

JOURNAL OF THE HOUSE.

Monday, January 25, 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:

Prayer. God of Wisdom and Forgiveness, Source of Goodness and Truth, in prayer we turn our attention and thoughts to You, Our Creator. We believe that we can depend upon you for guidance as we address and resolve today's legislative issues and public policy matters. Grant us the patience to take the time to listen carefully to the insight and concerns of both colleagues and constituents in our common search for a safe, peaceful and ethical society. May we also be aware of the consequences of our personal choices and decisions. In this era of violence against the innocent in many parts of the world, may we, as a society, continue to respect the personal dignity and rights of all individuals. Let the people of Haiti in their time of devastation and sadness remain in our prayers and thoughts.

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

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.

Silent Prayer.

Sgt. Joseph M. O'Hare. During the session, at the request of Representative Donelan of Orange, the members, guests and employees stood in a moment of silence in respect to the memory of Sgt. Joseph M. O'Hare of the Massachusetts State Police. Sgt. O'Hare was a native of Greenfield, Massachusetts. He began active duty in the Massachusetts State Police on February 28, 1975. His 35 years in the state police were spent in B Troop serving Pittsfield, Shelburne and Springfield. Among the many family members Sgt. O'Hare leaves behind are his loving wife Karen Fritz O'Hare and his mother Lucy O'Hare.

Message from the Governor.

Municipal pensions. A message from His Excellency the Governor recommending legislation relative to providing municipal pension schedule relief (House, No. 4439) was filed in the office of the Clerk on Friday, January 22.

The message was read; and it was referred, under Rule 30, to the committee on Public Service. Sent to the Senate for concurrence.

Resolutions.

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

Resolutions (filed by Mr. DiNatale of Fitchburg and other members of the House) congratulating Elaine M. Hill on the occasion of her retirement; and

Elaine M. Hill.

Resolutions (filed by Messrs. McCarthy of East Bridgewater and Flynn of Bridgewater) congratulating former House Clerk Wallace C. Mills on the occasion of his ninetieth birthday;

Wallace C. Mills.

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

Petition.

Representative Rosa of Leominster and Senator Flanagan presented a joint petition (subject to Joint Rule 12) of Dennis A. Rosa, Jennifer L. Flanagan and others relative to real estate tax exemptions of certain veterans; and the same was referred, under Rule 24, to the committee on Rules.

Veterans,—
real estate
taxes.

Paper from the Senate.

A petition of Thomas P. Kennedy and Michael D. Brady for legislation to establish a sick leave bank for Gloria Oluboje, an employee of the Massachusetts Department of Transitional Assistance, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Gloria
Oluboje,—
sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2254) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Catherine Ann Ouellette, an employee of the Trial Court (Senate, No. 2228) be scheduled for consideration by the House.

Catherine Ann
Ouellette,—
sick leave.

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

Subsequently, under suspension of the rules, on motion of Ms. Haddad of Somerset, 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, in concurrence.

By Mr. Wagner of Chicopee, for the committee on Transportation, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4120) of Angelo M. Scaccia and others designating a certain intersection on Turtle Pond Parkway in the Hyde Park district of the city of Boston as Paul P. Loring Square,— and recommending that the same be referred to the committee on Environment, Natural Resources and Agriculture. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Hyde Park,—
Loring
Square.

School nutrition.—
By Mr. Sánchez of Boston, for the committee on Public Health, on Senate, No. 861 and House, Nos. 2063, 2075 and 2092, a Bill relative to school nutrition (House, No. 4438).

Identification cards.—
By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill relative to minimum age requirements for obtaining identification cards (House, No. 3216).

Motor vehicle plate.—
By the same member, for the same committee, on a petition, a Bill relative to designating a certain motor vehicle plate assignment (House, No. 3253).

Wheelchairs.—
By the same member, for the same committee, on a petition, a Bill relative to the transportation of individuals seated in wheelchairs (House, No. 3785).

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

Norwood,—retired police.—
By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to authorizing the appointment of retired police officers as special police officers in the town of Norwood (House, No. 1917).

Milford,—tourist signs.—
By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill authorizing Southwick’s Zoo to install certain sign (House, No. 3213).

Telephone companies,—vehicle length.—
By the same member, for the same committee, on a petition, a Bill relative to overall vehicle length (House, No. 3790).

Fall River,—bridge.—
By the same member, for the same committee, on a petition, a Bill designating a certain bridge in the city of Fall River as the Louis Phillip Gagne Jr. Bridge (House, No. 4274).

Mansfield,—bridge.—
By the same member, for the same committee, on a petition, a Bill designating a certain bridge in the town of Mansfield in honor of Edward Joseph Pazsit (House, No. 4338, changed in section 1, in line 5, by striking out the word “Pazsit” and inserting in place thereof the following: “S/Sgt Edward J. Pazsit USAAF Memorial”).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Orders of the Day.

Berkshire Community College and Pittsfield Y.M.C.A.,—land.—
The Senate Bill authorizing Berkshire Community College to lease certain land to the Pittsfield Young Men’s Christian Association (Senate, No. 2114, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Pedone of Worcester moved to amend the text (inserted by amendment by the House) in section 1, in line 8, by inserting after the word “education” the words “and Berkshire Community College”, in lines 12 to 15, inclusive, by striking out the sentence contained in those lines; and by striking out section 5 and inserting in place thereof the following section:

“SECTION 5. The Pittsfield Young Men’s Christian Association shall be responsible for all costs deemed necessary or appropriate by

the commissioner of capital asset management and maintenance for the transaction including, without limitation, the costs for legal work, survey, title, appraisal and the preparation of plans and specifications. The Pittsfield Young Men’s Christian Association shall also be responsible for any costs, liabilities or expenses of any kind for the development, improvement, maintenance or operation of the facilities subject to the lease or other agreement as may be determined by the commissioner of capital asset management and maintenance, in consultation with Berkshire Community College.

The design of and plans and specifications for any buildings or other improvements to be constructed by the Pittsfield Young Men’s Christian Association shall be subject to the review and approval of the division of capital asset management and maintenance and Berkshire Community College.”

The amendments were adopted; and the bill (Senate, No. 2114, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment (see House document numbered 4352, amended).

Recess.

At twenty-five minutes after eleven o’clock A.M., on motion of Mr. Sullivan of Fall River (Mr. Donato of Medford being in the Chair), the House recessed until twelve o’clock noon; and at twelve minutes after twelve o’clock the House was called to order with Mr. Donato in the Chair.

Recess.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Catherine Ann Ouellette, an employee of the Trial Court (see Senate, No. 2228), 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.

Catherine Ouellette,—sick leave.

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.

The engrossed Bill relative to the Lowell Civic Stadium Commission (see Senate, No. 2236, 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.

Lowell Civic Stadium Commission.

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.

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 Senate to the Senate.

Bill enacted.

*Engrossed Bills.*Bills
enacted.

Engrossed bills

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 (see Senate No. 2108, amended) (which originated in the Senate); and

Relative to a wastewater management district in the town of Harvard (see House No. 4407, amended) (which 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.*Next
sitting.

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.

At half past 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., in an Informal Session.