

JOURNAL OF THE HOUSE.

Thursday, May 13, 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:

Gracious God, the ultimate source of knowledge and wisdom we turn our hearts and minds to You, our Creator, at the beginning of today's legislative session. Consequently we take a moment to consider spiritual, human and moral values in our response to the needs of people and the issues in these changing and uneasy times. In Your goodness inspire us each day to select reasoned and thoughtful answers to the items which come before. May we also continue our common effort to unite people in seeking the common good as we struggle together to improve the quality of life for all. Teach us to seek truth and speak truth at all times so that our society will be just fair and ethical.

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.

A message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4669), was filed in the office of the Clerk on Wednesday, May 12.

The message was read; and it was referred, under Rule 33, to the committee on the Ways and Means.

Appointment to a Special Commission.

The Speaker announced that he had appointed Mr. Martin Pillsbury, Regional Planning Services Manager of the Metropolitan Area Planning Council, to the special Water Infrastructure Finance Commission established (under Section 145 of Chapter 27 of the Acts of 2009) to develop a comprehensive, long-range water infrastructure finance plan for the Commonwealth and municipalities.

Resolutions.

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

Resolutions (filed by Mr. Peterson of Grafton) celebrating the legacy of the Civilian Conservation Corps at Upton State Forest;

Adrian Michael. Resolutions (filed by Mr. Kafka of Stoughton) congratulating Adrian Lewis Theodhosi Michael of Sharon Boy Scout Troop 95 on earning the Eagle Scout Award;

Zachary S. Kennedy. Resolutions (filed by Mr. Fernandes of Milford) congratulating Zachary S. Kennedy on earning the Eagle Scout Award;

Paul Larson, Jr. Resolutions (filed by Mr. Fernandes of Milford) congratulating Paul Larson, Jr., on earning the Eagle Scout Award;

Dana F. Perry. Resolutions (filed by Mr. Fernandes of Milford) congratulating Dana F. Perry on earning the Eagle Scout Award;

Elizabeth Simoni. Resolutions (filed by Mr. Galvin of Canton) congratulating Elizabeth "Betty" Simoni on being honored by New England Sinai Hospital;

Chatham-Nauset Lions Club. Resolutions (filed by Ms. Peake of Provincetown) congratulating the Chatham Nauset-Lions Club on the occasion of its fortieth anniversary;

May Peltier Doty. Resolutions (filed by Mr. Wagner of Chicopee) congratulating May Peltier Doty on the occasion of her one hundredth birthday; and

Ellen Moot. Resolutions (filed by Representatives Wolf of Cambridge and Hecht of Watertown) congratulating Ellen Moot on the occasion of her eightieth birthday.

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

Petitions.

Watertown,—library buildings. Mr. Hecht of Watertown presented a petition (accompanied by bill, House, No. 4667) of Jonathan Hecht, Peter J. Koutoujian and Steven A. Tolman (by vote of the town) that the town of Watertown be exempt from the public bidding statutes for certain public construction projects; and the same was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Bristol County Agricultural High School. Mrs. Haddad of Somerset and Senator Pacheco presented a joint petition (subject to Joint Rule 12) of Patricia A. Haddad and Marc R. Pacheco for legislation to authorize Bristol County to borrow money for the repair of Bristol County Agricultural High School; 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. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Papers from the Senate.

Boxford,—recall elections. The House Bill providing for recall elections in the town of Boxford (House, No. 4381) came from the Senate passed to be engrossed, in concurrence, with amendments in section 2 adding the following sentence: "The town clerk shall immediately forward the recall affidavit to the board of registrars for verification of signatures."; and in section 3,

in lines 7 to 15, inclusive, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

"SECTION 3. Within 14 calendar days of receipt of the initial recall affidavit, the board of registrars of voters shall (1) verify the signatures on the initial recall affidavit and if found to contain a sufficient number of signatures, (2) the town clerk shall thereupon deliver the first 10 signers of the affidavit a formal numbered printed recall petition sheet with the town clerk's official seal, and addressed to the board of selectmen demanding the recall. The town clerk shall fill out the top portion of each recall petition sheet naming the elected official, the grounds for recall stated in the petition, the names of the first 10 voters signing the affidavit, and shall demand the election of a successor to the office. A copy of the recall petition shall be entered in a record book to be kept in the office of the town clerk."

Under suspension of Rule 35, on motion of Mr. Hill of Ipswich, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

The House Bill establishing a sick leave bank for Thomas Troy (House, No. 4530) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2417; striking out the emergency preamble and inserting in place the following emergency preamble:

Thomas Troy,—sick leave.

"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 former employee of the department of correction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and striking out the title and inserting in place thereof the following title: "An Act establishing a sick leave bank for Thomas Troy, a former employee of the department of correction."

Under suspension of Rule 35, on motion of Mr. Driscoll of Braintree, the amendments were considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House concur with the Senate in its amendments with further amendments by striking out all after the enacting clause and inserting in place thereof the following:

"Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Thomas Troy, a former employee of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Thomas Troy. Whenever Thomas Troy terminates employment with the trial court or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the trial court paid leave bank. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court."; by inserting before the enacting clause the following emergency preamble:

Thomas Troy,— sick leave.

“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 former employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and by striking out the title and inserting in place thereof the following title: “An Act establishing a sick leave bank for Thomas Troy, a former employee of the Trial Court.”; and the report was accepted. The further amendments were adopted.

The House then concurred with the Senate in its amendments, as amended. Sent to the Senate for concurrence in the further amendments.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Melissa Gordan,— sick leave.

Petition (accompanied by bill, Senate, No. 2433) of Mark C. Montigny and Robert M. Koczera for legislation to establish a sick leave bank for Melissa Gordan, an employee of the Trial Court. To the committee on the Judiciary.

South Boston,— Joyce playground.

Petition (accompanied by bill, Senate, No. 2435) of John A. Hart, Jr., for legislation to designate a playground at the Marine Park in South Boston as the Michael Joyce memorial playground. To the committee on State Administration and Regulatory Oversight.

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:

Tewksbury,— land.

Petition (accompanied by bill) of Barry R. Finegold, Susan C. Tucker and James R. Miceli relative to authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the town of Tewksbury for recreational and open space purposes. To the committee on State Administration and Regulatory Oversight.

Vehicles for hire.

Petition (accompanied by bill) of John P. Fresolo for legislation to further regulate vehicles for hire. To the committee on Transportation.

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

Public records,— proprietary information.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relating to the public records law (House, No. 4602),— and recommending that the same be recommitted to the committee on Telecommunications, Energy and Utilities. Under Rule 42, the report was considered forthwith; and it was accepted.

Supplemental appropriations.

Mr. Murphy of Burlington, for the committee on Ways and Means, on House, No. 4444, reported, in part, a Bill making appropriations for the Fiscal Year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4670) [cost: \$42,566,794.00]. 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 the same member, 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 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; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill to protect nursing home residents (House, No. 4270) be scheduled for consideration by the House, with the amendment previously recommended by the committee on Health Care Financing,— that the bill be amended by substitution of a bill with the same title (House, No. 4637),— pending.

Nursing home residents.

Under suspension of Rule 7A, on motion of Ms. Wolf of Cambridge, the bill was read a second time forthwith.

The amendment recommended by the committee on Health Care Financing then was adopted; and the substituted bill was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to the composition of the Massachusetts Water Resources Authority board of directors (House, No. 3807) be scheduled for consideration by the House.

Water Resources Authority.

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.

Subsequently, under suspension of the rules, on motion of Mr. DeLeo of Winthrop, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: “An Act relative to the board of directors of the Massachusetts Water Resources Authority.”. Sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to the sewer service area for the town of Lunenburg (House, No. 4561) [Local Approval Received] be scheduled for consideration by the House.

Lunenburg,— sewer service area.

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.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on Financial Services to make an investigation and study of certain House documents concerning insurance and other related matters (House, No. 4621), reported, in part, asking to be discharged from further consideration of the petition of Ellen Story and others (accompanied by bill, House, No. 3897) relative to treatment and health insurance coverage for maternal post-partum depression,— and recommending that

Post-partum depression.

Post-partum depression. the same be recommitted to the committee on Financial Services. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Koutoujian of Waltham, for said committee, on the foregoing recommitted petition (House, No. 3897) reported a Bill relative to post-partum depression (House, No. 4668).

Ms. Story of Amherst moved that Joint Rule 1E be suspended; and the motion prevailed. The bill was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Mr. Binienda, for said committees, then reported that the bill ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Psychotherapy. By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 224 and 266, a Bill regulating psychotherapy (House, No. 4658). Referred, under Joint Rule 1E, to the committee Health Care Financing.

Trade and investment,—commission. By Mr. Dempsey of Haverhill, for the committee on Economic Development and Emerging Technologies, on a petition, a Bill providing for the creation of a special commission relative to the impact on the Commonwealth of Massachusetts of the international trade and investment agreements (House, No. 341). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Developmental disabilities,—scholarships. By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on House, Nos. 178 and 186, a Bill creating a scholarship fund to further the study of developmental disabilities (House, No. 4660).

Alcoholic beverages,—definitions. By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, No. 79 and on a part of House, No. 65, a Bill further defining types of alcoholic beverages (House, No. 79).

Life sciences. By Mr. Dempsey of Haverhill, for the committee on Economic Development and Emerging Technologies, on a petition, a Bill providing for further expansion of the life sciences industry in the Commonwealth (House, No. 339).

Transition coordinators. By Ms. Walz of Boston, for the committee on Education, on House, No. 493, a Bill relative to transition coordinators (House, No. 4648).

MCAS appeals. By the same member, for the same committee, on House, No. 502, a Bill relative to the MCAS appeals process (House, No. 4650).

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

Alcoholic beverages,—sale. By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill relative to the sale of alcoholic beverages (House, No. 250).

Funeral homes. By the same member, for the same committee, on a petition, a Bill prohibiting funeral homes from selling lists (House, No. 263).

Customers,—protection. By the same member, for the same committee, on a petition, a Bill relative to the protection of customers (House, No. 287).

By the same member, for the same committee, on a petition, a Bill relative to check cashing fees (House, No. 296).

By the same member, for the same committee, on a petition, a Bill relative to the storage fee for towing (House, No. 299).

By the same member, for the same committee, on a petition, a Bill exempting certain stadiums from plumbing regulations (House No. 3652).

By Mr. Dempsey of Haverhill, for the committee on Economic Development and Emerging Technologies, on House, No. 89 and on a part of House, No. 86, a Bill making amendments to the Uniform Commercial Code covering general provisions, documents of title and secured transactions and including technical changes (House, No. 89).

By Ms. Walz of Boston, for the committee on Education, on House, No. 476, a Bill relative to the disclosure of information of public school athletic resources and interscholastic athletic authorized representatives (House, No. 4649).

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill establishing a consolidated regional public safety communications/dispatch center in the towns of Cohasset, Hingham, Hull and Norwell (House, No. 4610).

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

Recess.

At twenty-five minutes after eleven o'clock A.M., on motion of Mr. Smizik of Brookline (Mr. Donato of Medford being in the Chair), the House recessed until the hour of three o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Report of a Committee.

Report of the committee on State Administration and Regulatory Oversight, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 180) of Angelo M. Scaccia for legislation to exempt certain information and records acquired by the office of child advocate from public disclosure. Under suspension of the rules, on a motion of Mr. Scaccia of Boston, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Walsh of Lynn.

Recess.

At one minute after four o'clock P.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House recessed until half past four o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

Emergency Measure.

The engrossed Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4670), 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.

Check cashing fees.

Towing storage fees.

Stadiums,—plumbing.

Uniform Commercial Code.

School athletics,—disclosures.

Cohasset, etc.—dispatch center.

Public disclosure,—child advocate office.

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 2 to 0. Sent to the Senate for concurrence.

Bill
enacted.

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.

Engrossed Bill.

Id.

The engrossed Bill establishing a sick leave bank for Sarah F. Bowler, an employee of the Department of Children and Families (see House, No. 4611, amended) (which originated in the House), 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.

Order.

Next
sitting.

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.

At five minutes before five o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.