

JOURNAL OF THE HOUSE.

Monday, March 29, 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 of Compassion and Truth, we live each moment of the day in Your presence. In Your goodness, help us to recognize this reality and to respond to it as we carry out our duties and our responsibilities during the course of this and every day. We pray for the strength and the courage to follow You, Your ways and precepts. This week, the Jewish and Christian communities are planning, observing and celebrating significant religious biblical feasts. The Jewish community is observing Passover which recalls, with a special meal, the march to freedom of God's people. The Christian community, during Holy Week, will observe several feasts which include Easter Sunday, the Feast of the Resurrection. May the spirit of this season remain with us throughout the year and influence our daily lives.

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.

*Message from the Governor —
Bill Returned with Recommendation of Amendment.*

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to property tax exemptions for rental properties in the town of Wellfleet restricted as affordable housing [see House, No. 2852] (for message, see House, No. 4584) was filed in the office of the Clerk on Friday, March 26.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Pedone of Worcester, to the committee on Bills in the Third Reading.

Resolutions.

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

Resolutions (filed by Mr. Rosa of Leominster) congratulating the Leominster Colonial Band on its one hundredth anniversary; and

Resolutions (filed by Representatives Sannicandro of Ashland, Conroy of Wayland, Dykema of Holliston, Linsky of Natick, Peisch

Prayer.

Pledge of
allegiance.

Wellfleet,—
rental
properties.

Leominster
Colonial Band.
A. Theodore
Welte.

of Wellesley, and Richardson of Framingham) honoring A. Theodore Welte 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. Kafka of Stoughton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

Communications

Underperforming schools,— regulations. From the Department of Elementary and Secondary Education (under Sections 1J and 1K of Chapter 69 of the General Laws, as amended by Section 3 of Chapter 12 of the Acts of 2010) submitting proposed amendments to regulations on underperforming schools and school districts 603 CMR 2.00;

Life Sciences Center. From the Life Sciences Center (under Section 1(b) of Chapter 56 of the Acts of 2009) relative to certain costs associated with said center as a supplement to its annual report and audit;

Executive Office of Transportation. From the Executive Office of Transportation (pursuant to items 6000-0001 and 6010-0001 of Chapter 139 of the Acts of 2006) submitting reports, including STIP funding, Chapter 90 PWED fund, and Small Town Road Assistance (STRAP) reports; and

UMass Building Authority. From the University of Massachusetts Building Authority submitting financial statements for the years ended June 30, 2008 and June 30, 2009 with independent auditors' report;

Severally were placed on file.

Annual and Special Reports.

Annual reports

Administrative Law Appeals. Of the Division of Administrative Law Appeals (under Section 4H of Chapter 7 of the General Laws) relative to the status and disposition of the cases received in 2009;

Child abuse and neglect. Of the District Attorney's Association (under Section 20D of Chapter 12 of the General Laws) relative to child abuse and neglect cases;

Green Communities,— alternative fuels. Of the Executive Office of Energy and Environmental Affairs (under Section 1 of Chapter 169 of the Acts of 2008) detailing the progress in meeting the requirements of the Green Communities Act pertaining to certain alternative fuel vehicles;

Ethics Commission. Of the State Ethics Commission (under Section 2(1) of Chapter 268B of the General Laws) concerning the monies disbursed by the commission during the fiscal year 2009 and the names, duties and salaries of the individuals employed by said commission;

Water Pollution Abatement Trust. Of the Water Pollution Abatement Trust (under Section 17 of Chapter 29C of the General Laws) for the fiscal year ended June 30, 2009, reflecting the overall fiscal health of the trust; and

Public Counsel Services. A report of the Committee for Public Counsel Services (under item 0321-1500 of Chapter 27 of the Acts of 2009) relative to the case load and expenses of said committee;

Severally were placed on file.

Papers from the Senate.

A Bill designating a certain overpass in the city of Haverhill as the Captain Richard J. Cashin Memorial Overpass (Senate, No. 2328) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Haverhill,— Cashin Overpass.

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

Under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the bill was read a second time forthwith; and it was ordered to a third reading.

The following order, having been approved by the committees on Rules of the two branches, acting concurrently, came from the Senate with the endorsement that it had been adopted by said branch, as follows:

“Ordered, That, notwithstanding the provisions of Joint Rule 10, the joint committee on Revenue be granted until March 31, 2010 within which to make its final report on current Senate document numbered 1866 relative to taxation.”

Revenue committee,— extension of time for reporting.

Under suspension of the rules, on motion of Mr. Kaufman of Lexington, the order was considered forthwith; and it was adopted, in concurrence.

The Senate Bill requiring adequate education relative to the proper safety and operation of a motorcycle for minors (Senate, No. 2344) (on Senate bill No. 1894), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Minors,— motorcycle safety.

Bills

Relative to the interest rate to be charged on certain betterment assessments in the town of Wareham (Senate, No. 2140) (on a petition) [Local Approval Received];

Wareham,— betterments.

Relative to interest rates to be charged upon apportioned betterment assessments in the town of Wareham (Senate, No. 2141) (on a petition) [Local Approval Received]; and

Id.

Relative to the North Carver Water District (Senate, No. 2348) (on Senate bill No. 2153) [Local Approval Received];

North Carver Water District.

Severally, passed to be engrossed by the Senate were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A petition of Thomas M. McGee and Lori Ehrlich for legislation to establish a sick leave bank for John Phelan, an employee of the Massachusetts Department of Transportation, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

John Phelan,— sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2350) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

Millis,—
annual
town
election.

By Mr. Moran of Boston, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill authorizing the town of Millis to conduct its annual town election on May 11, 2010 (printed in House, No. 4578). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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.

John
Riordan,—
sick leave.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill establishing a sick leave bank for John Riordan, an employee of the Trial Court (Senate, No. 2227, amended) be scheduled for consideration by the House.

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

Sean
O'Brien,—
sick leave.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill establishing a sick leave bank for Sean O'Brien, an employee of the Department of Transitional Assistance (Senate, No. 2288), be scheduled for consideration by the House.

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

Meraly
Rivera,—
sick leave.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill establishing a sick leave bank for Meraly Rivera, an employee of the Department of Children and Families (House, No. 4570) be scheduled for consideration by the House.

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

Campaign
finance.

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill changing the campaign finance reporting cycle (House, No. 593). Read; and referred, under Rule 16C, to the House committee on Ethics.

Somerville,—
retired
employees.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to the health insurance of retired employees of the city of Somerville (House, No. 4199) [Local Approval Received].

Wayland,—
benefits.

By the same member, for the same committee, on a petition, a Bill establishing a post employment benefits trust fund in the town of Wayland (House, No. 4319) [Local Approval Received].

Brookline,—
retired
employees.

By the same member, for the same committee, on a petition, a Bill relative to health insurance coverage for retired employees of the town of Brookline (House, No. 4451) [Local Approval Received].

Severally referred, under Joint Rule 1E, to the committee Health Care Financing.

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill relative to the street list (House, No. 551).

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill authorizing the Department of Conservation and Recreation to enter into a certain lease (House, No. 4482).

By Mr. Torrisi of North Andover, for the committee on Higher Education, on a petition, a Bill to support and increase the number of qualified providers of intensive intervention providers for children with autism spectrum disorders (House, No. 153, changed, in line 10, by striking out "2010" and inserting in place the following: "2012").

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on House, No. 34 and on a part of House, No. 30, a Bill relative to the regulation of gun shows (House, No. 34).

By the same member, for the same committee, on House, No. 45 and on a part of House, No. 30, a Bill relative to the Architectural Access Board (House, No. 45).

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to making provisional employees in civil service positions permanent in those positions (House, No. 2598).

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 a petition, a Bill prohibiting certain election practices (House, No. 557).

By the same member, for the same committee, on a petition, a Bill to provide to certain employees of the Commonwealth the right to participate collectively in the political process (House, No. 577) [Representative Jones of North Reading dissenting].

By the same member, for the same committee, on a petition, a Bill to ensure secure voting equipment (House, No. 649).

By the same member, for the same committee, on a petition, a Bill relative to the recall of elective officers in the town of North Andover (House, No. 1893) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill regulating elections in the town of Yarmouth (House No. 4243) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Belmont to recall elected officials (House, No. 4414) [Local Approval Received].

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on a petition, a Bill relative to pooling of tips (House, No. 4324).

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill promoting regionalism and efficient government (House, No. 1991).

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on House, No. 46 and on a part of House, No. 30, a Bill relative to the Recreational Tramway Board (House, No. 46).

Street
lists.

Cambridge,—
North Point
Park.

Autism,—
intervention
providers.

Gun shows,—
regulate.

Architectural
Access Board.

Civil service
positions.

Election
practices.

State
employees,—
politics.

Voting
equipment.

North
Andover,—
recalls.

Yarmouth,—
elections.

Belmont,—
recalls.

Tips,—
pooling.

Government,—
regionalism.

Tramway
Board.

Holyoke,—
safety. By the same member, for the same committee, on a petition, a Bill relative to public safety in the city of Holyoke (House, No. 4418) [Local Approval Received].

William J. Higgins. By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to William J. Higgins, an employee of the town of Nantucket (House, No. 1125) [Local Approval Received].

Millis,—
retired police. By the same member, for the same committee, on a petition, a Bill authorizing the appointment of retired Millis police officers as special police officers in the town of Millis (House, No. 1882) [Local Approval Received].

Boston,—
nurses. By the same member, for the same committee, on a petition, a Bill authorizing the city of Boston retirement board to grant creditable service to certain nurses (House, No. 2518).

Edward Grace. By the same member, for the same committee, on a petition, a Bill authorizing Edward Grace to take the civil service examination (House, No. 2551).

Billerica,—
civil service. By the same member, for the same committee, on a petition, a Bill to exempt clerical positions in the town of Billerica from civil service (House, No. 4391) [Local Approval Received].

Sheffield,—
police chief. By the same member, for the same committee, on a petition, a Bill authorizing James M. McGarry to continue to serve as police chief in the town of Sheffield (House, No. 4487) [Local Approval Received].

France Bonnayer. By the same member, for the same committee, on a petition, a Bill to establish a sick leave bank for Frances Bonnayer (House, No. 4573).

Westminster,—
bridge naming. By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill dedicating a certain bridge in the town of Westminster to Ryan Patrick Jones (House, No. 4437).

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

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

Falmouth,—
wind energy. Relative to the financing of wind energy facilities in the town of Falmouth (Senate, No. 2291, amended) [Local Approval Received];

Colrain,—
recall elections. Providing for recall in the town of Colrain (printed as House, No. 4384) [Local Approval Received]; and

House bills

Nutrition. Relative to nutrition awareness in schools (House, No. 147, changed);

Life insurance. Relative to savings bank life insurance (House, No. 889, changed);

Banks. Relative to bank branches (House, No. 916);

Mutual companies. Revising certain provisions of the mutual holding company law (House, No. 917);

Insurance. Relating to fire insurance (House, No. 957);

Mortgages. Making technical corrections in the law relative to discharge of certain mortgages (House, No. 996);

Subdivisions. To promote open space residential development (House, No. 1219);

Truancy. Regarding school attendance (House, No. 4281);

Further defining the membership of the Franklin Foundation (House, No. 4343) [Local Approval Received];

Authorizing the city of Methuen to repay the borrowing of certain monies for the satisfaction of a final judgment under the applicable provisions of Chapter 44 of the General Laws for a period of up to (20) years (House, No. 4404) [Local Approval Received];

Establishing a Raynham development revolving fund (House, No. 4485) [Local Approval Received]; and

Relative to certain banking laws (House, No. 4537);

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

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Report of the committee on Financial Services, ought NOT to pass, on the petition (accompanied by bill, House, No. 858) of Bruce J. Ayers that banking and lending institutions be required to issue certain information on monthly statements to mortgage loan customers;

Report of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 909) of William C. Galvin relative to the regulation of joint bank accounts;

Report of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 994) of James M. Murphy relative to making technical corrections in the law relative to discharge of certain mortgages;

Report of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1051) of Walter F. Timilty relative to regulating the distribution and sale of securities under the uniform securities law; and

Report of the committee on Revenue, ought NOT to pass, on the petition (accompanied by bill, House, No. 3854) of Steven J. D'Amico, Patricia D. Jehlen and others relative to motion picture tax credits.

Severally placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Orders of the Day.

The House Bill validating certain town meetings and town elections in the town of Wilbraham (printed in House, No. 4564) (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. 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 Wednesday next at eleven o'clock A.M.

Franklin Foundation.

Methuen,—
finances.

Raynham,—
fund.

Banking.

Mortgage statements.

Joint bank accounts.

Mortgage discharges.

Securities,—
distribution.

Motion picture tax credits.

Third reading bill.

Next sitting.

At twenty-eight minutes before twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.