

## JOURNAL OF THE HOUSE.

Monday, May 17, 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, Whose mysterious ways are often beyond human comprehension, we believe that You are always with us and watch over us at all times. In Your goodness, teach us to seek Your guidance and to be open to Your inspirations as we address both the personal and legislative matters which we face each day. In preparing and evaluating legislative issues, inspire us to be open to the insights and suggestions of constituents and associates as we try to serve the people and the Commonwealth in a faithful and honorable manner. As elected officials, help us to strengthen the integrity of our institutions, to expand the wisdom of our leaders and administrators and deepen the virtue of the people. May we continue to respect the dignity and rights of all individuals.

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.

### *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) honoring Marvin E. Gilmore, Jr., of the city of Cambridge;

Resolutions (filed by Ms. Ehrlich of Marblehead) welcoming the delegation from Marblehead's sister city, Grasse, France;

Resolutions (filed by Representatives Kaufman of Lexington, Stanley of Waltham and Atkins of Concord) congratulating Alan G. Ticotsky on the occasion on his retirement from the Carlisle public schools;

Resolutions (filed by Ms. Peisch of Wellesley) honoring Olof Hendey Brote on receiving the Eagle Scout Award of the Boy Scouts of America;

Resolutions (filed by Ms. Peisch of Wellesley) honoring Eric Charles Doyle on receiving the Eagle Scout Award of the Boy Scouts of America;

Resolutions (filed by Ms. Peisch of Wellesley) honoring Carter Simpson Hulings on receiving the Eagle Scout Award of the Boy Scouts of America; and

Resolutions (filed by Ms. Peisch of Wellesley) honoring William P. Jacobs on receiving the Eagle Scout Award of the Boy Scouts of America.

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

Communication.

Civil service lists.

A communication from the Human Resources Division of the Executive Office for Administration and Finance (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a list of certain public safety fire promotional lists which have been revoked as of May 1, 2010, was placed on file.

Annual Report.

Toxic reduction report.

The annual report of the Executive Office of Energy and Environmental Affairs (under the provisions of Section 3 of Chapter 21I of the General Laws) relative to the Toxics Use Reduction Program activities and accomplishments, 2009, was placed on file.

Petitions.

Foxborough,—sewer system.

By Mr. Barrows of Mansfield, a petition (accompanied by bill, House, No. 4680) of F. Jay Barrows (by vote of the town) that the town of Foxborough be authorized to construct, maintain and operate a sewage system for said town. To the committee on Environment, Natural Resources and Agriculture.

East Bridgewater,—tax titles.

By Representative McCarthy of East Bridgewater and Senator Kennedy, a joint petition (accompanied by bill, House, No. 4678) of Allen J. McCarthy and Thomas P. Kennedy (by vote of the town) for legislation to further regulate tax titles in the town of East Bridgewater; and

Gardner,—land.

By Representative Rice of Gardner and Senator Flanagan, a joint petition (accompanied by bill, House, No. 4679) of Robert L. Rice, Jr., and Jennifer L. Flanagan (with the approval of the mayor and city council) that the city of Gardner be authorized to convey certain land to the Greater Gardner Industrial Foundation.

Severally to the committee on Municipalities and Regional Government. Severally sent to the Senate for concurrence.

Public land,—erosion.

Mr. Smizik presented a petition (subject to Joint Rule 12) of Frank I. Smizik relative to preserving public trust rights in land affected by ocean erosion; 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. Smith of Everett, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the Senate for concurrence.

Papers from the Senate.

The House Bill amending the town of Yarmouth charter (House, No. 4175) 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 2388; and striking out the title and inserting in place thereof the following title: "An Act amending the town of Yarmouth home rule charter."

Yarmouth,—charter.

Under suspension of Rule 35, on motion of Mr. Turner of Dennis, 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 Senate Bill to establish employment leave and safety remedies to victims of domestic violence, stalking and domestic violence (Senate, No. 2405) (on Senate bill, No. 2382), passed to be engrossed by the Senate was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Victims,—employment leave.

A petition (accompanied by bill Senate No. 2438) of Richard R. Tisei and Katherine M. Clark (with the approval of the mayor and city council) for legislation to authorize the city of Melrose to enter into a tax deferral agreement with Stone Place Limited Partnership, was referred, in concurrence, to the committee on Revenue.

Melrose,—Stone Place Limited.

Reports of Committees.

By Ms. Walz of Boston, for the committee on Education, on House, No. 503, a Bill relative to school libraries (House, No. 4671).

School libraries.

By the same member, for the same committee, on House, No. 419, a Bill relative to educator licensure tests (House, No. 4674).

Educators.

By the same member, for the same committee, on House, No. 415, a Bill relative to pricing for chapter 71B approved private school programs (House, No. 4675).

School programs.

By the same member, for the same committee, on House, No. 495, a Bill establishing a code of conduct at public school athletic programs (House, No. 4677).

School sports,—conduct.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, No. 1151, a Bill providing for an automated toll collection review (House, No. 4664).

Tolls,—collection.

By the same member, for the same committee, on House, No. 4326, a Bill relative to the Registry of Motor Vehicles (House, No. 4666).

Registry of Motor Vehicles.

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

By Ms. Walz of Boston, for the committee on Education, on House, Nos. 347 and 385, a Bill relative to dress codes in public schools (House, No. 385, changed in line 10 by inserting after the word "district" the words "; or in the case of a charter school, by the board of trustees"; and in line 11 by striking the words "or are" and inserting in place thereof the word "and").

Schools,—dress codes.

**School choice reimbursement.** By the same member, for the same committee, on a petition, a Bill to increase accountability in school choice reimbursement (House, No. 498, changed in line 12 by inserting after the words "department of", the words "elementary and secondary"; and by striking the last sentence and inserting in place the following three sentences: "The department may, on a post-audit basis, verify the admission and attendance of the number of children certified by each school district. A receiving district shall reimburse funding and accrued interest to the sending district for any tuition paid for students who fail to enroll, drop out or transfer from the receiving district to a non-public school. Such reimbursement shall be pro-rated for the amount of time, if any, the students attended the receiving district."

**Graduation requirements.** By the same member, for the same committee, on House, Nos. 467 and 468, a Bill relating to high school graduation requirements for students with learning disabilities (House, No. 4665).

**Internet safety.** By the same member, for the same committee, on House, No. 439, a Bill relative to Internet safety in schools (House, No. 4672).

**Southeastern Regional School.** By the same member, for the same committee, on House, No. 367, a Bill providing for members of the Southeastern Regional School District to reallocate the sum of their local contributions to the district by a majority vote of boards of selectmen and a municipal council (House, No. 4676).

**Voter identification.** By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill establishing identification requirements for voters who registered by mail (House, No. 663).

**Absentee ballots.** By the same member, for the same committee, on House, No. 665, a Bill relative to absentee ballots (House, No. 4661).  
Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

**Mental Health,—cases.** Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill relative to creating a difficult to manage unit within the Department of Mental Health (House, No. 1931) ought to pass [Cost: Greater than \$100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means.

**Health alerts.** Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the following bills ought to pass:  
**Pharmacy.** Relative to the issuance of public health warnings (House, No. 2042);  
**Mutual aid.** Relative to the definition of a pharmacy (House, No. 2071);  
and  
Relative to mutual aid for local public health (House, No. 2104);  
**Cosmetics.** Relative to healthy cosmetics (House, No. 2108).  
Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

**Allied Health Board.** Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill relative to increasing the efficiency and effectiveness of the Board of Allied Health Professionals (House, No. 2079) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4673) [Cost: Greater than \$100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill relative to access to epinephrine in schools (House, No. 2077) ought to pass with amendments in line 2 by striking out the figures "2002" and inserting in place the figures "2008"; in line 13 by striking out the word "must" and inserting in place the word "shall"; in line 15 by striking out the words "such as" and inserting in place the words "including, but not limited to"; and in line 15 by inserting after the word "lunchroom," the following sentence "The Department may promulgate regulations concerning storage of epinephrine." Read; and 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 Bill establishing a consolidated regional public safety communications/dispatch center in the towns of Cohasset, Hingham, Hull and Norwell (House, No. 4610, amended) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Kafka of Stoughton, the bill was read a second time forthwith; and it was ordered to a third 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:  
Senate bills  
Authorizing the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (Senate, No. 141, amended) [Local Approval Received];  
Relative to a betterment assessment in the town of Sturbridge (Senate, No. 2043) [Local Approval Received];  
Authorizing the town of Carver to divert funds from the conservation fund (Senate, No. 2095) [Local Approval Received];  
Relative to the interest rate to be charged on certain betterment assessments in the town of Wareham (Senate, No. 2140) [Local Approval Received];  
Relative to interest rate to be charged on certain betterment assessments in the town of Wareham (Senate, No. 2141) [Local Approval Received];  
Authorizing the town of Carver to assess excise taxes on private water suppliers (Senate, No. 2143) [Local Approval Received];  
Relative to payment of property taxes in the town of Carver (Senate, No. 2145) [Local Approval Received];  
Authorizing the granting of easements and the conveyance of certain land in the town of Andover (Senate, No. 2154) [Local Approval Received];  
Exempting the position of deputy chief of police in the town of Wakefield from the civil service law (Senate, No. 2230) [Local Approval Received];  
Amending the charter of the town of Winchendon (Senate, No. 2333) [Local Approval Received]; and  
Relative to the North Carver water district (Senate, No. 2348) [Local Approval Received]; and

Epinephrine.

Cohasset, Hingham, Hull and Norwell.

Milton,—liquor license.

Sturbridge,—assessment.

Carver,—conservation.

Wareham,—assessment.

Id.

Carver,—excise tax.

Carver,—taxes.

Andover,—easements.

Wakefield,—police chief.

Winchendon,—charter.

North Carver,—water district.

	House bills		
Underground economy.	Authorizing the department of unemployment assistance to share information with the joint task force on the underground economy (House, No. 18);	Relative to the development of air rights over the Massachusetts Turnpike (House, No. 3364);	Turnpike.
Tramway board.	Relative to the recreational tramway board (House, No. 46);	Providing appropriate public safety protections for security system user information (House, No. 3480);	Security systems.
Rebates.	Relative to commercial rebate expiration (House, No. 203);	Relative to private swimming pools (House, No. 3927);	Pools.
Employees,—politics.	To provide to certain employees of the commonwealth the right to participate collectively in the political process (House, No. 577);	Regulating elections in the town of Yarmouth (House, No. 4243) [Local Approval Received];	Yarmouth.
Voting.	To ensure secure voting equipment (House, No. 649);	Relative to land in the town of Plymouth (House, No. 4264) [Local Approval Received];	Plymouth.
Voters.	Relative to specially qualified voters (House, No. 674);	Relative to easements in the town of Andover (House, No. 4318) [Local Approval Received];	Andover,—easements.
Absentee voting.	Relative to absentee voting (House, No. 676);	Authorizing the town of Cohasset to grant certain interests in land (House, No. 4322) [Local Approval Received];	Cohasset.
Voters.	Relative to pre-registration of voters (House, No. 683);	To exempt clerical positions in the town of Billerica from civil service (House, No. 4391) [Local Approval Received];	Billerica.
Title V.	Relative to Title V approval (House, No. 751);	To maintain the integrity of police investigations (House, No. 4392);	Police.
Lawns.	Regulating the organic content in newly constructed and renovated lawns (House, No. 754);	Authorizing the town of Belmont to recall elected officials (House, No. 4414) [Local Approval Received];	Belmont,—recall.
Webb Park,—Marys' Pointe.	Designating a portion of the Captain William K. Webb Memorial State Park as Marys' Pointe (House, No. 791);	Concerning the position of police chief in the town of Belmont (House, No. 4416) [Local Approval Received];	Belmont,—police chief.
Seafood.	To assist seafood processors (House, No. 901);	Relative to public safety in the city of Holyoke (House, No. 4418) [Local Approval Received];	Holyoke,—public safety.
Fire damage,—insurance.	Relative to applications for insurance against loss or damage to a building by fire (House, No. 903);	Dedicating a certain bridge in the town of Westminster to Ryan Patrick Jones (House, No. 4437);	Westminster,—bridge.
Spouses.	Providing insurance coverage to certain spouses (House, No. 943);	Relative to health insurance coverage for retired employees of the town of Brookline (House, No. 4451) [Local Approval Received];	Brookline.
Fire insurance.	Relative to the standard fire insurance policy (House, No. 960);	Relative to the investment powers of the Massachusetts Credit Union Share Insurance Corporation (House, No. 4483);	Credit corporation.
Insurance.	Relative to continuing education of insurance producers (House, No. 963, changed);	Authorizing James M. McGarry to continue to serve as police chief in the town of Sheffield (House, No. 4487) [Local Approval Received];	Sheffield.
Id.	Relative to farmers' market insurance (House, No. 998);	Relative to converting four (4) seasonal licenses for the sale of all alcoholic beverages to be consumed on the premises to four (4) annual licenses for the sale of all alcoholic beverages to be drunk on the premises and three (3) seasonal wine and malt beverage licenses to be consumed on the premises to three (3) annual wine and malt beverage licenses to be drunk on the premises (House, No. 4518 ) [Local Approval Received]; and	Seekonk,—liquor license.
William J. Higgins.	Relative to William J. Higgins, an employee of the town of Nantucket (House, No. 1125) [Local Approval Received];	Relative to noncompetition agreements (House, No. 4607); and	Agreements.
Livery drivers.	Relative to the regulation of livery drivers (House, No. 1506);	Senate resolves	
North Andover,—recall.	Relative to the recall of elective officers in the town of North Andover (House, No. 1893) [Local Approval Received];	Resolve reviving and continuing the special commission relative to the establishment of a Cranberry Heritage Area (Senate, No. 1876).	Cranberry Heritage Area.
Ashland,—taxes.	Relative to property tax exemptions in the town of Ashland (House, No. 1904, changed) [Local Approval Received];	Providing for an investigation and study by a special commission relative to reducing the wait time for medical equipment for children with special health care needs (Senate, No. 2319); and	Children,—medical equipment.
Restrooms.	Relative to public access of private restrooms (House, No. 2074);	Severally placed in the Orders of the Day for the next sitting for a second reading.	
Buses,—safety.	Relative to seatbelts on school buses (House, No. 2199);		
Schools,—felonies.	Requiring police departments to notify school superintendents upon the issuance of felony complaints against students (House, No. 2213);		
Firearms,—licensing.	Further regulating the issuance of firearm identification cards and licenses to carry firearms (House, No. 2229);		
Shotguns.	Relative to the use of shotguns (House, No. 2232);		
Gaming.	For the protection of gaming officials (House, No. 2234);		
Security.	Regulating uniformed private security firms (House, No. 2272);		
Arenas.	Further regulating exits in sports complexes (House, No. 2283, changed);		
Boston,—nurses.	Authorizing the city of Boston retirement board to grant creditable service to certain nurses (House, No. 2518);		
Commuter boats.	Relative to changes of rates and scheduling changes by commuter boats (House, No. 3172);		
Sanborn Library.	Naming the state transportation library the George M. Sanborn Library (House, No. 3266);		
Vehicle weight restrictions.	To exempt the weight of idle reduction systems for commercial vehicles from maximum weight restrictions (House, No. 3334);		
MBTA.	Relative to the MBTA's Copley and Science Park Stations (House, No. 3363);		

*Emergency Measure.*

The engrossed Bill establishing a sick leave bank for Stephen R. Fratalia, an employee of the Trial Court, (see House, No. 4576), 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.

Stephen R. Fratalia,—sick leave bank.

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 7 to 0. Sent to the Senate for concurrence.

*Engrossed Bill.*

Bill  
enacted.

The engrossed Bill providing for recall elections in the town of Boxford (see House, No. 4381, amended) (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.

*Orders of the Day.*

Third  
reading  
bills.

House bills  
Relative to precautions at railroad crossings (House, No. 3206);  
Designating a certain bike path in the town of Millbury as the Honorable Richard Dwinell Memorial Blackstone Valley Bike Path (House, No. 3218);  
Establishing the Essex County Commission on the Status of Women (House, No. 3410);  
Relative to the transportation of swimming pools (House, No. 4025);  
Authorizing the city of Methuen to repay the borrowing of certain monies for a period of up to 20 years (House, No. 4404) (its title having been changed by the committee on Bills in the Third Reading);  
Relative to National Heritage commissions and corridors in the Commonwealth (House, No. 4492); and  
Relative to a road maintenance revolving account in the town of Brewster (House, No. 4495) (its title having been changed by the committee on Bills in the Third Reading);  
Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

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