

### JOURNAL OF THE HOUSE.

Monday, June 14, 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:

Prayer. God of Hope and Trust, at the beginning of a new legislative workweek we pause for a moment of prayer and turn our thoughts and attention to You. In Your goodness, help us to be mindful of You, Your presence and ways during this and every day. Teach us that no matter how difficult or perplexing our daily challenges are, we can always depend upon Your assistance for guidance. Today we celebrate Flag Day, as we commemorate the adoption of the official United States Flag in 1777. The event reminds us of the vision, creativity, wisdom and courage of the founders of this nation. May we continue to be thankful in our hearts and minds for the blessings which we enjoy as citizens of this land and to respect our flag, which symbolizes our freedoms and the dignity of each individual in our society.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance. 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.

Swimming pools,—transportation. A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill relative to the transportation of swimming pools [see House, No. 4025] (for message, see House, No. 4761), was filed in the office of the Clerk on Friday, June 11, 2010.

The message was read; and placed, under House Rule 12, in the Orders of the Day for the next sitting.

#### Resolutions.

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

Barbara Jessel. Resolutions (filed by Representatives L'Italien of Andover and Hill of Ipswich) congratulating Selectwoman Barbara Jessel on her retirement from the Boxford Board of Selectmen; and

John Raymer. Resolutions (filed by Messrs. Tobin of Quincy, Ayers of Quincy and Mariano of Quincy) congratulating John "Jack" Raymer 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 sus-

pension of the rules, in each instance, on motion of Mr. Kujawski of Webster, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

#### Petitions.

Petitions severally were presented and referred as follows:

By Ms. Gobi of Spencer, a petition (subject to Joint Rule 12) of Anne M. Gobi and others relative to exempting David Desabrais from civil service age requirements for appointment to the state police. David Desabrais.

By Mr. Vallee of Franklin, a petition (subject to Joint Rule 12) of James E. Vallee for legislation to establish a sick leave bank for Meghan Savage, an employee of the Department of Children and Families. Meghan Savage.

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

#### Papers from the Senate.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2474) of Michael W. Morrissey and Robert J. Nyman for legislation relative to the continued use of Memorial Park in the town of Rockland. To the committee on Municipalities and Regional Government. Rockland,—memorial park.

Petition (accompanied by bill, Senate, No. 2475) of Michael W. Morrissey and Robert J. Nyman for legislation relative to the position of deputy chief of police in the town of Rockland. To the committee on Public Service. Rockland deputy police chief position.

#### 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:

Petition (accompanied by bill) of Anne M. Gobi and Stephen M. Brewer that Richard D. Valcourt, a member of the Worcester regional retirement system, be eligible for benefits from the Group Insurance Commission. Richard Valcourt,—retirement.

Petition (accompanied by bill) of Michael J. Rodrigues relative to establishing a sick leave bank for Colleen Robichaud, an employee of the Registry of Motor Vehicles. Colleen Robichaud,—sick leave.

Severally to the committee on Public Service.

Petition (accompanied by bill) of Garrett J. Bradley (by vote of the town) that the Board of Library Commissioners for the Commonwealth be directed to certify the public library of the town of Hull and providing that said library be eligible for assistance under the public libraries program. To the committee on Tourism, Arts and Cultural Development. Hull,—library programs.

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

Stadiums,—  
plumbing. By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill exempting certain stadiums from plumbing regulations (House, No. 3652), and recommending that the same be referred to the committee on Ways and Means. Under Rule 42A, the report was considered forthwith; and it was accepted.

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

Holyoke. Validating the election of a charter commission in the city of Holyoke (Senate, No. 2408, amended); and

Joyce Playground. Designating a playground at the Marine Park in South Boston as the Michael Joyce Memorial Playground (Senate, No. 2435); and

Duxbury. The House Bill relative to seawalls in the town of Duxbury (House, No. 4655) [Local Approval Received].

Under suspension of Rule 7A, in each instance, on motion of the same member, the bills were read a second time forthwith; and they were ordered to a third reading.

School regionalization. Ms. Walz of Boston, for the committee on Education, on Senate, No. 2067 and House, Nos. 409, 412, 414 and 3874, a Bill relative to school district regionalization (House, No. 4754). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Special education. Ms. Walz of Boston, for the committee on Education, on House, No. 481, a Bill relative to special education (House, No. 4749).

School dropouts. By the same member, for the same committee, on Senate, Nos. 245 and 270 and House, Nos. 355 and 363, a Bill relative to high school dropouts (House, No. 4753).

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

Public Health,—  
study order. By Mr. Sánchez of Boston, for the committee on Public Health, on House, Nos. 41, 51, 52, 54, 55, 456, 513, 2017, 2018, 2020, 2021, 2022, 2023, 2025, 2026, 2028, 2029, 2032, 2035, 2036, 2039, 2040, 2043, 2046, 2048, 2049, 2051, 2052, 2053, 2055, 2056, 2057, 2058, 2060, 2061, 2062, 2065, 2066, 2067, 2068, 2076, 2081, 2083, 2085, 2091, 2093, 2094, 2095, 2096, 2097, 2099, 2100, 2102, 2103, 2105, 2106, 2109, 2110, 2112, 2113, 2114, 2116, 2117, 2120, 2121, 2123, 2125, 2126, 2127, 2129, 2130, 2132, 2136, 2137, 2141, 2142, 2143, 2144, 2145, 2146, 2148, 2149, 2150, 2151, 2152, 2153, 2157, 2158, 2160, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2170, 2172, 2174, 2176, 2177, 2179, 2181, 2183, 2184, 2186, 2187, 3475, 3478, 3591, 3593, 3594, 3596, 3715, 3716, 3717, 3718, 3719, 3720, 3723, 3829, 3911, 3913, 3914, 3915, 3917, 3918, 3921, 3922, 4217 and 4386, an Order relative to authorizing the committee on Public Health to make an investigation and study of certain House documents concerning environmental health, physical health, health-related research, health care financing, health-related professions,

public health facilities, and other matters concerning the public health (House, No. 4755).

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Binienda of Worcester, for said committees, reported, asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill authorizing the Department of Fish and Game to acquire land of the town of Athol and to acquire a conservation restriction on lands of the town of Athol in exchange for grants of easements to the town of Athol (Senate, No. 2451) ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4756. Referred under Rule 7A, to the committee on Steering, Policy and Scheduling.

Athol,—  
land.

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

Under suspension of the Rule 7A, on motion of the same, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2451, amended) was ordered to a third reading.

Mr. Murphy of Burlington, for the committee on Ways and Means, on House, No. 4669, 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. 4759) [Total Appropriations: \$203,618,053.00]. Read; referred under Rule 7A, to the committee on Steering, Policy and Scheduling.

Supplemental  
appropriations.

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

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

Subsequently, under suspension of the rules, on further motion of the same member, 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 improving emergency access to mental health services (House, No. 3465) 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. 4681),— pending. Placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending.

Mental health  
services,—  
emergency  
access.

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

Uniform Commercial Code.

House bills  
Making amendments to the Uniform Commercial Code covering general provisions, documents of title and secured transactions and including technical changes (House, No. 89);

Alcohol sales.

Relative to the sale of alcoholic beverages (House, No. 250);

Funeral lists.

Prohibiting funeral homes from selling lists (House, No. 263);

Customers.

Relative to the protection of customers (House, No. 287);

Check fees.

Relative to check cashing fees (House, No. 296);

Towing fees.

Relative to the storage fee for towing (House, No. 299);

Pharmacy.

Relative to the definition of a pharmacy (House, No. 2071);

Anesthetists.

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

School athletics.

Relative to the disclosure of information of public school athletic resources and interscholastic athletic authorized representatives (House, No. 4649);

Southeastern Regional School.

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); and

Millbury,—bill payment.

Making a corrective change relative to the town of Millbury and payment of a certain bill (House, No. 4684).

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

*Engrossed Bills.*

Bills enacted.

Designating the East Brookfield District Courthouse as the Francis H. George Courthouse (see Senate, No. 1575);

Establishing a sick leave bank for Melissa Gordon, an employee of the trial court (see Senate, No. 2433); and

Establishing a sick leave bank for Howard Ray, an employee of the Department of Early Education and Care (see Senate, No. 2452); (Which severally originated in the Senate);

Severally, in respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Engrossed bills*

Id.

Relative to the Punchard Free School in the town of Andover (see Senate, No. 2321) (which originated in the Senate); and

Authorizing the appointment of special police officers in the town of Millis (see House, No. 1882) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Recess.*

Recess.

At twenty-four minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until a quarter before twelve o'clock noon; and at twelve minutes after twelve o'clock the House was called to order with Mr. Donato in the Chair.

*Orders of the Day.*

The House Bill recognizing the profession of interior designers to bid on state contracts (House, No. 2999) was read a second time; and it was ordered to a third reading. Second reading bill.

*Recess.*

At ten minutes before one o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and ten minutes after one o'clock the House was called to order with Mr. Donato in the Chair. Recess.

*Paper from the Senate.*

The House Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4759) came from the Senate passed to be engrossed, in concurrence, with an amendment adding the following section: Supplemental appropriations.

"SECTION 11. Notwithstanding any special or general law to the contrary, an instructor of the reserve officer training corps affiliated with any public secondary school of the commonwealth shall be exempt from the requirement to pay service fees under sections 2 and 12 of chapter 150E. This provision shall not apply to a person who is employed full-time as a public employee under chapter 150E."

Under suspension of Rule 35, on motion of Mr. Murphy of Burlington, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

*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. 4759, amended), 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. Id.

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 3 to 0. Sent to the Senate for concurrence.

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.

*Order.*

On motion of Mr. DeLeo of Winthrop,—  
*Ordered,* That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M. Next sitting.

At twenty minutes after three o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M.