

JOURNAL OF THE HOUSE.

Monday, February 8, 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. Gracious God, we begin this new week and today's legislative session with a moment of personal reflection and a prayer for Your guidance and the gift of wisdom. In Your goodness, help us to have the intention of serving You, constituents and our families in a faithful, generous and honorable manner. In these uneasy times, inspire us to live up to our traditional principles and spiritual values in dealing with others and as we address the matters on each day's agenda. May our hearts and minds be filled with peace, enthusiasm and happiness as we try to build confidence in our institutions, government and our constituents. Help us to be open to and aware of the everyday concerns of the people in our districts in these turbulent political and economic times. May the bravery, courage and the vision of the founders of this nation be in our minds at all times as we confront our challenges.

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.

Message from the Governor — Bill Returned with Recommendation of Amendment.

Harvard,—wastewater district. A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to a wastewater management district in the town of Harvard [see House, No. 4407, amended] (for message, see House, No. 4486) was filed in the office of the Clerk on Friday, February 5.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Pedone of Worcester, to the committee on Bills in the Third Reading.

Resolutions.

Police Chief Fran Hart. Resolutions (filed with the Clerk by Mr. Murphy of Burlington) congratulating Police Chief Fran Hart on the occasion of his retirement were referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the Rules, on motion of Mr. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Semi-Annual Report.

The semi-annual report of the Insurance Fraud Bureau (pursuant to Section 1 (k) of Chapter 338 of the Acts of 1990) containing a spending and management plan for said office, was placed on file.

Insurance Fraud Bureau.

Petitions.

By Mr. Pignatelli of Lenox, petition (accompanied by bill, House, No. 4487) of William Smitty Pignatelli and Benjamin B. Downing (by vote of the town) that James M. McGarry be authorized to continue in service as chief of the police department of the town of Sheffield. To the committee on Public Service. Sent to the Senate for concurrence.

Sheffield,—James M. McGarry.

Representative Bowles of Attleboro and Senator Timilty presented a petition (subject to Joint Rule 12) of Bill Bowles and James E. Timilty relative to the parental rights of service members during deployment or activation; and the same was referred, under Rule 24, to the committees on Rules.

Deployed parents,—rights.

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. Galvin of Canton, the report was considered forthwith. Joint Rule 12 then was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Mr. Dwyer of Woburn presented a petition (subject to Joint Rule 12) of James Dwyer and others relative to repeat domestic violence offenders; and the same was referred, under Rule 24, to the committees on Rules.

Domestic violence.

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. Galvin of Canton, the report was considered forthwith. Joint Rule 12 then was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Cantwell of Marshfield, petition (subject to Joint Rule 12) of James M. Cantwell for legislation to exempt certain family members of murder victims from jury service in the courts of the Commonwealth.

Jury service,—exemption.

Data protection and privacy.

By Mr. Conroy of Wayland, petition (subject to Joint Rule 12) of Thomas P. Conroy for legislation to establish an independent office of data protection and privacy oversight and providing for the implementation of regulations by the Secretary of Public Safety.

Deposits,— surcharges.

By Mr. Costello of Newburyport, petition (subject to Joint Rule 12) of Michael A. Costello for legislation to regulate deposits with the State Treasurer of surcharges collected on prepaid wireless services under regulations promulgated by the Department of Revenue.

John “Jack” Bevelaqua,— sick leave.

By Mr. Dempsey of Haverhill, petition (subject to Joint Rule 12) of Brian S. Dempsey for legislation establishing a sick leave bank for John “Jack” Bevelaqua an employee of the Department of Energy Resources.

Wage summary.

By Mr. Naughton of Clinton, petition (subject to Joint Rule 12) of Harold P. Naughton, Jr., for legislation to authorize the Patrick C. Garner Co. of the town of Northborough to adjust its gross wages summary on unemployment assistance.

Revere,— pavilions.

By Ms. Reinstein of Revere, petition (subject to Joint Rule 12) of Kathi-Anne Reinstein for legislation to designate certain pavilions in the city of Revere in memory of Peter F. McCauley III and Norman Gautreau.

Tax returns.

By Mr. Tobin of Quincy, petition (subject to Joint Rule 12) of A. Stephen Tobin relative to the granting of certain “circuit breaker” credit for married persons filing joint or individual income tax returns.

Ukrainian genocide.

By Mr. Vallee of Franklin (by request), petition (subject to Joint Rule 12) of Maria Walzer for legislation to include in the curriculum in the public schools of the Commonwealth a course of instruction on the Ukrainian Genocide Holodomor.

Boston,— public works projects.

By Mr. Walsh of Boston, petition (subject to Joint Rule 12) of Martin J. Walsh (with the approval of the mayor and city council) relative to promulgating regulations concerning public works projects in the city of Boston.

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

Paper from the Senate.

Leominster,— T&S Liquors, Inc.

The House Bill authorizing the city of Leominster to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4267, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1 adding the following paragraph:

“Upon issuance of the license authorized in this act, T&S Liquors, Inc. shall return to the licensing authority the license it currently holds for the sale of wines and malt beverages not to be drunk on the premises.”

Under suspension of Rule 35, on motion of Mr. Rosa of Leominster, 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.

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:

Petition (accompanied by bill) of Elizabeth Poirier and others that county commissioners and the sheriffs for the various counties institute a schedule of fees and assess fees to inmates in their custody. To the committee on the Judiciary.

Inmates,— fees.

Petition (accompanied by bill) of Garrett J. Bradley that the Department of Revenue be directed to reimburse cities and towns the proceeds collected from the excise tax imposed on satellite subscriptions. To the committee on Revenue.

Satellite subscriptions,— excise tax.

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

By Mr. Sánchez of Boston, for the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3828) of Karyn E. Polito, John P. Fresolo and others relative to a medical emergency response plan for schools,— and recommending that the same be referred to the committee on Education.

Schools,— response plans.

Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on a petition, a Bill relative to the Health Insurance Connector Authority (House, No. 975).

Health Connector.

By the same member, for the same committee, on House, Nos. 862 and 1048, a Bill increasing the mandatory minimum bodily injury insurance requirements for commercial vehicles (House, No. 1048).

Commercial vehicles,— insurance.

By the same member, for the same committee, on House, Nos. 919 and 920, a Bill relative to further regulating the business of insurance in the Commonwealth by protecting insureds’ rights to receive benefits for ambulance services and by restricting the ability of ambulance services to balance bill for services rendered (House, No. 4477).

Ambulance services.

By Mr. Sánchez, for the committee on Public Health, on a petition, a Bill to improve asthma management (House, No. 1028)

Asthma management.

By the same member, for the same committee, on a petition, a Bill relative to medication technicians (House, No. 2041).

Medication technicians.

By the same member, for the same committee, on Senate, No. 875 and House, No. 2044, a Bill relative to the registration of podiatrists (House, No. 2044).

Podiatrists.

By the same member, for the same committee, on House, Nos. 1116, 2089, 2115, 2182, and 3599, a Bill relative to the enhancement of the prescription monitoring program (House No. 4478).

Prescription monitoring.

By the same member, for the same committee, on Senate, No. 855 and House, Nos. 2070, 2073, 2087, 2090, 2154, 2155, 2156, and 2173, a Bill relative to prescription drug waste (House, No. 4479).

Prescription,— drug waste.

By the same member, for the same committee, on House Nos. 1148 and 3592, a Resolve relative to Lyme disease and associated coinfections (House No. 4480).

Lyme disease.

By the same member, for the same committee, on Senate, No. 816 and House, No. 2161, a Bill to require environmentally safe alternatives to harmful cleaning products (House, No. 4481).

Cleaning products.

Severally referred, under Joint Rule 1E, to the committee Health Care Financing

Security,—
name
changes.

By Mr. Sánchez, for the committee on Public Health, on a petition, a Bill relative to security of name changes and requests (House, No. 2034).

Vital
records.

By the same member, for the same committee, on Senate, Nos. 818, 820 and 822 and House, Nos. 2064, 2124, 2133 and 2134, a Bill relative to the security of vital records and verification of identity (House, No. 2064).

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

Automobile
insurance.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on Senate, Nos. 490, 491 and House, Nos. 953, 958 and 961, a Bill relative to exemptions in the Massachusetts automobile insurance plan (House, No. 4476).

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:

Senate Bills

Establishing the position of town clerk in the town of Charlemont (Senate, No. 2130, amended) [Local Approval Received];

Relative to certain affordable housing in the city of Boston (Senate, No. 2237) [Local Approval Received]; and

House Bills

Relative to assault and battery on health care providers (House, No. 1696);

Authorizing Southwick's Zoo to install certain sign (House, No. 3213);
Relative to red and blue flashing, rotating or oscillating lights (House, No. 3301);

Authorizing the town of Norwood to acquire the Norwood Post VFW #2452 building for the ability to lease it to veterans' organizations (House, No. 4383) [Local Approval Received]; and

Providing for a ballot question in the town of Arlington authorizing the granting of 3 licenses for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4403) [Local Approval Received].

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

Engrossed Bill.

Bill
enacted.

The engrossed Bill relative to the Wareham Fire District (see House, No. 1976, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third
reading
bill.

The House Bill relative to the membership of the conservation commission of the town of Stockbridge (House, No. 4191), 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.

Recess.

At twenty-three minutes after eleven o'clock A.M., on motion of Mr. Kafka of Stoughton (Mr. Donato of Medford being in the Chair) the House recessed until the hour of one o'clock P.M.; and at nine minutes before two o'clock, the House was called to order with Mr. Donato in the Chair.

Paper from the Senate.

A petition of Therese Murray and Karen E. Spilka for legislation relative to economic development throughout the Commonwealth, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Economic Development and Emerging Technologies. The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2270) was referred, in concurrence, to the committee on Economic Development and Emerging Technologies.

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 seven minutes before two o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.