

JOURNAL OF THE HOUSE.

Wednesday, May 22, 2013.

Met according to adjournment at eleven o'clock A.M., 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.

Silent Prayer.

During the session, at the request of the Mr. Mark of Peru (Mr. Donato of Medford being in the Chair), the members, guests and employees stood in a moment of silence in respect to the memory of Army Spec. Mitchell Daehling who died while bravely serving his country in Afghanistan last week. Army Spec.
Mitchell
Daehling.

Spec. Daehling, a native of Dalton, graduated from Wahconah Regional High School in 2006. He continued his studies at Daniel Webster College in Nashua, New Hampshire, earning a degree in Homeland Security as a member of the class of 2010. He enlisted in the United States Army in 2010 and was stationed in El Paso, Texas. Spec. Daehling was deployed to Afghanistan as a part of Operation Enduring Freedom in December.

Spec. Daehling was known as a team player, a member of the lacrosse teams for both the Wahconah Warriors and the Daniel Webster Eagles. He is remembered by his family and friends as a well-liked, quiet but driven young man.

Spec. Daehling is survived by his wife, Samantha, whom he married on June 17, 2012, as well as his parents, Kirk and Brenda Daehling and his siblings, Adam and Kayla.

Resignation of Representative Fresolo of Worcester.

The following communication was read; and spread upon the records of the House, as follows:

May 22, 2013.

Robert A. DeLeo
Speaker of the House
State House, Room 356
Boston, MA 02133

Dear Speaker DeLeo:

I am currently unable to effectively serve my [16th Worcester] district and regretfully submit my resignation, effective immediately, hoping that a prompt special election will be held to fill the balance of my term. Resignation of
Representative
John P.
Fresolo of
Worcester.

Respectfully,

JOHN P. FRESOLO,
State Representative of Worcester.

Guests of the House.

Mansfield
High School
boys
basketball
team.

During the session, the Chair (Mr. Donato of Medford) introduced, seated in the Chamber, the Mansfield High School boys basketball team. They were accompanied by coach Mike Vaughn. They were the guests of Representatives Barrows of Mansfield, Poirier of North Attleborough and Kafka of Stoughton.

Jessica
Hunt.

During the session, the Chair (Mr. Donato), declared a brief recess and introduced Jessica Hunt from the Greenwood School in Wakefield. She was accompanied by her mother Laurie. They were the guests of Messrs. Wong of Saugus and Brodeur of Melrose.

Resolutions.

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

Paula Coffey
Dance Center.

Resolutions (filed by Mr. Diehl of Whitman) celebrating the fiftieth anniversary of the Paula Coffey Dance Center; and

Emergency
Medical
Services
Week.

Resolutions (filed by Mr. Kaufman of Lexington and other members of the House) recognizing the bravery and dedication of emergency medical service personnel on the celebration of National Emergency Medical Service Week;

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

Petition.

Leominster,—
S.J. Mullaney
Engineering,
Inc.

Representative Rosa of Leominster and Senator Flanagan presented a joint petition (accompanied by bill, House, No. 3477) of Dennis A. Rosa (with the approval of the mayor and city council) that the city of Leominster be authorized to pay a certain unpaid bill to S.J. Mullaney Engineering Inc., for services rendered; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Papers from the Senate.

Fall River,—
water storage
facility.

A Bill relative to a water storage facility in the city of Fall River (Senate, No. 1764) (on a petition) [Local Approval Received], passed to be engrossed by Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Water
supplies.

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. 972) of Karen E. Spilka and Michael Barrett for legislation to assist public water suppliers and to safeguard public water supplies, and recommending the same be referred to the committee on Environment, Natural Resources and Agriculture,—accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

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

Petition (accompanied by bill, Senate, No. 1782) of Antony Petrucci for legislation to establish a sick leave bank for Jonathan Palermo, an employee of the Massachusetts Trial Court. To the committee on the Judiciary.

Jonathan Palermo,—
sick leave.

Petition (accompanied by bill, Senate, No. 1783) of Richard T. Moore and Kevin J. Kuros for legislation to establish a sick leave bank for Dawn Mukulski, an employee of the Department of Correction. To the committee on Public Service.

Dawn Mukulski,—
sick leave.

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 Martin J. Walsh for legislation to establish a sick leave bank for Janet Everett, an employee of the Massachusetts Department of Transportation. Under suspension of the rules, on motion of Ms. Peake of Provincetown, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Janet Everett,—
sick leave.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Templeton (Senate, No. 1768), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Templeton,—
land.

Mr. Kafka of Stoughton, for said committee, reported that the matter 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.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to the financial condition of the Spencer-East Brookfield Regional School District (House, No. 3409), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 3476). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

Spencer-East Brookfield School District.

Mr. Kafka of Stoughton, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Dempsey, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substitute bill was ordered to a third reading.

By Mr. Straus of Mattapoissett, for the committee on Transportation, on House, No. 3067, a Bill relative to the spinal cord injury trust fund (House, No. 3475). Read; and referred, under Rule 33, to the committee on Ways and Means.

Spinal cord injury trust fund.

Kristen Giunta,—
sick leave.

By Mr. Michlewitz of Boston, for the committee on Public Service, on a joint petition, a Bill establishing a sick leave bank for Kristen Giunta, an employee of the Department of Correction (House, No. 3441). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

Melanie Chapman,—
sick leave.

The engrossed Bill establishing a sick leave bank for Melanie Chapman, an employee of the Trial Court (see House, No. 1179, 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 6 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

Richard Slayman,—
sick leave.

The engrossed Bill establishing a sick leave bank for Richard Slayman, an employee of the Massachusetts Department of Transportation (see House, No. 3378, amended) (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.

Recess.

Recess.

At twenty-three minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at sixteen minutes after one o'clock, the House was called to order with Mr. Donato in the Chair.

Reports of Committees.

Juvenile jurisdiction,—
expansion.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill to expand juvenile jurisdiction, increase public safety and protect children from harm (House, No. 1432), 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.

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.

Subsequently under suspension of the rules, on motion of Mr. O'Flaherty of Chelsea, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act expanding juvenile jurisdiction."

After debate on the question on passing the bill to be engrossed, the same member moved to amend it by inserting after section 12 (as published) the following section:

“SECTION 10A. Said section 58 of said chapter 119, as so appearing, is hereby further amended by striking out, in line 73, the word ‘seventeenth’ and inserting in place thereof the following word:— eighteenth.”;

By inserting after section 24 (as published) the following section:

“SECTION 22A. Said section 72 of said chapter 119, as so appearing, is hereby further amended by striking out, in line 13, the word ‘seventeen’ and inserting in place thereof the figure:— 18.”;

By inserting after section 26 (as published) the following section:

“SECTION 24A. Said section 72B of said chapter 119, as so appearing, is hereby further amended by striking out, in lines 29 and 30, the word ‘seventeenth’ and inserting in place thereof the word:— eighteenth.”; and

By inserting after section 32 (as published) the following section:

“SECTION 30A. Section 87 of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out, in lines 6 to 7, the word ‘seventeen’, and inserting in place thereof the figure:— 18.”.

The amendments were adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. O’Flaherty; and on the roll call 154 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,—
yea and nay
No. 117.

[See Yea and Nay No. 117 in Supplement.]

Therefore the bill (House, No. 1432, amended) was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill to allow the mayor of the city of Somerville to posthumously appoint Sean A. Collier a Somerville police officer (House, No. 3450) [Local Approval Received], be scheduled for consideration by the House.

Marathon
bombing hero
Sean A.
Collier,—
posthumous
appointment.

Under suspension of Rule 7A, on motion of Mr. Sciortino of Medford, 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 Ms. Provost of Somerville, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: “An Act authorizing the mayor of the city of Somerville to appoint Sean A. Collier a police officer of the city of Somerville.”.

On the question on passing the bill to be engrossed, the sense of the House was take by yeas and nays at the request of Mr. Miceli of Wilmington; and on the roll call 153 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,—
yea and nay
No. 118.

[See Yea and Nay No. 118 in Supplement.]

Therefore the bill 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 tomorrow at eleven o’clock A.M.

Next
sitting.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at nine minutes before three o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.