

JOURNAL OF THE HOUSE.

Thursday, May 20, 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, Our Creator, we begin today's legislative session with a moment of silence, reflection and of a prayer in which we seek Your guidance and help. We believe that with Your assistance we are able to make decisions and choices which are reasoned and based on Your ways and commandments. In Your goodness, teach us to seek and speak the truth at all times. You are Truth. In weighing and evaluating the issues and items that come before us, may we always be open to the thoughts and insights of constituents and colleagues. Teach us to be guided by a common desire to strengthen and unite people in placing the common good above selfish interests. Inspire us to follow and develop public policies which enhance the dignity of each individual and protect the well-being of future generations.

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.

Guests of the House.

During the session, the Chair (Mr. Donato) declared a brief recess and introduced a group of visitors from San Diego, California. They were the guests of Representative Pedone of Worcester.

Resolutions.

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

Resolutions (filed by Representatives Barrows of Mansfield, Poirier of North Attleborough and Kafka of Stoughton) congratulating Brian Franklin on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. D'Amico of Seekonk) congratulating Elliot Gault on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. D'Amico of Seekonk) congratulating Adam Mendes on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. McMurtry of Dedham and other members of the House) congratulating Joseph A. Ciccolo on the occasion of his retirement; and

Shirley Peters.

Resolutions (filed by Messrs. Patrick of Falmouth and Madden of Nantucket) honoring Shirley Peters for her many contributions to the town of Mashpee;

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

Orders.

The following order (filed by Mr. Speliotis of Danvers) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Consumer Protection and Professional Licensure be granted until Monday, May 31, 2010, in which to make its final report on House documents 181, 224, 225, 230, 236, 243, 252, 262, 263, 266, 278, 291, 295, 301, 306, 318, 3424, 3653, 3655, 4070, 4227, 4313, relative to consumer protection related issues in the Commonwealth.

Mr. Binienda of Worcester, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion on of Mr. Speliotis, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Straus of Mattapoisett) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture be granted until Tuesday, June 15, 2010, the time within which to make its final report on Senate documents numbered 372, 374, 380, 383, 385, 394, 404, 411, 414, 415, 416, 423, 426, 427, 431, 435, 441 and 2169 and current House documents numbered 703, 704, 732, 738, 748, 777, 813, 840, 850, 854, 3440, 3441, 3442, 3445, 3554, 3808 and 3881.

Mr. Binienda of Worcester, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion on of Mr. Straus, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Straus of Mattapoisett) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture be granted until Tuesday, June 15, 2010, the time within which to make its final report on Senate documents numbered 432 and 442 and current House documents numbered 721, 722, 726, 757, 759, 765, 778, 779, 780, 815, 834, 852, 853, 3439, 3672, 3674, and 4167.

Consumer Protection and Professional Licensure,—extension of time for reporting.

Environment, Natural Resources and Agriculture,—extension of time for reporting.

Id.

Mr. Binienda of Worcester, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Straus, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Naughton of Clinton) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Veterans and Federal Affairs be granted until Wednesday, June 9, 2010, the time within which to make its final report on Senate documents numbered 1992, 1993, 1994, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2005, 2006, 2007, 2008, 2010 and 2011 and current House documents numbered 3372, 3373, 3374, 3376, 3377, 3379, 3380, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3399, 3401, 3402, 3403, 3404, 3405, 3792, 3845, 4040 and 4543.

Mr. Binienda of Worcester, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Naughton, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petitions.

By Representative Speranzo of Pittsfield and Senator Downing, a joint petition (accompanied by bill House, No. 4682) of Christopher N. Speranzo and Benjamin B. Downing (with the approval of the mayor and city council) that the city of Pittsfield be authorized to increase the size of their licensing board to five members; and the same was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Veterans and Federal Affairs,—extension of time for reporting.

Pittsfield,—licensing board.

Petitions severally were presented and referred as follows:

By Mr. Donato of Medford, a petition (subject to Joint Rule 12) of Paul J. Donato that the Department of Revenue be authorized to establish a sick leave bank for Maria Hudson, an employee of said department.

By Representative Rogers of Norwood and Senator Joyce, a joint petition (subject to Joint Rule 12) of John H. Rogers, Brian A. Joyce and others that the Water Resources Authority be prohibited from charging consumers for the costs incurred for damages caused by ruptured piping in the current year.

Severally referred, under Rule 24, to the committee on Rules.

Maria Hudson,—sick leave.

MWRA,—costs.

Paper from the Senate.

The House Bill relative to municipal relief (House, No. 4631) came from the Senate 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 2436.

Under suspension of the rules, on motion of Mr. Koutoujian of Waltham, the amendment was considered forthwith.

The House then non-concurred with the Senate in its amendment; and, on motion of Mr. Murphy of Burlington, asked for a committee

Municipal relief.

Committee of conference.

of conference on the disagreeing votes of the two branches. Representatives Donato of Medford, Murphy of Burlington and Barrows of Mansfield were appointed the committee on the part of the House. Sent to the Senate to be joined.

Reports of Committees.

Paid sick days. By Ms. Stanley of West Newbury, for the committee on Health Care Financing, asking to be discharged from further consideration of the Bill establishing paid sick days (House, No. 1815), and recommending that the same be referred to the committee on Ways and Means.

Lyme disease. By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Resolve relative to Lyme disease and associated co-infections (House, No. 4480) ought to pass with an amendment substituting therefore a bill relative to tick born illness (House, No. 4683). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently, with the amendment pending.

Drug waste. By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill relative prescription drug waste (House, No. 4479) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4686) [Cost: Greater than \$100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

Deceased persons,—transportation. By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill relative to the transporting of deceased persons (House, No. 2180) ought to pass with an amendment in lines 1 and 2 by striking out the paragraph in those lines and inserting in place the following paragraph:

“The third paragraph of section 4 of Chapter 38 of the General Laws is hereby amended by inserting at the end thereof the following words:”

Mental health,—emergency care. By the same member, for the same committee, that the Bill improving emergency access to mental health services (House, No. 3465) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4681).

Community health workers. By the same member, for the same committee, that the Bill to establish a board of certification of community health workers (House, No. 4130) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4692).

Ambulatory services. By the same member, for the same committee, that the Bill further regulating the business of insurance in the Commonwealth by protecting insureds’ rights to receive benefits for ambulance services and by restricting the ability of ambulance services to balance bill for services rendered (House, No. 4477) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4693).

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

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill relative to manufacturers’ coupons and rebates (House, No. 3451) ought to pass [Cost: Greater than \$100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means.

Coupons and rebates.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the following bills ought to pass:

Repealing mandated benefits that are no longer effective (House, No. 3679);

Benefits.

To eliminate antiquated language in health care requirements (House, No. 3920);

Health care,—language.

Relative to inhalant abuse (House, No. 4254); and

Inhalants.

Relative to nurse anesthetists (House, No. 4593).

Anesthetists.

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

Engrossed Bills.

The engrossed Bill requiring proof of liquor legal liability insurance by all persons licensed to sell alcoholic beverages for an on-premises consumption (see House No. 947, 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.

Bill enacted.

Orders of the Day.

The House Bill relative to certain exemptions in Massachusetts automobile insurance plans (House, No. 4476) (its title having been changed by the committee on Bills in the Third Reading), having been 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.

Third reading bill.

Recess.

At a quarter after eleven o’clock A.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until half past twelve o’clock noon; and at twenty minutes before one o’clock P.M. the House was called to order with Mr. Donato in the Chair.

Recess.

Papers from the Senate.

An order relative to extending until Wednesday, March 13, 2010 the time within which the committee on Environment, Natural Resources and Agriculture is authorized to report on current Senate and House documents, came from the Senate with the endorsement that it had been adopted, in concurrence, with an amendment striking out the date “Wednesday, March 31, 2010” and inserting in place thereof the date “Tuesday, June 15, 2010”.

Environment, Natural Resources and Agriculture,—extension of time for reporting.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the amendment was considered forthwith; and it was adopted, in concurrence.

An order came from the Senate with the endorsement that it had been adopted by said branch as follows:

Education,—
extension
of time for
reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the joint committee on Education be granted until Friday, June 4, 2010 to make its final report on current Senate documents numbered 245, 266, 267, 270, and 2067 and current House documents numbered 352, 355, 363, 409, 412, 414, 420, 425, 431, 436, 481, 486, 3428, 3435, 3659, and 3874 relative to personnel, regionalization and other student issues.

Under suspension of the rules, on motion of Ms. Walz of Boston, the order was considered forthwith; and it was adopted, in concurrence.

An order came from the Senate with the endorsement that it had been adopted by said branch as follows:

Financial
Services,—
extension
of time for
reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the joint committee on Financial Services be granted until Wednesday, June 30, 2010 to make its final report on current Senate documents numbered 458, 462, 478, 489 and 501.

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

An order came from the Senate with the endorsement that it had been adopted by said branch as follows:

Telecommunica-
tions, Utilities
and Energy,—
extension
of time for
reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the joint committee on Telecommunications, Utilities and Energy be granted until Wednesday, July 14, 2010 in which to make its final report on Senate documents numbered 1480, 1481, 1482, 1484, 1485, 1497, 1516, 1518, 1524, 1527, and 1533 relative to bottle bill, municipal light plant, energy efficiency, net metering, double pole, natural gas, utility and energy issues in the Commonwealth.

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

An order came from the Senate with the endorsement that it had been adopted by said branch as follows:

Transporta-
tion,—
extension
of time for
reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Wednesday June 16, 2010, within which time to make its final report on current Senate documents numbers 1985, 1986 and 1935.

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

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

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

At six minutes before one o'clock P.M., on motion of Mr. deMacedo of Plymouth (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.