

JOURNAL OF THE HOUSE.

Thursday, June 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.

Message from the Governor.

A message from His Excellency the Governor submitting recommendations for making appropriations for the fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3493), was filed in the office of the Clerk on Monday, June 6, 2011. Supplemental appropriations.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Guests of the House.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced the Medford High School Girl's Lacrosse Team, accompanied by their coach Matt Galuci. One of the members of the team in attendance was Alana Viveiros, the daughter of General Court Officer Anthony Viveiros. The acting Speaker, on behalf of the members of the House, then congratulated the team on being three-time Greater Boston League champions. They were the guests of the Chair. Medford High School Girl's Lacrosse Team.

Resolutions.

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

Resolutions (filed by Ms. Ehrlich of Marblehead) congratulating the Marblehead High School's boys' ice hockey team on its Division III state championship; Marblehead,—boys hockey team.

Resolutions (filed by Ms. Ehrlich of Marblehead) congratulating the Marblehead High School's girls ski team on its state ski championship; Marblehead,—girls ski team.

Resolutions (filed by Representatives Ehrlich of Marblehead, Fennell of Lynn, Walsh of Lynn and Wong of Saugus) congratulating the St. Mary's girls basketball team on its MIAA Division III state championship; St. Mary's School,—girls basketball team.

Resolutions (filed by Ms. Gobi of Spencer) congratulating the Salem Cross Inn on the occasion of its fiftieth anniversary; Salem Cross Inn.

Resolutions (filed by Ms. Hogan of Stow) congratulating Chief Mark H. Trefry on the occasion of his retirement from the Stow Police Department; and Mark H. Trefry.

Resolutions (filed by Ms. Peake of Provincetown) honoring Dr. Mary Ann Lanzo for her years of service in education; Mary Ann Lanzo.

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

Communications.

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Civil service lists.

From the Human Resources Division of the Executive Office for Administration and Finance (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a list of certain public safety promotional lists which have been revoked as of May 3, 2011; and

Dukes County Registry of Deeds.

From the Dukes County Registry of Deeds (under Section 2KKK of Chapter 29 of the General Laws) submitting a plan for technological improvements at said registry [copies of said communication referred, as required under said law, to the committees on Ways and Means and Post Audit and Oversight];

Severally were placed on file.

Annual Report.

Farm Technology Review Commission.

The annual report of the Farm Technology Review Commission [copies of said report forwarded to the House committee on Ways and Means and the committee on Environment, Natural Resources and Agriculture], was placed on file.

Petitions.

Petitions severally were presented and referred as follows:

Holyoke,— police department.

By Mr. Kane of Holyoke, a petition (accompanied by bill, House, No. 3484) of Michael F. Kane and Michael R. Knapik (with the approval of the mayor and city council) relative to certain positions in the police department in the city of Holyoke; and

South Hadley,— fire district.

By Mr. Scibak of South Hadley, a petition (accompanied by bill, House, No. 3485) of John W. Scibak and Stanley C. Rosenberg (by vote of the town) relative to the geographic limits of a certain fire district in the town of South Hadley;

Severally to the committee on Municipalities and Regional Government.

Haverhill,— fire chief.

By Representative Dempsey of Haverhill and Senator Baddour, a joint petition (accompanied by bill, House, No. 3486) of Brian S. Dempsey and James J. Lyons, Jr. (with the approval of the mayor and city council) relative to exempting the position of fire chief in the city of Haverhill from the civil service law;

Sherborn,— police chief.

By Representative Linsky of Natick and Senator Ross, a joint petition (accompanied by bill, House, No. 3487) of David Paul Linsky and Richard J. Ross (by vote of the town) that the town of Sherborn be authorized to enter into an employment contract for the position of chief of police of said town;

Burlington,— civil service.

By Representative Murphy of Burlington and Senator Donnelly, a joint petition (accompanied by bill, House, No. 3488) of Charles A. Murphy (by vote of the town) for legislation to exempt certain positions in the town of Burlington from the civil service law; and

By Ms. Reinstein of Revere, a petition (accompanied by bill, House, No. 3329) of Kathi-Anne Reinstein (with the approval of the mayor and city council) relative to special police officers in the city of Revere;

Revere,— police.

Severally to the committee on Public Service.

By Mr. Curran of Springfield, a petition (accompanied by bill, House, No. 3490) of Sean Curran (with the approval of the mayor and city council) that the city of Springfield be authorized to regulate the collection of outstanding excise taxes and the towing of certain motor vehicles and trailers in said city; and

Springfield,— towing.

By Ms. Peake of Provincetown, a petition (accompanied by bill, House, No. 3489) of Sarah K. Peake and Daniel A. Wolf (by vote of the town) relative to rental property tax exemptions in the town of Truro;

Truro,— affordable housing.

Severally to the committee on Revenue.

Severally sent to the Senate for concurrence.

Mr. Keenan of Salem presented a petition (subject to Joint Rule 12) of John D Keenan for legislation to clarify the status of employees of franchisors; and the same was referred, under Rule 24, to the committee on Rules.

Franchises,— employees.

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. Smizik of Brookline, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Community Development and Small Businesses. Sent to the Senate for concurrence.

Mr. Cantwell of Marshfield presented a petition (subject to Joint Rule 12) of James M. Cantwell and Garrett J. Bradley relative to reimbursement to municipalities for costs relating to storm damage; and the same was referred, under Rule 24, to the committee on Rules.

Municipal,— storm costs.

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. Smizik of Brookline, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Mr. Markey of Dartmouth presented a petition (subject to Joint Rule 12) of Christopher M. Markey that the Division of Capital Asset Management and Maintenance be authorized to release a certain agricultural preservation restriction on land under the control of the Commonwealth and located in the town of Dartmouth; and the same was referred, under Rule 24, to the committee on Rules.

Dartmouth,— land easement.

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. Smizik of Brookline, the

report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Gina Rossi,—
sick leave. By Mr. Boldyga of Southwick, a petition (subject to Joint Rule 12) of Nicholas A. Boldyga for legislation to establish a sick leave bank for Gina Rossi, an employee of the Parole Board.

Insurances,—
tiered plans. By Mr. Cantwell of Marshfield, a petition (subject to Joint Rule 12) of James M. Cantwell relative to tiered accident and sickness insurance plans covering individuals, adults plus an individual and families.

Military duty,—
tax exemption. By Mr. Collins of Boston, a petition (subject to Joint Rule 12) of Nick Collins and others for legislation to exempt persons serving on active military duty from the income tax.

Boston,—
public health surveillance. By Mr. Sánchez of Boston, a petition (subject to Joint Rule 12) of Jeffrey Sánchez (with the approval of the mayor and city council) relative to sharing confidential health data with the Boston Public Health Commission pertaining to the residents of said city for the purpose of public health surveillance.

Higher education,—
teacher training. By Mr. Sannicandro of Ashland, a petition (subject to Joint Rule 12) of Tom Sannicandro for legislation to provide for higher education requirements for the training of teachers in the successful transition of students with disabilities to post-secondary education, employment, and independent living.

Milton,—
Ulin Rink. By Mr. Timilty of Milton, a petition (subject to Joint Rule 12) of Walter F. Timilty, Linda Dorcena Forry and Angelo M. Scaccia for legislation to authorize the lease of the Max Ulin Rink to the town of Milton.

Nancy Arcelia Williams-Sullivan,—
sick leave. By Messrs. Timilty of Milton and Ayers of Quincy, a petition (subject to Joint Rule 12) of Walter F. Timilty, Bruce J. Ayers and Mark James Cusack for legislation to establish a sick leave bank for Nancy Arcelia Williams-Sullivan, an employee of the Massachusetts Rehabilitation Commission.

Children,—
testimony. By Mr. Turner of Dennis, a petition (subject to Joint Rule 12) of Cleon H. Turner relative to recording the testimony of children as witnesses in certain court proceedings.

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

Papers from the Senate.

Montague,—
alcoholic beverages. The House Bill authorizing the town of Montague to grant a license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3311), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Montague may grant a license for the sale of all alcoholic beverages not to be drunk on the premises to Sahirat, LLC doing business as Carroll’s Market located at 33 East Main street in the Millers Falls Village section of the town of Montague under section 15 of said chapter 138. The license shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall not approve the transfer of the license to any other location but it may grant the license to a new applicant at the same location if the applicant files with the authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically with all of the legal rights, privileges and restrictions pertaining thereto to the licensing authority which may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage.”

Under suspension of Rule 35, on motion of Mr. Kulik of Worthington, 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.

Bills

Establishing a sick leave bank for Christine S. Drew, an employee of the Trial Court (Senate, No. 1925) (on Senate, No. 1913); and

Christine S. Drew.

Authorizing the town of Ipswich to grant an easement for the North Green Sidewalk (Senate, No. 1930) (on Senate bill No. 1057) [Local Approval Received];

Ipswich,—
North Green improvements.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 1927) of Bruce E. Tarr and Bradford Hill (by vote of the town) for legislation to modify the appointment of FEOFFEES of Ipswich grammar school. To the committee on Municipalities and Regional Government.

Ipswich,—
FEOFFEES.

Petition (accompanied by bill, Senate, No. 1929) of Thomas M. McGee and Lori Ehrlich (by vote of the town) for legislation to exempt the position of police chief in the town of Marblehead from the civil service law. To the committee on Public Service.

Marblehead,—
police chief.

Petition (accompanied by bill, Senate, No. 1926) of John F. Keenan (with the approval of the mayor and city council) for legislation to authorize the city of Quincy to establish neighborhood speed reduction zones. To the committee on Transportation.

Quincy,—
speed zones.

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:

Joint petition (accompanied by bill) of Charles A. Murphy, James R. Miceli and Bruce E. Tarr (by vote of the town) for legislation to exempt the town of Wilmington from liability relative to the solid waste landfill, commonly known as the “Maple Meadows Landfill” located in said town. To the committee on Environment, Natural Resources and Agriculture.

Wilmington,—
Maple Meadows Landfill.

Nancy Whittier,—
sick leave.

Petition (accompanied by bill) of Bradford Hill for legislation to establish a sick leave bank for Nancy Whittier, an employee of the Trial Court. To the committee on the Judiciary.

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

Toby Miller,—
sick leave.

By Mr. Scibak of South Hadley, for the committee on Public Service, on a joint petition, a Bill establishing a sick bank for Toby Miller (House, No. 3473).

Michael W. Kaplon,—
sick leave.

By the same member, for the same committee, on a joint petition, a Bill establishing a sick leave bank for Michael W. Kaplon, an employee of the Department of Revenue (House, No. 3482).

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

Mr. Kafka of Stoughton, for said committee, reported, in each instance, that the matter be scheduled for consideration by the House. Under suspension of the rules, in each instance, on motion of the same member, the bills were read a second time forthwith; and they were ordered to a third reading.

Norfolk County Agricultural School.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill authorizing the Norfolk County commissioners to borrow money for the repair, renovation and construction, equipping and furnishing of buildings at Norfolk County Agricultural School in the town of Walpole (Senate, No. 1062, amended), be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Families,—
services.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on Senate, No. 66 and House, No. 1294, a Bill regarding families and children engaged in services (House, No. 3492). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Price disclosure.

By Ms. Forry of Boston, for the committee on Community Development and Small Businesses, on Senate, Nos. 77, 94, 1844 and 1848, and on House, Nos. 100, 987, 993, and 995, a Bill relative to clean and conspicuous price disclosure (House, No. 3491). Read; and referred, under Rule 33, to the committee on Ways and Means.

Emergency Measure.

Robert P. Hanifin,—
sick leave bank.

The engrossed Bill establishing a sick leave bank for Robert P. Hanifin, an employee of the Trial Court (see House, No. 3397, 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 4 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills
Establishing a separate cemetery commission for the town of Nantucket (see House, No. 567); Bills enacted.
Authorizing the town of Winchester to issue certain temporary loans in anticipation of bonds (see House, No. 1840); and
Establishing voting precincts in the town of Middleton (see House, No. 3468);
(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 it were signed by the acting Speaker and sent to the Senate.

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 eighteen minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (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.