

Wednesday, October 7, 2009.

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).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, we begin today's informal legislative sessions with a prayer of thanks for our many material and spiritual blessings and a prayer of petition for Your counsel. We believe that Your assistance enables us to address successfully our various responsibilities and to live each moment of the day with a significant purpose. In these uneasy times in our own country and in nations around the world, inspire us to make reasoned and thoughtful legislative decisions and choices which will serve the best interests of people and society. Teach us to be guided in our decision-making activities by traditional principles, right reason and our human and spiritual values. May we work together to make our communities and neighborhoods safe and prosperous, with equal employment opportunities as well as drug free.

Grant Your blessings to the Speaker, the members and employees of this House and their families.

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:

Resolutions (filed by Mr. Fagan of Taunton) congratulating Roland "Rick" Robillard on the occasion of his retirement;

Resolutions (filed by Mr. Kaufman of Lexington) congratulating Marie D. Doran on the occasion of her ninetieth birthday; and

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) honoring Natick teacher Nancy Petrin on the occasion of her retirement.

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

Communication.

A communication from the Public Employee Retirement Administration Commission (under Section 50 of Chapter 7 of the General Laws) submitting rules and regulations governing retirement of public employees in the Commonwealth (House, No. 4272) was referred, under Rule 24, to the committee on Public Service. Sent to the Senate for concurrence.

Petitions.

Lou Polson, etc.,—
sick leave
bank.

Representative Flynn of Bridgewater and Senator Pacheco presented a joint petition (subject to Joint Rule 12) of David A. Flynn and Marc R. Pacheco relative to establishing a sick leave bank for Lou Polson and Eric Polson, employees of the Department of Correction; and the same was referred, under Rule 24, to the committee on Rules.

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. Kafka of Stoughton, the report was considered forthwith Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Official
groundhog.

By Mr. Conroy of Wayland, a petition (subject to Joint Rule 12) of Thomas P. Conroy for legislation to designate Ms. G of the Massachusetts Audubon Society's Drumlin Farm Wildlife Sanctuary as the official groundhog of the Commonwealth.

Municipal
borrowing.

By Mr. Conroy of Wayland, a petition (subject to Joint Rule 12) of Thomas P. Conroy for legislation to amend municipal borrowing procedures.

Abandoned
property.

By Mr. Conroy of Wayland, a petition (subject to Joint Rule 12) of Thomas P. Conroy for legislation to establish residual funds from class action lawsuits as abandoned property. Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Docking
pilots.

The Senate Resolve providing for an investigation and study by a special commission relative to the licensing of docking pilots (Senate, No. 2173) (on Senate, No. 2168), passed to be engrossed by the Senate was read; and it was referred, under Rule 33, to the committee on Ways and Means.

State
pilotage
rate
board.

The Senate Bill establishing the Massachusetts state pilotage rate board (Senate, No. 2174, amended by striking out section 2 and inserting in place thereof the following section:

"SECTION 2. Said section 3 of said chapter 103, as so appearing, is hereby further amended by adding the following paragraph:—

Notwithstanding any regulation to the contrary, in determining the eligibility of applicants for consideration for appointment to any status as pilot candidate or for a warrant or full branch pilot commission, the pilot commission shall adopt regulations providing for preference to veterans as defined in clause Forty-third of section 7 of chapter and to those who were honorably discharged from or currently serving in the Armed Forces of the United States, including the Army, Navy, Air Force, Marine Corps and Coast Guard and the National Oceanic and Atmospheric Administration Officer Corps. If an active duty member or veteran applicant has a valid United States Coast Guard-issued Unlimited Master's License with not less

than 5 years of experience and First Class Federal Pilotage endorsement for any part of Boston Harbor, he shall be eligible for preference for appointment as a state-commissioned pilot apprentice. No person's status as a veteran or as a military reservist and no person's susceptibility to recall to military active duty shall affect that person's eligibility for selection for pilot candidate training or for warrant or full branch pilot commission."; and by striking out section 5 and inserting in place thereof the following section:

"SECTION 5. Said chapter 103 is hereby further amended by inserting after section 31 the following section:—

Section 31A. (a) There shall be a state pilotage rate board which shall determine the rates to be charged by pilots commissioned under this chapter to ensure the safe navigation of vessels within the waters of the commonwealth and to ensure that the most qualified individuals are retained as commissioned pilots.

(b) The board shall consist of the following members or their designees: the secretary of housing and economic development; the director of the Massachusetts Port Authority; the president of American Shipping Association; a commissioner of pilots designated by the commissioners of pilots; the chair of the Seaport Advisory Council; an individual appointed by the Boston Harbor Pilot Association, LLC and an individual appointed by the Boston Harbor Docking Pilots. The board shall elect a chairperson and a vice chairperson.

(c) The board may establish its own rules for meetings and such other matters to comply with this chapter and any other General Law; provided, however, that the board shall be subject to section 11A½ of chapter 30A.

(d) Four board members shall constitute a quorum. In any vote, the majority vote shall be the binding decision as to rates for pilotage. Board members may vote by proxy or by electronic means.

(e) The board shall establish rates for pilotage within the waters of the commonwealth based upon prevailing rates in other similar ports, the need to retain the services of the best qualified harbor pilots available and other economic conditions that may affect the quality of pilotage services in the ports. In addition to the foregoing, the board may make inquiries, request information and base its rate decisions on any factual information it deems appropriate.

(f) The board shall meet at least once annually in October on a date to be set by the chairperson but not later than October 15. The board may meet at other times as required and necessary to carry out its duties.

(g) Board members shall serve without compensation but shall be reimbursed for travel and other reasonable expenses at the rate such expenses are reimbursed to full time employees of the commonwealth. Such reimbursement shall be paid by the Boston Marine Society from funds received pursuant to section 5.

(h) Any decision of the board as to the rates for pilotage shall become effective within 60 days after the board's final decision on rates.

(i) The board shall determine how the rates for pilotage shall be made available to the maritime industry." (on Senate bill No. 2171)

[Senator Morrissey, of the Senate committee on Ways and Means, dissents], passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Sandwich,—
police
chief.
A Bill exempting the office of chief of police of the town of Sandwich from the civil service law (Senate, No. 2076) (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.

Punchard
Free
School.
A report of the committee on Education, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2152) of Susan C. Tucker, Barry R. Finegold and Barbara A. L'Italien (by vote of the town) for legislation to authorize a ballot question relative to the Punchard Free School in the town of Andover, and recommending that the same be referred to the committee on Municipalities and Regional Government,—accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Petitions were referred, in concurrence, as follows:

Greenfield,—
liquor
license.
Petition (accompanied by bill, Senate, No. 2165) of Stanley C. Rosenberg (by vote of the town) for legislation to authorize the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises to Asian Buffet of Greenfield, Inc.;

Id.
Petition (accompanied by bill, Senate, No. 2166) of Stanley C. Rosenberg (by vote of the town) for legislation to authorize the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises at 9-11 Bank Row; and

Id.
Petition (accompanied by bill, Senate, No. 2167) of Stanley C. Rosenberg (by vote of the town) for legislation to authorize the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises to Spike Segundo LLC.

Severally to the committee on Consumer Protection and Professional Licensure.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Voting
equipment.
A petition (accompanied by bill, Senate, No. 2175) of James B. Eldridge, Viriato Manuel deMacedo, David Paul Linsky and Susan C. Tucker for legislation relative to voting equipment. To the committee on Election Laws.

Pharmacists
and interns,—
rehabilitation.
A petition (accompanied by bill, Senate, No. 2176) of Jennifer L. Flanagan and Elizabeth A. Malia for legislation to establish a voluntary rehabilitation program for pharmacists and pharmacy interns. To the committee on Public Health.

Reports of Committees.

Fall River,—
Gagne
bridge.
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 Michael J. Rodrigues, Joan M. Menard and David B. Sullivan relative to designating a certain bridge in the city of Fall River as the Louis Philip Gagne, Jr., bridge. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill relative to pandemic and disaster preparation and response (Senate, No. 2028, amended) ought to pass with amendments striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4271; and by striking out the title and inserting in place thereof the following title: "An Act relative to public health emergency preparation and response in the Commonwealth." Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the House Bill designating the building of the State Laboratory Institute as the William A. Hinton Laboratory (House, No. 3007) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.
Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the House Bill designating the building of the State Laboratory Institute as the William A. Hinton Laboratory (House, No. 3007) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

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

Senate bills
Relative to the Sandwich Visitor Services Board (Senate, No. 2074);
Relative to the lease of property at Sandwich High School (Senate, No. 2075); and

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. 2161); and

House bills
To create an annual City Year day (House, No. 4230);
Establishing a sick leave bank for Mary Markley, an employee of the Trial Court (House, No. 4233);

Relative to the flying of the flag of the Commonwealth at half staff on state buildings and installations (House, No. 4236); and
Authorizing the town of Montague to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4240).

Severally placed in the Orders of the Day for the next sitting for a second reading.

Orders of the Day.

House bills

Third
reading
bills.

Authorizing the town of Harvard to grant licenses for the sale of wine and malt beverages not to be drunk on the premises (House, No. 1127);

Authorizing the abatement of certain property tax assessments in the town of Lexington (House, No. 1135);

Authorizing the board of selectmen in the town of Tisbury to grant licenses for the sale of beer and wine in restaurants, inns and hotels (House, No. 1907);

Relative to the development of certain town land in the town of Chatham (House, No. 3823);

Authorizing the board of assessors of the town of Newbury to grant a real estate tax abatement (House, No. 4200); and

Ratifying, validating and con-firming in all respects the election calendar established by the city of Peabody for elections to be held in 2009 (House, No. 4219);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

At eighteen minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M.