

Monday, October 24, 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).

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.

Pledge of
allegiance.

Resolutions.

Resolutions (filed with the Clerk by Mr. Scibak of South Hadley and other members of the House) congratulating the Polish American Congress on its fourth annual day of recognition, were referred, under Rule 85, to the committee on Rules.

Polish
American
Congress.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, 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 Mr. Collins of Boston, a petition (subject to Joint Rule 12) of Nick Collins relative to the eligibility of handicapped persons of low income for housing accommodations in complexes reserved for elderly persons.

Disabled,—
elderly
housing.

By Mr. Diehl of Whitman, a petition (subject to Joint Rule 12) of Geoffrey G. Diehl and others for legislation to authorize the Registry of Motor Vehicles to register eighteen year old male applicants for military selective service.

R.M.V.—
draft
registration.

By Ms. Peisch of Wellesley, a petition (subject to Joint Rule 12) of Alice Hanlon Peisch for legislation to establish a sick leave bank for Thomas Riffin, an employee of the Department of Mental Health.

Thomas
Riffin,—
sick leave.

By Mr. Winslow of Norfolk, a petition (subject to Joint Rule 12) of Daniel B. Winslow that excavations for modifications or maintenance of Title V existing septic systems be exempt from permitting requirements.

Septic
systems,—
permitting.

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

Papers from the Senate.

The House Bill authorizing a design and build contract for and lease of a recreational facility in the city known as the town of Braintree (House, No. 3660), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 8, in lines 155, inserting after the word "years," the following sentence: "A lease entered into under this act shall include a provision that the parcel to be leased shall only be used for a recreational facility to consist of a pool and a skating rink."

Braintree,—
recreational
facility.

Under suspension of Rule 35, on motion of Mr. Cusack of Braintree, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Scott
Hayward,—
sick leave.

A Bill establishing a sick leave bank for Scott Hayward, an employee of the Executive Office of Health and Human Services (Senate, No. 2038) (on Senate bill No. 2021), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, then reported recommending that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Kafka, the bill was read a second time forthwith; and it was ordered to a third reading.

Hampden,—
town
election.

A Bill validating the actions taken at the annual town election in the town of Hampden (Senate, No. 2026) (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.

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:

Cyber
cafes.

Petition (accompanied by bill) of Robert A. DeLeo and Martha Coakley relative to the regulation of cyber cafes, so-called, for conducting sweepstakes; and

Vehicular
manslaughter.

Joint petition (accompanied by bill) of Michael J. Finn and James T. Welch relative to manslaughter while operating a motor vehicle; Severally to the committee on the Judiciary.

Renewable
energy
developers.

Joint petition (accompanied by bill) of Bradley H. Jones, Jr., Bruce E. Tarr and others relative to competitively solicited proposals from renewable energy developers. To the committee on Telecommunications, Utilities and Energy.

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

Dinamarie
McCarthy,—
sick leave
bank.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Dinamarie McCarthy, an employee of the Department of Children and Families (House, No. 3749), be scheduled for consideration by the House.

Under suspension of the Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Rochester,—
water
facilities.

By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a joint petition, a Bill further compensating the town of Rochester for water facilities (House, No. 3670) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported 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 Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill establishing a Mystic River water quality commission (House, No. 1156).

Mystic River,—
water quality.

By the same member, for the same committee, on a petition, a Bill establishing a Charles River parkways and parklands commission (House, No. 2029).

Charles River,—
commission.

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

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill authorizing the establishment of old growth forest reserves (House, No. 236).

Old growth
forests.

By the same member, for the same committee, on a petition, a Bill relative to registration of antique snowmobiles (House, No. 238).

Snowmobiles,—
registration.

By the same member, for the same committee, on House, Nos. 240 and 268, a Bill relative to the milk producer's security fund reimbursement (House, No. 240).

Milk
producers.

By the same member, for the same committee, on a petition, a Bill to protect groundwater levels (House, No. 1168, changed by striking out sections 2, 3 and 4; and in section 5, in line 426, by striking out the year "2010" and inserting in place thereof the year "2012").

Groundwater
levels.

By the same member, for the same committee, on a petition, a Bill relative to reducing phosphorus runoff (House, No. 3270).

Phosphorus
runoff.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on House, No. 2261, a Bill to establish the Massachusetts Uniform Trust Code (House, No. 3756).

Uniform
Trust Code.

By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a joint petition, a Bill relative to the sale and storage of goods in public ways in the city of Springfield (House, No. 3443) [Local Approval Received].

Springfield,—
public ways.

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

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to spear fishing (House, No. 247).

Spear
fishing.

By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the maintenance of private roads, beaches and amenities in municipalities (House, No. 579).

Private
roads,—
maintenance.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Natick to allow a lease of up to ninety-nine years for the former East School (House, No. 3332) [Local Approval Received].

Natick,—
East School.

By the same member, for the same committee, on a joint petition, a Bill providing for a selectman-town manager form of government in the town of Foxborough (House, No. 3649) [Local Approval Received].

Foxborough,—
town
manager.

Hull,—
Scout
Building.

By the same member, for the same committee, on a joint petition, a Bill authorizing the town of Hull to extend the lease of a certain building in the town (House, No. 3650) [Local Approval Received].
Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Boston,—
contracts.

Senate bills
Amending contract procedures in the city of Boston (Senate, No. 1054) [Local Approval Received]; and

Newbury,—
fire
department.

Providing for the establishment of a fire department in the town of Newbury (Senate, No. 1941) [Local Approval Received]; and

Plumbing
fixtures.

House bills
Relative to environmental performance standards for plumbing fixtures (House, No. 231, changed);

Bolton,—
liquor license.

Authorizing the town of Bolton to grant a license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (House, No. 3497) [Local Approval Received];

Westford,—
liquor licenses.

Authorizing the town of Westford to issue two additional liquor licenses (House, No. 3583) [Local Approval Received];

Arlington,—
liquor licenses.

Authorizing a ballot question in the town of Arlington relative to the granting of licenses for the sale of wines and malt beverages to be drunk on the premises in theaters (House, No. 3647) [Local Approval Received]; and

Id.

Authorizing a ballot question in the town of Arlington relative to the granting of additional licenses for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3648) [Local Approval Received];

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

Nonprofit
organizations,—
retirement.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill to provide retirement options for nonprofit organizations (House, No. 2411), be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading, with the amendment previously recommended by the committee on Ways and Means,—that the bill be amended by substitution of a bill with the same title (House, No. 3754),—pending.

Emergency Measure.

Hopkinton,—
land taking.

The engrossed Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Hopkinton (see House, No. 3341, 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.

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.

Engrossed Bills.

Engrossed bills

Authorizing the town of Millbury to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see Senate, No. 2020); Bills enacted.

Authorizing the city of Salem to convert seasonal licenses to annual licenses for the sale of all alcoholic beverages and wines and malt beverages to be drunk on the premises (see Senate, No. 2031);

(Which severally originated in the Senate);

Relative to the eligibility of ward councilors-elect in the city of Gardner (see House bill printed as Senate, No. 1936);

Authorizing the town of South Hadley to pay certain unpaid bills (see House, No. 3653); and

Validating the acts and proceedings of the preliminary mayoral election in the city of North Adams (see House, No. 3741);

(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.

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 ten minutes before twelve o'clock noon, on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.