

JOURNAL OF THE HOUSE.

Thursday, January 21, 2010.

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:

Eternal God in Whom we place our trust and hope, we pause for this moment of prayer to focus our thoughts on You, Our Creator, and to reflect briefly on our obligations and priorities for the day. We believe that You are a constant source of guidance, goodness, moral courage and intellectual integrity. Inspire us to continue our common effort to build a society which is peaceful, safe, free of substance abuse and offers employment and educational opportunities to all. Grant us the wisdom to make decisions which promote a public policy which ensures a respect for the dignity of each individual in our society. Inspire us to remain faithful to our ideals, goals and our personal human and religious values. Teach us, as elected officials, to address all legislative proposals in a thoughtful manner so that both the present and the future generations of the Commonwealth will be well-served.

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

Resolutions.

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

Resolutions (filed by Representatives Finegold of Andover and L'Italien of Andover) commending Atria Marland Place on its celebration of Resident Appreciation Month;

Resolutions (filed by Mr. Rush of Boston) congratulating Andrew J. Jagelski on earning the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Rush of Boston) congratulating Michael J. Murphy upon achieving the rank of Eagle Scout; and

Resolutions (filed by Mr. Scibak of South Hadley) congratulating Nicholas D. Young on being named the 2010 Massachusetts Superintendent of the Year;

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

Petition.

Ralph Marante, Jr.—sick leave.

Mr. McMurtry of Dedham presented a petition (subject to Joint Rule 12) of Paul McMurtry for legislation to establish a sick leave bank for Ralph Marante, Jr., an employee of the Middlesex County Sheriff's Office; 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.

Papers from the Senate.

Harvard,—wastewater management.

The House Bill relative to a wastewater management district in the town of Harvard (House, No. 4407) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2244.

Under suspension of Rule 35, on motion of Ms. Benson of Lunenburg, 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.

Catherine Ann Ouellette,—sick leave.

A Bill relative to establish a sick leave bank for Catherine Ann Ouellette, an employee of the Trial Court (Senate, No. 2228) (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.

Reports of Committees.

Ryan Patrick Jones 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 a joint petition of Lewis G. Evangelidis, Jennifer L. Flanagan and others for legislation to designate a certain bridge on Route 2 over Bacon Street in the town of Westminster as the Ryan Patrick Jones 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.

1,000 great places,—extension.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the Resolve to further extend the time within which the special commission established to investigate, study and designate 1,000 great places in the Commonwealth shall file its final report (House, No. 4424) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Franklin,—utilities.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of

Franklin to appropriate funds and incur debt for the purpose of removing overhead utilities and replacing the same with underground facilities (House, No. 4251). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Orders of the Day.

The Senate Bill authorizing the town of Charlton to acquire dams within the town, to make improvements to dams and to authorize the assessment of betterments to pay costs associated therewith (Senate, No. 2108, amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third reading bill.

House Bills

Prohibiting certain dumping in the city of Brockton (House, No. 4190); and

Third reading bills.

Establishing a sick leave bank for Janet Ochner, an employee of the Department of Developmental Services (House, No. 4402);

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

The House Bill establishing a sick leave bank for Tree Borden, an employee of the Norfolk District Attorney's Office (House, No. 4400) was read a third time.

Third reading bill amended.

The committee on Bills in the Third Reading reported recommending that the bill be amended by adding the following sentence: "Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the office.". The report was accepted.

The amendment then was adopted; and the bill (House, No. 4400, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At thirteen 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 recessed until a quarter before seven o'clock P.M.; and at that time the House was called to order with the Speaker in the Chair.

Recess.

Pursuant to assignment, at four minutes before seven o'clock, the two branches met in

Joint Session of the two branches.

JOINT SESSION

in the Chamber of the House of Representatives, for the purpose of receiving such communication as His Excellency Deval L. Patrick, Governor of the Commonwealth, may be pleased to make relative to the concerns of the Commonwealth; and were called to order by the Honorable Therese Murray, President of the Senate.

Order Adopted.

On motion of Mr. Berry,—

Ordered, That a committee be appointed to consist of members of the Senate and House of Representatives to wait upon His Honor the Lieutenant-Governor, the Constitutional officers, members of the Executive Council and other distinguished guests of the Governor and inform them that the two branches are now in Convention and request the honor of their presence.

Senators Menard, Flanagan, Brewer, Downing, Panagiotakos and Hedlund were appointed on the part of the Senate; and Representatives Pignatelli of Lenox, Forry of Boston, Arciero of Westford, Callahan of Sutton, Peterson of Grafton and Hill of Ipswich, were appointed on the part of the House.

Subsequently, Ms. Menard, for the committee, reported that His Honor, Timothy P. Murray, the Lieutenant Governor, the Constitutional officers, the Executive Council and distinguished guests would immediately attend upon the convention.

Shortly thereafter, His Honor the Lieutenant-Governor, Timothy P. Murray, the Constitutional officers, members of the Executive Council and distinguished guests entered the Chamber under the escort of the Sergeant-at-Arms.

Prayer.

The President then introduced Pastor Pierre-Eddy Leguerre, from the Philadelphia: Haitian-American Seventh-Day Adventist Church in Malden, who delivered the following Invocation:

Father in heaven, as the deer panteth after the water brooks, so panteth our souls after Thee. Our lives are thirsty for you Lord. Our lives are restless and they will not find rest until they find it in you! Tonight we stand together as a state within the great United States of America requesting your presence at this august assembly where our Governor Deval Patrick will soon give the State of the State Address.

In your loving kindness bless him while he tackles the affairs of this Commonwealth. Fill him with wisdom and compassion in the elaboration of plans and programs addressing the needs and wishes of his constituents. Bless his wife and two daughters. Lead him in the pathway of righteousness for your name sake. Bless all your public servants — our Senators and Representatives — who have dedicated their lives for the betterment and the welfare of the least fortunate among us and for the promotion of education, health and success of their fellow citizens. Bless them as they serve others and remind them constantly that their job is neither profane nor secular. Remind them that the halls of this great edifice, the ground of this magnificent structure are as sacred as the naves and the altars of our Churches, our Cathedrals, our Temples and our Mosques. While they ponder on the future and destiny of other men and women, bring to their memory the solemn reality that their motions and their decisions do impact your children, your creation. Fill their hearts with humility and never allow the viper of arrogance to inject its poisonous venom in their debates, their laws and their amendments. Bless our law enforcement agencies our firefighters and our National Guards whose lives are always on the line for our protection.

Notification of Lieutenant-Governor.

Invocation.

May the high ideals upon which our country was founded be the benchmark by which the Legislature measures its successes and assesses its failures.

Heavenly Father while we stand here on this winter night we are also reminded of the plight of the people of Haiti. We are reminded of their nightmare and their suffering and we thank you for the role that American in general and the Commonwealth of Massachusetts through our Governor is playing in alleviating the pain and the misery of the earthquake victims. Have mercy on Haiti O'Lord.

And now, oh Lord, please honor us with Your Presence as we listen to the chief Executive of the State. Help us to follow not only with our ears but also with our hearts; and may his report energize us to move forward in faith and in unity with a sense of accountability and justice for all. Once more bless our state and its elected servants and may your will be done in this place today, tomorrow and always because we pray in the matchless name of our Lord and Savior Jesus-Christ. Amen.

Order Adopted.

On motion of Mr. Berry,—

Ordered, That a committee be appointed to consist of members of the Senate and the House of Representatives to wait upon His Excellency the Governor and inform him that the two branches are now in Convention for the purpose of receiving such communication as he may be pleased to make to them, relating to the concerns of the Commonwealth.

Senators Rosenberg, Chandler, Baddour, Jehlen, Petrucci and Hedlund were appointed on the part of the Senate; and Representatives Koutoujian of Waltham, Hogan of Stow, Hecht of Watertown, Atkins of Concord, Jones of North Reading and Poirier of North Attleboro, were appointed on the part of the House.

Subsequently, Mr. Rosenberg, for the committee, reported that His Excellency the Governor, Deval L. Patrick, would immediately attend upon the convention.

Pledge of Allegiance.

The Lieutenant-Governor then introduced U.S. Army Sergeant Sharee Holmes of Dorchester, U.S. Army Reservist Ichelle Herbu of Marlborough, Retired U.S. Navy Commander Mary Beth O'Sullivan of Brockton and U.S. Coast Guard Member Panayiota Bertzikis of Somerville, who led the Convention in the pledge of allegiance to the flag.

The Lieutenant-Governor then introduced Kasey Fahy of the Boston Children's Chorus who sang *The National Anthem*.

Shortly thereafter, His Excellency the Governor, Deval L. Patrick entered the Chamber under the escort of the Sergeant-at-Arms.

The President then introduced His Excellency the Governor, Deval Patrick, who thereupon addressed the Convention relative to the concerns of the Commonwealth (Senate, No. 2).

Notification of Governor.

Pledge of allegiance.

National Anthem.

State of the Commonwealth address.

Benediction.

Benediction. The President in the Chair then introduced Reverend Gregory Groover of Charles Street AME Church in Dorchester, who gave the following Benediction:

O Gracious God of all that is good and great, how blessed we've been to have gathered once again in this solemn chamber. God, You have both honored and yet humbled us by making known, through our Governor, the extraordinary challenges that face this Commonwealth. But You have given us Your hope in also knowing that in Your name, through Your power and for Your sake, we can meet and overcome the challenges that lie ahead.

How thankful we are for Your servant and our Governor, Deval Patrick, in whom rests Your call to lead us in times like these. We pray that You will both prosper and protect him, encourage his walk and entrust him Your will, to always govern and guide with courage and compassion. We look to You, O God, to touch the heart of every state officer, state representative and state senator and every local elected official to co-labor with our Governor in leading us through the difficult days ahead.

And it is unto You and You alone, the God of our Governor, the Lord of this legislature, and the Creator-unceasing of this Commonwealth's citizenry that we leave this place both renewed and ready to fulfill Your work. And it's in that name, Your name, the only name that reigns above us all that we all declare together, Amen.

His Excellency the Governor, Deval L. Patrick, the Lieutenant Governor, the Constitutional officers and the Executive Council then withdrew from the Chamber under the escort of the Sergeant-at-Arms.

At nine minutes past eight o'clock P.M., on motion of Mr. Berry, the Convention was dissolved.

Called to order. At twenty-four minutes after eight o'clock P.M., the House was called to order with Mr. Kafka of Sharon in the Chair.

Reports of Committees.

Lowell Civic Stadium Commission. By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill modifying the Lowell Civic Stadium Commission (Senate, No. 2236) ought to pass with amendments by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4435; 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 authorize forthwith the transfer of certain contractual rights and obligations of the Lowell arena and civic stadium commission relative to the Tsongas Arena to the University of Massachusetts at Lowell, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience or health or safety or peace."; and by striking out the title and inserting in place thereof the following title: "An Act relative to the Lowell Civic Stadium Commission."

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

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

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

The amendments recommended by the committee on Ways and Means then were adopted; and the bill (Senate, No. 2236, amended) was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Golden of Lowell, the bill (having been 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. Sent to the Senate for concurrence in the amendments.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

At four minutes before nine o'clock P.M., on motion of Mr. Galvin of Canton (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.