

Thursday, December, 15, 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.

Appointments of the Minority Leader.

The Minority Leader announced that he had made the following appointments:

Workforce Investment Board. That Representative Jones of North Reading had removed himself from the State Workforce Investment Board established (under Section 7 of Chapter 23H of the General Laws as most recently amended by Section 85 of Chapter 3 of the Acts of 2011) and that Representative Howitt of Seekonk had been appointed as his designee to said board to fill the vacancy;

Civic engagement and learning. That Representative Vieira of Falmouth had been appointed to serve as his designee on the special commission (established under Section 106 of Chapter 182 of the Acts of 2008 and revived and continued under Section 167 of Chapter 68 of the Acts of 2011) on civic engagement and learning;

Lyme disease, etc. That Representative Hill of Ipswich had been appointed to serve as his designee on the special commission established (under Section 181 of Chapter 68 of the Acts of 2011) to conduct an investigation and study of the incidence and impacts of Lyme disease and other tick-borne diseases in the Commonwealth;

College scholarship system. That Representative Bastien of Gardner had been appointed to serve as his designee on the special commission established (under Section 190 of Chapter 68 of the Acts of 2011) to investigate and study the need to incentivize the Commonwealth's college scholarship system;

Extraordinary women. That Representative Ferguson of Holden had been appointed to serve as his designee on the special commission established (under Section 194 of Chapter 68 of the Acts of 2011) to identify women who have made an extraordinary contribution to the Commonwealth and offer recommendations on providing recognition for these women in the State House;

Police career incentive pay program. That Representative Wong of Saugus had been appointed to serve as his designee on the special commission established (under Chapter 85 of the Acts of 2011) to investigate and report on current funding levels and municipal contractual obligations established by section 108L of chapter 41 of the General Laws, known as the police career incentive pay program;

Pension classifications. That Representative Smola of Palmer had been appointed to serve as his designee on the special commission established (under Section 56 of Chapter 176 of the Acts of 2011) to study the Massachusetts public employees' pension classification system;

That Representative Barrows of Mansfield had been appointed to serve as his designee on the special commission established (under Section 58 of Chapter 176 of the Acts of 2011) relative to retiree healthcare and other non-pension benefits; and Retirees,—benefits.

That Representative Fattman of Sutton had been appointed to serve as his designee on the special commission established (under Section 59 of Chapter 176 of the Acts of 2011) to investigate and study all aspects of the ordinary and accidental disability provisions of the Massachusetts contributory retirement system as well as the provisions of injured on duty benefits and presumptions for public employees contained in the General Laws. Contributory retirement system.

Resolutions.

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

Resolutions (filed by Mr. Diehl of Whitman) recognizing Joseph Colantoni for his service and outstanding contributions to the Commonwealth; Joseph Colantoni.

Resolutions (filed by Mr. Rosa of Leominster) congratulating the Leominster High School football team on the occasion of its 2011 Super Bowl victory; and Leominster High School football.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Franklin Chief of Police Stephen T. Williams on his retirement; Stephen T. Williams.

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

Petitions.

Petitions severally were presented and referred as follows:

By Messrs. Henriquez of Boston and Coppinger of Boston, a petition (accompanied by bill, House, No. 3846) of Carlos Henriquez, Edward F. Coppinger and others (with the approval of the mayor and city council) for legislation to increase the compulsory age of school attendance in the city of Boston to eighteen years of age. To the committee on Education. Boston,—school attendance age.

By Ms. Spiliotis of Peabody, a petition (accompanied by bill, House, No. 3847) of Joyce A. Spiliotis (with the approval of the mayor and city council) relative to the Brooksby Village polling location in the city of Peabody. To the committee on Election Laws. Peabody,—polling location.

By Representative Costello of Newburyport and Senator Baddour, a joint petition (accompanied by bill, House, No. 3848) of Michael A. Costello and Steven A. Baddour (with the approval of the mayor and city council) for legislation to exempt the positions of plumbing inspector and gas fitting inspector in the city of Newburyport from provisions of the civil service law. To the committee on Public Service. Newburyport,—civil service.

By Representative Kane of Holyoke and Senator Knapik, a joint petition (accompanied by bill, House, No. 3849) of Michael F. Kane and Michael R. Knapik (with the approval of the mayor and city council) for legislation to authorize the city of Holyoke to convey a certain Holyoke,—land.

parcel of land in said city to Holyoke Community College. To the committee on State Administration and Regulatory Oversight. Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Disabilities,— support.

By Ms. Dykema of Holliston, a petition (subject to Joint Rule 12) of Carolyn C. Dykema and others relative to supporting individuals with intellectual and developmental disabilities.

Special education costs.

By Mr. Lewis of Winchester, a petition (subject to Joint Rule 12) of Jason M. Lewis and others for legislation to authorize municipalities to create stabilization funds for special education costs.

MCAD,— investigations.

By Mr. Madden of Nantucket, a petition (subject to Joint Rule 12) of Timothy R. Madden for legislation to further regulate the investigation of cases filed with the Massachusetts Commission Against Discrimination.

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

Papers from the Senate.

Milton,— alcoholic beverages.

A Bill authorizing the town of Milton to grant a license for the sale of wine and malt beverages to be drunk on the premises of a certain restaurant (Senate, No. 2019), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Lakeville regional school district.

A petition (accompanied by bill) of Michael J. Rodrigues, David B. Sullivan, Keiko M. Orrall, Christopher Markey and others for legislation relative to the election of the Freetown Lakeville regional school district committee members, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Election Laws.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2095) was referred, in concurrence, to the committee on Election Laws.

Reports of Committees.

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 following petitions;

Dog owners,— insurance.

Petition (accompanied by bill) of Carlo Basile relative to issuance of homeowner insurance to dog owners. To the committee on Financial Service.

Congo,— contracts.

Joint petition (accompanied by bill) of Martin J. Walsh, Sal N. DiDomenico and others for legislation to prohibit the Commonwealth from contracting with companies that do not comply with federal regulations for the certification of minerals originating in the Congo. To the committee on State Administration and Regulatory Oversight.

Under suspension of the rules, on motion of Mr. Galvin of Canton, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Infants,— hospital discharges.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to premature infant hospital

discharge and quality improvement (House, No. 2439), be scheduled for consideration by the House, with the amendment previously recommended by the committee on Health Care Financing,— that the bill be amended by substitution of a bill with the same title (House, No. 3826),— pending.

Under suspension of Rule 7A, on motion of Mr. Kafka, the bill was read a second time forthwith.

The amendment recommended by the committee on Health Care Financing then was adopted; and the substituted bill was ordered to a third reading.

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

House bills

Relative to the flying of the flag of the Commonwealth at half staff on state buildings and installations (House, No. 1749);

Flags.

Authorizing the investment of certain funds for the water supply district of Acton (House, No. 2317);

Acton,— water.

Making amendments to the Massachusetts Business Corporation Act (House, No. 2774);

Corporations.

Authorizing the town of Beckett to continue the employment of police chief (House, No. 3509) [Local Approval Received];

Beckett.

Authorizing the town of Tyringham to continue the employment of the chief of police, Peter Curtin (House, No. 3524, changed) [Local Approval Received]; and

Tyringham.

Authorizing the town of Tyringham to continue the employment of Rainsford Morehouse, a member of the police department (House, No. 3525, changed) [Local Approval Received];

Id.

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.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Paula Connelly, an employee of the Trial Court (House, No. 3844). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Paula Connelly,— sick leave bank.

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. Kafka of Stoughton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the following bills ought to pass:

Relative to improving accountability and oversight of education collaborative (House, No. 3837); and

Education collaboratives.

Bill providing housing and support services for unaccompanied homeless youth (House, No. 3838);

Homeless youth.

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

Emergency Measures.

Charles Maynard,— sick leave bank.

The engrossed Bill establishing a sick leave bank for Charles Maynard, an employee of the Department of Developmental Services (see Senate, No. 2055), 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 7 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 Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Kevin W. Rose,— sick leave bank.

The engrossed Bill establishing a sick leave bank for Kevin W. Rose, an employee of the Bristol County Sheriff's Office (see Senate, No. 2090), 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 7 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 Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

Engrossed bills

Bills enacted.

Authorizing the appointment of Antonio F. Dinis as a police officer in the town of Milford notwithstanding the maximum age requirements (see Senate, No. 1942) (which originated in the Senate);

Exempting the position of deputy police chief in the town of Canton from the civil service laws (see House, No. 3506);

Relative to the charter of the city known as the town of Amesbury (see House, No. 3621, amended);

Relative to the human resource department of the town of Arlington (see House, No. 3651, amended); and

Exempting original labor service appointments in the town of Arlington from the civil service law (see House, No. 3654);

(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.

Third reading bill.

The Senate Bill amending the charter of the town of Winchendon (Senate, No. 1966), 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.

House bills

Authorizing the town of Dartmouth to establish a trust fund for police officer medical benefits (House, No. 2328) (its title having been changed by the committee on Bills in the Third Reading);

Third reading bills.

Authorizing the appointment of special police officers in the town of Watertown (House, No. 3434);

Authorizing the town of Great Barrington to continue the employment of fire chief, Harry Jennings, and deputy fire chief, Edward G. McGormick (House, No. 3450);

Relative to the selectman-town manager form of government in the town of Foxborough (House, No. 3649) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to the retirement of Penny Harvey (House, No. 3828);

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.

The House Bill relative to the sale of alcoholic beverages (House, No. 1009), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time

Alcoholic beverages,— sales.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by adding the following three sections: "SECTION 2. Said section 33 of said chapter 138, as so appearing, is hereby further amended by striking out, in lines 22 and 23, the words:— or on the day following when Christmas day occurs on a Sunday.

SECTION 3. Said section 33 of said chapter 138, as so appearing, is hereby further amended by inserting, after the words 'Christmas day' in lines 13, 16, 22 and 25, in each instance, the following words:— or on the day following when Christmas occurs on a Sunday.

SECTION 4. Section 3 shall take effect on January 1, 2012."; and by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the sale of alcoholic beverages on the day following when Christmas occurs on a Sunday, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendments were adopted; and the bill (House, No. 1009, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At fourteen minutes before twelve o'clock noon, on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until the hour of twelve o'clock; and at one minute after twelve o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

Emergency Measure.

The engrossed Bill relative to the sale of alcoholic beverages (see House, No. 1009, 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.

Alcoholic beverages,— sales.

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.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

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

At eleven minutes after twelve o'clock noon, on motion of Mr. Hill of Ipswich (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