

Thursday, May 19, 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.

Resolutions.

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

Resolutions (filed by Mr. Atsalis of Barnstable) recognizing Howard Penn as the honorary chairman of the twenty-fifth Figawi Charity Ball; Howard Penn.

Resolutions (filed by Mr. Diehl of Whitman) congratulating Lugenia Gordon on the occasion of her ninetieth birthday; and Lugenia Gordon.

Resolutions (filed by Mr. Golden of Lowell) honoring Walter R. Hedlund, Jr., for his thirty-seven years of dedicated volunteer service to the greater Merrimac Valley communities; Walter R. Hedlund, Jr.

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

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Pignatelli of Lenox, a petition (accompanied by bill, House, No. 3448) of William Smitty Pignatelli and Benjamin B. Downing (by vote of the town) relative to group insurance in the town of Great Barrington. To the committee on Municipalities and Regional Government. Great Barrington,—group insurance.

By Mr. Pignatelli of Lenox, a petition (accompanied by bill, House, No. 3450) of William Smitty Pignatelli and Benjamin B. Downing (by vote of the town) that the positions of fire chief and deputy fire chief in the town of Great Barrington be exempt from provisions of the civil service law. Great Barrington,—fire positions.

By Representative Poirier of North Attleborough and Senator Ross, a joint petition (accompanied by bill, House, No. 3451) of Elizabeth A. Poirier and Richard J. Ross (by vote of the town) that the town of North Attleborough be authorized to issue health insurance policies for employees of said town. North Attleborough,—health policies.

Severally to the committee on Public Service.

By Mr. Chan of Quincy, a petition (accompanied by bill, House, No. 3447) of Tackey Chan (with the approval of the mayor and city council) for legislation to authorize the city of Quincy to abate fiscal year 2009 real property taxes. To the committee on Revenue. Quincy,—abatements.

Springfield,—
vintage
grand prix
racing.

By Mr. Swan of Springfield, a petition (accompanied by bill, House, No. 3449) of Benjamin Swan (with the approval of the mayor and city council) relative to authorizing vintage grand prix auto racing in the city of Springfield. To the committee on Transportation. Severally sent to the Senate for concurrence.

Stephen
Przybycien,—
sick leave.

Representative Smola of Palmer and Senator Brewer presented a joint petition (subject to Joint Rule 12) of Todd M. Smola and Stephen M. Brewer for legislation to establish a sick leave bank for Stephen Przybycien, an employee of the Executive Office of Health and Human Services; and the same was referred, under rule 24, to the committee on Rules.

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. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Public Service. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Representative Straus of Mattapoisett and Senator Montigny, a joint petition (subject to Joint Rule 12) of William M. Straus and Mark C. Montigny relative to the Mattapoisett River Valley Water District.

By Mr. Winslow of Norfolk, a petition (subject to Joint Rule 12) of Daniel Winslow relative to the definition of intellectual disability. Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

The House Bill establishing a sick leave bank for Yvonne B. Smith, an employee of the Trial Court (House, No. 3327, amended), came from the Senate passed to be engrossed, in concurrence, with an amendment in line 3 inserting before the word "department," the words "Suffolk superior court department of the".

Under suspension of Rule 35, on motion of Ms. Forry of Boston, 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.

A report of the committee on Municipalities and Regional Government, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1043) of Richard T. Moore for legislation to empower zoning boards of appeals, and recommending that the same be referred to the committee on Housing,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

A petition (accompanied by bill, Senate, No. 1908) of Gale D. Candaras (with the approval of the mayor and city council) for legislation to authorize vintage grand prix auto racing in the city of Springfield, was referred, in concurrence, to the committee on Transportation.

Mattapoisett
Water
District.

Intellectual
disability,—
definition.

Yvonne B.
Smith,—
sick leave
bank.

Zoning
boards of
appeals.

Springfield,—
vintage
grand prix
racing.

A petition of Marc R. Pacheco and Angelo L. D'Emilia for legislation to establish a sick leave bank for James Dupont, an employee of the Department of Revenue, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

James
Dupont,—
sick leave
bank.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1910) was referred, in concurrence, to the committee on Public Service.

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 Patricia A. Haddad and others for legislation to include licensed rehabilitation counselors in the definition of licensed mental health professionals. To the committee on Financial Services.

Licensed
health
professionals.

Petition (accompanied by bill) of Harold P. Naughton, Jr., relative to fees for records of hospital patients. To the committee on Public Health.

Hospital
fees.

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

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1127) of Christine E. Canavan and Geraldine Creedon for legislation to regulate contributions by the city and the towns for operation of the Southeastern Regional School District,— and recommending that the same be referred to the committee on Education.

Southeastern
Regional
School
District.

Of the petition (accompanied by bill, House, No. 1157) of Frank I. Smizik and others relative to environmental and health impact reports,— and recommending that the same be referred to the committee on Public Health.

Environment
impact
reports.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1394) of William C. Galvin that the Secretary for Administration and Finance be directed to designate the use of certain land abutting Route 95 or Dedham Street in the town of Canton for civic, recreational or social purposes; and

Canton,—
land.

Of the petition (accompanied by bill, House, No. 2307) of Joseph McHugh for legislation to provide for the annual observance of Ayn Rand Day;

Ayn
Rand
Day.

And recommending that the same severally be referred to the committee on State Administration and Regulatory Oversight.

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

Freetown,—
Forest
visitors
center.

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill establishing a visitors and education center in the Freetown State Forest in the town of Freetown (House, No. 235).

Correctional
officers,—
retirement.

By Mr. Scibak of South Hadley, for the committee on Public Service, on a petition, a Bill further regulating the retirement benefits of correctional officers (House, No. 1636).

Municipalities,—
retirement
trust funds.

By the same member, for the same committee, on House, No. 2430, a Bill relative to the investment of other post employment benefits trust funds established by municipalities and certain other governmental units (House, No. 3452).

Children and
Families,—
benefits.

By the same member, for the same committee, on House, No. 1631, a Bill relative to the retirement benefits of certain employees of the Department of Children and Families (House, No. 3453).
Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Harvard,—
voting
precincts.

By Mr. Moran of Boston, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill relative to the establishment of voting precincts in the town of Harvard (printed in House, No. 3439).

Lancaster,—
voting
precincts.

By the same member, for the same committee, on a message from His Excellency the Governor, a Bill relative to the establishment of voting precincts in the town of Lancaster (printed in House, No. 3440).

Ocean
erosion,—
public trust.

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative preserving public trust rights in land affected by ocean erosion (House, No. 254).

School
employees,—
rights.

By Mr. Scibak of South Hadley, for the committee on Public Service, on a petition, a Bill relative to protecting the rights of custodial and other non-teaching employees of school districts (House, No. 712).
Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Rehoboth,—
board of
selectmen.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill providing for an increase in the membership of the board of selectmen in the town of Rehoboth (House, No. 3293), 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.

Marlborough,—
alcoholic
beverages.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the city of Marlborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3344), be scheduled for consideration by the House.

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

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Edward V. Brooks, an employee of the Department of Correction (see Senate, No. 1917), 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.

Edward V. Brooks,—
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 6 to 0. Sent to the Senate for concurrence.

The engrossed Bill establishing a sick leave bank for Sheila Santelli, an employee of the Department of Housing and Community Development (see House, No. 3219, 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.

Sheila Santelli,—
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 7 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills
Relative to debt payments in the town of Rutland (see Senate, No. 1882) (which originated in the Senate); and

Bills
enacted.

Exempting the position of fire chief of the city of Lawrence from the civil service law (see House, No. 3259) (which 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.

Orders of the Day.

The Senate Bill authorizing an alternative mode of design and construction for the rehabilitation of a sewer interceptor in the city of Everett (Senate, No. 1571), 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, in concurrence.

Third
reading
bill.

The House Bill establishing a separate cemetery commission for the town of Nantucket (House, No. 567), 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.

Id.

The House Bill establishing a sick leave bank for Brunilda Rivera, an employee of the Department of Environmental Protection (House, No. 3328), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Brunilda Rivera,—
sick leave
bank.

Brunilda
Rivera,—
sick leave
bank.

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 department of environmental protection, 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. 3328, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At twenty-one minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (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.