

Monday, June 27, 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.

Resignation of Representative Canessa of New Bedford.

The following communication (received from the Speaker of the House on Thursday, June 23) was read; and spread upon the records of the House, as follows:

June 23, 2011.

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

Dear Mr. Speaker:

Resignation of Representative Stephen R. Canessa of New Bedford.

After careful thought and consideration with my family, I have decided to accept a position with the Southcoast Health System. It has been both an honor and a privilege to serve the people of Freetown, Lakeville, Middleborough, New Bedford, and Taunton. I am excited about the opportunity to continue advocating for the people of southeastern Massachusetts in this new role, particularly as it relates to the quality and delivery of their healthcare services.

In the six-plus years that I have served as a State Representative, I have met incredible people, from colleagues like yourself, to local heroes and citizen advocates. I have had the opportunity to participate in legislative debates that have helped shape the future of my district and our state.

I will take these experiences with me in my new role as I look to continue to serve the people of southeastern Massachusetts. Please accept my resignation, effective Friday, June 24, 2011 at 5:00 P.M.

It is with great and lasting appreciation that I conclude my service to the Massachusetts House of Representatives.

Sincerely,

STEPHEN R. CANESSA,
*State Representative,
12th Bristol District.*

Message from the Governor.

State funds,—emergency expenditure.

A message from His Excellency the Governor, submitting recommendations for making certain appropriations for the fiscal year 2012

before final action on the General Appropriation Bill (House, No. 3528), was filed in the office of the Clerk on Friday, June 24, 2011.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Subsequently Mr. Dempsey of Haverhill, for said committee, reported on the forgoing message, a Bill making certain appropriations for the fiscal year 2012 before final action on the General Appropriation Bill (printed in House, No. 3528) [Total Appropriations: \$1,250,000,000.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, 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. Dempsey, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third; and it was passed to be engrossed. Sent to the Senate for concurrence.

Resolutions.

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

Resolutions (filed by Mrs. Campbell of Methuen) congratulating Abel Rey Cano, III on being selected to speak at the groundbreaking ceremony for the Edward M. Kennedy Institute for the United States Senate;

Abel Rey Cano, III.

Resolutions (filed by Mr. Fattman of Sutton) recognizing the Myasthenia Gravis Foundation on its observance of Myasthenia Gravis Awareness Month; and

Myasthenia Gravis Month.

Resolutions (filed by Messrs. Torrisi of North Andover and Lyons of Andover) honoring town manager Mark Rees for his twenty-four years of dedicated service to the town of North Andover;

Mark Rees.

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

Order.

The following order (filed by Speaker DeLeo of Winthrop) was referred, under Rule 85, to the committee on Rules:

Ordered, That the precept to be issued by the Speaker, under the provisions of Section 141 of Chapter 54 of the General Laws, appointing a time for the election to fill the vacancy existing in the office of Representative in the General Court from the Twelfth Bristol District shall designate, Tuesday, September 20, 2012 as the time ordered by the House of Representatives for said election.

Twelfth Bristol Representative District,—time for election to fill vacancy.

Mr. Binienda of Worcester, for the committee on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Hill of Ipswich, the order was considered forthwith; and it was adopted.

Petitions.

Petitions severally were presented and referred as follows:

Medford,—
water
enterprise
fund.
By Messrs. Donato of Medford and Sciortino of Medford, a petition (accompanied by bill, House, No. 3529) of Paul J. Donato, Patricia D. Jehlen and Carl M. Sciortino, Jr. (with the approval of the mayor and city council) that the city of Medford be authorized to transfer certain funds from the water enterprise account of said city.

Medford,—
details.
By the same members, a petition (accompanied by bill, House, No. 3530) of Paul J. Donato, Patricia D. Jehlen and Carl M. Sciortino, Jr. (with the approval of the mayor and city council) that the city of Medford be authorized to increase fees for special details performed by public employees in said city.

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

Framingham,—
Vilidnitsky
Bridge.
Mr. Walsh of Framingham presented a petition (subject to Joint Rule 12) of Chris Walsh relative to designating a certain bridge on highway Route 9 in the town of Framingham as the Gregory B. Vilidnitsky Memorial Bridge; 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 Ms. Provost of Somerville, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

Papers from the Senate.

Marlborough,—
alcoholic
beverages.
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), came from the Senate passed to be engrossed, in concurrence, with an amendment, striking out section 1 and inserting in place thereof the following section:

“SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the city of Marlborough may grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises under section 15 of said chapter 138 to the Belladora Corporation d/b/a The Vin Bin, located at 91 Main street. The license shall be subject to all of said chapter 138, except said section 17. Upon the issuance of the license authorized in this act, Richard Lombardi shall surrender to the licensing authority the license he currently holds for the sale of wines and malt beverages not to be drunk on the premises.”

Under suspension of Rule 35, on motion of Mr. Levy of Marlborough, 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.

Gloucester,—
charter.
A Bill amending the city of Gloucester charter (Senate, No. 1059, amended by striking out all after the enacting clause and inserting in place thereof the following:

“The charter of the city of Gloucester, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by inserting, after section 7-19, the following subsection:—

Sec. 7-20. City Water Systems Ownership.

The city of Gloucester’s water supply and distribution system shall be owned by the city and shall not be sold, leased or otherwise transferred unless and until the city council, under section 9-5 (‘Submission of Proposed Measure to Voters’), submits the question of a sale, lease or transfer of ownership to a referendum vote of the voters for adoption or rejection; provided, however that the sale, lease or transfer of the water supply and distribution system shall require at least two-thirds of the votes on such question to have approved such sale, lease or transfer.’) (on a petition) [Local Approval Received], passed to be engrossed by the Senate was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A Bill authorizing Holyoke Community College to borrow funds for the acquisition and renovation of certain real property in the city of Holyoke (Senate, No. 1901) (on Senate bill No. 572), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Holyoke
Community
College,—
borrowing.

A petition of Daniel A. Wolf and Cleon H. Turner for legislation to establish a sick leave bank for Catherine Gibson, an employee of the Department of Transitional Assistance, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Catherine
Gibson,—
sick leave
bank.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1946) 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 Cleon H. Turner, Sarah K. Peake and Timothy R. Madden relative to vegetation control and no-spray agreements with municipalities and water districts. To the committee on Environment, Natural Resources and Agriculture.

Vegetation
control.

Joint petition (accompanied by bill) of Brian M. Ashe and Stephen M. Brewer for legislation to establish a sick leave bank for Kevin R. Byrne, Sr., an employee of the Trial Court. To the committee on the Judiciary.

Kevin R.
Byrne, Sr.—
sick leave.

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

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing 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), be scheduled for consideration of the House.

Westfield,—
liquor
license.

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.

Fairhaven and New Bedford Harbors.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relocating certain harbor lines in the Fairhaven and New Bedford Harbors (House, No. 3402), be scheduled for consideration of 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.

Medical insurance.

By Mr. Costello of Newburyport, for the committee on Financial Services, on Senate, No. 479 and House, No. 2765, a Bill relating to the medical professional mutual insurance company (House, No. 2765). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Norwood,—alcoholic beverages.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill authorizing the town of Norwood to grant an additional license for the sale of wine and malt beverages (House, No. 973) [Local Approval Received].

State banks,—derivative activities.

By Mr. Costello of Newburyport, for the committee on Financial Services, on Senate, No. 431 and House, No. 303, a Bill relative to derivative activities of state banks (House, No. 303).

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

Emergency Measures.

Natick and Millville,—bridges.

The engrossed Bill designating a certain bridge in the towns of Natick and Millville (see House, No. 3389, 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 7 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.

Matthew Robitaille,—sick leave bank.

The engrossed Bill establishing a sick leave bank for Matthew Robitaille, an employee of the Bristol County Sheriff's Office (see House, No. 3495, 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 10 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 Bill.

The engrossed Bill authorizing the town of Sturbridge to convey a certain parcel of land (see House, No. 574, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, 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 Senate Bill establishing a sick leave bank for Louise D'Orsi, an employee of the Massachusetts Department of Transportation (Senate, No. 1933, amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third reading bill.

Recess.

At fourteen minutes before twelve o'clock noon, on motion of Mr. Lyons of Andover (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at seventeen minutes after one o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Recess.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Louise D'Orsi, an employee of the Massachusetts Department of Transportation (see Senate, No. 1933, 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.

Louise D'Orsi,—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 2 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 Bill.

The engrossed Bill making certain appropriations for the fiscal year 2012 before final action on the General Appropriation Bill (see House bill printed in House, No. 3528) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, 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,—

Next
sitting.

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

At twenty-six minutes before two 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 Wednesday at eleven o'clock A.M., in an Informal Session.