

Monday, July 25, 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.

Statement of Representative Moran of Boston.

Statement of Mr. Moran of Boston.

A statement of Mr. Moran of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House that fact that I was not able to be present in the House Chamber for the sitting of July 20, 2011 due to being outside of the Commonwealth on my honeymoon. If I were able to be present for the vote to engross H.3617 (roll call numbered 91), I would have voted in the affirmative. I would have voted nay for a further amendment to H.3617 (roll call numbered 90). My missing of roll calls that day was due entirely to the reason stated.

Resolutions.

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

Shawme-Crowell State Forest Park.

Resolutions (filed by Representatives Hunt of Sandwich and Poirier of North Attleborough) honoring Shawme-Crowell State Forest Park on its one hundredth anniversary;

Berkshire County antiques.

Resolutions (filed by Mr. Pignatelli of Lenox) recognizing Berkshire County as the antiques capitol of the Commonwealth; and

Tub Parade Weekend.

Resolutions (filed by Mr. Pignatelli of Lenox) recognizing the second weekend of September as the Tub Parade Weekend of the Gilded Age in Lenox;

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

Communication.

Enhanced 911 Fund—expenditures.

A communication from the State 911 Department of the Executive Office of Public Safety and Security (pursuant to Section 18B(j) of Chapter 6A of the General Laws) submitting its first three-year report documenting expenditures by recipients of funds from Enhanced 911 Fund surcharges, was placed on file.

Special Report.

A special report of the Department of Public Health (under the provisions of sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to an inspection of the Norfolk County Correctional Center located in the town of Dedham, was placed on file.

Norfolk County Correctional Center,—inspection.

Petitions.

Petitions severally were presented and referred as follows:

By Representative Costello of Newburyport and Senator Baddour, a joint petition (accompanied by bill, House, No. 3620) of Michael A. Costello and Steven A. Baddour (with the approval of the mayor and town council) relative to validating the terms of office of district councillors at the election to be held in the current year in the city known as the town of Amesbury.

Amesbury,—district councillors.

By Representative Costello of Newburyport and Senator Baddour, a joint petition (accompanied by bill, House, No. 3621) of Michael A. Costello and Steven A. Baddour (with the approval of the mayor and town council) that the city known as the town of Amesbury be authorized to place on the ballot in the current year a certain question relative to the charter of said city.

Amesbury,—charter.

By Representative Costello of Newburyport and Senator Baddour, a joint petition (accompanied by bill, House, No. 3622) of Michael A. Costello (with the approval of the mayor and town council) that the city known as the town of Amesbury be authorized to place on the ballot in the current year a question on fluoridation of the public water supply in said city.

Amesbury,—ballot question.

Severally to the committee on Election Laws.

By Representative Kocot of Northampton and Senator Downing, a joint petition (accompanied by bill, House, No. 3623) of Peter V. Kocot and Benjamin B. Downing (by vote of the town) for legislation to validate certain acts and proceedings taken at a town caucus in the town of Westhampton. To the committee on Municipalities and Regional Government.

Westhampton,—town caucus.

Severally sent to the Senate for concurrence.

A petition (subject to Joint Rule 9) of Tackey Chan relative to the responsibilities of the Massachusetts Municipal Wholesale Electric Company (having been returned by the State Secretary with a letter stating that the petitioner had failed to file proof of notice of publication), was placed on file.

Municipal Wholesale Electric Company.

Papers from the Senate.

The engrossed Bill relative to the adult day health program (House, No. 3579, amended), came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof a new text) with a further amendment in subsection (c) striking out the words "filing of the working group's report" and inserting in place thereof the following: "December 31, 2011".

Adult day health program.

Under suspension of Rule 35, on motion of Ms. Wolf of Cambridge, the further amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Nantucket,—
land
conveyance.

The House Bill authorizing the conveyance of a certain parcel of land by the county of Nantucket (House, No. 568, amended), came from the Senate passed to be engrossed, in concurrence, with amendments striking out section 4; and inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize the conveyance of a certain parcel of land by the county of Nantucket, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

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

Community
housing.

A Bill relative to community housing and services (Senate, No. 1967, amended by adding the following section:

“SECTION 3. The department of elder affairs shall study the establishment of a comprehensive elder affairs ombudsmen program to service the needs of elderly citizens. The study shall include, but not be limited to, a review of the current ombudsmen programs in place and the identification of elderly citizens not currently being serviced by an ombudsmen program who could benefit from such services. The study shall address the implementation of a comprehensive elder care ombudsmen program that covers persons age 60 and over, acting on either their own behalf or through any individual organization or government agency, utilizing the services of community-based programs, including but not limited to, the home care program established under chapter 19A of the General Laws, residents of long term care facilities, residents of nursing homes, residents of assisted living facilities, residents of supportive housing, and other programs as defined by the secretary of the executive office of elder affairs. The study shall review the effectiveness of existing ombudsmen programs, address ways to improve and expand on existing ombudsmen programs and outline the department’s current interaction with other state agencies providing a similar service to elders. The department shall prepare a report on the findings and recommendations together with recommendations for legislation necessary to implement those recommendations by filing the same with the clerks of the house of representatives and the senate, the chairs of the joint committee on elder affairs and the chairs of the house and senate committees on ways and means not later than October 15, 2011.”) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

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

Petition (accompanied by bill, Senate, No. 1976) of Marc R. Pacheco and David B. Sullivan for legislation to establish a sick leave bank for Steven Thomas, an employee of the Department of Correction; and

Steven
Thomas,—
sick leave.

Petition (accompanied by bill, Senate, No. 1977) of Marc R. Pacheco and Patricia A. Haddad for legislation to establish a sick leave bank for Tamika N. Correia, an employee of the Executive Office of Labor and Workforce Development;

Tamika N.
Correia,—
sick leave.

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 (by vote of the town) for legislation to require the city of New Bedford to make certain payments to the town of Rochester for the use of water supplied by said town. Under suspension of the rules, on motion of Mr. Kulik of Worthington the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

New Bedford
and
Rochester,—
water
supply.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Senate Bill relative to economic development in the North Point area of the city of Cambridge (Senate, No. 1955), ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3626. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Cambridge,—
North
Point.

Mr. Kafka of Stoughton, for said committee, reported that the matter 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.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 1955, amended) was ordered to a third reading.

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. 1155) of George N. Peterson, Jr., for legislation establishing a special renewable energy investment commission,— and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Renewable
energy
commission.

By Mr. Costello of Newburyport, for the committee on Financial Services, asking to be discharged from further consideration:

Of the petition (accompanied by bill, House, No. 1218) of Walter F. Timilty relative to group health insurance for dependent children of deceased members or subscribers,— and recommending that the same be referred to the committee on Public Service.

Dependent
children,—
health
insurance.

Non-profit corporations,— liability.

Of the petition (accompanied by bill, House, No. 2039) of Garrett J. Bradley relative to the liability of certain non-profit corporations,— and recommending that the same be referred to the committee on Health Care Financing.

Community preservation.

Of the petition (accompanied by bill, House, No. 2062) of Bradley H. Jones, Jr., and others relative to furthering community preservation,— and recommending that the same be referred to the committee on Municipalities and Regional Government.

Business corporations.

Of the petition (accompanied by bill, House, No. 2774) of Angelo M. Scaccia and William F. Galvin relative to business corporations,— and recommending that the same be referred to the committee on State Administration and Regulatory Oversight.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

Retirement,— filing of forms.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to Chapter 32, Section 91a waivers (House, No. 20), ought to pass with an amendment substituting therefore a bill with the same title (House, No. 3624). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Private schools.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to oversight of private occupational schools (House, No. 3512), ought to pass with an amendment substituting therefore a bill with the same title (House, No. 3625). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Mr. Kafka of Stoughton, for said committee, then reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending.

Malden,— Joseph Walklett.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill exempting Joseph Walklett from the maximum age requirement for appointment as a firefighter in the city of Malden (Senate, No. 1924), be scheduled for consideration of the House; and was placed, under Rule 7A, in the Orders of the Day for the next sitting for a second reading.

Phyllis Rugnetta,— sick leave.

By Mr. Scibak of South Hadley, for the committee on Public Service, on a petition, a Bill sick leave bank for Phyllis A. Rugnetta (House, No. 3589).

Debra Callinan,— sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Debra Callinan, an employee of the Soldiers' Home in Chelsea (House, No. 3616).

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

Mr. Kafka of Stoughton, for said committee, then reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measures.

The engrossed Bill providing the terms of certain bonds to finance the municipal road and bridge maintenance needs of the Commonwealth (see House bill printed in House, No. 3511), 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.

Municipal road and bridge maintenance,— bond terms.

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.

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.

The engrossed Bill relative to the use of direct cash assistance for purchases of alcoholic beverages, lottery tickets or tobacco products (see House, No. 3577, 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.

Direct cash assistance,— purchases.

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 5 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) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill re-enacted.

The engrossed Bill establishing a special commission to study the police career incentive pay program (see House, No. 3578, 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.

Police career incentive pay program,— study.

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.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill re-enacted.

Orders of the Day.

House bills
 Relative to the acceptance of streets as public ways in the city of Woburn (House, No. 912); and
 Designating a certain bridge in the town of Bolton as the Harold E. Brown Jr. memorial bridge (House, No. 1791);
 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. Sent to the Senate for concurrence.

Third
 reading
 bills.

Order.

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.

Next
 sitting.

At twenty-two minutes before twelve o'clock noon, on motion of Mr. Humason of Westfield (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.