

Thursday, May 12, 2011.

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

Message from the Governor.

Youth violence,—prevention tools.

A message from His Excellency the Governor recommending legislation relative to providing law enforcement with tools to prevent youth violence (House, No. 3441), was filed this day in the office of the Clerk.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Judiciary. Sent to the Senate for concurrence.

Guest of the House.

Ryan Koleda.

During the session, the Chair (Mr. Pedone of Worcester) declared a brief recess and introduced Ryan Koleda, a student from Gordon College, upon her last day of service as legislative intern for Mr. O'Day of West Boylston. Ryan, who will be receiving her degree on May 21, was the guest of Mr. O'Day.

Resolutions.

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

Whitinsville Christian School.

Resolutions (filed by Mr. Peterson of Grafton) congratulating the Whitinsville Christian School boys varsity basketball team on its 2011 Division III state championship;

Patti Mason.

Resolutions (filed by Mr. Arciero of Westford) congratulating Patti Mason on being named the 2011 Kiwanis Person of the Year;

Webster,—St. Louis School.

Resolutions (filed by Mr. Kuros of Uxbridge) congratulating the St. Louis School boys junior varsity basketball team on its 2011 New England Catholic Youth Organization Regional Championship;

Judith Hollander.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Judith Hollander on receiving the Gold Award of the Girl Scouts of America;

Philip P. Madaio.

Resolutions (filed by Mr. O'Day of West Boylston) congratulating Philip P. Madaio on being named the recipient of the Award of Merit from the Armed Forces Committee of Worcester County; and

Joyce M. Hogan.

Resolutions (filed by Mr. Scaccia of Boston) commending Joyce M. Hogan for her dedication and service to the Lions Club International and her service as District Governor of the Lions of Massachusetts, District 33K in 2010-2011;

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. Wong of Saugus, 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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From the Executive Office of Health and Human Services (Section 170 of Chapter 131 of the Acts of 2010) submitting a report relative to rates for social service programs and cost controls [copies of said communication forwarded to the House committee on Ways and Means and the committees on Children, Families and Persons with Disabilities and Health Care Financing].

Social service programs,—rates.

From the Green Communities Division of the Executive Office of Energy and Environmental Affairs (Section 10 of Chapter 25A of the General Laws) submitting an annual report relative to activities and accomplishments related to the Green Communities Program since April, 2010 [copies of said communication forwarded to the House committee on Ways and Means and the committees on State Administration and Regulatory Oversight and Telecommunications, Utilities and Energy].

Green Communities Program.

Severally were placed on file.

Annual, Quarterly and Special Reports.

Annual report of the Executive Office of Elder Affairs (under Section 2 of Chapter 211 of the Acts of 2006) relative to pre-admission counseling for long-term care services;

Long-term care counseling.

Quarterly report of the Massachusetts Department of Transportation (under Section 149 of Chapter 25 of the Acts of 2009) relative to the progression of the incorporation of the agencies and authorities into the Massachusetts Department of Transportation; and

Department of Transportation.

Special reports of the Department of Public Health (under the provisions of sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspections of the following ten facilities:

Public Health,—inspection reports.

Berkshire County Jail and House of Correction in the city of Pittsfield; Franklin County Jail and House of Correction in the city of Greenfield; Hampden County Sheriff's Department in the town of Ludlow; Hampden County Sheriff's Department in the town of Ludlow; Hampden County Sheriff's Office in the town of Ludlow; M.C.I. Plymouth in the town of Carver; Suffolk County House of Correction in the city of Boston; Suffolk County Jail in the city of Boston;

Western Massachusetts Women's Correctional Center in the city of Chicopee; and

Worcester County Jail and House of Correction in the town of West Boylston;

Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

Somerville,—
charter.
By Representative Provost of Somerville and Senator Jehlen, a joint petition (accompanied by bill, House, No. 3442) of Denise Provost, Patricia D. Jehlen and others (with the approval of the mayor and board of alderman) relative to the charter of the city of Somerville.

Springfield,—
public ways.
By Mr. Swan of Springfield, a petition (accompanied by bill, House, No. 3443) of Benjamin Swan (with the approval of the mayor and city council) relative to the sale and storage of goods in public ways in the city of Springfield.

Severally to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Reports of Committees.

Rutland,—
debt payments.
By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to debt payments in the town of Rutland (Senate, No. 1882) [Local Approval Received], be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. O'Day of West Boylston, the bill was read a second time forthwith; and it was ordered to a third reading.

Edward V. Brooks,—
sick leave bank.
By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing a sick leave bank for Edward V. Brooks, an employee of the Department of Correction (Senate, No. 1917), be scheduled for consideration by the House.

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

Montague,—
liquor license.
By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that 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) [Local Approval Received], be scheduled for consideration by the House.

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

Natural resources land,—
protection.
By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 350 and House, No. 1124, a Bill to protect the natural resources of the Commonwealth (House, No. 3438).

Rehoboth,—
board of selectman.
By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a petition, a Bill providing for an increase in the membership of the board of selectmen in the town of Rehoboth (House, No. 3293) [Local Approval Received].

Saugus,—
town charter.
By the same member, for the same committee, on a petition, a Bill relative to amending the charter of the town of Saugus (House, No. 3336) [Local Approval Received].

By Mr. Straus of Mattapoisett, for the committee on Transportation, on a petition, a Bill designating a certain bridge in the town of Lakeville in honor of James Warren Buzzell, Jr. (House, No. 1787). Lakeville,—
bridge naming.

By the same member, for the same committee, on a petition, a Bill designating a certain bridge in the town of Natick as the Silvano Anthony Melchiorri Bridge (House, No. 3389). Natick,—
bridge naming.

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

Orders of the Day.

The House Bill 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), 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. Third reading bill.

Recess.

At twelve minutes after eleven o'clock A.M., on motion of Mr. Smizik of Brookline (Mr. Pedone of Worcester being in the Chair), the House recessed until the hour of two o'clock P.M.; and at that time the House was called to order with Mr. Pedone in the Chair. Recess.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Peggy Machado, an employee of the Department of Correction (see Senate, No. 1336, 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. Peggy Machado,—
sick leave bank.

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.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

The engrossed Bill establishing a sick leave bank for Hartmut R. Andrade, an employee of the Bristol County Sheriff's Office (see Senate, No. 1881), 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. Hartmut R. Andrade,—
sick leave bank.

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.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Engrossed Bill.

Engrossed bill.

The engrossed Bill establishing a sick leave bank for Jeffrey Botelho, an employee of the Department of Correction (see House, No. 736) (which originated in the House), in respect to which the Senate had concurred in the adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Paper from the Senate.

Supplemental appropriations.

The House Bill making appropriations for the fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3437), 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 text contained in Senate document numbered 1903, amended by inserting after section 2 the following section:

“SECTION 2A. Section 2 of chapter 128C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 160 to 162, inclusive, the words ‘900 live races over the course of not less than 100 calendar days during that racing season with no fewer than 7 races completed on any of those 100’ and inserting in place thereof the following words:— 720 live races over the course of not less than 80 calendar days during that racing season with no fewer than 7 races completed on any of those 80.”; and by adding the following two sections:

“SECTION 15. Section 2A is hereby repealed.
SECTION 16. Section 15 shall take effect on January 1, 2013.”
Under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the amendment was considered forthwith.

The same member then moved that the House concur with the Senate in its amendment with a further amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3445; and the further amendment was adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Recess.

Recess.

At eight minutes after three o'clock P.M., on motion of Mr. deMacedo of Plymouth (Mr. Pedone of Worcester being in the Chair), the House recessed subject to the call of the Chair; and at twelve minutes after four o'clock the House was called to order with Mr. Pedone in the Chair.

Emergency Measure.

Supplemental appropriations.

The engrossed Bill making appropriations for the fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 3437, 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 3 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

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 twenty-five minutes after four o'clock P.M., on motion of Mr. deMacedo of Plymouth (Mr. Pedone of Worcester being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.