

UNCORRECTED PROOF

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, MARCH 12, 2009.

[25]*

JOURNAL OF THE HOUSE.

Thursday, March 12, 2009.

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 of Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, Chaplain of the House, as follows:

Gracious God, we begin this afternoon's legislative session with a prayer in which we ask for Your direction and guidance as we take up the items on this day's calendar. We also bring to You our hopes and concerns, our plans and our purpose, our confidence and fears as we try to select our best possible legislative options to our current legislative challenges in these uncertain times. Our future as a society depends to a great extent upon the goodwill and cooperation of all citizens in a common effort to meet the variety of needs of the people and the times. We also pray for the wisdom and the courage to seek truth in our search for thoughtful solutions to today's unique challenges as we plan for the future of our communities and the Commonwealth. Prayer.

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

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. Pledge of allegiance.

Silent Prayers.

During the session, at the request of the Speaker, the members, guests and employees stood in a moment of silent tribute for John K. Atsalis, father of Representative Atsalis. Mr. Atsalis, a Korean War era veteran, was a member of the legendary 60th Fighter Squadron as well as a member of the board of trustees for the Cape Cod Community College, the Barnstable American Legion Post 206 and a fraternal member of the Free Masons. John K. Atsalis.

Statement Concerning Representative Atsalis of Barnstable.

A statement of Mr. Vallee of Franklin concerning Mr. Atsalis of Barnstable 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, Mr. Atsalis of Barnstable, is unable to be present in the House Chamber for today's sitting due to the death of his father, John K. Atsalis. Any roll calls that he may miss today will be due entirely to the reason stated. Statement concerning Representative Atsalis of Barnstable.

Statement Concerning Representative Galvin of Canton.

A statement of Mr. Vallee of Franklin concerning Mr. Galvin of Canton was spread upon the records of the House, as follows:

Statement concerning Representative Galvin of Canton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Mr. Galvin of Canton, is unable to be present in the House Chamber for today's sitting due to a previously scheduled family commitment. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Gary of Dracut.

A statement of Mr. Vallee of Franklin concerning Miss Gary of Dracut was spread upon the records of the House, as follows:

Statement concerning Representative Gary of Dracut.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Miss Gary of Dracut, is unable to be present in the House Chamber for today's sitting due to a death in her family. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement Concerning Representative Khan of Newton.

A statement of Mr. Vallee of Franklin concerning Ms. Khan of Newton was spread upon the records of the House, as follows:

Statement concerning Representative Khan of Newton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Ms. Khan of Newton, is unable to be present in the House Chamber for today's sitting due to personal reasons. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement Concerning Representative Miceli of Wilmington.

A statement of Mr. Vallee of Franklin concerning Mr. Miceli of Wilmington was spread upon the records of the House, as follows:

Statement concerning Representative Miceli of Wilmington.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Mr. Miceli of Wilmington, is unable to be present in the House Chamber for today's sitting due to illness. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Peisch of Wellesley.

A statement of Mr. Vallee of Franklin concerning Ms. Peisch of Wellesley was spread upon the records of the House, as follows:

Statement concerning Representative Peisch of Wellesley.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Ms. Peisch of Wellesley, is unable to be present in the House Chamber for today's sitting due to a long-standing family obligation. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement Concerning Representative Petrolati of Ludlow.

A statement of Mr. Vallee of Franklin concerning Mr. Petrolati of Ludlow was spread upon the records of the House, as follows:

Statement concerning Representative Petrolati of Ludlow.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Mr. Petrolati of Ludlow, is unable to be present in the House Chamber for today's sitting due to previously scheduled commitment. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement of Representative Smith of Everett.

A statement of Mr. Smith of Everett, was spread upon the records as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present in the House Chamber for a portion of today's sitting due to my attendance at the funeral of former Speaker George Keverian of Everett. Any roll calls that I may have missed today was due entirely to the reason stated.

Statement of Representative Smith of Everett.

Resolutions.

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

Resolutions (filed by Ms. Allen of Boston) congratulating the consecration, institution and elevation of Reverend Peter E. Doyle to Bishop of the Spiritual Baptist Faith;

Reverend Peter E. Doyle.

Resolutions (filed by Ms. Callahan of Sutton) congratulating Rose Hourihan on the occasion of her ninety-third birthday;

Rose Hourihan.

Resolutions (filed by Mr. Calter of Kingston) congratulating Robert T. Joy on his retirement as chairman of the Plymouth County Democratic League;

Robert T. Joy.

Resolutions (filed by Mr. McCarthy of East Bridgewater) recognizing John F. Bailey for his 30 years of outstanding and dedicated service to the town of Abington's St. Patrick's Day Parade;

John F. Bailey.

Resolutions (filed by Representatives Patrick of Falmouth, Gifford of Wareham and Perry of Sandwich) recognizing the one hundred and twenty-fifth anniversary of the town of Bourne;

Bourne,— anniversary.

Resolutions (filed by Messrs. Rogers of Norwood, Kafka of Stoughton, McMurtry of Dedham and Ross of Wrentham) congratulating Walter Songin on his retirement as manager of the Veterans of Foreign Wars Post 5188;

Walter Songin.

Resolutions (filed by Mr. Rush of Boston and other members) recognizing Irish Culture Day; and

Irish Culture Day.

Resolutions (filed by Representatives Rushing of Boston and Fox of Boston) congratulating Roy Haynes on the celebration of his eighty-fourth birthday by Jazz@Union;

Roy Haynes.

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

Order.

An order (filed by Speaker DeLeo of Winthrop) relative to authorizing the Clerk of the House to spread upon the records of the House information about the official memorial remembrance ceremony that was held in the Chamber of the House of Representatives on Wednesday, March 11, 2009, in honor of the memory of former Speaker George Keverian of Everett, was referred, under Rule 24, to the committee on Rules.

Speaker George Keverian,— Clerk spread memorial information.

Mr. Binienda of Worcester, for the committee on Rules, reported, that the order be adopted. Under suspension of the rules, on motion of Mr. Smith of Everett, the order was considered forthwith; and it was adopted.

*Official Memorial Remembrance Ceremony in Respect to the
Memory of Former Speaker George Keverian of Everett.*

Speaker
George
Keverian of
Everett,—
memorial
ceremony.

On Wednesday, March 11, 2009, an Official Memorial Remembrance Ceremony in respect to the memory of former Speaker of the House George Keverian was held in the Chamber of the House of Representatives. The ceremony was presided over by Speaker Robert A. DeLeo, who spoke eloquently of the memory of the former Speaker.

Prayers were offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House and His Eminence, Archbishop Khajag Barsamian, Primate, Diocese of the Armenian Church of America.

Speaker DeLeo led the members, many distinguished guests, family members and friends of Speaker Keverian in the Pledge of Allegiance to the flag of the United States of America.

There were two beautiful musical selections that were most befitting to the memory of the beloved former Speaker.

Remarks in remembrance to the respect of former Speaker Keverian then were made by Senate President Therese Murray, Lieutenant-Governor Timothy Murray, Mayor Robert Correia of Fall River and Former White House Chief of Staff Andrew H. Card, Jr.

Distinguished guests in attendance were Secretary of the Commonwealth William F. Galvin, Auditor of the Commonwealth A. Joseph DeNucci, former Speakers Robert F. Quinn of Boston, Charles F. Flaherty of Cambridge, Thomas M. Finneran of Boston and Salvatore F. DiMasi of Boston, former Senate Presidents William M. Bulger, Thomas F. Birmingham and Robert Travaglini, and Mayor David B. Cohen of Newton.

Subsequent to the ceremony, the distinguished participants exited the House Chamber, under escort of the Sergeant-at-Arms, to pay their respects to the family of former Speaker Keverian who was lying in state in Memorial Hall.

Reports of Committees.

Common-
wealth,—
fiscal
recovery.

By Mr. Murphy of Burlington, for the committee on Ways and Means, asking to be discharged from further consideration of so much of the message from His Excellency the Governor recommending legislation relative to providing emergency measures to assist the Commonwealth's fiscal recovery (House, No. 101) (as relates to sections 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36) and recommending that the same severally be referred to the committee on Revenue. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the reference.

Supplemental
Appropriations.

By Mr. Murphy of Burlington, for the committee on Ways and Means, on the residue of House, No. 101, reports, in part, a Bill making appropriations for the fiscal year 2009 to provide for supple-

menting certain existing appropriations and for certain other activities and projects (House, No. 3415) [Cost: \$96,872,067.00], which was read.

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.

At seven minutes after one o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at seven minutes after one o'clock the House was called to order with the Speaker in the Chair.

Recess.

Mrs. Haddad of Somerset thereupon asked for a count of the House to ascertain if a quorum was present. The Speaker, 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 141 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 28.

[See Yea and Nay No. 28 in Supplement.]

Therefore a quorum was present.

Under suspension of the rules, on motion of Mr. Murphy of Burlington, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After remarks 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. Murphy of Burlington; and on the roll call 145 members voted in the affirmative and 0 members voted in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 29.

[See Yea and Nay No. 29 in Supplement.]

Therefore the bill (House, No. 3415) was passed to be engrossed. Sent to the Senate for concurrence.

Subsequently a statement of Mr. Rogers of Norwood was spread upon the records of the House, as follows:

MADAM SPEAKER: On the taking of the above yeas and nays, on the question on passing the bill to be engrossed, I was not recorded. Had I been recorded, I would have voted in the negative.

Statement of
Representative
Rogers of
Norwood.

Emergency Measure.

The engrossed Bill making appropriations for the fiscal year 2009 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 3415), 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.

Supplemental
Appropriations.

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 35 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.

Statement of Representative Smith of Everett.

A statement of Mr. Smith of Everett was spread upon the records of the House, on motion of Mr. Pedone of Worcester, as follows:

Statement of Representative Smith of Everett.

MR. SPEAKER: I want to thank you and the entire House of Representatives for the wonderful tribute you showed Former Speaker George Keverian here at the State House yesterday.

Speaker DeLeo, a special thank you to you and your staff. I cannot tell you how pleased Speaker Keverian must have been lying in state in the building he loved so much. Thank you for the entire city of Everett.

Speaker Keverian and I have been friends for some time, but much closer since I became the *Gentleman from Everett*.

Speaker Keverian loved being the Speaker and I understood that. He loved it.

As one of my responsibilities as the *Gentleman from Everett*, I made sure I spoke or visited with Speaker Keverian every few weeks. I enjoyed those visits as much as he did. He was always interested in what was going on up on the Hill. I told him Leadership wasn't telling me anything and that was why I was in his city hall office asking him. He loved that.

Speaker Keverian was very proud of his heritage and humble beginnings. The fact that his father arrived in this country in the early 1900's with just the clothes on his back and one suitcase, filled with 500 thousand in cold cash, was a story he often told.

Speaker Keverian was also a compassionate and kind man. He told me of the time a colleague of his had lost the keys to his car and had no way to get back to Framingham. The Speaker offered to drive him and on the way down the Mass Pike the State Police pulled him over. As the Trooper was walking to his car the Speaker rolled down his window. "Mr. Speaker I didn't realize it was you." "That's all right officer, I'll give you a warning this time but if it happens again there will be hell to pay."

A few months ago I was listening to the farewell speeches and many of the outgoing representatives were mentioning Speaker Keverian. I stepped out of the chamber and called him on my cell-phone. "Mr. Speaker today is farewell speech day and all I am hearing is Keverian this and Keverian that." He wanted to know what reps were mentioning him.

I told him all of them. There was a short silence and then he said "Thank you Stat. Once again, you've made my day."

Members of the House and once again Speaker DeLeo, thank you.

Yesterday you made his day again.

Orders.

The following order (filed by Mr. Kocot of Northampton) was referred, under Rule 24, to the committee on Rules:

Ordered, That, the Senate committee on Ethics and Rules, the House committee on Ethics and the joint committee on State Administration and Regulatory Oversight are hereby authorized to sit jointly for the purpose of hearing testimony on all bills referred to

Ethics issues,—committees to hear testimony and transfer of House, No. 95.

the committee on State Administration and Regulatory Oversight concerning lobbyists, the conduct of public officials and any other subjects concerning ethics; and be it further

Ordered, That, the message from His Excellency the Governor recommending legislation relative to improving the laws relating to ethics and lobbying (House, No. 95), which had previously been referred to the temporary House committee on Ethics, shall be transferred to the committee on State Administration and Regulatory Oversight.

Mr. Binienda of Worcester, for the committee on Rules, reported, that the order be adopted. Under suspension of the rules, on motion of Mr. Kocot (Mrs. Haddad of Somerset being in the Chair), the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M. Next sitting.

At the hour of six o'clock P.M., on motion of Mr. Murphy of Burlington (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.

Yea and Nay Supplement
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Yea and Nay No. 28

Quorum roll call.

Y	Mr. Speaker	Y	Driscoll	Y	Linsky	Y	Spiliotis
Y	Vallee	Y	Dwyer	Y	L'Italian	Y	Spellane
Y	Mariano	Y	Dykema	Y	Madden	Y	Speranzo
Y	Haddad	Y	Ehrlich	Y	Malia	Y	Spiliotis
X	Petrolati	Y	Fagan	Y	McCarthy	X	Stanley, H.L.
Y	Aguiar	Y	Fallon	Y	McMurtry	X	Stanley, T.M.
Y	Alicea	Y	Falzone	X	Miceli	Y	St. Fleur
Y	Allen	Y	Fennell	Y	Moran	Y	Story
Y	Arciero	Y	Fernandes	Y	Murphy, C.A.	Y	Straus
Y	Ashe	Y	Ferrante	Y	Murphy, J.	Y	Sullivan
Y	Atkins	Y	Finegold	Y	Murphy, K.J.	Y	Swan
X	Atsalis	Y	Flynn	Y	Nangle	X	Timilty
X	Ayers	Y	Forry	X	Naughton	Y	Tobin
Y	Balser	Y	Fox	X	Nyman	Y	Toomey
Y	Basile	Y	Fresolo	Y	O'Day	Y	Torrisi
Y	Benson	X	Galvin	Y	O'Flaherty	Y	Turner
Y	Binienda	Y	Garballey	Y	Patrick	Y	Wagner
Y	Bosley	X	Garry	Y	Peake	Y	Wallace
Y	Bowles	Y	Gobi	Y	Pedone	Y	Walsh, M.J.
Y	Bradley	X	Golden	X	Peisch	Y	Walsh, S.
Y	Brady	Y	Grant	X	Pignatelli	Y	Walz
Y	Brownsberger	Y	Greene	Y	Provost	Y	Welch
Y	Cabral	Y	Gregoire	Y	Puppolo	Y	Wolf
Y	Callahan	Y	Guyer	Y	Quinn	Y	Jones
Y	Calter	Y	Harkins	Y	Reinstein	Y	Peterson
Y	Campbell	Y	Hecht	Y	Rice	Y	Hill
Y	Canavan	Y	Hogan	Y	Richardson	Y	Poirier
Y	Canessa	Y	Honan	Y	Rodrigues	Y	Barrows
Y	Cantwell	Y	Kafka	Y	Rogers	Y	deMacedo
Y	Clark	Y	Kane	Y	Rosa	Y	Evangelidis
Y	Coakley-Rivera	Y	Kaufman	X	Rush	Y	Frost
Y	Conroy	Y	Keenan	Y	Rushing	Y	Gifford
X	Costello	X	Khan	Y	Sanchez	Y	Hargraves
Y	Creedon	Y	Kocot	Y	Sandlin	Y	Humason
Y	Curran	Y	Koczera	Y	Sannicandro	Y	Perry
Y	D'Amico	Y	Koutoujian	Y	Scaccia	Y	Polito
Y	Dempsey	Y	Kujawski	Y	Scibak	Y	Ross
Y	DiNatale	Y	Kulik	Y	Sciortino	Y	Smola
Y	Donato	Y	Lantigua	X	Smith	Y	Webster
Y	Donelan	Y	Lewis	Y	Smizik		

YEAS: 141

NAYS: 0

N-V: 18

P=PRESENT

X=NOT VOTING

*=AFTER VOTE

Yea and Nay Supplement
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Yea and Nay No. 29

On passing to be engrossed the House Bill making appropriations for the fiscal year 2009 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3415).

Y	Mr. Speaker	Y	Driscoll	Y	*Linsky	Y	Spiliotis
Y	Vallee	Y	Dwyer	Y	L'Italian	Y	Spellane
Y	Mariano	Y	Dykema	Y	Madden	Y	Speranzo
Y	Haddad	Y	Ehrlich	Y	Malia	Y	Spiliotis
X	Petrolati	Y	Fagan	Y	McCarthy	X	Stanley, H.L.
Y	Aguiar	Y	Fallon	Y	McMurtry	Y	Stanley, T.M.
Y	Alicea	Y	Falzone	X	Miceli	Y	St. Fleur
Y	Allen	Y	Fennell	Y	Moran	Y	Story
Y	Arciero	Y	Fernandes	Y	Murphy, C.A.	Y	Straus
Y	Ashe	Y	Ferrante	Y	Murphy, J.	Y	Sullivan
Y	Atkins	Y	Finegold	Y	Murphy, K.J.	Y	Swan
X	Atsalis	Y	Flynn	Y	Nangle	X	Timilty
Y	Ayers	Y	Forry	X	Naughton	Y	Tobin
Y	Balser	Y	Fox	Y	Nyman	Y	Toomey
Y	Basile	Y	Fresolo	Y	O'Day	Y	Torrisi
Y	Benson	X	Galvin	Y	O'Flaherty	Y	Turner
Y	Binienda	Y	Garballey	Y	Patrick	Y	Wagner
Y	Bosley	X	Garry	Y	Peake	Y	Wallace
Y	Bowles	Y	Gobi	Y	Pedone	Y	Walsh, M.J.
Y	Bradley	Y	Golden	X	Peisch	Y	Walsh, S.
Y	Brady	Y	Grant	X	Pignatelli	Y	Walz
Y	Brownsberger	Y	Greene	Y	Provost	Y	Welch
X	Cabral	Y	Gregoire	Y	Puppolo	Y	Wolf
Y	Callahan	Y	Guyer	Y	Quinn	Y	Jones
Y	Calter	Y	Harkins	Y	Reinstein	Y	Peterson
Y	Campbell	Y	Hecht	Y	Rice	Y	Hill
Y	Canavan	Y	Hogan	Y	Richardson	Y	Poirier
Y	Canessa	Y	Honan	Y	Rodrigues	Y	Barrows
Y	Cantwell	Y	Kafka	X	Rogers	Y	deMacedo
Y	Clark	Y	Kane	Y	Rosa	Y	Evangelidis
Y	Coakley-Rivera	Y	Kaufman	Y	Rush	Y	Frost
Y	*Conroy	Y	Keenan	Y	Rushing	Y	Gifford
Y	Costello	X	Khan	Y	Sanchez	Y	Hargraves
Y	*Creedon	Y	Kocot	Y	Sandlin	Y	Humason
Y	Curran	Y	Koczera	Y	Sannicandro	Y	Perry
Y	D'Amico	Y	Koutoujian	Y	Scaccia	Y	Polito
Y	Dempsey	Y	Kujawski	Y	Scibak	Y	Ross
Y	DiNatale	Y	Kulik	Y	Sciortino	Y	Smola
Y	Donato	Y	Lantigua	X	Smith	Y	Webster
Y	Donelan	Y	Lewis	Y	Smizik		

YEAS: 145

NAYS: 0

N-V: 14

P=PRESENT

X=NOT VOTING

*=AFTER VOTE