

Monday, June 20, 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).

Pledge of allegiance.

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.

Resolutions.

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

Robert Pineault.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Robert Pineault on the occasion of his retirement;

Alex Bouthillier.

Resolutions (filed by Representatives Barrows of Mansfield, Poirier of North Attleborough and Kafka of Stoughton) congratulating Alex Bouthillier on receiving the Eagle Award of the Boy Scouts of America;

Stephen James Reddington.

Resolutions (filed by Mrs. Canavan of Brockton) honoring Stephen James Reddington for receiving the Eagle Award of the Boy Scouts of America and for his ongoing dedication and commitment to his community;

Paul "Barry" Ronayne.

Resolutions (filed by Mr. Galvin of Canton) congratulating Lieutenant Paul "Barry" Ronayne of the Canton Fire Department on the occasion of his retirement;

Barbara Flaherty.

Resolutions (filed by Mr. Lombardo of Billerica) congratulating Barbara Flaherty on the occasion of her retirement; and

Dylan William.

Resolutions (filed by Mr. Winslow of Norfolk) congratulating Dylan William of Wrentham upon his elevation to the rank of Eagle Scout;

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

Special Reports.

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 two facilities:

Correctional facilities,—inspection reports.

Hampshire County Jail and House of Correction in the city of Northampton; and

Middlesex County Jail in the city of Cambridge;

Severally were placed on file.

Papers from the Senate.

The House Bill making appropriations for the fiscal year 2011 for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3510, amended), came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in line 49, striking out the words "Correction Officer" and inserting in place thereof the words "Essex County Correctional Officers"; in section 2A, striking out item 0521-XXXX (as inserted by amendment by the House) and inserting in place thereof the following item:

Supplemental appropriations.

"SECRETARY OF THE COMMONWEALTH.

Office of the Secretary of the Commonwealth.

"0521-0012 For reimbursements to municipalities for costs associated with the special primary and the special election to fill the house of representatives' seat for the sixth Worcester district; provided, that the state secretary shall only reimburse the municipalities for costs that have previously been certified by the division of local mandates within the office of the state auditor; and provided further, that any unexpended funds in this item shall be made available in fiscal year 2012 \$37,628";

and inserting after section 7 the following section: "SECTION 7A. Item 0521-0004 of section 2 of chapter 9 of the acts of 2011 is hereby amended by striking out the figure '\$51,183' and inserting in place thereof the following figure: '\$25,000.'"

Under suspension of Rule 35, on motion of Mr. Dempsey of Haverhill, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

The House 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, came from the Senate with the endorsement that said branch had concurred with the House in the suspension of Joint Rule 12, non-concurred with the House in its reference to the committee on Consumer Protection and Professional Licensure, and had referred said petition, in non-concurrence, to the committee on the Judiciary.

Public charities,—board members.

On motion of Ms. Walz of Boston, the House then receded from its reference to the committee on Consumer Protection; and the petition (accompanied by bill, House, No. 3516) was referred, in concurrence, to the committee on the Judiciary.

A Bill to authorize the city of Westfield to convert a seasonal license for the sale of all alcoholic beverages not to be drunk on the premises to an annual license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 1939) (on Senate, No. 1876), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Westfield,—alcoholic beverages.

Newbury,—
fire
department.

A petition (accompanied by bill, Senate No. 1941) of Bruce E. Tarr and Harriett L. Stanley (by vote of the town) for legislation to provide for the establishment of a fire department in the town of Newbury, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Reports of Committees.

School
employees,—
rights.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to protecting the rights of custodial and other non teaching employees of school districts (House, No. 712),— and recommending that the same be referred to the committee on Education. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Wilmington,—
town
manager.

By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a joint petition, a Bill relative to the appointment of a town manager in the town of Wilmington (House, No. 3455) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measures.

Mark E.
Lopes,—
sick leave
bank.

The engrossed Bill establishing a sick leave bank for Mark E. Lopes, an employee of the Bristol County Sheriff's office (see House, No. 3388, 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.

Bill
enacted.

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.

Mitch
Dembowski,—
sick leave
bank.

The engrossed Bill establishing a sick leave bank for Mitch Dembowski, an employee of the Department of Developmental Services (see House, No. 3393, 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.

Bill
enacted.

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.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for Christine S. Drew, an employee of the Trial Court (see Senate, No. 1925) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Orders of the Day.

The House Bill approving the conveyance of property by the county of Nantucket (House, No. 568), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time. Nantucket,—
property
conveyance.

Pending the question on passing the bill to be engrossed, Mr. Madden of Nantucket moved to amend it by striking out section 1 and inserting in place thereof the following section:

“SECTION 1. The county of Nantucket may convey a parcel of land containing approximately 18,400 square feet to the town of Nantucket. The parcel is a portion of Nonantum avenue acquired by the county in an order of taking dated October 30, 1974 for the laying out of said avenue and recorded at the Nantucket registry of deeds in Book 147, Page 289. It is shown on a plan entitled “Plan For Discontinuance of a Portion of Nonantum Avenue Prepared for the Town of Nantucket in Nantucket, MA.” dated July 20, 2009, prepared by Nantucket Surveyors, LLC, and recorded at said deeds as Plan No. 2009-39. The parcel is bounded by the easterly sideline of Nonantum avenue; northerly by the southerly lot line of parcel 49 on assessors map 88; the southerly sideline of a portion of former Clifford street and the southerly lot line of parcels 50 and 51 of said assessors map 88; the eastern sideline of former Harriet street, formerly known as Prospect street, and southerly by the northerly lot line of parcel 47 of said assessors map 88; the northern sideline of a portion of Clifford street between former Nonantum avenue and the Atlantic Ocean and parcel 48 of said assessors map 88, owned by the county.”

The amendment was adopted; and the bill (House, No. 568, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At a quarter after eleven o'clock A.M., on motion of Mr. Barrows of Mansfield (Mr. Donato of Medford being in the Chair), the House recessed until half past one o'clock P.M.; and at twenty-five minutes before two o'clock the House was called to order with Mr. Donato in the Chair. Recess.

Emergency Measure.

The engrossed Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No 3510, 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. Supplemental appropriation.

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.

Bill
enacted.

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.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

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

At two minutes after two o'clock P.M., on motion of Mr. Frost of Auburn (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M., in an Informal Session.