

JOURNAL OF THE HOUSE.

Monday, September 13, 2010.

Met at five minutes after 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:

Dr. Leonard J. Morse.

Resolutions (filed by Messrs. Binienda of Worcester, Fresolo of Worcester, O'Day of West Boylston, Pedone of Worcester and Spelane of Worcester) congratulating Dr. Leonard J. Morse on the occasion of his retirement from his position as public health commissioner of the city of Worcester;

Wellesley Service League.

Resolutions (filed by Ms. Peisch of Wellesley) honoring the Wellesley Service League for its contributions to the community and commitment to working with people with disabilities; and

Pet Microchip Day.

Resolutions (filed by Mr. Scibak of South Hadley) recognizing the Massachusetts Veterinary Medical Association on its organization of the 2010 Pet Microchip Day.

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

Annual Report.

Capital Resource Company.

The annual report of the Capital Resource Company (under Section 12 of Chapter 816 of the Acts of 1977) describing the formation and current status of said company, was placed on file.

Paper from the Senate.

Sick leave banks.

A Bill establishing a sick leave bank for Holly Ann Beaumier, an employee of the office of Medicaid and establishing a sick leave bank for John S. Bain, an employee of the University of Massachusetts at Lowell (Senate, No. 2618) (on Senate bill No. 2538), 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.

Environment, Natural Resources and Agriculture,—study.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on Senate Nos. 385, 386, 394, 411, 415, 431 and 441 and House, Nos. 703, 721, 722, 778, 779, 780, 815,

818, 850, 3441, 3442, 3554 and 3808, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of certain Senate and House documents concerning hazardous materials, flood control and various other environmental issues (House, No. 5020).

Municipalities and Regional Government,—study.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on House, Nos. 597, 609, 1115, 1902, 1918, 1919, 1967, 1968, 1970, 1972, 1973, 1974, 1975, 1981, 1982, 1983, 1984, 1985, 1986, 1994, 1995, 1997, 1999, 2000, 2001, 2002, 2003, 2004, 2007, 2008, 2014, 2015, 2016, 3409, 3466, 3467, 3469, 3474, 3587, 3590, 3699, 3814, 3815, 3818, 3820, 3821, 3822, 3825, 3908, 3909, 4226, 4241, 4317 and 4393, an Order relative to authorizing the committee on Municipalities and Regional Government to make an investigation and study of certain House documents concerning pet control, variances, foreclosures and other related matters (House, No. 5019).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently, Mr. Binienda of Worcester, for said committees, reported, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules. Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for Edward A. Driscoll, an employee of the Trial Court (see House, No. 4947, amended) (which originated in the House), in respect to which the Senate had concurred in the adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Engrossed bills

Exempting all employees of the department of public works in the town of Acushnet from the civil service law (see House, No. 4939); and

Bills enacted.

Relative to South Hadley town meeting members (see House, No. 4980);

(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 it were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The engrossed Bill protecting our natural resources (see House, No. 4943) which had been returned to the House by His Excellency the Governor with recommendation of amendments (for message, see House, No. 4994), was considered.

Beavers,—control.

The committee on Bills in the Third Reading reported recommending that the amendments recommended by the Governor, as previously adopted by the House, be amended by striking out the text contained therein and inserting in place thereof the following:

Beavers,—
control.

“SECTION 1. The third paragraph of section 80A of chapter 131 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following 2 sentences:— If no response is provided by the municipal board of health within 10 calendar days or the application is denied, the applicant or the applicant’s duly authorized agent may transfer the application for the emergency permit to the director. If the director, in consultation with the state department of public health, determines that such a threat exists, it shall immediately issue the emergency permit to alleviate the existing threat to human health and safety for a period not exceeding 10 days.

SECTION 2. Said section 80A of said chapter 131, as so appearing, is hereby further amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:—

If the threat to human health and safety has not been alleviated within the 10-day period, the applicant or his duly authorized agent shall apply to the granting authority for an extension permit to continue the use of alleviation techniques specified in this section for a period not exceeding 30 days. If the granting authority, in consultation with the state department of public health, determines that such a threat to human health or safety exists, as defined in this section, the granting authority shall immediately issue an extension permit.

SECTION 3. Said section 80A of said chapter 131, as so appearing, is hereby further amended by striking out, in lines 78, 79 and 86, the word ‘director’ and inserting in place thereof, in each instance, the following words:— ‘granting authority’.

SECTION 4. Said section 80A of said chapter 131, as so appearing, is hereby further amended by striking out, in lines 88 to 90, inclusive, the words ‘any or all of the previous four paragraphs shall not preclude the applicant or his duly authorized agent from applying to the municipal board of health’ and inserting in place thereof the following words:— this section shall not preclude the applicant or his duly authorized agent from applying to the municipal board of health or division.

SECTION 5. Said section 80A of said chapter 131, as so appearing, is hereby further amended by striking out the eighth and ninth paragraphs and inserting in place thereof the following paragraph:—

Every board of health within the commonwealth that issues an emergency permit under this section shall report annually to the division the number of permit applications, the number of permits granted, the location for which the emergency permits were authorized, the results of granting the emergency permits and other information that may be required by the division. The division shall provide a report annually to the joint committee on environment, natural resources and agriculture on the aggregation of the boards of health reports, the number of permit applications the division received, the number of permits it granted, the location for which the emergency permits were authorized, the results of granting the emergency permits and recommendations regarding wildlife management under this section.”.

The further amendment was adopted, thus precluding a vote on the recurring amendments. Sent to the Senate for its action.

Order.

On motion of Mr. DeLeo of Winthrop,—
Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o’clock A.M. Next sitting.

At eleven minutes after eleven o’clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Thursday at eleven o’clock A.M., in an Informal Session.