

Monday, July 18, 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.

Guests of the House.

Kim and Chris Burgess and children and Laura Muller.

During the session, the Chair (Mr. Donato of Medford), with great pride, introduced, seated behind the Third Reading Rostrum, his daughter, Kim Burgess; son-in-law, Chris Burgess; and his grandsons, Christopher, Nicholas, Zachery and Parker. Also accompanying his family was Laura Muller who was visiting from Hessen, Germany.

Resolutions.

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

Leonard Parent.

Resolutions (filed by Representatives Andrews of Orange and Kullik of Worthington) recognizing Leonard Parent for his dedication to the veterans of central Franklin County and to the town of Erving; and

Leominster Pop Warner.

Resolutions (filed by Mr. Rosa of Leominster) honoring the Leominster Pop Warner League on its fiftieth anniversary;

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.

Petitions.

Petitions severally were presented and referred as follows:

Sharon,— school transportation.

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 3590) of Louis L. Kafka, James E. Timilty and Brian A. Joyce (by vote of the town) that the town of Sharon be authorized to charge fees for the transportation of students. To the committee on Education.

North Andover,— collective bargaining.

By Mr. Torrisi of North Andover, a petition (accompanied by bill, House, No. 3591) of David M. Torrisi and others (by vote of the town) relative to voting on the approval of funding collective bargaining agreements in the town of North Andover; and

North Andover,— charter.

By Mr. Torrisi of North Andover, a petition (accompanied by bill, House, No. 3592) of David M. Torrisi and others (by vote of the town) relative to certain changes in the charter of the town of North Andover concerning warrants for payments;

Severally to the committee on Municipalities and Regional Government.

North Andover,—

By Mr. Torrisi of North Andover, a petition (accompanied by bill, House, No. 3593) of David M. Torrisi and others (by vote of the town)

relative to the appointment of Sean C. Lewis, Sr., to the position of fire fighter in the town of North Andover, notwithstanding the maximum age requirements for said position. To the committee on Public Service. Severally sent to the Senate for concurrence.

Sean C. Lewis, Sr.

Ms. Andrews of Orange presented a petition (subject to Joint Rule 12) of Denise Andrews and Stanley C. Rosenberg for legislation to establish a sick leave bank for Terri A. Demars, an employee of the Department of State Police; and the same was referred, under Rule 24, to the committee on Rules.

Terri A. Demars,— sick leave.

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. Garballey of Arlington, 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.

Mr. Linsky of Natick presented a petition (subject to Joint Rule 12) of David Paul Linsky and others for legislation to establish a penalty for parents, legal guardians or caretakers failing to report the death of a minor child; and the same was referred, under Rule 24, to the committee on Rules.

Child deaths,— reporting.

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. Garballey of Arlington, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Mr. Mark of Hancock presented a petition (subject to Joint Rule 12) of Paul W. Mark for legislation to designate a portion of Route 9 as the Marine Corps League highway; and the same was referred, under Rule 24, to the committee on Rules.

Northampton and Pittsfield,— Marine Corps Highway.

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. Garballey of Arlington, 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.

Petitions severally were presented and referred as follows:

By Representative Harrington of Groton and Senator Eldridge, a joint petition (subject to Joint Rule 12) of Sheila C. Harrington and James B. Eldridge for legislation to establish a sick leave bank for Elaine Strout-Clement, an employee of the Trial Court.

Elaine Strout-Clement,— sick leave.

By Ms. Peake of Provincetown, a petition (subject to Joint Rule 12) of Sarah K. Peake and Daniel A. Wolf (by vote of the town of Chatham) that said town be exempt from certain regulations of the Executive Office of Environmental Affairs relative to the purchase of conservation land located in the town of Harwich.

Chatham and Harwich,— land.

Assawampset
Ponds,—
water supplies.

By Representative Straus of Mattapoisett and Senator Rodrigues, a joint petition (subject to Joint Rule 12) of William M. Straus and Michael J. Rodrigues for legislation to preserve public water supplies in Assawampset Ponds Complex communities.

North
Andover,—
prevailing
wage.

By Mr. Torrisi of North Andover, a petition (subject to Joint Rule 12) of David M. Torrisi and others (by vote of the town) for legislation to exempt the town of North Andover from payment of prevailing wages on certain public works projects.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Families and
children
engaged in
services.

A Bill regarding families and children engaged in services (Senate, No. 1963, amended in section 1, in lines 69 to 77, inclusive, by striking out the words “providers of community services providing such services to the child and family as well as with any agency within the executive office of health and human services providing services to the child as needed to coordinate treatment and provide appropriate case management in accordance with applicable state and federal privacy laws. Information about the child and family, including interactions with service providers and protected health information, may be shared among members of the case team as needed to coordinate treatment and provide appropriate case management, to the extent permitted under applicable state and federal law, unless the child or family decline in writing to permit such information sharing in accordance with state and federal privacy laws” and inserting in place thereof the words “the case team, other providers of community services serving the child and family, and any agency within the executive office of health and human services providing services to the child as needed to coordinate treatment and provide appropriate case management, to the extent permitted under applicable federal law, unless the child or family decline in writing to permit such information sharing”, in line 86, by striking out the words “is to” and inserting in place thereof the word “may”; in section 3, in line 118, by inserting after the figures “18” the word “, inclusive.”; in section 5, in line 179, by inserting after the word “child” the words “and family”, in line 247, by striking out the words “without primary custody”, in line 257, by striking out the words “other parent with legal custody” and inserting in place thereof the words “a parent”, in line 284, by inserting after the following: “390.” the words “, if the court finds probable cause to believe that such child and family are in need of assistance and that proceeding to a fact finding hearing is in the best interests of the child”, in line 292, by striking out the words “fact finding hearing” and inserting in place thereof the words “any scheduled hearing or proceeding”, in line 310, by striking out the words “crisis intervention services” and inserting in place thereof the word “assistance”, in lines 318 to 322, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following two paragraphs:

“(4) confer with the juvenile court clinic relative to access to services or the need for further clinical care; and

(5) conduct conferences with the child, the child’s family and the petitioner to ascertain ways to resolve the situation which formed the basis of the request for assistance. Information obtained by the

probation officer may be used in the inquiry conducted under this section but shall otherwise be confidential and shall not be used in school disciplinary proceedings or other court proceedings.”, in line 369, by striking out the words “operates as a group home to provide” and inserting in place thereof the word “provides”, in line 387 by inserting after the word “resolved” the words “, the petitioner failed to meet the petitioner’s burden of proof”, in line 399, by striking out the word “No” and inserting in place thereof the following: “Except as otherwise required by law, including laws related to the reporting of suspected abuse or neglect under section 51A, no”, in line 416, by inserting before the word “parents” the word “child.”, in line 424, by inserting after the word “to:” the words “referral to a family resource center, community-based services program or other entity designated by the secretary of health and human services to provide community-based services in the juvenile court district where the child resides;”, in line 426, by striking out the word “supervision” and inserting in place thereof the word “involvement”, in line 437, by inserting after the word “recommend;” the words “provided, however, that the court shall first make the written certification and determination required by section 29C or written certification and determination that it is contrary to the best interests of the child to be in the child’s home or current placement, and that the department of children and families has made reasonable efforts to prevent removal of the child from the child’s home or that the existing circumstances indicate that an immediate risk of harm or neglect precludes the provision of preventative services as an alternative to removal”, in lines 476 and 477, by striking out the words “operates as a group home to provide” and inserting in place thereof the word “provides”, after line 487 by inserting the following paragraph:

“(c) A child or the child’s parent, legal guardian or custodian may appeal from any order or determination made under sections 39K to 39Y, inclusive. Pending the appeal, the court shall retain jurisdiction and may enter any order under this chapter to meet the needs of the child. Notwithstanding any general or special law to the contrary, the appeal shall be to the appeals court under section 118 of chapter 231 and shall proceed in accordance with the Massachusetts Rules of Appellate procedure and the provisions thereof that govern child welfare cases.”, in line 490, by striking out the word “police” and inserting in place thereof the words “law enforcement”, in line 522, by striking out the words “operates as a group home to provide” and inserting in place thereof the word “provides”, in line 527, by inserting after the word “for” the word “evaluation.”; in section 6, in line 543, by inserting after the word “commonwealth” the following: “and 1 member of a municipal police department”, in line 544, by inserting after the word “president” the following: “and; 1 member appointed by the minority leader of the house and 1 member appointed by the minority leader of the senate”, after line 550 by inserting the following paragraph:

“(a^{1/2}) The advisory board shall offer advice and assistance to the court and the executive office of health and human services as the court and such office implement this act”; in section 7, in line 599, by striking out the word “agency” and inserting in place thereof the words “, center or program”, in line 616, by striking out the words

Families and children engaged in services.

“other entities” and inserting in place thereof the words “, if available, and any other entity available to provide services to children or families”; in section 8, in line 619, by striking out the words “Engaged in Services advisory board” and inserting in place thereof the words “Requiring Assistance Advisory Board”; by inserting after said section 8 the following section:

“SECTION 8A. The secretary of health and human services shall file a semi-annual report updating the general court on the progress made toward the implementation of the changes required during the 4-year transition from the existing children in need of services service model to the model of community-based services and family resources centers as provided in this act. The report shall include, but not be limited to, a detailed accounting of the executive office of health and human services’ success in developing the network provided by this act, including the network’s availability and the capacity to service those individuals referred to it, the adequacy of those resources available, or projected to be available, to meet the goals set out in this act and the related personnel costs. The report shall be filed with the house and senate committees on ways and means, the joint committee on children, families and persons with disabilities and the clerks of the house and senate. The initial report shall be filed not later than 6 months after the effective date of this act and subsequent reports shall be filed every 6 months thereafter until the 4-year transition is complete”; and in section 12, in line 652, by striking out the following: “and 3 to 6, inclusive,” and inserting in place thereof the following: “, 3 to 5, inclusive, and subsections (b) and (d) of section 6” (on House, No. 3492), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Reports

Of the committee on Public Safety and Homeland Security, asking to be discharged from further consideration

Threat statute.

Of the petition (accompanied by bill Senate, No. 1227) of Michael F. Rush for legislation to enhance the threat statute,— and recommending the same be referred to the committee on the Judiciary.

Workplace safety,— social workers.

Of the petition (accompanied by bill Senate, No. 1206) of Sal N. DiDomenico, Fredrick E. Berry, Sean Garballey, Michael J. Rodrigues and other members of the General Court for legislation to promote the public health through workplace safety for social workers,— and recommending the same be referred to the committee on Public Health.

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

Norwell,— town charter.

A petition (accompanied by bill Senate, No. 1965) of Robert L. Hedland and Rhonda L. Nyman (by vote of the town) for legislation to revise the charter of the town of Norwell, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Reports of Committees.

2nd Lieutenant Michael J. Casey, Sr.— bridge.

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 Paul W. Mark and

Benjamin B. Downing relative to designating a certain bridge in the town of Dalton as the 2nd Lt. Michael J. Casey, Sr. memorial bridge. Under suspension of the rules, on motion of Mr. Garballey of Arlington, 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.

By Mr. Sánchez of Boston, for the committee on Public Health, on Senate, No. 1108 and House, No. 2906, a Bill to increase routine screening for HIV (House, No. 3594). Referred, under Joint Rule 1E, to the committee on Health Care Financing. HIV screenings.

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

- Senate bills
 - Amending the city of Gloucester charter (Senate, No. 1059, amended) [Local Approval Received]; and Gloucester,— charter.
 - Exempting Dimitri P. Karpouzis from the maximum age requirement for police officers in the town of Ashland (Senate, No. 1891) [Local Approval Received]; and Ashland,— Dimitri Karpouzis.
- House bills
 - Relative to scrap metal dealers (House, No. 87); Scrap metal. Teachers.
 - To define further teacher for retirement purposes (House, No. 710); New Bedford.
 - Relative to the New Bedford Police Association (House, No. 1590); Bolton,— Brown bridge.
 - Designating a certain bridge in the town of Bolton as the Harold E. Brown Jr. memorial bridge (House, No. 1791); and
 - Relative to the appointment of a town manager in the town of Wilmington (House, No. 3455) [Local Approval Received]; Wilmington,— town manager.

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

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for James Dupont, an employee of the Department of Revenue (see Senate, No. 1910, amended) (which originated in the Senate), 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. Bills enacted.

The engrossed Bill relative to a sewer betterment abatement in the town of Shirley (see House, No. 3319) (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 Francisco Delgado, an employee of the Department of Correction (Senate, No. 1898), 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, in concurrence. Third reading bill.

Third
reading
bills.

House bills
Relative to the fair distribution of gratuities (House, No. 2294); and
Validating the Sherborn annual town election (printed in House,
No. 3526);

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. Severally sent to the Senate for 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 a quarter after eleven o'clock A.M., on motion of Mrs. Poirier
of North Attleborough (Mr. Donato of Medford being in the Chair),
the House adjourned, to meet the following Wednesday at eleven
o'clock A.M.