

Monday, September 12, 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.

*Appointment to the Financial Literacy Trust Fund.*

Financial Literacy Trust Fund.

The Minority Leader announced that he had appointed Cynthia C. Merkle of the town of Swampscott to serve as his designee on the Financial Literacy Trust Fund established (under Section 35QQ of Chapter 10 of the General Laws, as most recently amended by Chapter 14 of the Acts of 2011) to encourage financial literacy and education for residents, institutions, community organizations and entities that will promote financial literacy.

*Resolutions.*

Seymour J. Friedland.

Resolutions (filed with the Clerk by Representatives Stanley of Waltham, Balsler of Newton, Kafka of Stoughton, Kaufman of Lexington, Khan of Newton, Lawn of Watertown, Smizik of Brookline and Wolf of Cambridge) congratulating Seymour J. Friedland on the occasion of his retirement, were referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, 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

*Communications.*

*Communications*

Criminal justice system study,— appointment.

From the Chief Justice of the Supreme Judicial Court forwarding a notice of his appointment of Dr. Ronald P. Corbett, Jr., Acting Commissioner of Probation, to serve as his designee on the special commission established (under Section 189 of Chapter 68 of the Acts of 2011) to study the Commonwealth's criminal justice system;

Massachusetts Broadband Institute.

From the Massachusetts Broadband Institute (under section 6B(f) of Chapter 40J of the General Laws) submitting a revised detailed long-term plan for said institute [copies of said report forwarded, as required by said law, to the House committee on Ways and Means and the joint committees on Telecommunications, Utilities and Energy and Economic Development and Emerging Technologies];

MassHealth,— fund transfers.

From the Comptroller submitting (under Section 2E of Chapter 68 of the Acts of 2011) transfer schedules for funds transferred from the Medical Assistance Trust Fund to the MassHealth provider payment account [a copy of said report forwarded, as required by said act, to the House committee on Ways and Means];

From the Nantucket Registry of Deeds (under Section 2KKK of Chapter 29 of the General Laws) submitting a plan for technological improvements at said registry [copies of said communication referred, as required under said law, to the House committees on Ways and Means and Post Audit and Oversight];

Nantucket Registry of Deeds.

From the special commission on School District Collaboration and Regionalization (under Section 72 of Chapter 188 of the Acts of 2010) [copies of said report forwarded, as required by said act, to the House committee on Ways and Means and the joint committee on Education];

School District Collaboration.

From the Department of Public Health (under sections 5, 20 and 21 of the General Laws) (dated August 15, 2011) to the Superintendent of M.C.I. Cedar Junction addressing an item still in violation in a plan of correction submitted on July 25, 2011, by said superintendent;

M.C.I. Cedar Junction.

From the Department of Public Health (under sections 5, 20 and 21 of the General Laws) (dated August 15, 2011) to the Superintendent of the NCCI Gardner addressing two items still in violation in a plan of correction submitted by said superintendent in response to an inspection of said facility on June 1, 3 and 4, 2011;

NCCI Gardner.

From the Department of Public Health (under sections 5, 20 and 21 of the General Laws) (dated August 26, 2011) to the Superintendent of the Souza-Baranowski Correctional Center stating that all of the violations noted in the report of August 17, 2011, had been addressed; and

Souza-Baranowski Correctional Center

From the Department of Public Health (under sections 5, 20 and 21 of the General Laws) (dated September 1, 2011) to the Acting Superintendent of M.C.I. Shirley addressing several items still in violation in a plan of correction submitted by said acting superintendent in response to an inspection of said facility on May 16, 19, 20 and 23, 2011;

M.C.I. Shirley.

Severally were placed on file.

*Special Report.*

The initial report of the Chief Counsel of the Committee of Public Counsel Services (under item 0321-1500 of Section 2 of Chapter 68 of the Acts of 2011) relative to the implementation of the directive to develop a system of appointment of counsel in which no less than twenty-five per cent of indigent defendants be represented by public defender staff by the end of fiscal year 2012, was placed on file.

Public Counsel Services.

*Petitions.*

Mr. Madden of Nantucket and Senator Wolf presented a joint petition (accompanied by bill, House, No. 3708) of Timothy R. Madden (by vote of the town) for legislation to authorize the town of Aquinnah to refund tax payments and accrued interest from improperly assessed taxation in prior fiscal years 2005 and 2006; and the same was referred to the committee on Revenue. Sent to the Senate for concurrence.

Aquinnah,— tax payments.

Petitions severally were presented and referred as follows:

By Mr. Barrows of Mansfield, a petition (subject to Joint Rule 12) of F. Jay Barrows and others relative to the bundled cell phone taxation.

Cellular phones.

By Mr. Webster of Pembroke (by request), a petition (subject to Joint Rule 12) of Eric E. Johnson relative to limiting salaries of hospital administrators, chief of executive officers and executive teams.

Hospitals,— salaries.

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

*Reports of Committees.*

Community development partnership program.  
By Ms. Forry of Boston, for the committee on Community Development and Small Businesses, on House, No. 988, a Bill to create the community development partnership program (House, No. 3707) [Representatives D'Emilia of Bridgewater and Lyons of Andover dissenting].

Wheelchair bound persons.  
By Mr. Straus of Mattapoissett, for the committee on Transportation, on a petition, a Bill relative to the transportation of individuals seated in wheelchairs (House, No. 1783).

Open road tolls,—study.  
By the same member, for the same committee, on a petition, a Bill relative to the study of open road tolling in the Commonwealth (House, No. 3082).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Amesbury,—district councilors.  
By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill relative to district councilors elected at the 2011 election in the town of Amesbury (House, No. 3620) [Local Approval Received].

Amesbury,—town charter.  
By the same member, for the same committee, on a petition, a Bill relative to the charter of the town of Amesbury (House, No. 3621) [Local Approval Received].

Amesbury,—fluoridation.  
By the same member, for the same committee, on a petition, a Bill authorizing the town of Amesbury to place a certain question relative to the fluoridation of the public water supply on the town's election ballot (House, No. 3622) [Local Approval Received].

Abington,—election.  
By the same member, for the same committee, on a message from His Excellency the Governor, a Bill validating the actions taken at certain elections held in the town of Abington (printed in House, No. 3664).

Chelsea,—Martinello brothers.  
By Mr. Scibak of South Hadley, for the committee on Public Service, on a petition, a Bill relative to the order of placement of a certain person on the civil service eligibility list (House, No. 2967).

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

*Engrossed Bills.*

Bills enacted.  
Engrossed bills  
Exempting Scott Lawrence from the maximum age requirement for applying for civil service appointment as a police officer in the town of Ware (see House, No. 3464); and

Exempting Daniel J. Clark from the maximum age requirement for applying for civil service appointment as a police officer in the town of Ware (see House, No. 3465);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*

The Senate Bill authorizing the city of Westfield to convert a seasonal license for the sale of all alcoholic beverages not to be drunk on the premises to an annual license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 1939), 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. Third reading bill.

*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 eight minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.