

Friday, July 1, 2011.

Met according to adjournment at eleven o'clock A.M., with Mrs. Haddad of Somerset 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 (Mrs. Haddad), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Silent Prayer.

Charles W. "Charlie" Medeiros.

At the request of Mr. Humason of Westfield, the members, guests and employees stood in a moment of silent tribute to the memory of Charles W. "Charlie" Medeiros. The beloved Mr. Medeiros served a total of thirty years on the Westfield City Council from 1976 to 2009 and was elected president of the council eight times. Charlie was acting mayor of Westfield from June to December, 1985, and again from June to December, 2007.

Charlie leaves his wife of thirteen years Kathy (Noonan) Medeiros; their children, Charlie Medeiros, Jr., Tammy Xavier, Nicole and Anthony Genovese, all of Westfield; grandchildren Amanda and Michael Xavier, Gabriella Klinakis and Jocelyn Coira; and his siblings Arthur, Jr., of Huntington, Kevin of Westfield, Brian of Hatfield, Brenda Morse and Terry Clink of Westfield, Lori Medeiros of Easthampton and Karen Medeiros of Plainfield.

Statement Concerning Representative Fox of Boston.

A statement of Mr. Murphy of Burlington concerning Ms. Fox of Boston was spread upon the records of the House, as follows:

Statement concerning Ms. Fox of Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Fox of Boston, was unable to be present in the House Chamber for today's sitting due to medical reasons. Her missing of roll calls today is due entirely to the reason stated. If she could have been present today, she would have voted in the affirmative on all 3 roll calls.

Statement of Representative Kaufman of Lexington.

A statement of Mr. Kaufman of Lexington was spread upon the records of the House, as follows:

Statement of Mr. Kaufman of Lexington.

MR. SPEAKER: I would like to call to the attention of the House the fact that I cannot be present in the House Chamber for the remainder of today's sitting due to a previously scheduled commitment. My missing of roll calls for the remainder of today will be due entirely to the reason stated.

Guests of the House.

Dick Flavin and Paul T. Boghosian.

During the session, the Speaker took the chair, declared a brief recess, and introduced Hall of Fame and long-time New England broadcaster Dick Flavin, the author and star of the play "According to

Tip". Earlier in his career, Dick had worked in the State House for former Senate President, Maurice A. Donahue. Mr. Flavin, who was accompanied by the play's producer, Paul T. Boghosian, then addressed the House briefly. They were the guests of Ms. Forry of Boston on behalf of the Massachusetts Legislator's Association.

Papers from the Senate.

A Bill establishing a sick leave bank for James Dupont, an employee of the Department of Revenue (Senate, No. 1910, amended in lines 7, 8 and 9, by striking out the sentence in those lines and inserting in place thereof the following sentence: "Whenever James Dupont 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."; and by inserting before the enacting clause the following emergency preamble:

James Dupont,— sick leave.

"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 revenue, therefore it is hereby declared an emergency law, necessary for the immediate preservation of the public convenience." (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill Senate, No. 1947) of Stephen M. Brewer and Todd M. Smola (by vote of the town) for legislation relative to town elections in the town of Sturbridge. To the committee on Election Laws.

Sturbridge,— elections.

Petition (accompanied by bill Senate, No. 1948) of Marc R. Pacheco, Thomas J. Calter and William M. Straus (by vote of the town) for legislation to require the authorization by a town meeting vote of certain contracts made by the town of Middleborough regarding the sale by the town of water or waste; and

Middleborough,— wastewater treatment services.

Petition (accompanied by bill Senate, No. 1949) of Marc R. Pacheco, Thomas J. Calter and William M. Straus (by vote of the town) for legislation to authorize the board of selectmen of the town of Middleborough to impose reasonable fees for the employment of outside consultants in connection with the review of earth removal applications.

Middleborough,— consultant applications.

Severally to the committee on Municipalities and Regional Government.

Reports of Committees.

Mr. Dempsey of Haverhill, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1920) of the House Bill making appropriations for the fiscal year 2012 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 3401), reported, in part, a Bill relative to properties in the Commonwealth (House, No. 3565). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Commonwealth properties.

Commonwealth properties.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Dempsey, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Horse riders and drivers,—helmets.

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. 2005) of Peter V. Kocot for legislation to require the use of helmets for horse-back riders and drivers of horse-drawn wagons,— and recommending that the same be referred to the committee on Public Safety and Homeland Security.

Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Municipal road and bridge maintenance.

By Mr. Cabral of New Bedford, for the committee on Bonding, Capital Expenditures and State Assets, on a message from His Excellency the Governor, a Bill providing the terms of certain bonds to finance the municipal road and bridge maintenance needs of the Commonwealth (printed in House, No. 3511). Read; and referred, under Rule 33, to committee on Ways and Means.

Engrossed Bill — Land Taking.

Edgartown,—land.

The engrossed Bill authorizing the town of Edgartown to use a certain parcel of conservation land for grass field airport purposes (see House, No. 2888) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land taking),—yea and nay No. 83.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 83 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Motion to Discharge a Certain Matter in the Orders of the Day.

General Appropriation Bill.

A report (in part) of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment of the House Bill making appropriations for the fiscal year 2012 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 3401) (for report, see House, No. 3535) was considered, under suspension of the rules, on motion of Mr. Dempsey of Haverhill.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call (Mrs. Haddad of Somerset being in the Chair) 151 members voted in the affirmative and 2 in the negative.

[See Yea and Nay No. 84 in Supplement.]

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

Conference committee report accepted,—yea and nay No. 84.

Recess.

At thirteen minutes before twelve o'clock noon, on motion of Mr. deMacedo of Plymouth (Mrs. Haddad of Somerset 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 of Medford in the Chair.

Recess.

Silent Prayer.

At the request of Messrs. Madden of Nantucket and Vieira of Falmouth, the members, guests and employees stood in a moment of silent tribute to the memory of Army Sgt. Matthew R. Gallagher (1st Cavalry Division) of Falmouth who died June 24th while serving in the Wasit Province of Iraq.

Army Sgt. Matthew R. Gallagher.

He leaves his wife Katie, his mother Cheryl Ruggiero, his father Peter Gallagher, sister Mia Ruggiero, brother Daniel Gallagher, his step-father Jim Ruggiero, mother-in-law Maureen Hall, father-in-law Bucky Hall and sister-in-law Abbey Hall.

Engrossed Bill — Land Taking.

The engrossed Bill relative to properties in the Commonwealth (see House, No. 3565) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

State properties.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 152 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking),—yea and nay No. 85.

[See Yea and Nay No. 85 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Emergency Measure.

The engrossed Bill making appropriations for the fiscal year 2012 for the maintenance of the departments, boards, commission, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 3535), 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.

General Appropriation Bill.

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.

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.

Orders of the Day.

Senate bills

Third
reading
bills.

Authorizing the town of Andover to exchange certain parcels of land with the Andover Village Improvement Society (Senate, No. 1028, amended);

Providing for the abandonment of a certain Wakefield sewer easement (Senate, No. 1569, changed and amended); and

Authorizing the transfer of certain parcels of land in the town of Ipswich (Senate, No. 1930);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

Order.

Next
sitting.

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

At fourteen minutes before three o'clock P.M., on motion of Mr. Wong of Saugus (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.