

JOURNAL OF THE HOUSE.

Monday, May 9, 2011.

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).

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. Pledge of allegiance.

Recess.

At two minutes after eleven o'clock A.M. (Mr. Donato being in the Chair), on motion of Mr. Jones of North Reading, the House recessed until the hour of one o'clock P.M.; and at twenty-nine minutes after one o'clock the House was called to order with Mr. Kafka of Stoughton in the Chair. Recess.

Resolutions.

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

Resolutions (filed by Mr. Mariano of Quincy) celebrating twenty-fifth anniversary of the Massachusetts Water Resources Authority; Water Resources Authority.

Resolutions (filed by Mr. Mariano of Quincy) celebrating twenty-fifth anniversary of the Massachusetts Water Resources Authority Advisory Board; Water Authority advisors.

Resolutions (filed by Mr. Peterson of Grafton) congratulating the Northbridge High School boys varsity basketball team on its victory in the 2011 Clark University tournament large school championship and the 2011 Central Mass. Division 2 championship; Northbridge,—basketball team.

Resolutions (filed by Representatives Arciero of Westford, Atkins of Concord, Golden of Lowell and Nangle of Lowell) congratulating Angelo Taranto on the occasion of his appointment as Chelmsford School Committee Special Legislative Liaison; Angelo Taranto.

Resolutions (filed by Mr. Madden of Nantucket) honoring the contributions of Andy Dufresne on the occasion of his eightieth birthday; Andy Dufresne.

Resolutions (filed by Mrs. O'Connell of Taunton) congratulating the Very Reverend Timothy P. Reis, V.F. on the occasion of his twenty-fifth anniversary of his priesthood; Timothy P. Reis, V.F.

Resolutions (filed by Representatives Ross of Attleboro and Poirier of North Attleborough) on the occasion of the one hundredth anniversary of the Community Visiting Nurse Agency; Visiting Nurse Agency.

Resolutions (filed by Mr. Smizik of Brookline) congratulating the third grade students at the Edward Devotion School in Brookline, Massachusetts; and Brookline,—Devotion School.

Resolutions (filed by Mr. Vallee of Franklin) honoring the observance of the Ukrainian genocide; Ukrainian genocide.

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. Winslow of Nor-

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

Communication.

Division of Energy Resources,— regulations.

A communication from the Division of Energy Resources of the Executive Office of Energy and Environmental Affairs (under the provisions of section 12 of Chapter 25A of the General Laws) submitting final proposed regulations (225 CMR 14.00, 15.00 and 16.00) implementing the renewable alternative portfolio standards (RPS and APS) as required by the Green Communities Act (House, No. 3436), was referred to the committee on Telecommunications, Utilities and Energy. Sent to the Senate for concurrence.

Papers from the Senate.

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

May 6, 2011.

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 Senate has called for consideration in Joint Session the following proposals for legislative amendments to the Constitution:

Executive,— Council reform.

Proposal for a legislative amendment to the Constitution relative to the reform of the Executive Council (Senate, No. 14),— with reference to which the committee on the Judiciary has reported, that the amendment ought NOT to pass.

Id.

Proposal for a legislative amendment to the Constitution to provide for the abolition of the Governor's Council (Senate, No. 15),— with reference to which the committee on the Judiciary has reported, that the amendment ought NOT to pass;

Id.

Proposal for a legislative amendment to the Constitution relative to the Governor's Council (Senate, No. 17),— with reference to which the committee on the Judiciary has reported, that the amendment ought NOT to pass; and

Id.

Proposal for a legislative amendment to the Constitution relative to abolishing the Governor's Council (House, No. 511),— with reference to which the committee on the Judiciary has reported, that the amendment ought NOT to pass.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

A report from the committee on Transportation, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1739) of Susan C. Fargo, Thomas P. Conroy and Cory Atkins for legislation relative to the improvement of Route 2, Crosby's Corner Interchange, in the towns of Lincoln and Concord,— and recommending that the same be referred to the Senate committee on Ways and Means, accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, inasmuch as relates to the discharge of the committee.

Crosby's Corner interchange.

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 following petitions:

Petition (accompanied by bill) of Martin J. Walsh and John J. Binienda relative to death, disability or medical claims for certain safety and medical service personnel.

Medical claims.

Petition (accompanied by bill) of Martin J. Walsh relative to the disability pension allowance paid to Lawrence W. Finneran of Hanover, former state police officer.

Lawrence W. Finneran,— pension benefits.

Severally to the committee on Public Service.

Under suspension of the rules, on motion of Mr. Wong of Saugus, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 100) of Carlo Basile relative to price disclosures,— and recommending that the same be referred to the committee on Community Development and Small Businesses.

Price disclosures.

By Ms. Peisch of Wellesley, for the committee on Education, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2713) of Cheryl A. Coakley-Rivera and others relative to establishing middle-skills council and the creation of regional skills academies in the Commonwealth,— and recommending that the same be referred to the committee on Labor and Workforce Development.

Regional skills academies.

Under rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill to establish a sick leave bank for Mitch Dembowski, an employee of the Department of Developmental Services (House, No. 3393), be scheduled for consideration by the House.

Mitch Dembowski,— sick leave.

Under suspension of Rule 7A, on motion of Mr. Scibak of South Hadley, 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:

Robert Hanifin,— sick leave.
Michael Briggs,— sick leave.

Establishing a sick leave bank for Robert P. Hanifin, an employee of the Trial Court (House, No. 3397); and
Establishing a sick leave bank for Michael Briggs, an employee of the Department of Youth Services (House, No. 3398);
Under suspension of Rule 7A, in each instance, on motion of Mr. deMacedo of Plymouth, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Supplemental appropriations.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on House, No. 3429, reported, in part, a Bill making appropriations for the fiscal year 2011 for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3437) [Total appropriation: \$85,460,000]. 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. Provost of Somerville, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Pedone of Worcester, the bill (having been 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.

Court and probation reform.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to the reorganization of the judicial system of the commonwealth (accompanied by bill, House, No. 3395) ought to pass. 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; and it was placed, under said rule, in the Orders of the Day for the next sitting for a second reading.

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

The Senate Bill authorizing the town of Andover to exchange certain parcels of land with the Andover Village Improvement Society (Senate, No. 1028, amended) [Local Approval Received]; and
House bills

Andover,— land conveyance.

Relative to collective bargaining (House, No. 1655); and
Authorizing the licensing authority of the city of Woburn to issue eight additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3343) [Local Approval Received];

Bargaining. Woburn,— alcoholic beverages.

Severally placed in the Orders of the Day for the next sitting for a second reading.

Orders.

The following order (filed by Ms. Wolf of Cambridge) was adopted:

Eminent domain.

Ordered, That the House of Representatives hereby calls for a joint session of the two Houses, conformably to the provisions of Article

XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution for the purpose of considering a proposal for a legislative amendment to the Constitution relative to the subject matter of initiative petitions (House, No. 529),— with reference to which the committee on the Judiciary has reported that the amendment ought to pass.

The following order (filed by Mr. Jones of North Reading) was adopted:

Ordered, That the House of Representatives hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution for the purpose of considering a proposal for a legislative amendment to the Constitution relative to prohibiting eminent domain takings (House, No. 1824),— with reference to which the committee on the Judiciary has reported that the amendment ought to pass.

Eminent domain.

The following order (filed by Mr. Jones of North Reading) was adopted:

Ordered, That the House of Representatives hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution for the purpose of considering a proposal for a legislative amendment to the Constitution repealing automatic increases in compensation for members of the General Court (House, No. 1827),— with reference to which the committee on Public Service has reported, in accordance with Joint Rule 23, that the amendment proposed by said petition ought NOT to pass, the time within which the said committee was required to report having expired.

Legislative compensation.

The following order (filed by Mr. Jones of North Reading) was adopted:

Ordered, That the House of Representatives hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution for the purpose of considering a proposal for a legislative amendment to the Constitution relative to a biennial state budget (House, No. 1828),— with reference to which the joint committee on Ways and Means has reported, in accordance with Joint Rule 23, that the amendment proposed by said petition ought NOT to pass, the time within which the said committee was required to report having expired.

Biennial state budget.

The following order (filed by Mr. Jones of North Reading) was adopted:

Ordered, That the House of Representatives hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution for the purpose of considering a proposal for a legislative amendment to the Constitution limiting budget expenditure growth based on cost-of-living and population (House, No. 1829),— with reference to which the joint committee on Ways and Means has reported, in accordance with Joint Rule 23, that the amendment pro-

Budget expenditure.

posed by said petition ought NOT to pass, the time within which the said committee was required to report having expired.

The following order (filed by Mr. Devers of Lawrence) was adopted:

Home
rule.

Ordered, That the House of Representatives hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution for the purpose of considering a proposal for a legislative amendment to the Constitution relative to home rule (House, No. 3161),— with reference to which the joint committee on Ways and Means has reported, in accordance with Joint Rule 23, that the amendment proposed by said petition ought NOT to pass, the time within which the said committee was required to report having expired.

Emergency Measure.

Jeffrey
Botelho,—
sick leave.

The engrossed Bill establishing a sick leave bank for Jeffrey Botelho, an employee of the Department of Correction (see House, No. 736) 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.

Orders of the Day.

Third
reading
bill.

The House Bill governing the issuance of temporary loans by the town of Winchester (House, No. 1840), 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.

Order.

Next
sitting.

On motion of Mr. DeLeo of Winthrop,—
Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

At twenty-nine minutes before three o'clock P.M., on motion of Mr. deMacedo of Plymouth (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.