

Monday, May 23, 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.

*Guests of the House.*

During the session, the Chair (Mr. Donato) introduced, seated in the Chamber, the fourth grade class from the Arthur T. Cummings Elementary School in Winthrop, accompanied by many teachers and chaperones. They were the guests of Speaker DeLeo of Winthrop. Winthrop,—Cummings School.

*Resolutions.*

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

Resolutions (filed by Mr. Beaton of Shrewsbury) congratulating Kenneth C. Largess on the occasion of his retirement; Kenneth C. Largess.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) on the occasion of the dedication of the Thomas S. Donovan Square in the town of Natick; and Natick,—Donovan Square.

Resolutions (filed by Mr. Swan of Springfield) congratulating Mr. and Mrs. Thomas Arnold Brown, Sr., on the occasion of their fiftieth wedding anniversary; Thomas and Maxine Brown.

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.

*Petitions.*

Petitions severally were presented and referred as follows:

By Representative Madden of Nantucket and Senator Wolf, a joint petition (accompanied by bill, House, No. 3454) of Timothy R. Madden (by vote of the town) that the town of West Tisbury be authorized to grant licenses for the sale of alcoholic beverages to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure. West Tisbury,—alcoholic beverages.

By Representative Murphy of Burlington and Senator Tarr, a joint petition (accompanied by bill, House, No. 3455) of Charles A. Murphy, James R. Miceli and Bruce E. Tarr (by vote of the town) for certain changes in the charter of the town of Wilmington relative to the appointment of a town manager for said town. Wilmington,—town charter.

By Representative Toomey of Cambridge and Senator Jehlen, a joint petition (accompanied by bill, House, No. 3456) of Timothy J. Toomey, Jr., and others (with the approval of the mayor and city council) Somerville,—Harris Park.

for legislation to authorize the city of Somerville to use Harris Park for purposes other than a park or a playground.

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

Public charities,— compensation.

By Ms. Walz of Boston, a petition (subject to Joint Rule 12) of Martha M. Walz and others for legislation to regulate the compensation payable to board members of public charities; 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. 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 the Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

*Papers from the Senate.*

Shrewsbury,— special fund.

The House Bill authorizing the town of Shrewsbury to establish a special fund (House, No. 556, changed), 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. Section 1 of chapter 319 of the acts of 2002 is hereby amended by striking out clause (1) and inserting in place thereof the following clause:—

Construction, equipping and furnishing of a new high school to be located on Holden street and the new Sherwood middle school;

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

Under suspension of Rule 35, on motion of Mr. Beaton of Shrewsbury, 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*

Salem,— Sgt. Ayube.

Designating Bridge Street Bypass Road in the city of Salem as Sgt. James Ayube Memorial Drive (Senate, No. 1875) [Local Approval Received]; and

Theresa Hillard,— sick leave bank.

Establishing a sick leave bank for Theresa Hillard, an employee of the Department of Public Health (Senate, No. 1896, amended in lines 5 to 7, inclusive, by striking out the sentence contained therein and inserting in place thereof the following two sentences: “Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court. Whenever Theresa Hillard terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.”.

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.

Mr. Kafka of Stoughton, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

*Reports*

Of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 395) of Steven A. Tolman for legislation concerning lanes on Storrow Drive;

Storrow Drive,— traffic patterns.

Of the petition (accompanied by bill, Senate, No. 396) of Steven A. Tolman for legislation to improve pedestrian safety on Park Drive; and

Park Drive,— pedestrian safety.

Of the petition (accompanied by bill, Senate, No. 398) of Steven A. Tolman for legislation to study traffic patterns on Greenough Boulevard in Watertown;

Watertown,— Greenough Boulevard.

And recommending the same severally be referred to the committee on Transportation.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

A petition (accompanied by bill, Senate, No. 1909) of Barry R. Finegold, Paul Adams and James R. Miceli (by vote of the town) for legislation to validate a certain vote taken by the town of Tewksbury, was referred, in concurrence, to the committee on Revenue.

Tewksbury,— tax levy.

A petition (accompanied by bill) of Marc R. Pacheco and Jay R. Kaufman for legislation relative to enrollment into the state retirement system of higher education employees in the optional retirement plan, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Higher education,— retirement.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1912) 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 Daniel B. Winslow relative to the definition of intellectual disability. To the committee on Children, Families and Persons with Disabilities.

Intellectual disability.

Petition (accompanied by bill) of James M. Cantwell relative to cremation. To the committee on Public Health.

Cremation.

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.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, asking to be discharged from further consideration of so much of the recommendations of the Commission on Uniform State Laws (House, No. 22) as relates to making uniform

Mediation.

certain aspects of mediation (accompanied by bill, House, No. 30),— and recommending that the same be referred to the committee on the Judiciary. Under Rule 42, the report was considered forthwith; and it was accepted.

Firearms,—  
exemptions. By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to the licensing of firearms for persons 70 years of age or older (House, No. 653).

Hunting,—  
youth programs. By the same member, for the same committee, on a petition, a Bill relative to youth hunting programs (House, No. 2400).

Retirement,—  
filing of forms. By Mr. Scibak of South Hadley, for the committee on Public Service, on House, Nos. 15 and 20, a Bill relative to Chapter 32, Section 91A waivers (House, No. 20).

Post-  
employment trust funds. By the same member, for the same committee, on House, Nos. 15 and 21, a Bill relative to the investment and management of municipal other post employment benefits liability trust funds (House, No. 21).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Marlborough,—  
special fund. By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a petition, a Bill establishing a business and economic development special revenue fund in the city of Marlborough (House, No. 1452) [Local Approval Received]. Read; and 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; and under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

House bills  
Preserving public trust rights in land affected by ocean erosion (House, No. 254); and

Ocean erosion,—  
public trust. Designating a certain bridge in the town of Lakeville in honor of James Warren Buzzell, Jr. (House, No. 1787);

Severally placed in the Orders of the Day for the next sitting for a second reading.

*Emergency Measures.*

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

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 Yvonne B. Smith, an employee of the Trial Court (see House, No. 3327, 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.

Yvonne B. Smith,—  
sick leave.

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 5 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 House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

*Engrossed Bills.*

*Engrossed bills*

Establishing a sick leave bank for Edward V. Brooks, an employee of the Department of Correction (see Senate, No. 1917) (which originated in the Senate); and

Bills enacted.

Establishing a sick leave bank for Sheila Santelli, an employee of the Department of Housing and Community Development (see House, No. 3219, amended) (which originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*

The House Bill relative to amending the charter of the town of Saugus (House, No. 3336), 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.

Saugus,—  
town charter.

*Order.*

On motion of Mr. DeLeo of Winthrop,—  
*Ordered*, That when the House adjourns today, it adjourn to meet on Wednesday next at one o'clock P.M.

Next sitting.

At twenty-eight minutes after eleven o'clock A.M., on motion of Mr. Humason of Westfield (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at one o'clock P.M.