
Friday, July 29, 2011 (at 11:00 o'clock A.M.).

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.

Guests of the House.

During the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced Matthew Huggins and his father Michael Ananis, both of the town of Andover. The Chair, on behalf of the membership of the House, congratulated Matthew on his remarkable accomplishments in spite of overwhelming challenges. They were the guests of Mr. Lyons of Andover

Matthew
Huggins.

Communication.

A communication from the Department of Public Health submitting a report of corrective actions taken in response to a report filed (under the provisions of sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to an inspection of M.C.I. Cedar Junction in the town of Walpole, was placed on file.

M.C.I. Cedar
Junction,—
corrective
actions.

Papers from the Senate.

Senate bills

Authorizing the establishment of a sewer construction fund for the town of Barnstable (Senate, No. 1065, amended in section 2 (as printed), in line 7, by striking out the following: “section two A of chapter sixty-four L” and inserting in place thereof the following: “section 2 of chapter 64L”) (on a petition) [Local Approval Received];

Barnstable,—
sewer fund.

Further regulating dam safety, repair and removal (Senate, No. 1985, amended in section 1, in lines 33 to 41, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

Dam safety,
repair and
removal.

“Section 66. The department of conservation and recreation shall review and approve projects to receive loan funds from the Dam Repair and Revolving Loan Fund established under section 2CCCC of chapter 29. The department of conservation and recreation shall promulgate regulations, in consultation with the secretary for administration and finance, identifying the application process and the terms and conditions of approving such loans. Loans shall be made available to private dam owners and cities and towns to inspect, repair and remove dams. Priority in the approval of projects shall be given to: (i) cities, towns and charitable, tax exempt organizations; and (ii) projects to repair or remove high hazard and significant hazard dams, as defined by department of conservation and recreation regulations.”; and by striking out section 3 and inserting in place thereof the following two sections:

“SECTION 3. Chapter 29 of the General Laws is hereby amended by inserting after section 2BBBB the following section:—

Section 2CCCC. There shall be established and set up on the books of the

commonwealth a separate fund to be known as the Dam Repair and Removal Revolving Loan Fund, into which shall be deposited amounts credited to the fund in accordance with section 19 of chapter 29C. The fund shall be administered in accordance with said section 19 of said chapter 29C by the board of trustees of the water pollution abatement trust created thereunder and shall be held in trust exclusively for the purposes and the beneficiaries described therein. The state treasurer shall be the custodian of the fund and its moneys and securities.

SECTION 3A. Chapter 29C of the General Laws is hereby amended by adding the following section:—

Section 19. (a) In addition to the powers and duties of the board otherwise provided in this chapter, the trust shall be the instrumentality of the commonwealth to establish and administer the Dam Repair and Removal Revolving Loan Fund established in section 2CCCC of chapter 29. The board shall apply monies in the fund to provide financial assistance through a program of low-interest, long-term loans to eligible borrowers for projects approved by the department of conservation and recreation under section 66 of chapter 21.

(b) The board shall receive in trust, hold, administer and disburse, without further appropriation or allotment by the commonwealth in and from the fund the following monies: (i) amounts appropriated by the commonwealth to the trust for purposes of the fund; (ii) notwithstanding any general or special law to the contrary and upon approval by the board of trustees, any amounts transferred to the trust by the state treasurer in accordance with paragraphs (a) and (c) of section 16 of chapter 275 of the acts of 1989, for the Water Pollution Abatement and Drinking Water Projects Administration Fund, and applied by the trust to make loans to local governmental units in accordance with section 26 of chapter 203 of the acts of 1992, including repayments on such loans and any investment earnings thereon; (iii) proceeds of bonds of the trust to the extent required by the board's resolution for issuance of such bonds or any applicable trust agreement; (iv) investment earnings on monies in the fund; and (v) any other amounts required to be credited to the fund by any law or by any resolution, loan agreement or trust agreement of the board or which the board shall otherwise determine to deposit therein.

(c) In the implementation of this section and administration of the Dam Repair and Removal Revolving Loan Fund, the trust shall have all powers to make loans, require and receive security therefor and collect loan repayments applicable to the Water Pollution Abatement Revolving Fund and the Drinking Water Revolving Fund or as necessary for the prudent administration of the Dam Repair and Removal Revolving Loan Fund.

(d) The trust, after consultation with the commissioner of conservation and recreation and the secretary of administration and finance, shall promulgate regulations to implement and administer this section.”) (on Senate bill No. 367);

Authorizing the sale of land by the Wakefield Housing Authority (Senate, No. 1986) (on Senate bill No. 585); and

Relative to an exclusive and perpetual easement within Monroe State Forest (Senate, No. 1988, amended in section 1, in line 16, by striking out the following: “VE-106-108” and inserting in place thereof the following: “VE-103-108”) (on Senate bill No. 1899, changed);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

The Senate Bill validating a certain vote taken by the town of Tewksbury (Senate, No. 1909) (on a petition) [Local Approval Received], passed to engrossed

Wakefield
Housing Authority.

Monroe State
Forest.

Tewksbury,—
validate vote.

by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A petition (accompanied by bill, Senate, No. 1990) of Katherine M. Clark, Paul J. Donato, Christopher G. Fallon and Stephen Stat Smith (with the approval of the mayor and city council) for legislation relative to the administrative organization of financial officers in the city of Malden, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Revere,—
office of
mayor.

A petition of Katherine M. Clark and Paul Brodeur for legislation to establish a sick leave bank for JoAnne Pierce, an employee of the Executive Office of Health and Human Services, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

JoAnne
Pierce,—
sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1993) was referred, in concurrence, to the committee on Public Service.

Report of a Committee.

By Mr. O'Flaherty of Chelsea, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments of the House Bill relative to the reorganization of the judicial system of the Commonwealth (House, No. 3395, amended), recommending the passage of a bill with the same title (House, No. 3644) [Note: An errata signed by all of the conferees was submitted prior to a vote on acceptance of the conference report. The errata appears after section 138 of House, No. 3644].

Judicial system,—
reorganization.

Under suspension of the rules, on motion of the same member, the report (having been approved by the committees on Bills in the Third Reading of each branch) was considered forthwith; and it was accepted. The report then was sent to the Senate for concurrence.

By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a joint petition, a Bill authorizing the town of Groton, acting by and through its board of selectmen and board of water commissioners, to convey a conservation restriction on certain parcels of land to the Division of Fisheries and Wildlife by its Department of Fish and Game (House, No. 3335) [Local Approval Received]. Read; and referred, under Rule 33, to the committee on Ways and Means.

Groton,—
land.

By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a joint petition, a Bill authorizing the town of Norton to grant easements and restrictions over certain town-owned land (House, No. 3431) [Local Approval Received].

Norton,—
land.

By the same member, for the same committee, on a petition, a Bill relative to the geographic limits of fire district two in the town of South Hadley (House, No. 3485) [Local Approval Received].

South Hadley,—
fire district.

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

Emergency Measure.

The engrossed Bill providing for a certain exemption from the sales tax (see house bill printed as Senate, No. 156, 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.

Sales tax holiday.

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 8 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 relative to the reorganization of the judicial system of the Commonwealth (see House, No. 3644) (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.

Judicial system,—
reorganization.

Orders of the Day.

The House Bill establishing a business and economic development special revenue fund in the city of Marlborough (House, No. 1452), 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. Sent to the Senate for concurrence.

Third reading bill.

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.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at one minute before one o'clock P.M. (Friday, July 29), on motion of Mr. Wong of Saugus (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.