

Thursday, July 21, 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.

Silent Prayer.

During the session, the Chair (Mr. Donato), at the request of Mr. Dempsey of Haverhill, asked the members, guests and employees to stand in a moment of silent tribute to the memory of United States Army Specialist Nicholas P. Bernier, who was killed in action June 25th in support of Operation Enduring Freedom. He was the son of Tina Clements of Haverhill.

United States
Army Specialist
Nicholas P.
Bernier.

SPC Bernier was assigned to the 2nd Battalion, 30th Infantry Regiment, 4th Brigade Combat Team, 10th Mountain Division and served as a nurse and combat medic.

Having grown up in New Hampshire, SPC Bernier graduated from Exeter High School in 2007. In 2008, he followed his parents' footsteps and joined the Army. He spent much of his time in the service in Texas treating injured soldiers and marines as they came home.

SPC Nicholas Bernier died of injuries he suffered June 22nd when his unit was attacked in Kherwar, Afghanistan. SPC Bernier was flown to Landstuhl Regional Medical Center in Germany where he eventually succumbed to his injuries.

Specialist Bernier's awards and decorations include the Bronze Star, the Purple Heart and the Army Achievement Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the NATO Medal, the Combat Medic Badge, and the Driver and Mechanic Badge. He leaves his father, Paul W. Bernier, his mother and stepfather Tina and Jeffrey Clements, a sister and two brothers.

Message from His Excellency the Governor.

A message from His Excellency the Governor recommending legislation relative to establishing the Massworks infrastructure program (House, No. 3619), was filed in the office of the Clerk on Wednesday, July 20, 2011.

Massworks
infrastructure
program.

The message was read; and it was referred, under Rule 30, to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Resolutions.

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

Lance Corporal John C. Gemborys.

Resolutions (filed by Representatives Bastien of Gardner and Andrews of Orange) honoring Lance Corporal John C. Gemborys of the 1st Battalion United States Marine Corps on his dedicated service and ultimate sacrifice for his country; and

Leo Fein.

Resolutions (filed by Representatives Hunt of Sandwich, Gifford of Wareham, Madden of Nantucket, Peake of Provincetown and Turner of Dennis) congratulating Leo Fein on the occasion of his seventieth birthday;

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:

Shawn T. Sawyer,—sick leave.

By Mr. Calter of Kingston, a petition (subject to Joint Rule 12) of Thomas J. Calter for legislation to establish a sick leave bank for Shawn T. Sawyer, an employee of the Department of Developmental Services.

Missing children,—reporting.

By Ms. Coakley-Rivera of Springfield, a petition (subject to Joint Rule 12) of Marc Lombardo and others for legislation to establish a penalty for failure to report a missing child.

Id.

By Ms. Garry of Dracut, a petition (subject to Joint Rule 12) of Donald F. Humason, Jr., Colleen M. Garry and others relative to the reporting of a missing child.

Death of a child,—reporting.

By Mr. Miceli of Wilmington, a petition (subject to Joint Rule 12) of James R. Miceli relative to the failure to report the death of a child. The Judiciary.

Missing children,—reporting.

By Mr. Vallee of Franklin, a petition (subject to Joint Rule 12) of James E. Vallee and James Arciero relative to reporting a child as missing to law enforcement.

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

Papers from the Senate.

Winchendon,—charter.

A petition (accompanied by bill, Senate, No. 1966) of Stephen M. Brewer and Richard Bastien (by vote of the town) for legislation to amend the charter of the town of Winchendon, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Shellfish,—reporting.

Petition (accompanied by bill, Senate, No. 1973) of Daniel A. Wolf and Sarah K. Peake for legislation relative to shellfish reporting. To the committee on Environment, Natural Resources and Agriculture.

Jacqueline Enno,—sick leave.

Petition (accompanied by bill, Senate, No. 1972) of Richard T. Moore for legislation to establish a sick leave bank for Jacqueline Enno; and

Caron Parker,—sick leave.

Petition (accompanied by bill, Senate, No. 1974) of Richard T. Moore for legislation to establish a sick leave bank for Caron Parker; Severally 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 joint petition of William M. Straus and Michael J. Rodrigues for legislation to preserve public water supplies in Assawompset Ponds Complex communities. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the Senate for concurrence.

Assawompset Ponds,—water supplies.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to the acceptance of streets as public ways in the city of Woburn (House, No. 912) [Local Approval Received], be scheduled for consideration by the House. Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and ordered to a third reading.

Woburn,—public ways.

By Mr. Speliotis of Danvers, on Senate, No. 131, a Bill extending simulcasting (House, No. 3618), which was read. 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.

Simulcasting.

By Mr. Sánchez of Boston, for the committee on Public Health, on a petition, a Bill relative to needlestick injury prevention in public health facilities and settings (House, No. 1467).

Needlestick injury prevention.

By the same member, for the same committee, on a petition, a Bill to promote prevention and wellness through a public health trust (House, No. 1498).

Public health trust.

By the same member, for the same committee, on Senate, No. 1092 and House, No. 1518, a Bill to establish community based grant programs to eliminate racial and ethnic health disparities in the Commonwealth (House, No. 1518).

Racial and ethnic health disparities.

By the same member, for the same committee, on a petition, a Bill relative to the hemophilia advisory committee (House, No. 1526).

Hemophilia committee.

By the same member, for the same committee, on a petition, a Bill relative to the transporting of deceased persons (House, No. 1545).

Deceased,—transportation.

By the same member, for the same committee, on House, Nos. 1473, 2348, 2357 and 3163, a Bill relative to the modernization of optometric patient care (House, No. 2348).

Optometric patient care.

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Sánchez of Boston, for the committee on Public Health, on a petition, a Bill relative to organ retention (House, No. 2385). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Organ retention.

Engrossed Bill.

The engrossed bill relative to establishing a sick leave bank for Toby Miller, an employee of the Department of Developmental Services (see House, No. 3473, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of

Toby Miller,—sick leave bank.

the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Recess.

Recess. At the hour of twelve o'clock noon, on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House recessed, subject to the call of the Chair; and at twenty-seven minutes after three o'clock P.M., the House was called to order with Mr. Donato in the Chair.

Paper from the Senate.

Simulcasting. A Bill extending simulcasting (Senate, No. 1970, amended in section 15, in line 62, by inserting after the word "Suffolk" the words "or Norfolk" (reported from the committee on Senate Ways and Means, under Senate Rule 19), passed to be engrossed by the Senate, was read.

Under suspension of the rules, on motion of Mr. Cusack of Braintree, the bill was read a second time forthwith; and it was ordered to a third reading. Under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Mr. Pedone of Worcester then moved to amend the bill by adding the following two sections:

"SECTION 16. Section 15 of this act is hereby repealed.

SECTION 17. Section 16 of this act shall take effect on January 1, 2012."

The amendment was adopted; and the bill (Senate, No. 1970, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Recess.

Recess. At twenty-seven minutes before four o'clock P.M., on motion of Mr. D'Emilia of Bridgewater (Mr. Donato of Medford being in the Chair), the House recessed until five minutes before four o'clock; and at twenty-two minutes after four o'clock, the House was called to order with Mr. Donato in the Chair.

Emergency Measure.

Simulcasting. The engrossed Bill extending simulcasting (see Senate, No. 1970, 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 4 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 Senate) was passed to be enacted; and it was signed by the acting Speaker and Senate to the Senate.

Order.

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

At twenty-six minutes before five o'clock P.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.