

JOURNAL OF THE HOUSE.

Monday, February 22, 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:

God, Our Creator, we look to You for guidance and direction as we take up and evaluate the legislative matters which come before us on this and every day. In prayer, we ask for Your assistance as we struggle to make thoughtful and moral legislative decisions in our diverse and often divided society. May the seeking of the common good be a common effort in our desire to bring about a peaceful, civil and just society. Bless our efforts to respect and protect our basic institutions which offer us strength, stability and hope in this changing world. We also pray that all elected and appointed officials receive Your gifts of knowledge and wisdom as they carry out their difficult responsibilities and utilize their great opportunities for serving people. May we continue our united efforts to make our society safe, peaceful and ethical.

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

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 Mr. Hill of Ipswich and other members of the House) commending Michael Reagan for his dedicated service to the soldiers who have given their lives in the war against terror;

Resolutions (filed by Mr. Murphy of Burlington) recognizing Colonel Mark F. Delaney for his thirty-six years of outstanding and dedicated service to the Commonwealth of Massachusetts; and

Resolutions (filed by Ms. Polito of Shrewsbury) congratulating Reverend Clifford G. Gerber on the occasion of his retirement;

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

Petitions.

Mr. Hecht of Watertown presented a petition (accompanied by bill, House, No. 4504) of Jonathan Hecht, Steven A. Tolman and Peter J. Koutoujian (by vote of the town council) that the city known

Prayer.

Pledge of
allegiance.

Michael
Reagan.

Mark F.
Delaney.

Clifford G.
Gerber.

Watertown,—
Boys and
Girls Club.

as the town of Watertown be authorized to lease certain land to the Watertown Boys and Girls Club; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Thomas Troy,— sick leave bank.

Mr. Driscoll of Braintree presented a petition (subject to Joint Rule 12) of Joseph R. Driscoll for legislation to establish a sick leave bank for Thomas Troy, an employee of the Department of Correction; 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. Smizik of Brookline, 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.

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:

Revere,— Peter F. McCauley III and Norman Gautreau.

Petition (accompanied by bill) 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. To the committee on Environment, Natural Resources and Agriculture.

Video-conferencing,— court proceedings.

Petition (accompanied by bill) of John J. Binienda, John P. Fresolo and others for legislation to authorize the use of video-conferencing in certain court proceedings involving children and families. To the committee on the Judiciary.

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

Lynnfield,— special town meeting.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill validating the actions taken at a special town meeting of the town of Lynnfield (House No. 4498) be scheduled for consideration by the House.

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

Health insurance,— eligibility.

By Mr. Spellane of Worcester, for the committee on Public Service, on Senate, No. 1143 and House, No. 2484, a Bill relative to eligibility for state group health insurance (House, No. 2484). Referred, under Joint Rule 1E, to the committee Health Care Financing.

Deceased poor persons.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on Senate, Nos. 48 and 49 and House, Nos. 122 and 128, a Bill relative to deceased poor and indigent persons (House, No. 128).

By the same member, for the same committee, on House, No. 139, a Bill removing barriers to emergency shelters (House, No. 4500).

Emergency shelters.

By the same member, for the same committee, on House, No. 148, a Bill relative to the tuition of children under the control of the Department of Transitional Assistance living in family shelters (House, No. 4501).

Tuition,— family shelters.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to the investment of other post employment benefits trust funds established by municipalities and certain other governmental units (House, No. 2343).

Municipal trust funds.

By the same member, for the same committee, on a petition, a Bill relative to David Sennott and the Public Employees Retirement Administration and Commission (House, No. 2375).

David Sennott.

By the same member, for the same committee, on a petition, a Bill to include certain county employees under the Heart Law (House, No. 2416).

Heart Law,— county employees.

By the same member, for the same committee, on a petition, a Bill regarding teacher retirement (House, No. 2453).

Teacher retirement.

By the same member, for the same committee, on a petition, a Bill relative to the minimum pension for retirees (House, No. 2483).

Pension,— minimum.

By the same member, for the same committee, on Senate, Nos. 1068, 1074 and 1085 and House, Nos. 2315, 2318, 2434, 2487, 2552, and 2567, a Bill relative to cost of living adjustments for retired public employees of the Commonwealth (House, No. 2487).

Retirees,— cost of living.

By the same member, for the same committee, on a petition, a Bill providing for a certain payment by the teachers' retirement system (House, No. 2556).

Thomas P. Johnson.

By the same member, for the same committee, on a petition, a Bill relative to the Massachusetts Academy of Math and Science at WPI (House, No. 2560).

Worcester Polytechnic.

By the same member, for the same committee, on Senate, Nos. 1026 and 1075 and House, Nos. 2437, 2646 and 2657, a Bill relative to contagious diseases (House, No. 2646).

Contagious diseases.

By the same member, for the same committee, on a petition, a Bill relative to reinstatement (House, No. 2655).

Reinstatement.

By the same member, for the same committee, on House, No. 2506, a Bill relative to civil service, retirement, and pensions (House, No. 4505).

Civil service.

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

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill establishing the Essex County commission on the status of women (House, No. 3410) ought to pass. [Ms. Polito of Shrewsbury dissents]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Essex County,— status of women commission.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to special police officers in the town of Greenfield (House, No. 636) [Local Approval Received].

Greenfield,— special police.

By the same member, for the same committee, on a petition, a Bill relative to protecting the rights of custodial, maintenance and other nonteaching employees of school districts (House, No. 2534).

Nonteaching employees.

Dukes County.— By the same member, for the same committee, on a petition, a Bill authorizing the government employers in the county of Dukes County to establish a pooled other post-employment benefits trust fund (House, No. 4105).

Brookline,— civil service.— By the same member, for the same committee, on a petition, a Bill exempting non-public safety employees from civil service (House, No. 4198) [Local Approval Received].

John Bevelacqua.— By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for John "Jack" Bevelacqua, an employee of the Department of Energy Resources (House, No. 4503).

Lawrence,— financial stability.— By Mr. Murphy of Burlington, for the committee on Ways and Means, on House, No. 4421, a Bill providing for the financial stability of the city of Lawrence (House, No. 4516) [Representatives deMacedo of Plymouth and Polito of Shrewsbury dissent].

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

Essex County,— status of women commission.— By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill establishing the Essex County commission on the status of women (House, No. 3410) ought to pass [Ms. Polito of Shrewsbury dissents]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Identification cards.— By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to minimum age requirement for obtaining identification cards (House, No. 3216) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4512) [Ms. Polito of Shrewsbury dissents].

Bruce P. Michaud.— By the same member, for the same committee, that the Bill relative to designating a certain motor vehicle plate assignment (House, No. 3253) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4515) [Ms. Polito of Shrewsbury dissents].

One thousand great places.— By the same member, for the same committee, 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 report (House, No. 4424) ought to pass with an amendment substituting therefor a resolve with the same title (House, No. 4517) [Ms. Polito of Shrewsbury dissents].

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending.

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

Authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2258) [Local Approval Received];

Authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2259) [Local Approval Received]; and

Greenfield,— liquor license.—

Id.

House bills

Authorizing the town of Cohasset to use a certain parcel of water supply land for general municipal purposes (House, No. 1132) [Local Approval Received];

Providing for nonsmoking units in elderly housing (House, No. 1181); Relative to the determination of condominium common area interest (House, No. 1235);

Relative to the estate of homestead (House, No. 1591); Relative to authorizing the appointment of retired police officers as special police officers in the town of Norwood (House, No. 1917) [Local Approval Received];

Designating a bridge in the town of Clinton as the Arthur J. Mayou memorial Bridge (House, No. 3280);

Authorizing the town of Westwood to grant three licenses for the sale of wine and malt beverages to food stores (House, No. 4089) [Local Approval Received];

Amending Chapter 97 of the Acts of 2007 relative to the town of Belmont other post employment benefits trust fund (House, No. 4223) [Local Approval Received];

Amending the requirements regarding the method of determination of the allocation of the number of town meeting members among precincts in the town of Shrewsbury (House, No. 4305) [Local Approval Received];

Authorizing the use of revenues from the Groton sewer enterprise fund (House, No. 4354) [Local Approval Received];

Act to amend the charter for the town of Groton (House, No. 4355) [Local Approval Received];

Designating a certain intersection in the town of Stoughton as the police chief William F. Gross and Ann M. Gross intersection (House, No. 4370);

Relative to the promotion of a member of the fire department of the town of Framingham (House, No. 4405) [Local Approval Received];

Designating a certain road in the town of Salisbury as Army Sergeant Jordan Michael Shay Memorial Drive (House, No. 4412);

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

By Mr. Keenan of Salem, for the committee on Tourism, Arts and Cultural Development, ought NOT to pass, on the petition (accompanied by bill, House, No. 3144) of Paul K. Frost for legislation to establish a division of foreign travel and tourism within the Office of Travel and Tourism.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by resolve, House, No. 3539) providing for the establishment of a special commission to prepare plans for the observance by the Commonwealth of the bicentennial of the historic events related to the War of 1812.

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

Mr. Kafka of Stoughton, for said committee, reported the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Cohasset,— water supply.

Smoking. Condominiums,— common areas.

Homestead. Norwood,— special police.

Clinton,— Mayou Bridge.

Westwood,— liquor licenses.

Belmont,— trust fund.

Shrewsbury,— town meeting.

Groton,— sewer fund.

Groton,— charter.

Stoughton,— Gross intersection.

Framingham,— fire department.

Salisbury,— Shay Memorial Drive.

Foreign travel and tourism.

War of 1812,— study.

*Engrossed Bills.*Bill
re-enacted.

The engrossed Bill relative to a wastewater management district in the town of Harvard (see House, No. 4407, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill establishing a sick leave bank for Lila Kate Smith, an employee of the Department of Developmental Services (see Senate, No. 2243) (which originated in the Senate), in respect to which the Senate had concurred in the adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Id.

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

*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 twenty minutes after eleven o'clock A.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.