

Thursday, September 8, 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.

Silent Prayer.

Richard F. Rossi.

During the session, at the request of Representative Stanley of Waltham, the members, guests and employees stood in a moment of silent tribute in respect to the memory of Richard F. Rossi, a valued employee of the Legislature since 1985, serving as Director of L.I.S. Operations – Legislative Branch. Mr. Rossi, who passed away on Monday, is survived by his wife, Sharon, his daughters Ashlee and Melissa and his son, Richard, Jr.

Resolutions.

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

Kyle Sebastian Andrulonis.

Resolutions (filed by Ms. Garlick of Needham) congratulating Kyle Sebastian Andrulonis on receiving the Eagle Award of the Boy Scouts of America;

Admetech Foundation.

Resolutions (filed by Mr. Kulik of Worthington and other members of the House) recognizing Admetech Foundation as the host of the third annual Prostate Cancer Awareness Day at the Massachusetts State House on September 15, 2011;

Natick, — Morris Family Square.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) recognizing the dedication of the Morris Family Square dedication in the town of Natick;

William Wiseheart IV.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating William Wiseheart IV on receiving the Eagle Award of the Boy Scouts of America;

Richard J. Gomes.

Resolutions (filed by Representatives Poirier of North Attleborough, Howitt of Seekonk and Barrows of Mansfield) congratulating Chief Richard J. Gomes on the occasion of his retirement;

Yoel Camayd-Freixas.

Resolutions (filed by Mr. Sánchez of Boston) honoring Dr. Yoel Camayd-Freixas on the occasion of the establishment of the Scholarship Fund for the Youth; and

Pipefitters of Boston, Local 537.

Resolutions (filed by Mr. Walsh of Boston and other members of the House) congratulating the Pipefitters of Boston, Local 537 on its centennial;

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.

Petitions.

Representative Galvin of Canton and Senator Joyce presented a joint petition (subject to Joint Rule 12) of William C. Galvin and Brian A. Joyce for legislation to establish a sick leave bank for Debra Callejas, an employee of the Department of Industrial Accidents; and the same was referred, under Rule 24, to the committee on Rules.

Debra Callejas, — 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. 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 the Public Service. Sent to the Senate for concurrence.

Representative Straus of Mattapoisett and Senator Pacheco presented a joint petition (subject to Joint Rule 12) of William M. Straus, Marc R. Pacheco and Mark C. Montigny relative to the unpaid leave and retirement benefits of Penelope Harvey, an employee of the Fairhaven public school system; and the same was referred, under Rule 24, to the committee on Rules.

Penelope Harvey, — retirement benefits.

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. 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 the Public Service. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Murphy of Lowell, a petition (subject to Joint Rule 12) of Kevin J. Murphy for legislation to require notice to abutters of building permits.

Building permits, — abutters.

By Mr. Webster of Pembroke, a petition (subject to Joint Rule 12) of Daniel K. Webster for legislation to require inspections by the Department of Public Safety of dumb waiters in owner-occupied residences.

Dumb waiters, — inspection.

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

Papers from the Senate.

A petition (accompanied by bill) of Frederick E. Berry, John F. Keenan, Anthony W. Petrucci, Sal N. DiDomenico and other members of the General Court for legislation requiring employees at residential facilities licensed by the department of mental health to be equipped with panic buttons, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Mental Health and Substance Abuse.

Mental Health facilities, — panic buttons.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2006) was referred, in concurrence, to the committee on Mental Health and Substance Abuse.

Ashburnham,—
town charter. A Bill relative to the town charter for the town of Ashburnham (Senate, No. 2005) (on Senate, No. 1906) [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.

Reports of Committees.

Children,—
testimony. 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 Cleon H. Turner relative to recording the testimony of children as witnesses in certain court proceeding. 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 the Judiciary. 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:

Medical
examiners,—
bodies. Relative to the release of a body by the medical examiner to a person charged with an offense which resulted in the death of the deceased (House, No. 2350) [Local Approval Received];

Watertown,—
special police. Authorizing the appointment of special police officers in the town of Watertown (House, No. 3434) [Local Approval Received]; and

Quincy,—
tax
abatements. Authorizing the city of Quincy to abate certain fiscal year 2010 real property taxes (House, No. 3447) [Local Approval Received];

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

Upton
State Forest,—
easement. By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Management and Maintenance to grant an easement over an access road in Upton State Forest (House, No. 1149, changed), ought to pass with an amendment substituting a bill with the same title (House, No. 3706). 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 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 substituted bill (House, No. 3706) was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Peterson of Grafton, the bill (having been 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.

Boston,—
ballots. By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill repealing the sunset clause for the preparation of certain ballots in the city of Boston (printed as Senate, No. 295) [Local Approval Received] [Senator Knapik and Representatives Lombardo of Billerica and Webster of Pembroke dissenting].

By the same member, for the same committee, on a petition, a Bill allowing citizens 17 years or older to vote in the city of Lowell municipal elections (House, No. 1111) [Local Approval Received] [Senator Knapik and Representatives Lombardo of Billerica and Webster of Pembroke dissenting].

Lowell,—
voting
age.

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

Reconsideration.

Mr. O'Flaherty of Chelsea moved, there being no objection, that the vote be reconsidered by which the House, on Thursday, August 25, non-concurred with the Senate in its amendments of the House Bill establishing a sick leave bank for Debra Callinan, an employee of the Soldiers' Home in Chelsea (House, No. 3616) and, there being no objection, the motion to reconsider was considered forthwith; and it prevailed.

Debra
Callinan,—
sick leave
bank.

On the recurring question the House concurred with the Senate in its amendments.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Debra Callinan, an employee of the Soldiers' Home in Massachusetts (see House, No. 3616, 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.

Debra
Callinan,—
sick leave
bank.

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 7 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 establishing a sick leave bank for Annmarie Kineavy, an employee of the Massachusetts Department of Transportation (see House, No. 3691, 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.

Annmarie
Kineavy,—
sick leave
bank.

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 7 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 Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed Bills.

Engrossed bills
Establishing a sick leave bank for Bethany M. Tsiropoulos, an employee of the Massachusetts Rehabilitation Commission (see Senate, No. 2002); and

Bills
enacted.

Bills enacted. Establishing a sick leave bank for Caron Parker, an employee of the Department of Revenue (see Senate, No. 2003); (Which severally originated in the Senate); In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Id. Engrossed bills
Validating a certain vote taken by the town of Tewksbury (see Senate, No. 1909); and
Amending the charter of the city of Malden (see Senate, No. 1923, amended); (Which severally originated in the Senate); Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and it were signed by the acting Speaker and sent to the Senate.

Recess.

Recess. At twenty-five minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Orders of the Day.

Bill ordered to a third reading. The House Bill establishing expanding gaming in the Commonwealth (House, No. 3702), was ordered to a third reading.

Natick,— fire chief. The House Bill exempting the position of fire chief of the town of Natick from the provisions of the civil service law (House, No. 3508) (its title have been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Notwithstanding chapter 8 of the acts of 1925 or any other general or special law to the contrary, the position of fire chief in the town of Natick shall be exempt from the provisions of chapter 31 of the General Laws.

SECTION 2. Section 1 shall not impair the civil service status of the person holding the position of fire chief in the town of Natick on the effective date of this act.

SECTION 3. This act shall take effect upon its passage."

The amendment was adopted; and the bill (House, No. 3508, amended) was passed to be engrossed. 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 Monday next at eleven o'clock A.M.

At seven minutes past one o'clock P.M., 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.