

Wednesday, February 16, 2011.

Met according to adjournment at eleven o'clock A.M., 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.

Silent Prayer.

Staff Sergeant Jason T. Pool.

During the session, at the request of Representatives Sullivan of Fall River, Aguiar of Fall River and Schmid of Westport, the members, guests and employees stood in a moment of silence in respect to the memory of Army National Guard Staff Sergeant Jason T. Pool, formerly of Fall River who died at Fort Bragg, North Carolina on January 28, 2011.

He is survived by his wife Linda Pool, his daughter Elizabeth Pool and his two granddaughters Kailigh and Victoria.

Message from the Governor.

North Brookfield,-- town election.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at the annual town election held in the town of North Brookfield (House, No. 1831), was filed this day in the office of the Clerk.

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

Statement Concerning Representative Bradley of Hingham.

Statement concerning Mr. Bradley of Hingham.

A statement of Ms. Reinstein of Revere concerning Mr. Bradley of Hingham was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Bradley of Hingham is unable to be present in the House Chamber for today's sitting due to his being outside of the Commonwealth because of a scheduling conflict. His missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Kaufman of Lexington.

Statement concerning Mr. Kaufman of Lexington.

A statement of Mr. Murphy of Burlington concerning Mr. Kaufman of Lexington was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kaufman of Lexington, is unable to be present in the House Chamber for today's sitting due to his being out of town at a previously-scheduled family occasion. His missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Rogers of Norwood.

A statement of Mr. Murphy of Burlington concerning Mr. Rogers of Norwood was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Rogers of Norwood, is unable to be present in the House Chamber for today's sitting due to official business outside the Commonwealth. His missing of roll calls today is due entirely to the reason stated.

Statement concerning Mr. Rogers of Norwood.

Statement Concerning Representative Story of Amherst.

A statement of Mr. Murphy of Burlington concerning Ms. Story of Amherst was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Story of Amherst, is unable to be present in the House Chamber for today's sitting due to a family matter. Her missing of roll calls today is due entirely to the reason stated.

Statement concerning Ms. Story of Amherst.

Resolutions.

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

Resolutions (filed by Messrs. Cabral of New Bedford, Koczera of New Bedford, Canessa of New Bedford and Markey of Dartmouth) celebrating the one hundred and seventeenth anniversary of the launch of the schooner Ernestina;

Schooner Ernestina.

Resolutions (filed by Ms. Fox of Boston) congratulating Percival Perkins on the occasion of his ninetieth birthday;

Percival Perkins.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Herlda Senhouse of her one hundredth birthday;

Herlda Senhouse.

Resolutions (filed by Representatives Ross of Attleboro and Poirier of North Attleborough) congratulating Alan Friedlander on receiving the Eagle Award of the Boy Scouts of America;

Alan Friedlander.

Resolutions (filed by Representatives Ross of Attleboro and Poirier of North Attleborough) congratulating Ryan Friedlander on receiving the Eagle Award of the Boy Scouts of America;

Ryan Friedlander.

Resolutions (filed by Representatives Ross of Attleboro and Poirier of North Attleborough) congratulating Michael Lavoie, Jr., on receiving the Eagle Award of the Boy Scouts of America;

Michael Lavoie, Jr.

Resolutions (filed by Representatives Ross of Attleboro and Poirier of North Attleborough) congratulating Joseph Murphy on receiving the Eagle Award of the Boy Scouts of America; and

Joseph Murphy.

Resolutions (filed by Representatives Ross of Attleboro and Poirier of North Attleborough) congratulating Alexander Sampson on receiving the Eagle Award of the Boy Scouts of America;

Alexander Sampson.

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

Reports of Committees.

Margaret Bagley,—
sick leave bank.

By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Margaret A. Bagley, an employee of the Trial Court (House, No. 44). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, on motion of Mr. Galvin of Canton, 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 the same member, the bill was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it 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 establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted; and the bill, as amended, was passed to be engrossed. The bill (House, No. 44, amended) then was sent to the Senate for concurrence.

Michelle Potter,—
sick leave bank.

By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Michelle Potter, an employee of the Trial Court (House, No. 517). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, on motion of Mr. Straus of Matapoisett, 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 the same member, the bill was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it 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 establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted; and the bill, as amended, was passed to be engrossed. The bill (House, No. 517, amended) then was sent to the Senate for concurrence.

Recess.

Recess.

At three minutes after eleven o’clock A.M., on motion of Mr. Mariano of Quincy (Mr. Donato of Medford being in the Chair), the House

recessed until the hour of one o’clock P.M.; and at nineteen minutes after one o’clock the House was called to order with Mr. Mariano in the Chair.

Quorum.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Mariano), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 151 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 19.

[See Yea and Nay No. 19 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

The Senate Bill relative to unemployment insurance rates (Senate, No. 8) (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time.

Unemployment insurance.

After debate on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call 153 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,—
yea and nay
No. 20.

[See Yea and Nay No. 20 in Supplement.]

Therefore the bill (Senate, No. 8) was passed to be engrossed, in concurrence.

Emergency Measure.

The engrossed Bill relative to unemployment insurance rates (see Senate, No. 8), 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.

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 26 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 sent to the Senate.

Bill enacted.

Order.

On motion of Mr. DeLeo of Winthrop,—
Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o’clock A.M.

Next sitting.

At a quarter before three o’clock P.M., on motion of Mr. Peterson of Grafton (Mr. Mariano of Quincy being in the Chair), the House adjourned, to meet the following day at eleven o’clock A.M., in an Informal Session.