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Massachusetts House Journal, August 1, 2011

Monday, August 1, 2011

Massachusetts House of Representatives
2011 Regular Session

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Kafka of Stoughton 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. Kafka), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

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

Resolutions (filed by Representatives Barrows of Mansfield, Poirier of North Attleborough and Kafka of Stoughton) congratulating Patsy Tartufo on the occasion of his one hundredth birthday;

Resolutions (filed by Mr. Brownsberger of Belmont) honoring Lance Corporal Connor Maguire for his distinguished military service upon his safe return from combat duty in Afghanistan;

Resolutions (filed by Mr. Fernandes of Milford) congratulating Garrett Anthony Menna on earning the Eagle Scout Award;

Resolutions (filed by Mr. Madden of Nantucket) congratulating Nantucket Cottage Hospital on its one hundredth anniversary;

Resolutions (filed by Mr. Smola of Palmer) honoring Richard Paul Kaczmarczyk on the occasion of his retirement; and

Resolutions (filed by Messrs. Stanley of Waltham and Kaufman of Lexington) congratulating Allie McMullen for receiving the "Hero Among Us Award" from the Boston Celtics for her outstanding work in the diabetes community;

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

Petitions.

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 3647) of Sean Garballey, William N. Brownsberger and Jay R. Kaufman (by vote of the town) that the town of Arlington be authorized to place a ballot question before the voters relative to granting licenses for the sale of beer and wine to be drunk on the premises in theaters; and

By the same member, a petition (accompanied by bill, House, No. 3648) of Sean Garballey, William N. Brownsberger and Jay R. Kaufman (by vote of the town) that the town of Arlington be authorized to place a ballot question before the voters relative to granting two additional licenses for the sale of all alcoholic beverages not to be drunk on the premises;

Severally to the committee on Consumer Protection and Professional Licensure.

By Representative Barrows of Mansfield and Senator Timilty, a joint petition (accompanied by bill, House, No. 3649) of F. Jay Barrows and James E. Timilty (by vote of the town) that the town manager of the town of Foxborough be authorized to manage and direct the daily reporting and supervision of the department of health in said town;

By Representative Bradley of Hingham and Senator Hedlund, a joint petition (accompanied by bill, House, No. 3650) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the town of Hull be authorized to extend the lease of the Scout Building in said town;

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 3651) of Sean Garballey, William N. Brownsberger and Jay R. Kaufman (by vote of the town) relative to the human resources department of the town of Arlington;

By the same member, a petition (accompanied by bill, House, No. 3652) of Sean Garballey, William N. Brownsberger and Jay R. Kaufman (by vote of the town) relative to the submission of budget recommendations to the board of selectmen in the town of Arlington; and

By Mr. Scibak of South Hadley, a petition (accompanied by bill, House, No. 3653) of John W. Scibak and Stanley C. Rosenberg (by vote of the town) that the town of South Hadley be authorized to pay a certain unpaid bill to Meadowbrook Golf;

Severally to the committee on Municipalities and Regional Government.

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 3654) of Sean Garballey, William N. Brownsberger and Jay R. Kaufman (by vote of the town) that certain future employees of the town of Arlington be exempt from the provisions of civil service law. To the committee Public Service.

Severally sent to the Senate for concurrence.

Papers from the Senate.

A Bill providing access to forensic and scientific analysis (Senate, No. 1987, amended in lines 66 to 70, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“(iv) the moving party's attorney in the underlying case was aware at the time of the conviction of the existence of the evidence or biological material, the results of the requested analysis were admissible as evidence in courts of the commonwealth, a reasonably effective attorney would have sought the analysis and either the moving party's attorney failed to seek the analysis or the judge denied the report; or”, in lines 90 to 94, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“(e) The court shall expeditiously review all motions filed and shall dismiss, without prejudice, any such motion without a hearing if the court determines, based on the information contained in the motion, that the motion does not meet the requirements set forth in this section. The prosecuting attorney may provide a response to the motion, to assist the court in considering whether the motion meets the requirement under this section. The court shall notify the moving party and the prosecuting attorney as to whether the motion is sufficient to proceed under this chapter or is dismissed.”, in line 168 by striking out the words “endeavor to”, and in lines 191 and 192 by striking out the words “by the moving party as an extra fee or cost in an amount the court deems equitable” and inserting in place the words “by the moving party to the maximum feasible amount possible given the financial resources of the moving party as the court deems equitable”) (on Senate bill No. 753), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 1995) of Daniel A. Wolf for legislation relative to fire training. To the committee on Public Safety and Homeland Security.

Petition (accompanied by bill, Senate, No. 1996) of Michael J. Rodrigues, Michael O. Moore, Bruce E. Tarr, Michael R. Knapik and other members of the General Court for legislation relative to the use of off-highway and recreational vehicles. To the committee on Transportation.

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 Angelo M. Scaccia relative to the issuance of "Gold Star Family" registration plates. Under suspension of the rules, on motion of Mr. Wong of Saugus, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a joint petition, a Bill approving the conveyance by the Nantucket Islands Land Bank of certain land situated in the town of Nantucket (House, No. 569) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the creation of a water supply system in the town of Rochester (House, No. 576) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the cable PEG access enterprise accounts (House, No. 1451).

By the same member, for the same committee, on a joint petition, a Bill providing a simplified procedure for municipal acceptance of subdivision roads in the town of Franklin (House, No. 1459) [Local Approval Received].

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

Orders of the Day.

Relative to water commissioners in the town of Freetown (House, No. 1164) (its title having been changed by the committee on Bills in the Third Reading);

Exempting employees of the school department in the town of Acushnet and town of Acushnet clerical and janitorial employees from the civil service law (House, No. 1618);

Establishing a Barrier Beach protection stabilization fund in the town of Dennis (House, No. 3258); and

Establishing a sick leave bank for Kevin R. Byrne, Sr., an employee of the Trial Court (House, No. 3586);

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.

The House Bill establishing a sick leave bank for Arcelia Williams-Sullivan, an employee of the Massachusetts Rehabilitation Commission (House, No. 3588) (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.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it 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 Massachusetts rehabilitation commission, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendment was adopted; and the bill (House, No. 3588, 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 Thursday next at eleven o'clock A.M.

At ten minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M., in an Informal Session.

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