

JOURNAL OF THE HOUSE.

Thursday, June 14, 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.

Resignation of Representative Vallee of Franklin.

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

June 12, 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 respectfully submit to you my resignation as the Representative from the 10th Norfolk District effective 5:00 P.M. June 15, 2012.

Respectfully,

JAMES E. VALLEE,
State Representative,
10th Norfolk District.

Resolutions.

James M. Hurley.

Resolutions (filed with the Clerk by Messrs. Cusack of Braintree and Ayers of Quincy) honoring the memory of James M. Hurley on the dedication of the James M. Hurley Veterans and Senior Center in the town of Randolph, were referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

The following order (filed by Mr. Walsh of Lynn) 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 Health Care Financing be granted until Friday, June 15, 2012, within which to make its final report on current Senate docu-

Health Care Financing,—extension of time for reporting.

ments numbered 30, 32, 33, 44, 54, 57, 69, 70, 71, 269, 273, 281, 289, 292, 343, 382, 419, 480, 481, 482, 484, 488, 489, 491, 494, 495, 496, 497, 498, 499, 500, 501, 504, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 524, 526, 536, 537, 539, 545, 546, 547, 549, 550, 551, 553, 554, 556, 557, 558, 559, 733, 978, 979, 982, 988, 989, 990, 1079, 1094, 1101, 1107, 1118, 1121, 1123, 1164, 1235, 1893, 1999, 2006, 2057, 2156, 2164, 2167, 2177, 2181, 2182 and 2210 and current House documents numbered 45, 46, 47, 49, 51, 63, 64, 65, 74, 75, 76, 81, 182, 187, 273, 279, 295, 306, 332, 333, 334, 335, 336, 337, 338, 340, 342, 343, 344, 346, 550, 554, 598, 606, 623, 677, 680, 704, 975, 1100, 1101, 1206, 1211, 1223, 1224, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1238, 1239, 1241, 1418, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1428, 1431, 1433, 1435, 1467, 1479, 1484, 1488, 1489, 1492, 1494, 1496, 1500, 1513, 1514, 1519, 1521, 1523, 1530, 1543, 1856, 2039, 2057, 2079, 2087, 2088, 2089, 2090, 2091, 2092, 2094, 2095, 2096, 2097, 2099, 2101, 2306, 2316, 2333, 2343, 2362, 2373, 2375, 2452, 2682, 2683, 2727, 2765, 2777, 2778, 2779, 2780, 2782, 2783, 2876, 2880, 2900, 3104, 3105, 3106, 3134, 3296, 3480, 3543, 3627, 3641, 3696, 3904, 3984, 3995, 4034 and 4097.

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. Walsh of Lynn, the order was considered forthwith. Pending the question on adoption of the order, Mr. Walsh moved to amend it by striking out the date "June 15" and inserting in place thereof the date "June 29"; and the amendment was adopted.

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

Reports of Committees.

By Mr. Walsh of Lynn, for the committee on Health Care Financing, asking to be discharged from further consideration

Of the Bill to provide access to hearing aids for children (House, No. 52, changed); and

Children,—hearing aids.

Of the joint petition (accompanied by bill, House, No. 4034) of Bradley H. Jones, Jr., Bruce E. Tarr and others relative to health care services;

Health care services.

And recommending that the same be referred to the committee on Ways and Means.

Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence inasmuch as relates to the discharge of the committee.

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 designating certain bridges in the town of Bourne as the Staff Sergeant Matthew A. Pucino bridges (Senate, No. 2218); and House bills

Bourne,—Pucino bridges.

Designating a certain section of state highway Route 2 in the city of Cambridge and town of Arlington as the James M. Gavin Memorial Highway (House, No. 913);

Gavin highway.

Freetown. To designate a certain traffic circle in the town of Freetown (House, No. 1784);

Carver,— Designating a certain bridge in the town of Carver as the Julian bridges. Southworth and Nelson J. Garnett Memorial Bridge (House, No. 2640);

Simonelli, etc. Designating a portion of Interstate 290 as the Michael Simonelli and overpass. Michael Gabriele Overpass (House, No. 3212);

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

Newburyport,— Exempting the positions of plumbing inspector and gas fitting civil service. inspector in the city of Newburyport from the civil service law and section 11 of chapter 142 of the General Laws (House, No. 3848) [Local Approval Received];

Hopedale,— Authorizing the town of Hopedale to allow direct deposit of receipts direct deposits. into certain funds (House, No. 3937) [Local Approval Received];

New Bedford,— Relative to the designation of a portion of Route 6 in New Bedford Hebert highway. in honor of Roland J. Hebert (House, No. 3970, changed);

Haverhill,— Authorizing the appointment of William M. Cowl, Jr. as a fire- William Cowl. fighter in the city of Haverhill notwithstanding the maximum age requirement (House, No. 3990) [Local Approval Received];

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

Chereel Establishing a sick leave bank for Chereel Stafilopatis, an employee Staffilopatis,— of the Executive Office of Health and Human Services (House, No. 4166); sick leave bank. 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.

Educational By Ms. Malia of Boston, for the committee on Mental Health and psychologists. Substance Abuse, on a petition, a Bill to improve access to the services of educational psychologists (House, No. 3992, changed in section 1, in lines 7 and 8, in section 2, in lines 15 and 16, in section 3, in lines 23 and 24, in section 4, in lines 31 and 32 and in section 5, in lines 39 and 40, by striking out, in each instance, the words "within the lawful scope of practice or such educational psychologist", in section 6, in line 42, by striking the year "2006" and inserting in place thereof the year "2010", and, in line 44, by striking the year "2006" and inserting in place thereof in the year "2012"). Referred, under Rule 1E, to the committee on Health Care Financing.

HIV/AIDS,— By Mr. Walsh of Lynn, for the committee on Health Care Financing, study. that the recommitted Bill relative to the establishment of a commission to modernize HIV/AIDS prevention and treatment (House, No. 3865), ought to pass. Read; and referred, under Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Walsh of Lynn, for the committee on Health Care Financing, that the following bills ought to pass:

Nursing home,— Relative to the calculation of income for spouses of nursing home costs. residents (House, No. 1966) [Cost: Greater than \$100,000.00]; and

Requiring the sterilization of musical instruments in schools (House, Instruments,— No. 3893) [Cost: Greater than \$100,000.00]. sterilization.

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

By Ms. Forry of Boston, for the committee on Community Development and Small Businesses, on House, No. 1867, a Bill to allow certain Stores,— stores and shops to open on holidays (House, No. 4173). holidays.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on House, No. 1808, a Bill relative to speed limits (House, No. 4165). Speed limits.

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

By Mr. Walsh of Lynn, for the committee on Health Care Financing, on the Bill relative to improving health care quality and cost in the medical device industry (House, No. 1507) and the petition (accompanied by bill, House, No. 2080) of Garrett J. Bradley and Bruce E. Tarr relative to the provision of or payment for meals for health care practitioners, that the bill (House, No. 1507), ought to pass. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Medical devices.

By Mr. Walsh of Lynn, for the committee on Health Care Financing, that the following bills ought to pass:

Relative to the prevention of falls in the elderly community (House, No. 180); and Elderly,— falls.

For consumer protection and regulation in psychotherapy (House, No. 4123); Psychotherapy.

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

By Mr. Binienda of Worcester, for the committee on Rules, that the Bill establishing a Mystic River water quality commission (House, Mystic Mystic River. No. 1156), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Engrossed Bills.

Engrossed bills
Establishing a sick leave bank for Dacia Thompson, an employee of the Department of Children and Families (see House, No. 4029); and Bills enacted.
Establishing a sick leave bank for Mark Lewis, an employee of the Department of Developmental Services (see House, No. 4065);

(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.

The engrossed Bill relative to the Essex Regional Retirement System (see Senate, No. 2230) (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 acting Speaker and sent to the Senate. Bill enacted.

Recesses.

Recesses. At twenty-two minutes before twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until twelve o'clock noon; and at that time the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mrs. Poirier of North Attleborough, until half past twelve o'clock; and at eighteen minutes after one o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Papers from the Senate.

Health care,— quality and costs. The Senate Bill improving the quality of health care and reducing costs through increased transparency, efficiency and innovation (Senate, No. 2270), came from the Senate with the endorsement that said branch had non-concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House, No. 4155).

Committee of conference. The bill bore the further endorsement that the Senate had asked for a committee of conference on the disagreeing votes of the two branches; and that Senators Richard T. Moore, Petrucelli and Tarr had been appointed the committee on the part of the Senate.

Id. On motion of Mr. Walsh of Lynn, the House insisted on its amendment, concurred in the appointment of a committee of conference; and Representatives Walsh of Lynn, Mariano of Quincy and Barrows of Mansfield were joined as the committee on the part of the House. Sent to the Senate to be noted.

Supplemental appropriations. The House Bill making appropriations for the fiscal year 2011 for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4144), came from the Senate passed to be engrossed, in concurrence, with amendments

In section 2, after item 8700-1150, inserting the following item:

"8800-0085	For services and costs associated with the repair of Mill Pond Dam in Rockport	\$300,000";
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Inserting after section 8 the following section:

"SECTION 8A. Section 58 of chapter 31 of the General Laws, as so appearing, is hereby amended by inserting after the word 'examination,' in line 24, the following words:— ; provided, however, that an applicant who was not 21 years of age on or before the date of an original examination but has since reached the age of 21 while serving on active military duty shall be eligible for any subsequent make-up examination that is offered."

In section 19 (as published), in line 328, by striking out the word "and" and inserting in place the following word: "or";

In section 28 (as published), in line 406, inserting after the word "section" the words "; provided, however, that before a waiver is sought or a transitional reinsurance program is to be implemented, the commissioner shall provide a report on the decision and the details of any proposed program to the clerks of the senate and house of representatives and the senate and house committee on ways and means";

In section 35 (as published), in line 460, in section 36 (as published), in line 463; in section 40 (as published), in line 480, in section 41 (as published), in line 486, and in section 44 (as published), in line 506, by striking out, in each instance, the words "or dental";

In section 39 (as published), in line 476, inserting after the figures "18063" the following: "; provided, however, that not later than 30 days before a risk adjustment program is established, the board shall provide a report of the program to the clerks of the senate and house of representatives, the senate and house committee on ways and means and the joint committee on health care financing";

Inserting after section 41 (as published) the following section: "SECTION 41A. Said section 5 of said chapter 176Q, as so appearing, is hereby further amended by striking out, in line 11, the word 'Plans, and inserting in place thereof the following words:— Health plans.'";

In section 42 (as published), in line 490, and in section 44 (as published), in line 504, inserting after the word "or", in each instance, the words "stand alone";

Inserting after said section 44 the following 4 sections: "SECTION 44A. Section 277 of chapter 60 of the acts of 1994 is hereby amended by striking out, in lines 2, 3, 7, 13, 16, 23, 25, 26, 34, 43, 48, 53, 119, 121, 126, 129, 132, 133, 135, 140, 206 and 209 the word 'college' and inserting in place thereof, in each instance, the word 'university'.

SECTION 44B. Subsection (b) of said section 277 of said chapter 60 is hereby amended by inserting after the definition of 'educational institution' the following definition:—

'Enterprise center', the enterprise center at Salem state university, a small business growth center which attracts and retains small and growing businesses and offers a wide range of workshops and educational programs for entrepreneurs, owners of small and growing businesses and managers of non-profit organizations and provides office and light manufacturing space and related facilities.

SECTION 44C. Said subsection (b) of said section 277 of said chapter 60 is hereby further amended by striking out the definition of 'site, and inserting in place thereof the following definition:—

'Site', the 37.5 acre site, within the city of Salem, which was formerly the site of the GTE/Sylvania plant, located proximately between the north and south campuses of Salem state university and such other properties, including land and buildings thereon, that are determined by the corporation to be important in allowing the corporation to fulfill its purposes under paragraph (5) of subsection (c).

SECTION 44D. Subsection (c) of said section 277 of said chapter 60 is hereby amended by striking out paragraph (5) and inserting in its place the following paragraph:—

(5) The purposes of the corporation shall be to (i) promote the orderly growth and development of the university; (ii) to assist the university in securing physical and financial resources necessary for the acquisition and development of the site; and (iii) to manage and operate the enterprise center."

In section 45 (as published), in line 515, inserting after the word "center" the following: "; and provided further, that the courthouse

Supplemental
appropriations.

master plan shall be completed not later than May 1, 2013", and inserting after said section the following section:

"SECTION 45A. Item 2840-7014 of section 2A of chapter 312 of the acts of 2008 is hereby amended by striking out, in line 85, the words "in Jamaica Plain, and inserting in place thereof the following:— and recreation center in the Jackson Square section of Roxbury and Jamaica Plain and such funds shall be provided to the developer designated by the city of Boston through the selection process initiated in July 2004 and following approval of the project through the city of Boston's Article 80 process, which approval was granted on June 16, 2011, and documented in the approved memorandum to the Boston Redevelopment Authority dated June 16, 2011.";

Inserting after section 46 (as published) the following section:

"SECTION 46A. Item 0900-0100 of section 2 of chapter 68 of the acts of 2011 is hereby amended by adding the following words:— ; and provided further that any funds remaining in this item on June 30, 2012 shall not revert and shall be available for expenditure by this item until June, 30 2013.";

In section 53, in line 583, striking out the date "May 15, 2012" and inserting in place thereof the date "June 30, 2012";

By striking out sections 63 to 69, inclusive, and by striking out section 71; and

By adding the following section:

"SECTION 72. Section 18 shall take effect on October 1, 2012."

Under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

On further motion of the same member, the House then non-concurred with the Senate in its amendments in section 2, inserting item 8800-0085, and in section 45 (as published), in line 515, inserting after the word "center" the following: "; and provided further, that the court-house master plan shall be completed not later than May 1, 2013".

On further motion of Mr. Dempsey, the House then concurred with the Senate in the remaining amendments with the following further amendments:

By striking out section 8A (inserted by amendment by the Senate) and inserting in place thereof the following section:

"SECTION 8A. Section 58 of chapter 31 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word "examination", in line 24, the following words:— ; provided, however, than an applicant who reached 21 years of age while serving on active military duty, who was not 21 on or before the date of an original examination, shall be eligible for any subsequent make up examination that is offered";

In section 12 (as published), in line 243, and in section 13 (as published), in line 257, by striking out the words "result of" and inserting in place thereof, in each instance, the words "as a result of a health-care associated infection; or";

In section 12 (as published), in line 247, and in section 13 (as published), in line 261, by inserting after the word "or", in each instance, the words "a health-care associated infection or";

By striking out section 45A (inserted by amendment by the Senate); and

In section 54 (as published), in lines 599 to 604, inclusive, by striking out the following: ", the pension begins prior to the employee's normal retirement date, or such higher percentage reduction that may be incorporated into the benefit percentage multipliers contained in the table entitled 'Table Showing Percentage of the Amount of Average Annual Rate of Regular Compensation to be multiplied by the Number of Years of Credible Service for individuals who become members on or after April 2, 2012,' under section 5 of chapter 32 of the General Laws" and inserting in place thereof the words "or the pension begins prior to the employee's normal retirement date".

Sent to the Senate for its action.

Orders of the Day.

House bills

Relative to the regulation of cyber cafes (House, No. 3765); and
Relative to a personal care attendant orientation program (House, No. 4081) (its title having been changed by the committee on Bills in the Third Reading);

Third
reading
bills.

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

The House Bill to prohibit the use of certain liability waivers as against public policy (House, No. 2287), was read a second time.

Public
policy,—
liability
waivers.

Pending the question on ordering the bill to a third reading, Mr. Bradley of Hingham moved to amend it by substitution of a bill with the same title (House, No. 4176), which was read.

The amendment was adopted; and the substituted bill was ordered to a third reading.

Recesses.

At twenty-eight minutes after one o'clock, on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House recessed until three o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

Recesses.

The House thereupon took a further recess, on further motion of Mrs. Poirier, until four o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

Emergency Measure.

The engrossed Bill making appropriations for the fiscal year 2012 for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4144, 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.

Supplemental
appropriations.

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 3 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.

Order.

Next
sitting.

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.

At fourteen minutes after four o'clock P.M., on motion of Mrs. Poirier of North Attleborough (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.