

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



MONDAY, NOVEMBER 2, 2009.

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JOURNAL OF THE HOUSE.

Monday, November 2, 2009.

Met at half past 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:

Gracious God, we focus our thoughts and attention on You, and on spiritual realities as we begin this legislative session. In Your goodness, help us to keep our priorities and our daily tasks in proper perspective, so that our daily lives have a meaning, a clear direction and a purpose. We also look to You for spiritual and intellectual strength when we face difficulties as we carry out our daily responsibilities. Teach us to be aware of the many human needs of the people in the Commonwealth who look to us for assistance and leadership in these uneasy and changing times. Inspire us to keep before our minds the common good of our society and the best interest of the Commonwealth and the country. May we continue to work together to build stable, peaceful and communities.

Prayer.

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

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.

Message from the Governor – Disapprovals in Supplemental Appropriations Bill.

A message from His Excellency the Governor returning with his disapproval of certain items and section 45 contained in the engrossed Bill making appropriations for the fiscal year 2009 to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 4288] (for message, see House, No. 4302) was filed in the office of the Clerk on Thursday, October 29.

Supplemental Appropriation Bill, —vetoes.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to implementing fiscal stability measures for fiscal year 2010 (House, No. 4303) was filed in the office of the Clerk on Thursday, October 29.

Fiscal stability measures.

The message was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Resolutions.

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

Resolutions (filed by Messrs. Mariano of Quincy, Tobin of Quincy, Ayers of Quincy, Bradley of Hingham and Timilty of Milton) on the occasion of the thirtieth anniversary of the Manet Community Health Center;

Manet Health Center.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Hannah Witten Smith on receiving the Gold Award of the Girl Scouts of America;

Hannah Witten Smith.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Steven P. Ketchum of Wrentham upon his elevation to the rank of Eagle Scout; and

Steven P. Ketchum.

Resolutions (filed by Mr. Scibak of South Hadley) congratulating James “Bud” Finn on being recognized as the Easthampton Veterans Council’s Veteran of the Year.

James “Bud” Finn.

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. Linsky of Natick, 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

From the Comptroller of the Commonwealth relative to the late submission of the Statutory Basis Financial Report for the fiscal year ended June 30, 2009; and

Comptroller,—
SBFR.

From the Executive Office of Education submitting a report (under Chapter 315 of the Acts of 2008) entitled “Making the Connection” relative to graduation and dropout prevention and recovery [which had been due on May 15, 2009];

Graduations and dropouts.

Severally were placed on file.

Report.

A report of the Department of Transitional Assistance submitting (under item 4403-2000 contained in Section 2 of Chapter 27 of the Acts of 2009) a detailed and comprehensive report setting forth the text of, basis, and reasons for proposed changes and the most accurate assessment of the probable effects of benefit or eligibility changes upon recipients of transitional aid to families with dependent children, was placed on file.

AFDC,—
program changes.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Hill of Ipswich, petition (accompanied by bill, House, No. 4304) of Bradford Hill and Bruce E. Tarr (by vote of the town) relative to authorizing the town of Manchester-by-the-Sea to convey certain land.

Manchester-by-the-Sea.

By Ms. Polito of Shrewsbury, petition (accompanied by bill, House, No. 4305) of Karyn E. Polito (by vote of the town) relative to determining precinct representation in the town of Shrewsbury.

Shrewsbury,—
precincts.

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<p>Severally to the committee on Municipalities and Regional Government.</p> <p>By Ms. Story of Amherst, petition (accompanied by bill, House, No. 4306) Ellen Story and Stanley C. Rosenberg (by vote of the town) that resident aliens eighteen years or older residing in the town of Amherst be eligible to vote in local elections. To the committee on Election Laws.</p> <p>Severally sent to the Senate for concurrence.</p> <p>Petitions severally were presented and referred as follows:</p> <p>By Mr. Alicea of Charlton, petition (subject to Joint Rule 12) of Geraldo Alicea that the Registry of Motor Vehicles be directed to establish a branch in the town of Southbridge.</p> <p>By Mr. Barrows of Mansfield, petition (subject to Joint Rule 12) of F. Jay Barrows relative to establishing a sick leave bank for Bill St. Claire, an employee of the Department of Correction.</p> <p>By Mr. Bradley of Hingham, petition (subject to Joint Rule 12) of Garrett J. Bradley relative to the taxation of unincorporated homeowners associations.</p> <p>By Mr. Guyer of Dalton, petition (subject to Joint Rule 12) of Denis E. Guyer for legislation to designate a certain bridge in the town of Dalton as the Second Lieutenant Michael J. Casey, Sr., Memorial Bridge.</p> <p>By Mr. Naughton of Clinton, petition (subject to Joint Rule 12) of Harold P. Naughton, Jr. for legislation to require distribution of the H1N1 vaccinations to children before the distribution to inmates within correctional institutions.</p> <p>By Mr. Naughton of Clinton, petition (subject to Joint Rule 12) of Harold P. Naughton, Jr. relative to injuries sustained during state service by officers of the Trial Court.</p> <p>Severally referred, under Rule 24, to the committee on Rules.</p>	<p>Amherst,— resident aliens.</p> <p>Southbridge, — registry branch.</p> <p>Bill St. Claire., — sick leave bank.</p> <p>Homeowners associations.</p> <p>Dalton, — bridge.</p> <p>H1N1 vaccinations.</p> <p>Trial Court, — injuries.</p>
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Paper from the Senate.

<p>A Bill designating a certain bridge in the city of Fall River and the town of Somerset as the Veterans Memorial Bridge (Senate, No. 2124) (on a petition); passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.</p>	<p>Somerset,— Veterans Memorial Bridge.</p>
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Reports of Committees.

<p>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:</p> <p>Petition (accompanied by bill) of Harriett L. Stanley relative to affordable health care in the Commonwealth. To the committee on Health Care Financing.</p> <p>Petition (accompanied by bill) of Gloria L. Fox for legislation to establish a sick leave bank for Jeanette Ross, an employee of the Trial Court. To the committee on the Judiciary.</p> <p>Petition (accompanied by bill) of Linda Dorcena Forry relative to the pooling of tips for certain service employees. To the committee on Labor and Workforce Development.</p> <p>Under suspension of the rules, on motion of Mr. Sciortino of Medford, the</p>	<p>Health care.,— affordability.</p> <p>Jeanette Ross,— sick leave bank.</p> <p>Tips,— pooling.</p>
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reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Binienda of Worcester, for the committee on Rules, that the Resolve providing for an investigation and study by a special commission relative to creating and expanding access to opportunity in low-opportunity communities (House, No. 199) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Low opportunity communities.

By Ms. Malia of Boston, for the committee on Mental Health and Substance Abuse, on a petition, a Bill relative to the treatment of prisoners (House, No. 1947). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Prisoners,—
treatment.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill establishing the Essex County commission on the status of women (House, No. 3410). Read, and referred, under Rule 33, to the committee on Ways and Means.

Essex County,—
status of women
commission.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill to amend chapter 395 of the acts of 1970, as amended (House, No. 1121) [Local Approval Received].

Nantucket,—
historic
commission.

By the same member, for the same committee, on a petition, a Bill amending the responsibilities of the Nantucket Planning and Economic Development Commission (House, No. 1122) [Local Approval Received].

Nantucket,—
planning
commission.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Southbridge to establish certain special funds (House, No. 1131) [Local Approval Received].

Southbridge,—
special funds.

By the same member, for the same committee, on a petition, a Bill establishing an appointed board of health for the town of Nantucket (House, No. 1895) [Local Approval Received].

Nantucket,—
health board.

By the same member, for the same committee, on a petition, a Bill relative to town meeting in the town of Framingham (House, No. 1896) [Local Approval Received].

Framingham,—
town meetings.

By the same member, for the same committee, on a petition, a Bill amending the town of Yarmouth charter (House, No. 4175) [Local Approval Received].

Yarmouth,—
charter.

By the same member, for the same committee, on a petition, a Bill amending the charter of the town of Millis for the purpose of establishing an appointed board of assessors (House, No. 4216) [Local Approval Received].

Millis,—
assessors.

By the same member, for the same committee, on a petition, a Bill providing for the appointment of the members of the Dalton Redevelopment Authority (House, No. 4242, changed in line 3 by inserting after the word “contrary” the words “said members of the Dalton Redevelopment Authority shall continue”) [Local Approval Received].

Dalton
Redevelopment
Authority.

By the same member, for the same committee, on a petition, a Bill pertaining to the issuance of bonds or notes by the city of Worcester (House, No. 4265) [Local Approval Received].

Worcester,—
bonds.

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 matters be scheduled for consideration by the House:

The Senate Bill establishing a sick leave bank for Richard Donati, an employee

Richard

of the Department of Correction (Senate, No. 2157, amended);

House Bills

Designating a certain bridge in the town of Danvers as the Danversport Miracle Bridge (House, No. 3335, changed);

Designating Route 20 in the town of Northborough as the John Davis Highway (House, No. 4030);

Authorizing the city of Newton retirement board to grant a superannualization retirement allowance to Frank Albano (House, No. 4117) [Local Approval Received];

Validating the acts and proceedings of the 2009 spring annual town meeting and the 2009 spring special town meeting of the town of Westminster (printed in House, No. 4179);

Establishing a sick leave bank for John “Jack” Bevelaqua and employee of the Department of Energy Resources (House, No. 4263); and

Establishing sick leave banks for certain members of the department of corrections (House, No. 4273).

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

Donati.

Danvers,—
bridge.

Northborough,—
highway.

Newton,—
Frank Albano.

Westminster,—
town meeting.

John “Jack”
Bevelaqua.

Lou Polson,
etc.

Engrossed Bills.

Engrossed bills

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 (see Senate, No. 2161) (which originated in the Senate);

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

Relative to the tenure of the city clerk, city collector and city engineer of the city of Revere (see House, No. 3708, amended); and

Authorizing the town of Montague to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4240);

(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.

Bills
enacted.

Orders of the Day.

The Senate Bill establishing a sick leave bank for Terry Howard, an employee of the department of public health (Senate, No. 2131, amended), 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.

House bills

Designating a portion of Route 140 as the Korean War Veterans’ Memorial Roadway (House, No. 4215); and

Establishing a sick leave bank for Michael Jordan, an employee of the Trial Court (House, No. 4250) (its title having been changed by the committee on Bill in the Third Reading);

Third
reading
bills.

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Severally reported by said committee 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,—

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

Next
sitting.

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 adjourned, to meet the following Wednesday at eleven o'clock A.M.