

UNCORRECTED PROOF

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, MAY 20, 2009.

[47]*

JOURNAL OF THE HOUSE.

Wednesday, May 20, 2009.

Met according to adjournment at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag. Pledge of allegiance.

Statement Concerning Representative Nyman of Hanover.

A statement of Mrs. Haddad of Somerset concerning Mr. Nyman of Hanover 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. Nyman of Hanover is unable to be present in the House Chamber for today's sitting due to the recent death of a close personal friend. Any roll calls that he may miss today will be due entirely to the reason stated. Statement concerning Representative Nyman of Hanover.

Statement Concerning Representative Rodrigues of Westport.

A statement of Mrs. Haddad of Somerset concerning Mr. Rodrigues of Westport 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. Rodrigues of Westport is unable to be present in the House Chamber for today's sitting due to his attendance at the Bio International 2009 Convention in Atlanta, Georgia. Any roll calls that he may miss today will be due entirely to the reason stated. Statement concerning Representative Rodrigues of Westport.

Statement Concerning Representative Rush of Boston.

A statement of Mr. Vallee of Franklin concerning Mr. Rodrigues of Westport 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. Rush of Boston is unable to be present in the House Chamber for today's sitting due to obligations with the United States Navy, with whom he is serving overseas on active duty until May 31. Any roll calls he may miss this week and next week will be due entirely to the reason stated. Statement concerning Representative Rush of Boston.

Resolutions.

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

Resolutions (filed by Mr. Guyer of Dalton) honoring Thomas Callahan; Thomas Callahan.

Resolutions (filed by Mr. Guyer of Dalton) honoring Brendan and Anne Ronayne; Brendan and Anne Ronayne.

Resolutions (filed by Mr. Miceli of Wilmington) congratulating Wilmington Community Television; Wilmington Television.

Jonathan Roberge.

Resolutions (filed by Mr. Rosa of Leominster and other members of the House) honoring the unveiling of the name of Private First Class Jonathan Roberge on the Franco American War Monument and the dedication of Franco American War Veterans Post 13's Post Hall;

Elizabeth Aigler.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Elizabeth Aigler of Medfield on receiving the Gold Award of the Girl Scouts of America;

Tessa Komine.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Tessa Komine of Medfield on receiving the Gold Award of the Girl Scouts of America;

Tanner Hamre LaBarge.

Resolutions (filed by Messrs. Ross of Wrentham and Linsky of Natick) congratulating Tanner Hamre LaBarge of Millis upon his elevation to the rank of Eagle Scout;

Emily Powers.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Emily Powers of Medfield on receiving the Gold Award of the Girl Scouts of America; and

Jacquelyn K. Souza.

Resolutions (filed by Mr. Turner of Dennis) congratulating Dennis Town Clerk Jacquelyn K. Souza on the occasion of her 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 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.

Billerica,—
Tully Forum.

A communication from the town of Billerica (under Chapter 141 of the Acts of 1998) submitting plans for improvements, alterations and renovations of the Tully Forum Ice Skating Rink, was placed on file (a copy was forwarded to the committee on State Administration [and Regulatory Oversight], as required by said law).

Petitions.

Petitions were presented and referred, as follows:

Lunenburg,—
charter.

By Ms. Benson of Lunenburg, petition (accompanied by bill, House, No. 635) of Jennifer E. Benson (by vote of the town) relative to changes to the charter in the town of Lunenburg; and

Gardner,—
land conveyance.

By Representative Rice of Gardner and Senator Flanagan, joint petition (accompanied by bill, House, No. 612) of Robert L. Rice and Jennifer L. Flanagan (with the approval of the mayor and city council) for legislation to convey certain land in the city of Gardner;

Severally to the committee on Municipalities and Regional Government.

Greenfield,—
special police.

By Mr. Donelan of Orange, petition (accompanied by bill, House, No. 636) of Christopher J. Donelan and Stanley C. Rosenberg (by vote of the town) relative to special police officers in the town of Greenfield;

Newton,—
Frank Albano.

By Ms. Khan of Newton, petition (accompanied by bill, House, No. 4117) of Kay Khan and others (with the approval of the mayor

and city council) relative to authorizing the city of Newton to grant a superannuation retirement allowance to Frank Albano;

Severally to the committee on Public Service.

By Mr. Speranzo of Pittsfield, petition (accompanied by bill, House, No. 637) of Christopher N. Speranzo and Benjamin B. Downing (with the approval of the mayor and city council) relative to authorizing the city of Pittsfield to prohibit heavy commercial vehicles from Merriam Street and South Merriam Street in said city. To the committee on Transportation.

Pittsfield,—
truck
traffic.

Severally sent to the Senate for concurrence.

Papers from the Senate.

The House Bill to improve the laws relating to campaign finance, ethics and lobbying (House, No. 3856) (its title having been changed by the Senate committee on Bills in the Third Reading), came from the Senate with the endorsement that it had been passed to be engrossed, in concurrence, by said branch with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2052.

Ethics,
lobbying and
campaign
finance.

Under suspension of the rules, on motion of Mr. Kocot of Northampton, the amendment was considered forthwith. The House then non-concurred with the Senate in its amendment; and, on further motion of the same member, appointed a committee of conference on the disagreeing votes of the two branches. Representatives Kocot, Vallee of Franklin and Perry of Sandwich then were appointed the committee on the part of the House. Sent to the Senate to be joined.

Conference
committee.

A message from His Excellency the Governor recommending legislation relating to economic recovery through broadband initiatives in Massachusetts (House, No. 4076), came from the Senate with the endorsement that said branch had non-concurred with the House in its reference to the committee on Telecommunications, Utilities and Energy; and that said message had been referred, in non-concurrence, to the committee on Economic Development and Emerging Technology.

Broadband
initiatives.

On motion of Mr. Dempsey of Haverhill, the House receded from its reference and concurred with the Senate in its reference to the committee on Economic Development and Emerging Technology.

Reports of Committees.

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 Pittsfield (House, No. 4091) [Local Approval Received]. Read; and referred, under Joint Rule 1E, to the committee on Health Care Financing.

Pittsfield,—
retired
employees.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Margaret Freddie Purcell (House, No. 4080). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Margaret
Freddie
Purcell.

Emergency Measure.

Sheila
Ferreira,—
sick leave
bank.

The engrossed Bill establishing a sick leave bank for Sheila Ferreira, an employee of the Department of the Trial Court (Senate, No. 2046), 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.

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 4 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 Senate) was passed to be enacted; and it was signed by the acting Speaker and Sent to the Senate.

Orders of the Day.

Third
reading
bill.

The House Bill authorizing the Department of Fish and Game to acquire conservation restrictions in and to lands owned by the city of Fitchburg (House, No. 3848) (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.

House bills

Second
reading
bills.

Relative to betterments in the town of Dracut (House, No. 3833); and

Establishing a sick leave bank for Jennifer Moniz, an employee of the Registry of Motor Vehicles (House, No. 4074);

Severally were read a second time; and they were ordered to a third reading.

Recess.

At thirteen minutes after eleven o'clock A.M., on motion of Mr. Straus of Mattapoisett (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order with the Speaker in the Chair.

Tanya M.
Dubois.

Mr. Petrolati of Ludlow being in the Chair,— the House Bill establishing a sick leave bank for Tanya M. Dubois, an employee of the Trial Court (House, No. 1683), 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.

Buzzards
Bay.

The House Bill preventing oil spills in Buzzards Bay (House, No. 4103) (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.

Pending the question on passing the bill to be engrossed, Messrs. Murphy of Burlington and Straus of Mattapoisett moved to amend it by substitution of a bill with the same title (House, No. 4119), which was read. The amendment was adopted.

After debate on the question on passing the substituted bill to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Straus; and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,—yea and nay No. 140.

[See Yea and Nay No. 140 in Supplement.]

Therefore the bill was passed to be engrossed. The bill (House, No. 4119) then was sent to the Senate for concurrence.

Subsequently, identical statements of Representatives Koutoujian of Waltham, Sannicandro of Ashland and Scibak of South Hadley were submitted, as follows:

MR. SPEAKER: During the taking of the yeas and nays on the question on passing to be engrossed the House Bill preventing oil spills in Buzzards Bay, I was absent from the House Chamber on official business in another part of the State House. If I had been present for the taking said roll call, I would have voted in the affirmative.

Statements of Representatives Koutoujian, Sannicandro and Scibak.

The House Bill establishing a sick leave bank for Michael F. Doiron, an employee of the Department of Correction (House, No. 4071) (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.

Michael F. Doiron,—sick leave.

The Senate Bill establishing a sick leave bank for Nancy Morrison, an employee of the Department of Correction (Senate, No. 2048), 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, in concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet the following day at eleven o'clock A.M.

Next sitting.

At eight minutes before two o'clock P.M., on motion of Mr. Donato of Medford (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.

Yea and Nay Supplement
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Yea and Nay No. 140

Quorum roll call.

Y	Mr. Speaker	Y	Driscoll	Y	Linsky	Y	Spiliotis
Y	Vallee	Y	Dwyer	Y	L'Italien	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	Y	St. Fleur
Y	Allen	Y	Fennell	Y	Moran	Y	Story
Y	Arciero	Y	Fernandes	X	Murphy, C.A.	Y	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	X	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	Y	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	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	X	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
Y	Costello	Y	Khan	Y	Sanchez	Y	Hargraves
Y	Creedon	Y	Kocot	Y	Sandlin	Y	Humason
Y	Curran	Y	Koczera	X	Sannicandro	Y	Perry
Y	D'Amico	X	Koutoujian	Y	Scaccia	Y	Polito
Y	Dempsey	Y	Kujawski	X	Scibak	Y	Ross
Y	DiNatale	Y	Kulik	Y	Sciortino	Y	Smola
Y	Donato	X	Lantigua	Y	Smith	Y	Webster
Y	Donelan	Y	Lewis	Y	Smizik		

YEAS: 151

NAYS: 0

N-V: 8

P=PRESENT

X=NOT VOTING

*=AFTER VOTE