Thursday, June 28, 2012.

Met according to adjournment at two 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.

Statement Concerning Representative Donato of Medford.

A statement of Mr. Rushing of Boston concerning Mr. Donato of Medford 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 Donato of Medford, is unable to be present in the House Chamber for today's sitting due to a previously scheduled personal commitment. His missing of roll calls today is due entirely to the reason stated.

Statement concerning Mr. Donato of Medford.

Statement of Representative Timilty of Milton.

A statement of Mr. Timilty of Milton 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 I was unable to be present in the House Chamber for a portion of yesterday's sitting due to a previously scheduled commitment to be the graduation speaker for the Licensed Practical Nursing Program at Blue Hills Regional High School. Had I been present yesterday for the taking of roll calls numbered 293, 294, 295 and 296, I would have voted in the affirmative, in each instance. My missing of roll calls yesterday was due entirely to the reason stated.

Statement of Mr. Timilty of Milton.

Statement Concerning Representative Winslow of Norfolk.

A statement of Mr. Jones of North Reading concerning Mr. Winslow of Norfolk 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 Winslow of Norfolk, was unable to be present in the House Chamber for today's sitting due to his attending to a family matter. If he had been present he would have voted in the affirmative on Roll Call Nos. 298, 299 and 300. His missing of the roll call today was due entirely to the reason stated.

Statement concerning Mr. Winslow of Norfolk.

Ouorum.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum, yea and nay No. 297.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 145 members were recorded as being in attendance.

[See Yea and Nay No. 297 in Supplement.]

Therefore a quorum was present.

Subsequently a statement of Mr. Devers of Lawrence was spread upon the records as follows:

Statement of Mr. Devers of Lawrence. MR. Speaker: I would like to call to the attention of the House the fact that, during the previous quorum roll call, I was absent from the House Chamber due to a previously scheduled dental appointment and therefore was not recorded as being present. My missing of the quorum roll call was due entirely to the reason stated.

Guests of the House.

During the session, the Speaker declared a brief recess and introduced the parents and family of Staff Sergeant Matthew Albert Pucino, who made the ultimate sacrifice for his country on November 23, 2009, while on a combat patrol in the vicinity of Pashay Kala, Afghanistan, when an improvised explosive device struck his all-terrain vehicle, taking his life. The honored guests were present in the House Chamber to witness the passage of Senate bill number 2218, An Act designating certain bridges in the town of Bourne as the Staff Sergeant Matthew A. Pucino Bridges. They were the guests of Mr. Hunt of Sandwich.

Resolutions.

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

Resolutions (filed by Mrs. Campbell of Methuen) memorializing the Congress of the United States to pass legislation recognizing the Veterans Remembered Flag as a national symbol of service; and

Resolutions (filed by Mr. Fernandes of Milford) congratulating the Milford High School Scarlet Hawks softball team on winning the Division I State Championship;

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

Orders.

The following order (filed by Ms. Peisch of Wellesley) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Education be granted until Friday, July 20, 2012, the time within which to make its final report on current Senate document numbered 176 and House documents numbered 1936 and 4003.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Ms. Peisch, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. O'Flaherty of Chelsea) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Matthew Albert Pucino.

Family of Staff

Sergeant

Congress,veterans flag.

Milford High School, softball team.

Education, extension of time for reporting.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on the Judiciary be granted until Friday, June 29, 2012, the time within which to make its final report on current House documents numbered 9, 11, 23, 24,27, 28, 29, 30, 31, 40, 41, 42, 382, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460. 461, 462, 463, 464, 465, 466, 467, 468, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 503, 504. 505, 506, 507, 508, 509, 510, 512, 513, 514, 515, 516, 518, 519, 520, 521, 522, 524, 525, 526, 527, 528, 1274, 1275, 1276, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1388, 1389, 1390, 1835, 1836, 1837, 1838, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2257, 2258, 2259, 2260, 2262, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2684, 2793, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 3137, 3138, 3139, 3140, 3141, 3142, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3229, 3230, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3330, 3340, 3358, 3359, 3360, 3361, 3362, 3385, 3441, 3471, 3516, 3518, 3545, 3559, 3569, 3587, 3631, 3636, 3681, 3682, 3729, 3739, 3743, 3744, 3766, 3768, 3840, 3884, 3905, 3913, 3934, 3977, 3978, 3987, 4004, 4050, 4055, 4057, 4068 and 4069.

Judiciary, extension of time for reporting

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Judiciary, extension of time for reporting. Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. O'Flaherty, the order was considered forthwith.

Pending question on the adoption of the order, the same member moved to amend it by striking out the date "Friday, June 29" and inserting in place thereof the date "Tuesday, July 31". The amendment was adopted.

The order, as amended, then also was adopted. Sent to the Senate for concurrence.

The following order (filed by Ms. Spiliotis of Danvers) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be granted until Tuesday, July 31, 2012, the time within which to make its final report on current House document numbered 3317.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Ms. Spiliotis, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Ms. Kocot of Northampton) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on State Administration and Regulatory Oversight be granted until Tuesday, July 31, 2012, the time within which to make its final report on current Senate documents numbered 1563, 1575 and 1576 and House documents numbered 821, 828, 1735, 1736, 1737, 1753, 2587, 3031, 3040, 3041, 3043 and 3209.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Kocot, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petitions.

Acushnet, manufactured housing. By Mr. Koczera of New Bedford presented a petition (accompanied by bill, House, No. 4221) of Robert M. Koczera (by vote of the town) for legislation to establish rent board for the purpose of regulating rents for the use or occupancy of manufactured housing accommodations in the town of Acushnet; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Diane Johnson, sick leave bank. By Mr. Koczera of New Bedford presented a petition (subject to Joint Rule 12) of Robert M. Koczera for legislation to establish a sick leave bank for Diane Johnson, an employee of the Department of Revenue; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending Joint Rule 12 be suspended. Under suspension

Municipalities and Regional Government, extension of time for reporting.

State Administration and Regulatory Oversight, extension of time for reporting. of the rules, on motion of Mr. Koczera, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Mr. Pignatelli of Lenox presented a petition (subject Joint Rule 12) of William Smitty Pignatelli for legislation to require specially marked licenses for repeat operating under the influence offenders; and the same was referred, under Rule 24, to the committee on Rules.

Driving under the influence,special licenses.

Banks,-

licensing

Papers from the Senate.

The House Bill authorizing certain licensees of the Division of Banks to participate in a multi-state licensing system (House, No. 3911, amended) came from the Senate passed to be engrossed, in concurrence, with an amendments in section 1, in line 8, striking out the words "which may include" and inserting in place thereof the words "by means of"; in section 11, in line 114, striking out the words "commissioner of administration" and inserting in place thereof the words "secretary of administration and finance"; in section 114, in line 134, inserting after the word "for" the words "the sharing of regulatory information and for the licensing and application, by electronic or other means, of"; and by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the participation of the division of banks in a multi-state licensing system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.".

Under suspension of Rule 35, on motion of Mr. Costello of Newburyport, 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.

A Bill relative to access to a decedent's electronic mail accounts (Senate, No. 2313, amended in section 1, in line 5, after the word "certificate", by striking out the word "or" and inserting in place thereof the word "and", and in line 14, by inserting after the word "that" the words "if offered opt-out language, separate and distinct from the standard agreement or terms of service, whereby") (on Senate bill No. 2205), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Decedents. electronic accounts.

A Bill authorizing the town of Ashburnham to dispose of certain Ashburnham. equipment (Senate, No. 2271) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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 petition of F. Jay Barrows relative to the Mansfield, Foxborough and Norton wastewater district. Under

Mansfield, Foxborough and Norton.-

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Mansfield, Foxborough and Norton, wastewater district. suspension of the rules, on motion of Mr. Barrows of Mansfield, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Municipalities and Regional Government. Sent to the Senate for concurrence.

Reading, easement. By Ms. Spiliotis of Peabody, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Reading to grant a utility easement over certain parcels of land in the town (House, No. 4170) [Local Approval Received]. 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 Rule 7A, on motion of the Mr. Jones of North Reading, the bill was read a second forthwith; and it was ordered to a third reading.

Health services, access. By Mr. Scibak of South Hadley, for the committee on Public Service, on petition, a Bill to increase access to health services (House, No. 2453). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Labor rates.

By Mr. Costello of Newburyport, for the committee on Financial Services, on Senate, No. 476 and House, No. 1212, a Bill reforming labor rates paid by insurance companies to auto repairers in the Commonwealth (House, No. 4218).

State buildings, fire safety. By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on a petition, a Bill to ensure fire safety in state buildings (House, No. 1550).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Emergency Measure.

Dementiaspecific training. The engrossed Bill providing for dementia-specific training for certain employees of long term care facilities (see House, No. 3947, 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 78 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 Speaker and sent to the Senate.

Matters Discharged from the Orders of the Day.

Henderson Boat House. The report (in part) of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2275) of the House Bill establishing the social innovation financing trust fund and authorizing the lease of the Henderson Boat House (House, No. 4101) (for report, see House, No. 4219), was taken from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Dempsey of Haverhill; and it was accepted. Sent to the Senate for concurrence.

The Senate Bill designating certain bridges in the town of Bourne as the Staff Sergeant Matthew A. Pucino Bridges (Senate, No. 2218), reported by the committee on Bills in the Third Reading to be correctly drawn, was taken from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Hunt of Sandwich.

Bourne,— Matthew A. Pucino Bridges.

After remarks on the question on passing the bill to be engrossed, in concurrence, the sense of the House taken by yea and nays, at the request of the same member; and on the roll call 150 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed, yea and nay No. 298.

[See Yea and Nay No. 298 in Supplement.]

Therefore the bill was passed to be engrossed, in concurrence.

The report (in part) of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2275) of the House Bill making appropriations for the fiscal year 2013 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4101) (for report, see House, No. 4200), was taken from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Dempsey of Haverhill.

General Appropriation Bill.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 147 members voted in the affirmative and 3 in the negative.

Conference committee report accepted, yea and nay No. 299.

[See Yea and Nay No. 299 in Supplement.]

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

The Senate Bill further regulating the probate code and establishing a trust code (see Senate, No. 2128, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was taken from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Dempsey of Haverhill.

Pending the question on passing the bill to be engrossed, in concurrence, the same member moved to amend it by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4223.

The amendment was adopted; and the bill (Senate, No. 2128, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Probate code and trust code.

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Engrossed Bill.

Bill enacted.

The engrossed Bill designating certain bridges in the town of Bourne as the Staff Sergeant Matthew A. Pucino Bridges (see Senate, No. 2218) (which originated in the Senate), 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 Speaker and sent to the Senate.

Engrossed Bill — Land Taking — State Loan.

Henderson Boat House. The engrossed Bill establishing the social innovation financing trust fund and authorizing the lease of the Henderson Boat House (see House, No. 4219) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land takingstate loan), yea and nay No. 300. On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution and this also being a "loan" bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call (Mrs. Haddad of Somerset being in the Chair) 146 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 300 in Supplement.]

Therefore the bill was passed to be enacted, and it was signed by the Speaker and sent to the Senate.

Orders of the Day.

Third reading bill.

The Senate Bill designating the birthplaces of Michael Bartlett and Dr. Elliot P. Joslin in the town of Oxford (Senate, No. 2232), 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.

House bills

Third reading hills Relative to the management of town buildings, properties and facilities in the town of Foxborough (House, No. 4052) (its title having been changed by the committee on Bills in the Third Reading); and

Designating a certain overpass in the town of Yarmouth as the Marine Corporal Nicholas G. Xiarhos Veterans Memorial Overpass (House, No. 4156);

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. Sent to the Senate for concurrence.

Emergency Measures.

Probate code and trust code.

The engrossed Bill further regulating the probate code and establishing a trust code (see Senate, No. 2128, 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 33 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 Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

enacted.

The engrossed Bill making appropriations for the fiscal year 2013 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4200), 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.

General Appropriation Bill

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 5 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.

Order

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet Next on Monday next at eleven o'clock A.M.

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-seven minutes after four o'clock P.M. (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.