

Wednesday, October 26, 2011.

Met according to adjournment, at eleven o'clock A.M., 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.

Guests of the House.

Cathy
Frontiero
and
Elizabeth
Ciolino.

During the session, Ms. Ferrante of Gloucester took the Chair, declared a brief recess, and introduced Cathy Frontiero and Elizabeth Ciolino of Gloucester, the mother and aunt respectively, of Paul Frontiero III of Nashua, New Hampshire, who lost his life when he intervened to help two women under assault from a man with a knife. Paul Frontiero was an emergency medical technician in the city of Boston. Ms. Ferrante then read and presented to Ms. Frontiero Resolutions of the House (adopted this day), commending her late son for his life saving actions. They were the guests of Representatives Ferrante, Forry of Boston and Walsh of Boston.

*Statement Concerning Representative
Coakley-Rivera of Springfield.*

A statement of Mrs. Haddad of Somerset concerning Ms. Coakley-Rivera of Springfield was spread upon the records of the House, as follows:

Statement
concerning
Ms. Coakley-
Rivera of
Springfield.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Coakley-Rivera of Springfield, is unable to be present in the House Chamber for today's sitting due to illness. Her missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Naughton of Clinton.

A statement of Mr. Mariano of Quincy concerning Mr. Naughton of Clinton was spread upon the records of the House, as follows:

Statement
concerning
Mr. Naughton
of Clinton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Naughton of Clinton, is unable to be present in the House Chamber for today's sitting due to his being on active military duty. His missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Nyman of Hanover.

A statement of Mrs. Haddad of Somerset concerning Mrs. Nyman of Hanover was spread upon the records of the House, as follows:

Statement
concerning
Mrs. Nyman
of Hanover.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Nyman of Hanover, was unable to be present in the House Chamber for today's sitting due to

the death of her father. If she had been present for the taking of yea and nay Nos. 119 to 122, inclusive; and yea and nay No. 124, she would have voted in the affirmative, in each instance. Her missing of roll calls today was due entirely to the reason stated.

Statement Concerning Representative Spiliotis of Peabody.

A statement of Mrs. Haddad of Somerset concerning Ms. Spiliotis of Peabody 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 Spiliotis of Peabody, is unable to be present in the House Chamber for today's sitting due to a previously scheduled medical appointment. Her missing of roll calls today is due entirely to the reason stated.

Statement
concerning
Ms. Spiliotis
of Peabody.

Resolutions.

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

Resolutions (filed by Mr. Murphy of Burlington) commemorating the seventieth anniversary of the beginning of World War II and honoring all World War II veterans;

World
War II.

Resolutions (filed by Representatives Harrington of Groton and Arciero of Westford) commending Matthew Ricard, James Creed, Rob Beaudette, Matt Kamfonik, Mike Robichaud, Ashley Curtin, Kayla Johnson, and Thomas Hall for their heroic act of bravery and courage on Wednesday, October 19, 2011 at Nashoba Valley Technical High School;

Nashoba
Valley
Technical
High
School.

Resolutions (filed by Ms. Ferrante of Gloucester) commending Paul Frontiero III, an emergency medical technician for his life saving actions; and

Paul
Frontiero III.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) recognizing the dedication of the Arthur Brothers Square in the town of Natick;

Natick,—
Arthur
Brothers
Square.

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

Interim Report.

An interim report of the joint special committee established (under Senate order No. 9 of 2011) to make an investigation and study of a new division of the Commonwealth into Congressional districts, forty Senatorial districts, eight Councillor districts and one hundred and sixty Representative districts (House, No. 3770), was referred, under Rule 24, to the committee on Rules.

Redistricting.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 3763) of Paul McMurtry (by vote of the town) relative to a revised

Westwood,—
charter.

Malden,—
reserve
police.

charter for the town of Westwood; To the committee on Municipalities and Regional Government.

By Representative Fallon of Malden and Senator Clark, a joint petition (accompanied by bill, House, No. 3762) of Christopher G. Fallon and others (with the approval of the mayor and city council) relative to creditable service for retirement of non-working members of the reserve police force in the city of Malden. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Papers from the Senate.

Gambling,—
expansion.

The House Bill establishing expanded gaming in the Commonwealth (House, No. 3711), came from the Senate with the endorsement that said branch had insisted on its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2015) (in which the House had non-concurred).

Committee of
conference.

The bill bore the further endorsement that said branch had concurred with the House in appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Rosenberg, Flanagan and Ross had been joined as the committee on the part of the Senate.

Taunton,—
land.

A Bill relative to a parcel of land in Taunton (Senate, No. 1050, amended in section 2, in line 10, by inserting after the word “years” the following: “and any lease or extension thereof shall be subject to subsections (a), (b) and (g) of section 16 of chapter 30B of the General Laws”) (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.

Quincy,—
consumer
compensation
fund.

A petition (accompanied by bill, Senate, No. 2043) of John F. Keenan, Bruce J. Ayers, Tackey Chan and Ronald Mariano (with the approval of the mayor and city council) for legislation to establish a consumer compensation fund, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Reports of Committees.

Firefighters,—
grant
program.

By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on a petition, a Bill establishing an emergency equipment grant program for firefighters (House, No. 3165).

Automatic
sprinklers.

By the same member, for the same committee, on a petition, a Bill relative to automatic sprinklers (House, No. 3167).

Collective
bargaining.

By Mr. Scibak of South Hadley, for the committee on Public Service, on House, Nos. 735 and 2981, a Bill to provide funding of certain collective bargaining agreements (House, No. 735).

Pension
benefits.

By the same member, for the same committee, on a petition, a Bill relative to the limiting of certain pension benefits (House, No. 3475).

Paratroopers,—
license
plate.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on a petition, a Bill providing for a distinctive registration plate for paratroopers (House, No. 929).

By the same member, for the same committee, on a petition, a Bill designating veterans status on driver's licenses and identification cards (House, No. 3709).

Licenses,—
veteran
status.

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

By Mr. Scibak of South Hadley, for the committee on Public Service, on a petition, a Bill relative to the retirement of certain employees of the Massachusetts Water Resources Authority (House, No. 2968).

Water
authority,—
retirement.

By the same member, for the same committee, on a joint petition, a Bill regarding the duration of contract with the chief of police in the town of Natick (House, No. 3333) [Local Approval Received].

Natick,—
police chief.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Great Barrington to continue the employment of fire chief, Harry Jennings, and deputy fire chief, Edward G. McCormick (House, No. 3450) [Local Approval Received].

Great
Barrington,—
firefighters.

By the same member, for the same committee, on a joint petition, a Bill relative to the regulation of salaries of employees of the town of Weston serving in the armed forces of the United States (House, No. 3463) [Local Approval Received].

Weston,—
salaries.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on a petition, a Bill designating a certain bridge in the town of Framingham as the Greg Vilidnitsky Bridge (House, No. 3572).

Framingham,—
Vilidnitsky
Bridge.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Recess.

At three minutes after eleven o'clock A.M., on motion of Mr. D'Emilia of Bridgewater (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after one o'clock P.M.; and at twenty-seven minutes before two o'clock, the House was called to order with the Mr. Mariano of Quincy in the Chair.

Recess.

Papers from the Senate.

The House Bill creating a water supply system in the town of Rochester (House, No. 576), 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 following:

Rochester,—
water
supply.

“SECTION 1. (a) Notwithstanding section 39A of chapter 40 of the General Laws prohibiting a town from establishing a water supply system while its inhabitants are being served directly by a water company or water supply district, water district or fire district supplying water to its inhabitants and notwithstanding any other general or special law to the contrary, the town of Rochester may establish a water department and water supply system pursuant to said section 39A of said chapter 40.

(b) The water department and water supply system established pursuant to subsection (a) shall be managed, improved and controlled by a board of water commissioners who shall be elected as provided in section 69A of chapter 41 of the General Laws.

Rochester,—
water
supply.

SECTION 2. This act shall take effect upon its passage.”; and striking out the title and inserting in place thereof the following title: “An Act authorizing the town of Rochester to establish a water department and water supply system.”.

Under suspension of Rule 35, on motion of Mr. Straus of Mattapoisett, 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.

Milton,—
Max Ulin
Skating
Rink.

A Bill authorizing the Division of Capital Asset Management and Maintenance to lease the Max Ulin Skating Rink in the town of Milton (Senate, No. 2044) (on Senate bill No. 2039, which had been reported from the Senate committee on Ways and Means under the provisions of Senate Rule 19), 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 the matter be scheduled for consideration by the House.

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

Reports of Committees.

Paul J.
Blanchette, Jr.,—
creditable
service.

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 Cleon H. Turner and Charles A. Murphy for legislation to authorize the State Retirement Board to grant certain creditable service to Paul J. Blanchette, Jr. Under suspension of the rules, on motion of on motion of Mrs. Haddad of Somerset, 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.

Jay
Brinkerhoff,—
sick leave
bank.

By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick bank for Jay Brinkerhoff (House, No. 3752). 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 Ms. Khan of Newton, the bill was read a second time forthwith; and it was ordered to a third reading.

Engrossed Bills.

Engrossed bills

Bills
enacted.

Authorizing the water commissioners to act as sewer commissioners in the town of Freetown (see House, No. 1164);

Exempting certain positions in the town of Burlington from the civil service law (see House, No. 3488);

Exempting the position of fire chief of the town of Natick from the civil service law (see House, No. 3508); and

Authorizing the town of Hanover to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 3721);

(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.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement over an access road in Upton State Forest (see House, No. 3706) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

Upton,—
land.

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 on the roll call 152 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 119.

[See Yea and Nay No. 119 in Supplement.]

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

The engrossed Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Hopkinton (see House, No. 3341, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

Hopkinton,—
land.

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 on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 120.

[See Yea and Nay No. 120 in Supplement.]

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

The engrossed Bill authorizing a design and build contract for and lease of a recreational facility in the city known as the town of Braintree (see House, No. 3660, amended) (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.

Braintree,—
land.

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 on the roll call 148 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 121.

[See Yea and Nay No. 121 in Supplement.]

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

The engrossed Bill authorizing the certain structures to be exempted from certain harbor lines in Chelsea Creek (see House, No. 3690) (which originated in the House), in respect to which the Senate had

Chelsea
Creek,—
land.

Bill enacted
(land taking),—
yea and nay
No. 122.

concurred in adoption of the emergency preamble, was put upon its final passage.

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 on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 122 in Supplement.]

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

Recess.

Recess.

At seventeen minutes after two o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Mariano of Quincy being in the Chair), the House recessed until a quarter before three o'clock P.M.; and at twelve minutes before three o'clock P.M., the House was called to order with the Mr. Mariano in the Chair.

Report of a Committee.

Redistricting,—
procedures.

Mr. Binienda of Worcester, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C), an Order relative to special procedures for consideration of the House Bill relative to establishing Representative districts in the General Court (printed in House, No. 3770) (for order, see House, No. 3769).

Quorum.

Pending the question on adoption of the order, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Mariano of Quincy), 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. 123.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 149 members were recorded as being in attendance.

[See Yea and Nay No. 123 in Supplement.]

Therefore a quorum was present.

After debate the order (House, No. 3769) was adopted.

Motion to Discharge a Certain Matter in the Orders of the Day.

Nonprofits,—
retirement.

The House Bill to provide retirement options for nonprofit organizations (House, No. 2411), was taken from its position in the Orders of the Day, and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Bradley of Hingham.

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. 3754),— was adopted.

The substituted bill then was ordered to a third reading.

Subsequently under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act providing retirement options for nonprofit organizations."

After debate on the question on passing the substitute bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Bradley of Hingham; and on the roll call 145 members voted in the affirmative and 7 in the negative.

[See Yea and Nay No. 124 in Supplement.]

Therefore the bill (House, No. 3754) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed to
be engrossed,—
yea and nay
No. 124.

Orders of the Day.

Senate bills

Relative to the contributions of certain employees in the town of Plymouth (Senate, No. 1346); and

Establishing a sick leave bank for Scott Hayward, an employee of the Executive Office of Health and Human Services (Senate, No. 2038);

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, in concurrence.

Third
reading
bills.

House bills

Removing the requirement notice to provide notice to the Department of Mental Health of a license granted to a guardian to sell real estate (House, No. 2263); and

Relative to the granting of club and special licenses for the sale of alcoholic beverages in the town of Weston (House, No. 3459);

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.

Third
reading
bills.

The House Bill establishing a sick leave bank for Dinamarie McCarthy, an employee of the Department of Children and Families (House, No. 3749), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Dinamarie
McCarthy,—
sick leave
bank.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by adding the following sentence: "Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department."; 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 establish forthwith a sick leave bank for a certain employee of the department of children and families, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendments were adopted; and the bill (House, No. 3749, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Senate bills

Amending contract procedures in the city of Boston (Senate, No. 1054); and

Providing for the establishment of a fire department in the town of Newbury (Senate, No. 1941, amended); and

Second
reading
bills.

Second
reading
bills.

House bills

Relative to environmental performance standards for plumbing fixtures (House, No. 231, changed);

Authorizing the town of Bolton to grant a license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (House, No. 3497);

Authorizing the town of Westford to issue two additional liquor licenses (House, No. 3583);

Authorizing a ballot question in the town of Arlington relative to the granting of licenses for the sale of wines and malt beverages to be drunk on the premises in theaters (House, No. 3647);

Authorizing a ballot question in the town of Arlington relative to the granting of additional licenses for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3648); and

Further compensating the town of Rochester for water facilities (House, No. 3670);

Severally they were read a second time; and they were ordered to a third reading.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

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

Mr. Peterson of Grafton 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 three o'clock P.M. (Mr. Mariano of Quincy being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.