

JOURNAL OF THE HOUSE.

Tuesday, February 16, 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).

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.

Resignation of Representative Lantigua of Lawrence.

Mr. William Lantigua, — resignation.

The following communication, received by the Clerk from the office of the Speaker of the House on Friday, February 12, 2010, was read for the information of the House; and placed on file.

February 12, 2010.

The Honorable Robert A. DeLeo
Speaker of the House of Representatives
State House, Room 356
Boston, MA 02113

Dear Speaker DeLeo:

In all the decisions that I have made in my public life, I have tried to do what is best for the Great City of Lawrence and the Commonwealth of Massachusetts. Today is no different. Throughout the last six weeks, I have felt that it was my duty to persevere and make every effort to complete the term of office, of State Representative for the 16th Essex District, for which the people of Lawrence elected me some eight years ago.

I have been blessed to have been able to serve as an elected State Representative, as an elected member of the Democratic State Committee, and now as the elected Mayor of Lawrence.

People from near and far have communicated to me how significant it is for me to serve my community and represent them on a daily basis.

I applied for two jobs, I went through two interviews and on each Election Day the selection committee, made up of the people of Lawrence, chose me to work for them. I continue to do that work today.

In the past few days, however, it has become clear to me that I can no longer serve in the House of Representatives, advocating for the City of Lawrence, in the same manner to which I have grown accustomed over the years. My passion, my determination and my tireless work ethic on behalf of Lawrence is what you and my colleagues in the House have come to expect of me on every issue facing my city.

It has been an honor and a privilege serving as State Representative in such a historic institution, the House of Representatives, under your leadership. Your commitment and advocacy for the City of Lawrence over the years have made my city a better place.

This morning, I entered my 40th day as Mayor of Lawrence. As you know, the problems that I inherited in Lawrence are enormous, but they are problems that I am taking head on with my new administration. Many of these issues will be addressed with strong leadership, sound judgment, and a large dose of common sense. Other issues will require extraordinary measures, and in November, I requested such a measure through legislation filed by Governor Deval Patrick and by seeking the support of my colleagues in the General Court.

The people of Lawrence have asked that I serve them and I do it to the best of my ability.

Today, I submit my resignation as State Representative so that I may continue to serve the people of Lawrence to the best of my ability. At this time, "my best" means advocating from Lawrence as Mayor of Lawrence.

Thank you and I wish you and my colleagues all the best in the future.

Sincerely,

WILLIAM LANTIGUA,
Mayor,
The Great City of Lawrence.

Guests of the House.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced Representative Spellane of Worcester and his family. He was joined by his mother, Bernadette, sister, Kim Schoen, his nieces Emily and Ainsley and nephews Colin and Chris, and his children Bobby, Annie and Patrick. They are here to honor and celebrate his son Michael on his 10th birthday.

Representative Robert P. Spellane and family.

Resolutions.

Resolutions (filed with the Clerk by Ms. Wolf of Cambridge and other members of the House) congratulating Colonel Marian J. McGovern on her appointment as Superintendent of the Massachusetts State Police, were referred, under Rule 85, to the committee on Rules.

Marian J. McGovern.

Mr. Binienda of Worcester, for said committee, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Spellane of Worcester, 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 Ms. Polito of Shrewsbury, a petition (accompanied by bill, House, No. 4494) of Karyn E. Polito, James B. Eldridge and others

Westborough, — liquor license.

(by vote of the town) that the town of Westborough be authorized to remove a certain restriction on a liquor license held by Mandarin Westborough, Inc. To the committee on Consumer Protection and Professional Licensure.

Brewster,—
revolving
fund.

By Representative Turner of Dennis and Senator O’Leary, a joint petition (accompanied by bill, House, No. 4495) of Cleon H. Turner and Robert A. O’Leary (by vote of the town) that the town of Brewster be authorized to establish a road maintenance revolving account. To the committee on Municipalities and Regional Government.
Severally sent to the Senate for concurrence.

Obscene
material.

Mr. O’Flaherty of Chelsea presented a petition (subject to Joint Rule 12) of Eugene L. O’Flaherty, Martha Coakley and others relative to defining the dissemination of obscene material; 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 the Judiciary. Sent to the Senate for concurrence.

Id.

Mr. Jones of North Reading presented a petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., F. Jay Barrows and others relative to prohibiting the electronic transmission of harmful material to minors; 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 the Judiciary. Sent to the Senate for concurrence.

Reports of Committees.

Jack
Bevilaqua,—
sick leave.

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 petition of Brian S. Dempsey for legislation to establish a sick leave bank for John “Jack” Bevilaqua an employee of the Department of Energy Resources. 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.

Lila Kate
Smith,—
sick leave.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill establishing a sick leave bank for Lila Kate Smith, an employee of the Department of Developmental Services (Senate, No. 2243) be scheduled for consideration by the House.

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

Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on Senate, No. 176 and House, No. 317, a Bill regulating the direct shipment of wine (House, No. 4497).

Wine
shipments.

By Mr. Keenan of Salem, for the committee on Tourism, Arts and Cultural Development, on House, Nos. 630, 4013 and 4014, a Bill relative to the establishment and certification of cultural and creative districts (House, No. 4493).

Cultural
and creative
districts.

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

By Mr. Moran of Boston, for the committee on Election Laws, on House, No. 4474, a Bill validating the actions taken at a special town meeting of the town of Lynnfield (House, No. 4498) [Local Approval Received].

Lynnfield,—
elections.

By Mr. Keenan of Salem, for the committee on Tourism, Arts and Cultural Development, on a petition, a Bill regarding the fiscal authority of decertified libraries (House, No. 3782, changed in line 4 by inserting after the word “Laws” the words “the Board of Library Commissioners shall determine”).

Decertified
libraries.

By the same member, for the same committee, on House, No. 3142, a Bill relative to national heritage commissions and corridors in the Commonwealth (House, No. 4492).

National
heritage
commissions.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill designating a certain intersection in the town of Stoughton as the Police Chief William F. Gross and Ann M. Gross intersection (House, No. 4370).

Stoughton,—
designation.

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

Emergency Measure.

The engrossed Bill relative to unemployment insurance rates (see House, No. 4470), 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.

Unemployment
insurance
rates.

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 6 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 House) was passed to be enacted; and it was signed by the acting Speaker and Senate to the Senate.

Bill
enacted.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for Olivia Mulhall, an employee of the Trial Court (see House, No. 4361) (which originated in the House), in respect to which the Senate had concurred

Bill
enacted.

in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill designating a certain bridge in the towns of Orange and Wendell as the Franklin County Purple Heart Memorial Bridge (see Senate, No. 1890) (which originated in the Senate), 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.

Harvard,—
wastewater
management.

The engrossed Bill relative to a wastewater management district in the town of Harvard (see House, No. 4407, amended) which had been returned to the House by His Excellency the Governor with recommendation of amendments (for message, see House, No. 4486), was considered.

The committee on Bills in the Third Reading reported recommending that the amendments recommended by the Governor be considered in the following form:

In section 4 (as engrossed), in line 9, by striking out the word “solely”; and in section 5 (as engrossed), in line 3, by inserting after the following: “16B” the following; “, 16C, 16D”. The amendments were adopted. Sent to the Senate for concurrence.

Third
reading
bill.

The Senate Bill relative to the certification of Wareham Library (Senate, No. 2163) (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.

Id.

The House Bill relative to elections in the town of Wayland (House, No. 4256), 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.

Franklin,—
overhead
utilities.

The House Bill authorizing the town of Franklin to appropriate funds and incur debt for the purpose of removing overhead utilities and replacing with underground facilities (House, No. 4251) (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.

Pending the question on passing the bill to be engrossed, Mr. Vallee of Franklin moved to amend it by adding the following two sections:

“SECTION 3. The provisions of sections 22A to 22I, inclusive, of chapter 166 of the General Laws shall not apply to any projects carried out by the town under this act. The town and any utility whose poles, overhead wires or associated overhead structures are to be removed and replaced by underground facilities by any project undertaken by the town pursuant to this act may enter into, and from time to time amend, an agreement pursuant to which the utility shall pay to the town in each fiscal year all or a portion of the debt service

payable in such fiscal year related to a borrowing incurred by the town hereunder for such project. Such agreement may contain any and all provisions as shall be consistent with the provisions of this section. In addition to all other rates, charges and fees it may otherwise be authorized to impose and collect, any utility which agrees to make payments to the town pursuant to this section shall impose and collect a surcharge, in each year in which it is required to make such a payment, on each customer located in the town equal in the aggregate to the amount of such payment.

SECTION 4. This act shall take effect upon its passage.”

The amendment was adopted; and the bill (House, No. 4251, amended) was passed to be engrossed. 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 Thursday next at eleven o'clock A.M. Next
sitting.

At a quarter after eleven o'clock A.M., on motion of Mr. Frost of Auburn (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M., in an Informal Session.