

UNCORRECTED PROOF

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, MARCH 19, 2009.

[27]*

JOURNAL OF THE HOUSE.

Thursday, March 19, 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).

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 Prayers.

Daniel
Aguiar.

During the session, at the request of Speaker DeLeo of Winthrop, the members, guests and employees stood in a moment of silent tribute for Daniel Aguiar of Fall River, who passed away on March 11. Mr. Aguiar is survived by his wife, Catherine, his daughter, Kimberly Furtado, and two sons, Daniel and Representative Kevin Aguiar.

Joseph
Baldacchino.

During the session, at the request of Mr. Smith of Everett, the members, guests and employees stood in a moment of silent tribute for Joseph Baldacchino, captain of the Everett High School super-bowl football team in 2007, who passed away suddenly this past weekend. He is survived by his parents, Joseph and Kathleen and his sister, Erica.

Gabrielle
King.

During the session, at the request of Mr. Jones of North Reading, the members, guests and employees stood in a moment of silent tribute for Gabrielle King, 19, of Middleton, who passed away on Tuesday. Ms. King, a 2007 graduate of Masconomet Regional High School and a sophomore at Emanuel College, is survived by her mother, Renata Paratore, her father, Jay King and her brother, James King.

Gene
O'Shea.

During the session, at the request of the Speaker DeLeo of Winthrop and Mr. Basile of Boston, the members, guests and employees stood in a moment of silent tribute for Gene O'Shea, a retired employee of the Legislative Document Room for over 30 years. Mr. O'Shea is survived by his daughters, Jeanne McLaughlin and Laura O'Shea and his son, Jim O'Shea.

Jessie
Peterson.

During the session, at the request of Ms. Benson of Lunenburg, the members, guests and employees stood in a moment of silent tribute for Jessie Peterson, 14, of Harvard, who passed away on Sunday, March 15. Ms. Peterson is survived by her parents, Betsy and Eric, and her brother, Beck.

Statement Concerning Representatives Quinn of Dartmouth, St. Fleur of Boston and Walsh of Boston.

Statement
concerning
Representatives
Quinn of
Dartmouth,
St. Fleur of
Boston and

A statement of Mr. Vallee of Franklin concerning Representatives Quinn of Dartmouth, St. Fleur of Boston and Walsh of Boston 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 three of our colleagues, Mr. Quinn of Dartmouth,

Ms. St. Fleur of Boston and Mr. Walsh of Boston, are unable to be present in the House Chamber for today's sitting due to being on a fact-finding mission in Haiti to help fight illiteracy and promote infrastructure construction and repair on the Island in order to prevent storm-related deaths as had occurred last year. Any roll calls that they may miss today will be due entirely to the reason stated.

Walsh of Boston.

Resolutions.

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

Resolutions (filed by Representatives Arciero of Westford, Golden of Lowell, Nangle of Lowell and Atkins of Concord) congratulating William F. "Bill" Dalton on his retirement from the Chelmsford Board of Selectmen;

William F. Dalton.

Resolutions (filed by Representatives Arciero of Westford, Golden of Lowell, Nangle of Lowell and Atkins of Concord) congratulating Philip M. Eliopoulos on his retirement from the Chelmsford Board of Selectmen;

Philip M. Eliopoulos.

Resolutions (filed by Miss Garry of Dracut) recognizing the Dracut High School "Middies" football team as the Massachusetts Interscholastic Athletic Association Division 1A Super Bowl champions; Dracut High

School,—
football.

Resolutions (filed by Mr. Kujawski of Webster) congratulating Josh Bressnan on receiving the Eagle Award of the Boy Scouts of America;

Josh Bressnan.

Resolutions (filed by Mr. Kujawski of Webster) congratulating Daniel Paul Romero on receiving the Eagle Award of the Boy Scouts of America;

Daniel Paul Romero.

Resolutions (filed by Mr. Kujawski of Webster) congratulating Jeremy Reynolds on receiving the Eagle Award of the Boy Scouts of America;

Jeremy Reynolds.

Resolutions (filed by Mr. Perry of Sandwich) congratulating the Nam Vets Association of the Cape and Islands, Inc., on its twenty-sixth anniversary; and

Nam Vets Association.

Resolutions (filed by Mr. Sannicandro of Ashland and other members of the House) congratulating the Massachusetts Veterinary Medical Association for one hundred and twenty-five years of commitment to animal health and public health in the Commonwealth;

Veterinary Medical Association.

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

Recess.

At five minutes after eleven o'clock A.M., on motion of Ms. Stanley of West Newbury (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at eight minutes after one o'clock the House was called to order with the Speaker in the Chair.

Recess.

Quorum.

Mr. Peterson of Grafton 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,—
yea and nay
No. 30.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 142 members were recorded as being in attendance.

[See Yea and Nay No. 30 in Supplement.]

Therefore a quorum was present.

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

Statement of
Representative
Moran of
Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not recorded on the previous roll call due to being on official business in another part of the State House.

Motion to Suspend Rule 24(2).

Mr. Vallee of Franklin being in the Chair,—

Revenue
enhancing
bills,—
prohibition.

Ms. Polito of Shrewsbury moved that Rule 24(2) be suspended so that she might offer from the floor, an Order relative to prohibiting the Clerk from placing any revenue enhancing bills on the House Calendar until certain cost-cutting measures are acted upon by the House.

After debate the motion to suspend Rule 24(2) was negatived; and the order was referred, under said rule, to the committee on Rules.

Paper from the Senate.

Turnpike
Authority,—
powers.

The engrossed Bill extending the Commonwealth's power to guarantee obligations of the Massachusetts Turnpike Authority (printed in House, No. 100) came from the Senate with the endorsement that it had been passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 16.

Under suspension of Rule 35, on motion of Mr. Wagner of Chicopee, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

Quorum.

Pending the question on concurring with the Senate in its amendment, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Vallee of Franklin), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,—
yea and nay
No. 31.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 147 members were recorded as being in attendance.

[See Yea and Nay No. 31 in Supplement.]

Therefore a quorum was present.

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

Statement of
Representative
Miceli of
Wilmington.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not recorded on the previous roll call due to being on official business in another part of the State House.

Mr. Wagner of Chicopee then moved that the House concur with the Senate in its amendment with a further amendment striking out

all after the enacting clause and inserting in place thereof the text contained in House document numbered 3797.

After debate on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 134 members voted in the affirmative and 19 in the negative.

House
concurred in
Senate
amendment,—
yea and nay
No. 32.

[See Yea and Nay No. 32 in Supplement.]

Therefore the further amendment was adopted. The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Recess.

At eighteen minutes before three o'clock P.M., the Chair (Mr. Vallee of Franklin) declared a recess subject to the call of the Chair; and at two minutes after four o'clock the House was called to order with Mr. Vallee in the Chair.

Recess.

Emergency Measure.

The engrossed extending the Commonwealth's authority to guarantee obligations of the Massachusetts Turnpike Authority (see House bill printed in House, No. 100, amended), 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.

Turnpike
Authority,—
powers.

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 14 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 put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a "loan" bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 134 members voted in the affirmative and 19 in the negative.

Bill enacted
(state loan),—
yea and nay
No. 33.

[See Yea and Nay No. 33 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

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 twenty-eight minutes after four o'clock P.M., on motion of Ms. Reinstein of Revere (Mr. Vallee of Franklin 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
JOURNAL OF THE HOUSE.

Thursday, March 19, 2009.

Yea and Nay No. 30

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
X	Haddad	Y	Ehrlich	Y	Malia	Y	Spiliotis
Y	Petrolati	Y	Fagan	Y	McCarthy	Y	Stanley, H.L.
Y	Aguiar	Y	Fallon	Y	McMurtry	Y	Stanley, T.M.
Y	Alicea	Y	Falzone	Y	Miceli	X	St. Fleur
Y	Allen	Y	Fennell	X	Moran	Y	Story
Y	Arciero	Y	Fernandes	Y	Murphy, C.A.	X	Straus
Y	Ashe	Y	Ferrante	Y	Murphy, J.	Y	Sullivan
Y	Atkins	Y	Finegold	Y	Murphy, K.J.	Y	Swan
Y	Atsalis	Y	Flynn	Y	Nangle	Y	Timilty
Y	Ayers	Y	Forry	X	Naughton	Y	Tobin
Y	Balser	X	Fox	Y	Nyman	X	Toomey
Y	Basile	Y	Fresolo	Y	O'Day	Y	Torrisi
Y	Benson	Y	Galvin	Y	O'Flaherty	Y	Turner
Y	Binienda	Y	Garballey	Y	Patrick	Y	Wagner
X	Bosley	X	Garry	Y	Peake	Y	Wallace
Y	Bowles	Y	Gobi	Y	Pedone	X	Walsh, M.J.
Y	Bradley	Y	Golden	Y	Peisch	Y	Walsh, S.
Y	Brady	Y	Grant	Y	Pignatelli	Y	Walz
Y	Brownsberger	Y	Greene	Y	Provost	Y	Welch
Y	Cabral	Y	Gregoire	Y	Puppolo	Y	Wolf
Y	Callahan	Y	Guyer	X	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
X	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	X	Kaufman	Y	Rush	Y	Frost
Y	Conroy	Y	Keenan	X	Rushing	Y	Gifford
X	Costello	X	Khan	Y	Sanchez	Y	Hargraves
Y	Creedon	Y	Kocot	Y	Sandlin	Y	Humason
X	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	Y	Smith	Y	Webster
Y	Donelan	Y	Lewis	Y	Smizik		

YEAS: 142

NAYS: 0

N-V: 17

P=PRESENT

X=NOT VOTING

*=AFTER VOTE

Yea and Nay Supplement
JOURNAL OF THE HOUSE.

Thursday, March 19, 2009.

Yea and Nay No. 31

Quorum roll call.

Y	Mr. Speaker	Y	Driscoll	Y	Linsky	Y	Speliotis
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
Y	Petrolati	Y	Fagan	Y	McCarthy	Y	Stanley, H.L.
Y	Aguiar	Y	Fallon	Y	McMurtry	Y	Stanley, T.M.
Y	Alicea	Y	Falzone	X	Miceli	X	St. Fleur
Y	Allen	Y	Fennell	Y	Moran	Y	Story
Y	Arciero	Y	Fernandes	X	Murphy, C.A.	X	Straus
Y	Ashe	Y	Ferrante	Y	Murphy, J.	Y	Sullivan
Y	Atkins	Y	Finegold	Y	Murphy, K.J.	X	Swan
Y	Atsalis	Y	Flynn	Y	Nangle	Y	Timilty
Y	Ayers	Y	Forry	Y	Naughton	Y	Tobin
Y	Balser	Y	Fox	Y	Nyman	Y	Toomey
Y	Basile	Y	Fresolo	Y	O'Day	Y	Torrisi
Y	Benson	Y	Galvin	Y	O'Flaherty	Y	Turner
Y	Binienda	Y	Garballey	Y	Patrick	Y	Wagner
Y	Bosley	Y	Garry	Y	Peake	Y	Wallace
Y	Bowles	Y	Gobi	Y	Pedone	X	Walsh, M.J.
Y	Bradley	Y	Golden	Y	Peisch	Y	Walsh, S.
Y	Brady	Y	Grant	Y	Pignatelli	Y	Walz
Y	Brownsberger	Y	Greene	Y	Povost	Y	Welch
Y	Cabral	Y	Gregoire	Y	Puppolo	Y	Wolf
Y	Callahan	Y	Guyer	X	Quinn	Y	Jones
Y	Calter	Y	Harkins	Y	Reinstein	Y	Peterson
Y	Campbell	Y	Hecht	X	Rice	Y	Hill
Y	Canavan	Y	Hogan	Y	Richardson	Y	Poirier
X	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	Y	Rush	Y	Frost
Y	Conroy	Y	Keenan	X	Rushing	Y	Gifford
Y	Costello	X	Khan	Y	Sanchez	Y	Hargraves
Y	Creedon	Y	Kocot	Y	Sandlin	Y	Humason
X	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	Y	Smith	Y	Webster
Y	Donelan	Y	Lewis	Y	Smizik		

YEAS: 147

NAYS: 0

N-V: 12

P=PRESENT

X=NOT VOTING

*=AFTER VOTE

Yea and Nay Supplement
JOURNAL OF THE HOUSE.

Thursday, March 19, 2009.

Yea and Nay No. 32

On adoption of a further amendment (offered by Mr. Wagner of Chicopee) to the Senate amendment of the House Bill extending the Commonwealth's authority to guarantee obligations of the Massachusetts Turnpike Authority (House, No. 100).

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

YEAS: 134

NAYS: 19

N-V: 6

P=PRESENT

X=NOT VOTING

*=AFTER VOTE

Yea and Nay Supplement
JOURNAL OF THE HOUSE.

Thursday, March 19, 2009.

Yea and Nay No. 33

On passing to be enacted the engrossed [State loan] Bill extending the Commonwealth's authority to guarantee obligations of the Massachusetts Turnpike Authority (see House Bill printed in House, No. 100, amended).

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

YEAS: 134

NAYS: 19

N-V: 6

P=PRESENT

X=NOT VOTING

*=AFTER VOTE