

Tuesday, September 4, 2012.

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).

Pledge of
allegiance.

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.

Communication.

Capital
Resource
Company.

A communication from the Massachusetts Capital Resource Company (see Section 12 of Chapter 816 of the Acts of 1977) submitting an annual report describing the formation and current status of said company, was placed on file.

Resolutions.

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

Pittsfield
Youth
Summit.

Resolutions (filed by Representatives Farley-Bouvier of Pittsfield, Pignatelli of Lenox and Mark of Peru) congratulating the Coalition for Greater Community Collaboration on the occasion of the first Pittsfield Youth Summit;

Stephen
Holtsnider.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Stephen Edward Holtsnider on earning the Eagle Scout Award; and

Jay
Critchley.

Resolutions (filed by Ms. Peake of Provincetown) honoring Jay Critchley on the occasion of the twenty-fifth anniversary of the Provincetown Swim for Life and Paddler Flotilla;

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.

Papers from the Senate.

Fall River,—
fire chief
and fire
commissioners.

The House Bill relative to the appointment and status of the fire chief and the board of fire commissioners in the city of Fall River (House, No. 4030), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 5 and inserting in place thereof the following two sections:

“SECTION 5. Chapter 189 of the acts of 2008 is hereby repealed.

SECTION 6. This act shall take effect upon its passage.”

Under suspension of Rule 35, on motion of Mr. Sullivan of Fall River, 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 exempting the town of Southbridge from attorney general approval of by-laws (House, No. 4039), came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in line 9, inserting after the word "Laws" the words "or any other general or special law or town by-law to the contrary," and in line 12, striking out the word "council" and inserting in place thereof the word "counsel"; and striking out section 3 and inserting in place thereof the following two sections:

Southbridge,—
by-laws.

"SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.

SECTION 4. This act shall take effect upon its passage."

Under suspension of Rule 35, on motion of Mr. Durant of Spencer, 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.

The House Bill relative to non-councilors on committees in the town of Southbridge (House, No. 4040), came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in line 10, inserting after the word "Laws" the words "or any other general or special law or town by-law to the contrary," and in line 13, striking out the word "council" and inserting in place thereof the word "counsel"; and striking out section 3 and inserting in place thereof the following two sections:

Southbridge,—
committees.

"SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.

SECTION 4. This act shall take effect upon its passage."

Under suspension of Rule 35, on motion of Mr. Durant of Spencer, 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.

The House Bill relative to the removal of the vice-chairperson of the council of the town of Southbridge (House, No. 4041), came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in line 9, inserting after the word "Laws" the words "or any other general or special law or town by-law to the contrary," and in line 12, striking out the word "council" and inserting in place thereof the word "counsel"; and striking out section 3 and inserting in place thereof the following two sections:

Southbridge,—
council vice-
chairperson.

"SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.

SECTION 4. This act shall take effect upon its passage."

Under suspension of Rule 35, on motion of Mr. Durant of Spencer, 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.

The House Bill relative to the prohibition on multiple appointments to quasi-judicial boards in the town of Southbridge (House, No. 4042), came from the Senate passed to be engrossed, in concurrence, with

Southbridge,—
quasi-judicial
boards.

Southbridge,—
quasi-judicial
boards.

amendments in section 2, in line 6, inserting after the word “Laws” the words “or any other general or special law or town by-law to the contrary,” and in line 9, striking out the word “council” and inserting in place thereof the word “counsel”; and striking out section 3 and inserting in place thereof the following two sections:

“SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.

SECTION 4. This act shall take effect upon its passage.”

Under suspension of Rule 35, on motion of Mr. Durant of Spencer, 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.

Southbridge,—
board of
health.

The House Bill relative to the addition of members to the board of health in the town of Southbridge (House, No. 4043), came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in line 5, inserting after the word “Laws” the words “or any other general or special law or town by-law to the contrary,” and in line 8, striking out the word “council” and inserting in place thereof the word “counsel”; and striking out section 3 and inserting in place thereof the following two sections:

“SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.

SECTION 4. This act shall take effect upon its passage.”

Under suspension of Rule 35, on motion of Mr. Durant of Spencer, 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.

Southbridge,—
liquor
licensing
board.

The House Bill relative to the appointment of the liquor licensing board in the town of Southbridge (House, No. 4044), came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in line 6, inserting after the word “Laws” the words “or any other general or special law or town by-law to the contrary,” and in line 9, striking out the word “council” and inserting in place thereof the word “counsel”; and striking out section 3 and inserting in place thereof the following two sections:

“SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.

SECTION 4. This act shall take effect upon its passage.”

Under suspension of Rule 35, on motion of Mr. Durant of Spencer, 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.

Southbridge,—
quasi-judicial
bodies.

The House Bill relative to the rescission of appointments to quasi-judicial bodies in the town of Southbridge (House, No. 4045), came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in line 4, inserting after the word “Laws” the words “or any other general or special law or town by-law to the contrary,” and in line 7, striking out the word “council” and inserting in place

thereof the word "counsel"; and striking out section 3 and inserting in place thereof the following two sections:

"SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.

SECTION 4. This act shall take effect upon its passage."

Under suspension of Rule 35, on motion of Mr. Durant of Spencer, 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.

The House Bill relative to the removal of the manager of the town of Southbridge (House, No. 4046), came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in line 7, inserting after the word "Laws" the words "or any other general or special law or town by-law to the contrary," and in line 10, striking out the word "council" and inserting in place thereof the word "counsel"; and striking out section 3 and inserting in place thereof the following two sections:

Southbridge,—
town
manager.

"SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.

SECTION 4. This act shall take effect upon its passage."

Under suspension of Rule 35, on motion of Mr. Durant of Spencer, 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.

The House Bill relative to the prohibition on commercial manufacturing or sale of alcohol by the members of the liquor licensing board of the town of Southbridge (House, No. 4047), came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in line 9, inserting after the word "Laws" the words "or any other general or special law or town by-law to the contrary," and in line 12, striking out the word "council" and inserting in place thereof the word "counsel"; and striking out section 3 and inserting in place thereof the following two sections:

Southbridge,—
liquor
licensing
board.

"SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.

SECTION 4. This act shall take effect upon its passage."

Under suspension of Rule 35, on motion of Mr. Durant of Spencer, 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.

The House Bill relative to the recall of elective officers in the town of Southbridge (House, No. 4048), came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in line 5, inserting after the word "Laws" the words "or any other general or special law or town by-law to the contrary," and in line 8, striking out the word "council" and inserting in place thereof the word "counsel"; and striking out section 3 and inserting in place thereof the following two sections:

Southbridge,—
recall of
officers.

Southbridge,—
recall of
officers.

“SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.

SECTION 4. This act shall take effect upon its passage.”.

Under suspension of Rule 35, on motion of Mr. Durant of Spencer, 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.

Seekonk,—
liquor
licenses.

A Bill authorizing the town of Seekonk to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2353) (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.

Petitions were referred, in concurrence, as follows:

Greenfield,—
charter.

Petition (accompanied by bill, Senate, No. 2421) of Stanley C. Rosenberg and Denise Andrews (by vote of the town) to make technical corrections to the charter of the town of Greenfield;

Id.

Petition (accompanied by bill, Senate, No. 2422) of Stanley C. Rosenberg and Denise Andrews (by vote of the town) making a certain technical corrections to the charter of the town of Greenfield;

Id.

Petition (accompanied by bill, Senate, No. 2423) of Stanley C. Rosenberg and Denise Andrews (by vote of the town) to clarify the title of a certain section of the charter of the town of Greenfield;

Greenfield,—
school
committee
chairs.

Petition (accompanied by bill, Senate, No. 2424) of Stanley C. Rosenberg and Denise Andrews (by vote of the town) to clarify language for the selection of school committee chairs and vice-chairs in the town of Greenfield;

Greenfield,—
by-laws.

Petition (accompanied by bill, Senate, No. 2425) of Stanley C. Rosenberg and Denise Andrews (by vote of the town) relative to by-laws in the town of Greenfield;

Greenfield,—
budget
review.

Petition (accompanied by bill, Senate, No. 2426) of Stanley C. Rosenberg and Denise Andrews (by vote of the town) relative to budget review process in the town of Greenfield;

Greenfield,—
council.

Petition (accompanied by bill, Senate, No. 2427) of Stanley C. Rosenberg and Denise Andrews (by vote of the town) to amend employment prohibitions for town council members in the town of Greenfield;

Greenfield,—
school
committee.

Petition (accompanied by bill, Senate, No. 2428) of Stanley C. Rosenberg and Denise Andrews (by vote of the town) to amend employment prohibitions for school committee members in the town of Greenfield;

Greenfield,—
inter-
transfers.

Petition (accompanied by bill, Senate, No. 2429) of Stanley C. Rosenberg and Denise Andrews (by vote of the town) relative to inter-departmental transfers in the town of Greenfield;

Greenfield,—
domestic
violence
task force.

Petition (accompanied by bill, Senate, No. 2430) of Stanley C. Rosenberg and Denise Andrews (by vote of the town) creating a domestic violence task force in the town of Greenfield;

Severally to the committee on Municipalities and Regional Government.

The following notice was received from the Clerk of the Senate, to wit:—

August 31, 2012.

Honorable Robert A. DeLeo
Speaker of the House of Representatives
Room 356, State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Therese Murray, President of the Senate, has announced the following appointments: Independent contractors.

Senators McGee (Co-Chairman), and Rodrigues to the Special Commission established (pursuant to Chapter 238 of the Acts of 2012) to make an investigation and study of the definition of independent contractors;

Senator Keenan (pursuant to Section 186 of Chapter 139 of the Acts of 2012) as Chairman of DMH Independent Advisory Committee for the purpose of arranging and evaluating an independent analysis of the public and private behavioral health services available to the residents of the Commonwealth; and Behavioral health services.

Senators Jehlen and Keenan to the Special Commission established (pursuant to Section 224 of the Acts of 2012) to make an investigation and study of the cost of prescription drugs for both public and private payers. Prescription drug costs.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

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 joint petition of David T. Vieira and Daniel A. Wolf relative to the elected officials of the Cotuit Fire District. Under suspension of the rules, on motion of Mr. deMacedo of Plymouth, 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. Cotuit Fire District,—elected officials.

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

The Senate Bill relative to the charter of the city of Westfield (Senate, No. 2288, amended); and Westfield,—charter.

House bills

Regulating the grant of sewer system connections by the Board of Sewer Commissioners of the town of Kingston (House, No. 4310) [Local Approval Received]; Kingston,—sewer system.

Amending the town charter of Oxford (House, No. 4313) [Local Approval Received]; and Oxford,—charter.

To include substituted cathinones, also known as “bath salts”, in class C substances (House, No. 4383); Bath salts,—classify.

Under suspension of Rule 7A, in each instance, on motion of Mr. Kafka, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Consumer Protection and Professional Licensure,—study.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 92, 101, 104, 108, 112, 115, 1008, 1875, 1898 and 3225, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain Senate and House documents concerning automobile issues (House, No. 4423).

Id.

By the same member, for the same committee, on House, Nos. 125, 1007, 1025, 1876 and 2689, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain Senate and House documents concerning consumer protection and professional licensure issues (House, No. 4424).

Economic Development and Emerging Technologies,—study.

By Mr. Wagner of Chicopee, for the committee on Economic Development and Emerging Technologies, on Senate, Nos. 149, 151, 152, 153, 154, 158, 159, 160, 162, 163, 164, 165, 167, 171, 172, 174 and 1852 and House, Nos. 131, 132, 1038, 1903, 2707 and 3406, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain Senate and House documents concerning economic development and other matters (House, No. 4421).

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently, Mr. Binienda of Worcester, for said committees, reported asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Kathleen Rezendes,—sick leave bank.

By Mr. Scibak of South Hadley, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Kathleen Rezendes, an employee of the Department of Transitional Assistance (House, No. 4410). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

Male Breast Cancer Awareness Week.

The engrossed Bill designating Male Breast Cancer Awareness Week (see House, No. 4019, 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 5 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

Authorizing the city of Easthampton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 2294); and Bills enacted.

Further regulating the position of chief of police in the town of Millbury (see Senate, No. 2316);

(Which severally originated in the Senate); and

Revising the charter for the city of Northampton (see House, No. 4102, amended); and

Authorizing the city of Boston to grant a club license for the sale of all alcoholic beverages to be drunk on the premises to the Irish Social Club Inc. of Boston (see House, No. 4294);

(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.

The Senate Bill establishing a sick leave bank for June Graham, an employee of the Department of Public Health (Senate, No. 2417), 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. Third reading bill.

House bills

Exempting certain positions in the city of Gardner from the provisions of civil service laws (House, No. 4213); Third reading bills.

Exempting certain positions in the city of Gardner from the provisions of civil service laws (House, No. 4214); and

Authorizing the Cedar Meadow Lake Watershed District to prolong betterment payments (House, No. 4319);

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.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

At twenty-seven minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M., in an Informal Session.