

Thursday, September 13, 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.

Silent Prayer.

Glen
Doherty.

During the session the Chair (Mr. Donato) declared a brief recess; and requested that the members, guests and employees stand in a moment of silent tribute in respect to the memory of former Navy SEAL, Glen Doherty of Winchester, who was working for a private security company when he was killed along with U.S. Ambassador John Christopher Stevens in the American consulate in Benghazi, Libya, Wednesday during what may have been a coordinated terrorist attack.

Private
First Class
Michael R.
DeMarsico.

At the request of Ms. Cariddi of North Adams, the members, guests and employees stood in a moment of silent prayer in honor of and in respect to the memory of U.S. Army Private First Class Michael R. DeMarsico of North Adams, who was killed in the line of duty on Thursday, August 16, 2012 in Panjwa'l, Afghanistan while serving our country. Michael leaves behind his mother, father, three sisters, a brother, and his grandparents.

Resolutions.

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

Nicholas
Baker.

Resolutions (filed by Mr. deMacedo of Plymouth) congratulating Nicholas Baker on receiving the Eagle Award of the Boy Scouts of America;

Adam
Cox.

Resolutions (filed by Mr. deMacedo of Plymouth) congratulating Adam Cox on receiving the Eagle Award of the Boy Scouts of America;

Holliston,—
Legion
Post 47.

Resolutions (filed by Ms. Dykema of Holliston) congratulating the American Legion Post 47 in the town of Holliston on their observance of the ninety-third anniversary of the founding of the American Legion;

Eagle Scout
rank.

Resolutions (filed by Mr. Fernandes of Milford and other members of the House) congratulating the Boy Scouts of America on the one hundredth anniversary of the Eagle Scout rank;

Ataxia Day,—
observance.

Resolutions (filed by Mr. Frost of Auburn) congratulating the National Ataxia Foundation on their observance of National Ataxia Awareness Day on September 25, 2012;

Petrona
Guilmet.

Resolutions (filed by Mr. Keenan of Salem) congratulating Essex Probate and Family Court employee Petrona Guilmet on the occasion of her retirement;

Resolutions (filed by Ms. Peisch of Wellesley) honoring Ashley Elizabeth Rohall on receiving the Gold Award from the Girl Scouts of America; Ashley Rohall.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Farah Vimadalal on receiving the Gold Award from the Girl Scouts of America; Farah Vimadalal.

Resolutions (filed by Mr. Winslow of Norfolk) congratulating Daniel Boudreau on receiving the Eagle Award of the Boy Scouts of America; Daniel Boudreau.

Resolutions (filed by Mr. Winslow of Norfolk) congratulating William Chadwick on receiving the Eagle Award of the Boy Scouts of America; and William Chadwick.

Resolutions (filed by Mr. Winslow of Norfolk) congratulating Andrew Iacoviello on receiving the Eagle Award of the Boy Scouts of America; Andrew Iacoviello.

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. O'Day of West Boylston, 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 the University of Massachusetts (see Section 15 of Chapter 75 of the General Laws) submitting its fiscal year 2012 report on annual indicators, was placed on file. UMass,—
indicators
report.

Petitions.

Petitions severally were presented and referred as follows:

By Messrs. Speliotis of Danvers and Hill of Ipswich, a petition (accompanied by bill, House, No. 4437) of Theodore C. Speliotis and Bradford Hill (by vote of the town) relative to authorizing the town of Topsfield to issue an additional license for the sale of bottled wine not to be drunk on the premises to Alfalfa Farm Winery. To the committee on Consumer Protection and Professional Licensure. Topsfield,—
liquor
license.

By Mr. Diehl of Whitman, a petition (accompanied by bill, House, No. 4438) of Geoff Diehl (by vote of the town) relative to the charter of the town of Abington. To the committee on Municipalities and Regional Government. Abington,—
charter.

Severally sent to the Senate for concurrence.

Mr. Hunt of Sandwich presented a petition (subject to Joint Rule 12) of Randy Hunt relative to the part-time elected officials of the West Barnstable Fire District; and the same was referred, under Rule 24, to the committee on Rules. West
Barnstable
Fire District.

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

Dazlee Alvarado,—
sick leave.

Ms. Reinstein of Revere presented a petition (subject to Joint Rule 12) of Kathi-Anne Reinstein for legislation to establish a sick leave bank for Dazlee Alvarado, an employee of the Department of Public Health; 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 that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Koczera of New Bedford, 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.

Petitions severally were presented and referred as follows:

Kevin Lewis,—
sick leave.

By Representative Cariddi of North Adams and Senator Downing, a joint petition (subject to Joint Rule 12) of Gailanne M. Cariddi and Benjamin B. Downing for legislation to establish a sick leave bank for Kevin Lewis, an employee of the Department of Developmental Services.

Fitchburg,—
Bourque
bridge.

By Mr. DiNatale of Fitchburg, a petition (subject to Joint Rule 12) of Stephen L. DiNatale and Jennifer L. Flanagan relative to designating a certain bridge in the city of Fitchburg in honor of George J. Bourque.

Federal
program
volunteers,—
retirement.

By Mr. Peterson of Grafton (by request), a petition (subject to Joint Rule 12) of John Alva McKeon for legislation to grant credible service for retirement purposes to volunteers in approved federal service programs.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Third grade
reading
proficiency.

The House Bill relative to third grade reading proficiency (House, No. 4243), came from the Senate passed to be engrossed, in concurrence, with amendments, in section 1, in lines 28, 29 and 30, striking out the following: “(1) comprehensive curricula on language and literacy development for children in early education and care programs and grades pre-kindergarten to third grade, inclusive, that (i) is anchored in rich content to be studied through thematic units” and inserting in place thereof the following: “(1) strategies for evaluating the effectiveness of curricula on language and literacy development for children in early education and care programs and grades pre-kindergarten to third grade, inclusive, that (i) is anchored in rich content”; and, in lines 49 and 50, striking out the words “the recommendations contained in ‘Turning the Page: Refocusing Massachusetts for Reading Success’ by Nonie Lesaux” and inserting in place thereof the following: “research-based recommendations contained in reports written by experts in early language and literacy development”; and in section 3 (as published), in line 65, striking out the date “December 31” and inserting in place thereof the following date “June 30”.

Under suspension of Rule 35, on motion of Ms. Peisch of Wellesley, 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 administrative reorganization of the city of Malden (House, No. 4311), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 13, in line 64, striking out the word “facilities” and inserting in place thereof the word “equipment”.

Malden,—
reorganization.

Under suspension of Rule 35, on motion of Mr. Fallon of Malden, 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 following notice was received from the Clerk of the Senate, to wit:—

September 12, 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 Bruce E. Tarr, Senate Minority Leader, has announced the following appointments:

Behavioral
health
services.

Senator Richard Ross (pursuant to Section 186 of Chapter 139 of the Acts of 2012) to the 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

Ernest Gates of Middleton as his designee to the Special Commission established (pursuant to Section 273 of Chapter 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 petition of Chris Walsh, Tom Sannicandro and Karen E. Spilka relative to property tax assessments. Under suspension of the rules, on motion of Mr. Koczera of New Bedford, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue. Sent to the Senate for concurrence.

Property tax
assessments.

By Mr. Scibak of South Hadley, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Noelle Champoux-Olson, an employee of the Department of Youth Services (House, No. 4429). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Noelle
Champoux-
Olson,—
sick leave
bank.

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 Mr. Kafka, the bill was read a second time forthwith; and it was ordered to a third reading.

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

Billerica,—
Knight
Bridge.

The Senate Bill designating a certain bridge in the town of Billerica as the Helen Knight Bridge (Senate, No. 2305); and

House bills

North
Andover.

Amending the charter of the town of North Andover (House, No. 4314) [Local Approval Received];

North
Andover,—
civil service.

Exempting the positions of laborer, skilled laborer and craftsman in the town of North Andover from the civil service law (House, No. 4316) [Local Approval Received]; and

Wareham,—
revenue.

Designating certain tax revenue in the town of Wareham (House, No. 4390) [Local Approval Received];

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. 106, 113, 117, 1035, 1872, 1879, 1881, 2694, 2697 and 3628, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning sales and solicitation (House, No. 4436).

Education,—
study.

By Ms. Peisch of Wellesley, for the committee on Education, on Senate, Nos. 177, 179, 200, 207, 208, 214, 217, 232, 234, 244, 251 and 257 and House, Nos. 135, 139, 143, 150, 158, 166, 712, 1045, 1059, 1064, 1068, 1074, 1076, 1907, 1910, 1915, 1930, 1932, 1937, 1940, 1948, 2717, 2720, 2724 and 3596, an Order relative to authorizing the committee on Education to make an investigation and study of certain Senate and House documents concerning curriculum, personnel, safety and climate, extracurricular activities and school building assistance issues (House, No. 4439).

Severally 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.

Engrossed Bills.

Engrossed bill

Bills
enacted.

Relative to the town of Marion open space acquisition commission (see House, No. 4188, amended); and

Authorizing the city of Medford to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4246);

(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 House Bill establishing a sick leave bank for Kathleen Anno, an employee of the Department of Public Health (House, No. 4422), 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.

Third
reading
bill.

The House Bill designating a certain bridge in the town of Billerica as the William G. Greene, Jr. Bridge (House, No. 1802) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Billerica,—
William G.
Greene, Jr.
Bridge.

Pending the question on passing the bill to be engrossed, Mr. Lombardo of Billerica moved to amend it in lines 1 and 2 by striking out the following: “Notwithstanding any rule or regulation of the highway division to the contrary, the Bridge B-12-012” and inserting in place thereof the words “The bridge located on George Brown Street”.

The amendment was adopted; and the bill (House, No. 1802, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the charter of the city of Somerville (House, No. 3442), was read a third time.

Somerville,—
charter.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Ms. Provost of Somerville then moved to amend the bill by substitution of a bill with the same title (House, No. 4440), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill establishing a charter for the town of Hubbardston (House No. 4209), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Hubbardston,—
charter.

Pending the question on passing the bill to be engrossed, Mrs. Ferguson of Holden moved to amend it in section 2, in lines 660 and 661, by striking out the following: “the November 6, 2012 biennial state election on the ballot prepared by the secretary of the Commonwealth for use in said town” and inserting in place thereof the words: “the next annual municipal election or a special election called for such purpose”.

The amendment was adopted; and the bill (House, No. 4209, amended) was 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 Monday next at eleven o’clock A.M.

Next
sitting.

At twenty-nine minutes before twelve o'clock noon, on motion of Mr. Hill of Ipswich (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.