

Thursday, August 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.

Resolutions.

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

Phillip and Marcia Sweeney.

Resolutions (filed by Ms. Ehrlich of Marblehead) congratulating Mr. and Mrs. Phillip Sweeney on the occasion of their fiftieth wedding anniversary; and

Lee Cohen.

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Lee Cohen of Sharon Boy Scout Troop 95 on earning the Eagle Scout Award;

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.

Communications.

Communications

Post partum,— screening.

From the Department of Public Health (under Chapter 313 of the Acts of 2010) relative to screening for post partum depression;

Inmate fees.

From the Executive Office of Public Safety and Security transmitting a copy of the report of the commission appointed (under Section 177 of Chapter 131 of the Acts of 2010) to make an investigation of the feasibility of establishing inmate fees within the correctional system of the Commonwealth [copies previously forwarded by said office to the House and Senate committees on Ways and Means and the committee on Public Safety and Homeland Security];

Life Sciences Center.

From the Life Sciences Center (under Section 5(e)(2) of Chapter 231 of the General Laws) relative to detailing the decision to defer revocation of certification for certain life sciences companies that have been awarded tax incentives; and

Gardner correctional facility.

From the Superintendent of the North Central Correctional Institution in response to the annual Department of Public Health audit of said institution;

Severally were placed on file.

Petition.

Identification cards,— veteran status.

Representative Koczera of New Bedford and Senator Rodrigues presented a joint petition (subject to Joint Rule 12) of Robert M. Kocz-

era, Michael J. Rodrigues and others relative to the designation of veterans status on licenses and identification cards issued by the Registry of Motor Vehicles; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

The House Bill establishing a sick leave bank for Debra Callinan, an employee of the Soldiers' Home in Chelsea (House, No. 3616), came from the Senate passed to be engrossed, in concurrence, with amendments in lines 1 and 2 striking out the words "executive office of health and human services" and inserting in place thereof the words "Soldiers Home in Massachusetts located in the city of Chelsea"; in line 3 striking out the words "in Chelsea"; in line 3, and also in line 5, striking out the word "office" and inserting in place thereof, in each instance, the words "Soldiers' Home"; in line 9 striking out the word "office of health and human services" and inserting in place thereof the words "Soldiers' Home"; in the title, and also in the emergency preamble, striking out the word "Chelsea" and inserting in place thereof, in each instance, the word "Massachusetts".

Debra Callinan,— sick leave.

Under suspension of Rule 35, on motion of Mr. O'Flaherty of Chelsea, the amendments were considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House non-concur with the Senate in its amendments; and the report was accepted.

The House then non-concurred with the Senate in its amendments. Sent to the Senate for its action.

A Bill amending the charter of the city of Malden (Senate, No. 1923, amended by striking out section 4 (as published) and inserting in place thereof the following section:

Malden,— city charter.

"SECTION 2. Section 9 of said chapter 169 of the acts of 1881 is hereby amended by striking out the fourth and fifth sentences and inserting in place thereof the following six paragraphs:—

A vacancy in the office of mayor, arising from any cause during the first 17 months of a term, shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office.

A vacancy in the office of mayor, arising from any cause between May 1 and July 1 of a municipal election year in which a mayoral election would not ordinarily be held shall be filled at the regular election. The person so elected shall fill the remainder of the unexpired term and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office.

A vacancy in the office of mayor, arising from any cause after July 1 in a municipal election year during which a mayoral election would not ordinarily be held but before May 1 in a municipal election year during which a mayoral election would ordinarily be held shall be filled by special election to be held not less than 90 nor more

Malden,—  
city  
charter.

than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office.

A vacancy in the office of mayor, arising from any cause from May 1 but before July 1 of a municipal election year during which a mayoral election would ordinarily be held shall be filled at the regular municipal election. The person so elected shall fill the remainder of the unexpired term and the next regular term of office and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office and the next regular term.

A vacancy in the office of mayor, arising from any cause after July 1 of a municipal election year during which a mayoral election would ordinarily be held shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term, if any, and/or the balance of the next regular term to begin on the first Monday in January in the year subsequent to the one in which the vacancy arose. The person so elected shall be sworn to office for the remainder of the unexpired term or the next regular term, as the case may be, immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term, if any, and the next regular term.

Any election held under this section shall be preceded by a primary, if required by chapter 314 of the acts of 1912.”; and striking out section 2 (as published) and inserting in place thereof the following section:

“SECTION 3. Said section 9 of said chapter 169 is hereby further amended by striking out the last paragraph, as inserted by section 2 of chapter 255 of the acts of 1964, and inserting in place thereof the following 7 paragraphs:—

A vacancy in the office of ward councilor, arising from any cause during the first 17 months of a term, shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office.

A vacancy in the office of ward councilor, arising from any cause between May 1 and July 1 of a municipal election year shall be filled at the regular election. The person so elected shall fill the remainder of the unexpired term in addition to the next regular term and shall be sworn to office for the remainder of the unexpired term immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office and the next regular term.

A vacancy in the office of ward councilor, arising from any cause after July 1 of a municipal election year shall be filled by special election to be held not less than 90 nor more than 120 days from the date

of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term, if any, and/or the balance of the next regular term to begin on the first Monday in January in the year subsequent to the one in which the vacancy arose. The person so elected shall be sworn to office for the remainder of the unexpired term or the next regular term, as the case may be immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term, if any, and the next regular term.

A vacancy in the office of councilor at large, arising from any cause during the first 17 months of a term, shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office.

A vacancy in the office of councilor at large, arising from any cause between May 1 and July 1 of a municipal election year shall be filled at the regular election. The person receiving the highest number of votes and is not presently serving shall fill the remainder of the unexpired term in addition to the next regular term and shall be sworn to office for the remainder of the unexpired term immediately upon certification of the results of the election. Ballots shall indicate that 2 persons shall be elected to fill the next regular term of office and that 1 person shall be elected to fill the vacancy in the present term and the next regular term.

A vacancy in the office of councilor at large, arising from any cause after July 1 of a municipal election year shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term, if any, and/or the balance of the next regular term to begin on the first Monday in January in the year subsequent to the one in which the vacancy arose. The person so elected shall be sworn to office for the remainder of the unexpired term or the next regular term, as the case may be immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term, if any, and the next regular term.

Any election held under this section shall be preceded by a primary, if required by chapter 314 of the acts of 1912.”; and striking out section 3 (as published) and inserting in place thereof the following section:

“SECTION 5. Section 24 of said chapter 169 is hereby amended by striking out the sixth sentence, as inserted by section 3 of chapter 255 of the acts of 1964, and inserting in place thereof the following 4 paragraphs:—

A vacancy in the office of school committee, arising from any cause during the first 17 months of a term, shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term and shall be sworn to office immedi-

Malden,—  
city  
charter.

ately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office.

A vacancy in the office of school committee, arising from any cause between May 1 and July 1 of a municipal election year shall be filled at the regular election. The person so elected shall fill the remainder of the unexpired term in addition to the next regular term and shall be sworn to office for the remainder of the unexpired term immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office and the next regular term.

A vacancy in the office of school committee, arising from any cause after July 1 of a municipal election year shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term, if any, and/or the balance of the next regular term to begin on the first Monday in January in the year subsequent to the one in which the vacancy arose. The person so elected shall be sworn to office for the remainder of the unexpired term or the next regular term, as the case may be, immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term, if any, and the next regular term.

Any election held under this section shall be preceded by a primary, if required by chapter 314 of the acts of 1912.”) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith, and ordered to a third reading.

#### *Reports of Committees.*

Acton,—  
water  
supply.

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 Jennifer E. Benson (by vote of the town of Boxborough) for legislation to regulate the acquisition of ground water in said town by the Water Supply District of Acton. Under suspension of the rules, on motion of Mr. Smizik of Brookline, the report was considered forthwith. Joint Rule 12 then was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture. [Note: Subsequent to the suspension of Joint Rule 12, this petition was transmitted by the Clerk to the State Secretary for a determination of it being subject to Joint Rule 9 and applicable to Section 5 of Chapter 3 of the General Laws].

Boston,—  
health  
surveillance.

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 Jeffrey Sánchez (with the approval of the mayor and city council) relative to sharing confidential health data with the Boston Public Health Commission pertaining to the residents of said city for the purpose of public health surveillance.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the report was considered forthwith. Joint Rule 12 then was suspended; and the petition (accompanied by bill) was referred to the committee on Public Health. Sent to the Senate for concurrence.

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

Providing a simplified procedure for municipal acceptance of subdivision roads in the town of Franklin (House, No. 1459) [Local Approval Received];

Authorizing special police officers for the city of Revere (House, No. 3329) [Local Approval Received]; and

Relative to the town of Burlington representative town meeting form of government (House, No. 3501) [Local Approval Received];

Under suspension of Rule 7A, in each instance, on motion of Mr. Smizik of Brookline, the bills severally were read a second time forthwith; and they were ordered to a third reading.

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill eliminating the preliminary election in the city of Revere in 2011 (House, No. 3655) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, on motion of Mr. Chan of Quincy, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Ms. Reinstein of Revere, the bill (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.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on House, Nos. 2593 and 3427, a Bill authorizing the city of Methuen to lease that building known as the Oakland Avenue School to the Islamic Academy for Peace (House, No. 3689). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mrs. Campbell of Methuen, the bill (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, its title having been changed by said committee to read: “An Act authorizing the city of Methuen to lease the building known as Oakland Avenue School to the Islamic Academy for Peace.”. Sent to the Senate for concurrence.

Franklin,—  
subdivisions.

Revere,—  
police.

Burlington,—  
town  
meeting.

Revere,—  
preliminary  
election.

Methuen,—  
building  
lease.

Pension  
benefits,—  
sick leave.

By Mr. Scibak of South Hadley, for the committee on Public Service, on Senate, No. 1401 and House, No. 1609, a Bill to promote equity in pension benefits (House, No. 3688). Read; and referred, under Rule 33, to the committee on Ways and Means.

Health  
insurance  
information.

Mr. Walsh of Lynn, for the committee on Health Care Financing, that the Bill making a technical correction relative to reporting premium information (House, No. 1181) ought to pass. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Emergency Measure.*

Lisa  
Sullivan,—  
sick leave  
bank.

The engrossed Bill establishing a sick leave bank for Lisa A. Sullivan, an employee of the Trial Court (see House, No. 3249, 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 3 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.

*Engrossed Bill.*

Bill  
enacted.

The engrossed Bill establishing a barrier beach protection stabilization fund in the town of Dennis (see House, No. 3258) (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.

*Orders of the Day.*

Third  
reading  
bill.

The Senate Bill establishing a sick leave bank for Michele Chandler, an employee of the Executive Office of Health and Human Services (Senate, No. 1968, amended), 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.

*Order.*

Next  
sitting.

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.

Ms. Stanley of West Newbury then moved that as a mark of respect to the memory of Thomas G. Palumbo, a member of the House from Newburyport from 1985 to 1994, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at seventeen minutes after twelve o'clock noon, on motion of Mr. Peterson of Grafton (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.