

Wednesday, June 15, 2011.

Met according to adjournment at eleven o'clock A.M., 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).

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. Pledge of allegiance.

*Silent Prayer.*

During the session (Mr. Donato of Medford being in the Chair), at the request of Representatives Harrington of Groton and Arciero of Westford, the members, guests and employees stood in a moment of silent prayer in honor of the memory of U.S. Marine Sgt. William Voitowicz, or "Billy" as he was more commonly called, who joined the United States Marine Corps shortly after his high school graduation in 2007. While serving in Afghanistan on June 7, 2011, Sergeant Voitowicz was shot in a firefight suffering a fatal wound. He is survived by his parents, Kevin and Rosemary; his brother, Christopher; his sister, Amanda; and many relatives and friends. Billy, who courageously volunteered for this mission, died a true hero. U.S. Marine Sgt. William Voitowicz.

*Message from the Governor.*

A message from His Excellency the Governor submitting legislation to provide the terms of certain bonds to finance the municipal road and bridge maintenance needs of the Commonwealth (House, No. 3511), was filed in the office of the Clerk on Tuesday, June 14, 2011. Municipal roads and bridges.

The message was read; and it was referred, under Rule 17G, with the accompanying draft of a bill, to the committee on Bonding, Capital Expenditures and State Assets.

*Statement Concerning Representative Coakley-Rivera of Springfield.*

A statement of Mr. Mariano of Quincy concerning Ms. Coakley-Rivera of Springfield 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, Representative Coakley-Rivera of Springfield, is unable to be present in the House Chamber for today's sitting due to her helping relocate those who were left homeless due to the destruction left by the tornado in her district in the city of Springfield. Her missing of roll calls today is due entirely to the reason stated. Statement concerning Ms. Coakley-Rivera of Springfield.

*Statement Concerning Representative Stanley of West Newbury.*

A statement of Mr. Murphy of Burlington concerning Ms. Stanley of West Newbury was spread upon the records of the House, as follows:

Statement concerning Ms. Stanley of West Newbury.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Stanley of West Newbury, is unable to be present in the House Chamber for today's sitting due to an injury. Her missing of roll calls today, as well as roll calls on June 1, is due entirely to the reason stated.

Guests of the House.

Milford,— Kim St. Amant, Rebecka LaPierre and Robert Tusino.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess, and introduced Dispatchers Kim St. Amant and Rebecka LaPierre and Officer Robert Tusino of the Milford Police Department, whose combined efforts saved the life of a 14 month old baby on February 10. Dispatchers St. Amant and LaPierre worked together to overcome a language barrier and provide updated information to responding emergency personnel. Officer Tusino, also a Para-Medic, utilized the Heimlich procedures to clear the child's obstructed airway of a piece of apple. They were the guests of Representative Fernandes of Milford.

Resolutions.

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

Danielle Brodeur.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Danielle Brodeur on receiving the Gold Award of the Girl Scouts of America;

Thomas George Labonte.

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Thomas George Labonte on the occasion of his retirement; and

Josiah Dennis Manse Renovation.

Resolutions (filed by Mr. Turner of Dennis) congratulating the Josiah Dennis Manse Committee on the completion of the Josiah Dennis Manse Renovation;

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. Galvin of Canton, 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:

Bolton,— alcoholic beverages.

By Representative Hogan of Stow and Senator Flanagan, a joint petition (accompanied by bill, House, No. 3497) of Kate Hogan and Jennifer L. Flanagan (by vote of the town) for legislation to authorize the town of Bolton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises;

Id.

By the same members, a joint petition (accompanied by bill, House, No. 3498) of Kate Hogan and Jennifer L. Flanagan (by vote of the town) for legislation to authorize the town of Bolton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises;

Hanover,— alcoholic beverages.

By Representative Nyman of Hanover and Senator Kennedy, a joint petition (accompanied by bill, House, No. 3499) of Rhonda L. Nyman and Thomas P. Kennedy (by vote of the town) for legislation to autho-

rize the town of Hanover to grant an additional license for the sale of wines and malt beverages to be drunk on the premises; and

Easthampton,— alcoholic beverages.

By Representative Scibak of South Hadley and Senator Knapik, a joint petition (accompanied by bill, House, No. 3500) of John W. Scibak and Michael R. Knapik (with the approval of the mayor and city council) for legislation to authorize the city of Easthampton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises;

Severally to the committee on Consumer Protection and Professional Licensure.

Burlington,— charter.

By Representative Murphy of Burlington and Senator Donnelly, a joint petition (accompanied by bill, House, No. 3501) of Charles A. Murphy (by vote of the town) relative to the town meeting form of government in the town of Burlington;

Hanover,— parks fund.

By Representative Nyman of Hanover and Senator Kennedy, a joint petition (accompanied by bill, House, No. 3502) of Rhonda L. Nyman and Thomas P. Kennedy (by vote of the town) for legislation to authorize a parks and recreation department revolving fund in the town of Hanover;

Harwich,— charter.

By Ms. Peake of Provincetown, a petition (accompanied by bill, House, No. 3503) of Sarah K. Peake (by vote of the town) relative to the capital outlay provisions of the charter of the town of Harwich;

Harwich,— Monomoy School District.

By the same member, a petition (accompanied by bill, House, No. 3504) of Sarah K. Peake (by vote of the town) relative to the charter of the town of Harwich and the election of members to the Monomoy Regional School District Committee; and

Easthampton,— charter.

By Representative Scibak of South Hadley and Senator Knapik, a joint petition (accompanied by bill, House, No. 3505) of John W. Scibak and Michael R. Knapik (with the approval of the mayor and city council) for legislation to make certain changes in the charter of the city of Easthampton;

Severally to the committee on Municipalities and Regional Government.

Canton,— deputy police chief.

By Representative Galvin of Canton and Senator Joyce, a joint petition (accompanied by bill, House, No. 3506) of William C. Galvin and Brian A. Joyce (by vote of the town) for legislation to exempt the position of deputy chief of police in the town of Canton from the civil service law;

Natick,— building inspector.

By Representative Linsky of Natick and Senator Spilka, a joint petition (accompanied by bill, House, No. 3507) of David Paul Linsky and others for legislation to exempt the position of inspector of buildings in the town of Natick from provisions of the civil service law;

Natick,— fire chief.

By the same members, a joint petition (accompanied by bill, House, No. 3508) of David Paul Linsky, Alice Hanlon Peisch and Karen Spilka for legislation to exempt the position of fire chief in the town of Natick from provisions of the civil service law; and

Becket,— police chief.

By Representative Mark of Hancock and Senator Downing, a joint petition (accompanied by bill, House, No. 3509) of Paul W. Mark and Benjamin B. Downing for legislation to exempt the position of police chief in the town of Becket from provisions of the civil service law;

Severally to the committee on Public Service; Severally sent to the Senate for concurrence.

Sex offender registration.

Mr. Chan of Quincy presented a petition (subject to Joint Rule 12) of Tackey Chan and others for legislation to regulate sex offender registration in the twenty-first century; 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 Mrs. Haddad of Somerset, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Holyoke,— Raymond P. Murphy, Jr.

Mr. Kane of Holyoke presented a petition (subject to Joint Rule 12) of Michael F. Kane and Michael R. Knapik for legislation to designate a certain building in the city Holyoke after Raymond P. Murphy, Jr., former Executive Director of the Holyoke Housing Authority; 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 Mrs. Haddad of Somerset, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

State House,— architect.

Mr. Walsh of Framingham presented a petition (subject to Joint Rule 12) of Chris Walsh for legislation to establish the position of architect of the State House; 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 Mrs. Haddad of Somerset, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

*Papers from the Senate.*

Taunton,— early retirement.

A Bill authorizing an early retirement incentive program in the city of Taunton (Senate, No. 1886) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and, it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Petitions were referred, in concurrence, as follows:

Fitchburg,— councilors-elect.

Petition (accompanied by bill, Senate, No. 1936) of Jennifer L. Flanagan and Richard Bastien (with the approval of the mayor and city council) for legislation relative to the eligibility of ward councilors-elect to assume office notwithstanding city charter residence restrictions. To the committee on Election Laws.

Petition (accompanied by bill, Senate, No. 1937) of Michael O. Moore and Matthew A. Beaton (by vote of the town) for legislation to exempt certain positions in the town Shrewsbury from the civil service law. To the committee on Public Service.

Shrewsbury,— civil service exemptions.

*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 petition of Michael F. Kane (with the approval of the mayor and city council) relative to police procedures when dealing with criminal street gangs in the city of Holyoke. Under suspension of the rules, on motion of Mrs. Haddad of Somerset, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Public Safety and Homeland Security. Sent to the Senate for concurrence.

Holyoke,— street gangs.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a joint petition, a Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in Hopkinton (House, No. 3341). Read; and referred, under Rule 33, to the committee on Ways and Means.

Hopkinton,— land.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Nancy Whittier (House, No. 3496). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Nancy Whittier,— sick leave.

*Engrossed Bill.*

The engrossed Bill authorizing the Norfolk County commissioners to borrow money for the repair, renovation and construction, equipping and furnishing of buildings at Norfolk County Agricultural School in the town of Walpole (see Senate, No. 1062, amended) (which originated in the Senate), 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 Senate Bill establishing a sick leave bank for Christine S. Drew, an employee of the Trial Court (Senate, No. 1925), 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.

Third reading bill.

House bills  
Approving the conveyance of property by the county of Nantucket (House, No. 568);  
Relative to amending the responsibilities of the Nantucket Planning and Economic Development Commission (House, No. 570);  
Establishing a Barrier Beach protection stabilization fund in the town of Dennis (House, No. 3258); and

Second reading bills.

Establishing a sick leave bank for Matthew Robitaille (House, No. 3495);

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

*Recess.*

Recess. At seven minutes after eleven o'clock A.M., on motion of Mr. Frost of Auburn (Mr. Donato of Medford 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.

*Quorum.*

Quorum. Mr. Mariano of Quincy thereupon asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.—yea and nay No. 79. Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 154 members were recorded as being in attendance.

**[See Yea and Nay No. 79 in Supplement.]**

Therefore a quorum was present.

Subsequently a statement of Mr. Sullivan of Fall River was spread upon the records of the House, as follows:

Statement of Mr. Sullivan of Fall River.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not recorded on the previous roll call due to being in Fall River to receive an award for securing funds for elder protective services in said city.

*Reports of Committees.*

Mr. Donato of Medford being in the Chair,—

Supplemental appropriations.

Prior to the noon recess,— Mr. Dempsey of Haverhill, for the committee on Ways and Means, on House, No. 3493, reported, in part, a Bill making appropriations for the fiscal year 2011 for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3510) [Total appropriation: \$50,411,642.00]. 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, the noon recess having terminated, under suspension of the rules, on motion of Mr. Dempsey, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill to be engrossed, Representatives Durant of Spencer and Gobi of Spencer moved to amend it in section 2A, in line 29, after the word "items.", by inserting the following item:

"0521-XXXX For reimbursements to municipalities for costs associated with the special primary and the special election to fill the house of representatives' seat for the sixth Worcester district; provided that the Secretary of State shall only reimburse the municipalities for costs that have been previously certified by the Secretary ..... \$37,628".

The amendment was adopted. Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 2A by striking out item 4000-0005; and by striking out section 2C.I.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Mr. Winslow; and on the roll call 32 members voted in the affirmative and 124 in the negative.

Amendments rejected,—yea and nay No. 80.

**[See Yea and Nay No. 80 in Supplement.]**

Therefore the amendments were rejected. Mr. Winslow of Norfolk then moved to amend the bill in section 2, in line 14, by inserting after item 3000-4050 the following item:

"8100-0000 ..... \$9,999,999";

In section 2A, in line 65, in item 4000-0005, and also in section 2C.I., in line 105, in item 4000-0005, by striking out the figures "10,000,000" and inserting in place thereof, in each instance, the figure "1"; and

In said section 2C.I., by inserting after said item 4000-0005 the following item:

"8100-0000 ..... \$9,999,999".

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 32 members voted in the affirmative and 123 in the negative.

Amendments rejected,—yea and nay No. 81.

**[See Yea and Nay No. 81 in Supplement.]**

Therefore the amendments were rejected.

After debate on the question on passing the bill, as amended, to be engrossed (the Speaker having been in the Chair), the sense of the House was taken by yeas and nays at the request of Mr. Dempsey of Haverhill; and on the roll call (Mr. Donato of Medford being in the Chair) 152 members voted in the affirmative and 1 in the negative.

Bill passed to be engrossed,—yea and nay No. 82.

**[See Yea and Nay No. 82 in Supplement.]**

Therefore the bill (House, No. 3510, amended), was passed to be engrossed. Sent to the Senate for concurrence.

Subsequently a statement of Mr. Chan of Quincy was spread upon the records of the House, as follows:

Statement of Mr. Chan of Quincy.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not recorded on the previous roll call because I was on official business in another part of the State House and was not notified that a roll call was in progress. Had I been present, I would have voted in the affirmative.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

Next  
sitting.

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

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At twenty-four 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., in an Informal Session.