 2379, amended) was passed to be engrossed, in concurrence. Senate to the Senate for concurrence in the amendments.

*Recess.*

At seventeen minutes after one o'clock P.M., on motion of Mr. Jones of North Reading (Mrs. Haddad of Somerset being in the Chair), the House recessed until two o'clock P.M.; and at twelve minutes after two o'clock the House was called to order with Mrs. Haddad in the Chair. Recess.

*Papers from the Senate.*

The House Bill exempting certain positions in the town of Milton from civil service law (printed as Senate, No. 2368), 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 following: Milton,—  
civil service.

“SECTION 1. The positions of school department custodian, school department maintenance man, school department cafeteria worker, department of public works employee, park and recreation department employee, cemetery department employee, and consolidated facilities department employee in the town of Milton shall be exempt from chapter 31 of the General Laws.

SECTION 2. Section 1 of this act shall not impair the civil service status of the persons holding the positions of school department custodian, school department maintenance man, school department cafeteria worker, department of public works employee, park and recreation department employee, cemetery department employee, and consolidated facilities department employee in the town of Milton on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.”

Under suspension of Rule 35, on motion of Mr. Timilty of Milton, 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.

The House Bill relative to a Cable PEG Access Enterprise Fund (House, No. 1451), came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2102; Cable PEG franchise fund.

Cable PEG  
franchise  
fund.

and striking out the title and inserting in place the following title: "An Act relative to cable franchise funds."

Under suspension of Rule 35, on motion of Mr. Kuros of Uxbridge (Ms. Reinstein of Revere being in the Chair), the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

The same member then moved that the House concur with the Senate in its amendments with a further amendment by striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the text contained in House document numbered 4564; and the further amendment was adopted.

The House then concurred with the Senate in its amendments, as amended. Sent to the Senate for concurrence in the further amendment.

Chatham,—  
town  
charter.

The House Bill relative to the charter of the town of Chatham (House, No. 4473), 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 2482.

Under suspension of Rule 35, on motion of Ms. Peake of Provincetown, 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.

Methuen,—  
board of  
health.

The House Bill establishing a 5-member board of health in the city of Methuen (House, No. 4530), came from the Senate passed to be engrossed, in concurrence, with an amendment inserting after section 1 the following section:

"SECTION 1A. The term of each member of the board of health shall be for 3 years, so arranged that as nearly an equal number of terms as is possible shall expire each year."

Under suspension of Rule 35, on motion of Ms. Campbell of Methuen, 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.

#### *Reports of Committees.*

Fire  
prevention  
regulations  
appeals  
board.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Senate Bill establishing the fire prevention regulations appeals board (Senate, No. 2168, amended), ought to pass. 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 Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Under further suspension of the rules, on motion of Mr. O'Day of West Boylston, the bill, was read a third time forthwith; and it was passed to be engrossed, in concurrence.

Medical  
loss  
ratio.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on House, No. 4070, reported, in part, a Bill relative to the medical loss ratio (House, No. 4561). Read; and 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 the same member, the bill was read a second time; and it was ordered to a third reading.

Under further suspension of the rules, on motion of Mr. O'Day of West Boylston, the bill, was read a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

*Emergency Measure.*

The engrossed Bill designating a certain bridge in the city of Fall River as the Army Specialist Scott A. Andrews memorial bridge (see House, No. 4506), 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.

Fall River,—  
Andrews  
bridge.

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 8 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

*Engrossed Bills.*

Engrossed bills

Protecting lakes and ponds from aquatic nuisances (see Senate, No. 1904, amended);

Bills  
enacted.

Relative to residents of continuing care retirement communities (see Senate, No. 2139);

Increasing the number of dental hygienists on the Board of Registration in Dentistry (see Senate, No. 2328);

To protect public water supply lands (see Senate, No. 2371);

Further regulating certain reimbursements by the city of Medford to the Water Enterprise Fund (see Senate, No. 2474, amended);

(Which severally originated in the Senate);

Designating a certain bridge in the town of Newbury as the John B. Hayden bridge (see House, No. 1809);

Authorizing the Orleans, Brewster and Eastham Groundwater Protection District to provide retirement benefits for district employees (see House, No. 4175);

Promoting health through workplace safety for social workers (see House, No. 4254);

Relative to the leadership and governance of the city known as the town of Agawam (see House, No. 4388);

Relative to the Cotuit Fire District (see House, No. 4485);

Relative to the West Barnstable Fire District (see House, No. 4527);  
and

Establishing a building maintenance fund in the town of Northbridge (see House, No. 4535);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*

Third  
reading  
bill.

The Senate Bill relative to regional 911 emergency communication districts (Senate, No. 2248, 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.

*Emergency Measures.*

Ms. Reinstein of Revere being in the Chair,—

Dam safety,  
repair and  
removal.

The engrossed Bill further regulating dam safety, repair and removal (see Senate, No. 1985, amended), 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 8 to 0. Sent to the Senate for concurrence.

Bill  
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Sarah  
Bok,—  
sick leave.

The engrossed Bill establishing a sick leave bank for Sarah Bok, an employee of the Trial Court (see Senate, No. 2475), 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 8 to 0. Sent to the Senate for concurrence.

Bill  
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Engrossed Bills.*

Engrossed bills

Bills  
enacted.

Establishing the fire prevention regulations appeals board (see Senate, No. 2168, amended);

Authorizing the town of Burlington to grant retroactive abatements for certain taxes to certain military personnel (see Senate, No. 2302);

Relative to oral cancer therapy (see Senate, No. 2363, amended);

Establishing a board of registration in naturopathy (see Senate, No. 2377, amended);

To ensure transparency of workforce participation in public construction contracts (see Senate, No. 2386, amended);

(Which severally originated in the Senate);

Exempting certain positions in the town of Milton from civil service law (see House bill printed as Senate, No. 2368);

Relative to background checks (see House, No. 4307, amended);

Bill relative to the charter of the town of Chatham (see House, No. 4473, amended);

Establishing a 5-member board of health in the city of Methuen (see House, No. 4530, amended);

Relative to the positions of collector and clerk-treasurer in the town of South Hadley (see House, No. 4547);

Establishing a selectboard-town administrator form of government for the town of South Hadley (see House, No. 4548);

Relative to the Town of Dartmouth Fire District No. 1 (see House, No. 4552);

Relative to Grandparents Commission membership (see House, No. 4553); and

Relative to the medical loss ratio (House, No. 4561);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Emergency Measure.*

The engrossed Bill relative to certain licensing board memberships (see House, No. 4236, amended), 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.

Licensing  
board  
memberships.

Pending the question on adoption of the emergency preamble, Ms. Walz of Boston moved that Rule 40 be suspended; and the motion prevailed.

Representatives Walz and Walsh of Boston then moved to amend the bill at the end of sections 5 and also 10 (as inserted by amendment by the House), by striking out, in each instance, the words "or non-union affiliation, whichever constitutes the minority of the board". The amendment was adopted.

The bill (see House, No. 4236, amended) then was sent to the Senate for concurrence.

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At one minute after five o'clock P.M., on motion of Mr. Jones of North Reading (Ms. Reinstein of Revere being in the Chair), the House adjourned.

[Under the provisions of Article X of the Amendments to the Constitution, the second annual session of the 187th General Court was dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of His Excellency the Governor.]

Attest:

STEVEN T. JAMES,

*Clerk.*

