

UNCORRECTED PROOF

---

---

The Commonwealth of Massachusetts

---

**JOURNAL OF THE HOUSE.**



THURSDAY, JUNE 18, 2009.

[58]\*

---

---

# JOURNAL OF THE HOUSE.

---

Thursday, June 18, 2009.

Met seven minutes after eleven o'clock A.M., with 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).

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.

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Gracious God, in whom we place our trust and hope, we look to You for Your guidance as we address the items on today's legislative calendar. We believe that Your assistance enables us to resolve in a fair ethical and just manner the complex and sensitive issues which come before us. We know from experience that often we cannot satisfy the expectations of all constituents and interested parties in our decision making actions. But we can protect the best interests of the people, of society and promote just legislation for the common good of all. Guide our efforts to work together in a thoughtful and reasoned manner, so that we will enjoy the material blessings of this land. As we take up today's legislative issues, let our hearts and minds be filled with confidence, enthusiasm, peace and goodwill towards all in planning for today and the future of the Commonwealth.

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

### *Silent Prayer.*

Sergeant First Class Kevin A. Dupont.

At the request of Representatives Vallee of Franklin, Gobi of Spencer, Petrolati of Ludlow and Wagner of Chicopee, the members, guests and employees then stood in a moment of silent tribute to the memory Sergeant First Class Kevin A. Dupont of Chicopee, a member of the Army National Guard who died Wednesday from injuries received on March 8th after his Humvee ran over an improvised explosive device in Afghanistan.

### *Statement Concerning Representative Story of Amherst.*

A statement of Mr. Vallee of Franklin concerning Ms. Story of Amherst was spread upon the records of the House, as follows:

Statement concerning Representative Story of Amherst.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Story of Amherst, will not be present in the House Chamber for today and tomorrow's sitting due to a prior commitment to visit her ninety-six year old mother in South Carolina. Any roll calls that she may miss today will be due entirely to the reason stated.

### *Statement Concerning Representative Welch of West Springfield.*

A statement of Mr. Welch of West 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 I will be unable to be present in the House Chamber for the remainder of today's sitting due to a long standing personal obligation. If I could be present for the taking of the roll call on acceptance of the conference committee report on modernizing transportation systems (Senate, No. 2087), I would vote in the affirmative. Any roll calls that I may miss today will be due entirely to the reason stated.

Statement concerning Representative Welch of West Springfield.

*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 Ryan Burke on receiving the Eagle Scout Award of the Boy Scouts of America;

Ryan Burke.

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

Alan Miller.

Resolutions (filed by Representatives Mr. Calter of Kinstson) congratulating the Jones River Village Historical Society on the occasion of the society's 100th anniversary;

Jones River Village.

Resolutions (filed by Mr. Galvin of Canton) commending members of the Canton Police Department on receiving the Public Safety Award from the Knights of Columbus, Father John H. Flatley Council 2095 of Canton;

Canton Police Department.

Resolutions (filed by Mr. Galvin of Canton) commending members of the Canton Fire Department on receiving the Public Safety Award from the Knights of Columbus, Father John H. Flatley Council 2095 of Canton;

Canton Fire Department.

Resolutions (filed by Mr. Galvin of Canton) commending members of the Canton Police Department on receiving the Public Safety Award from the Knights of Columbus, Father John H. Flatley Council 2095 of Canton;

Canton Public Works Department.

Resolutions (filed by Messrs Hill of Ipswich and Jones of North Reading) congratulating Donald Doliber on the occasion of his retirement;

Donald Doliber.

Resolutions (filed by Representatives L'Italien of Andover and Finegold of Andover) congratulating James E. Sutton, Director of Memorial Hall Library in Andover, on his retirement; and

James E. Sutton.

Resolutions (filed by Mr. Scaccia of Boston) honoring Farther Peter P. Nolan, C.S.S.P. upon the occasion of his Golden Jubilee of Ordination.

Father Peter P. Nolan, C.S.S.P.

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. O'Day of West Boylston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Recesses.*

Recesses.

At seven minutes after eleven o'clock A.M., on motion of Mr. Pedone of Worcester (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at that time House was called to order with Mr. Petrolati of Ludlow in the Chair.

The House thereupon took a further recess on motion of Mr. Pedone, until two o'clock; and at that time the House was called to order with Mr. Vallee of Franklin in the Chair.

The Chair (Mr. Vallee) then declared a further recess subject to the call of the Chair; and at ten minutes before four o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

*Quorum.*

Quorum.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), 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. 150.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 156 members were recorded as being in attendance.

**[See Yea and Nay No. 150 in Supplement.]**

Therefore a quorum was present.

*Papers from the Senate.*

Transportation  
systems,—  
reforms.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4051) of the Senate Bill modernizing the transportation systems of the Commonwealth (Senate, No. 2024), recommending a Bill modernizing the transportation systems of the Commonwealth (Senate, No. 2087), came from the Senate with the endorsement that it had been accepted by said branch.

Conference  
committee  
report  
accepted,—  
yea and nay  
No. 151.

After debate on the question on acceptance of the report, in concurrence, the sense of the House was taken by yeas and nays at the request of the Mr. Wagner of Chicopee; and on the roll call 130 members voted in the affirmative and 25 in the negative.

**[See Yea and Nay No. 151 in Supplement.]**

Therefore the report of the committee of conference was accepted, in concurrence.

Cassandra  
Markland,—  
sick leave  
bank.

The House Bill establishing a sick leave bank for Cassandra Macklan, an employee of the Department of Health and Human Services (House, No. 3942) 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 2057; and striking out the title and inserting in place thereof the following title: "An Act establishing a sick leave bank for Cassandra Markland, an employee of the Office of Medicaid."

Under suspension of Rule 35, on motion of Mr. Walsh of Boston, the amendments were considered forthwith; and they were adopted, in concurrence.

The following notice was received from the Senate, to wit:—

June 18, 2009.

Honorable Robert A. DeLeo  
*Speaker of the House of Representatives*  
 Room 356 State House  
 Boston, MA. 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Therese Murray, President of the Senate, has announced the appointments of Senators Robert A. O’Leary and Gale D. Candaras and Ms. Patricia DeSiata of Kingston (pursuant to Chapter 215 of the Acts of 2008) to the Early Education and Care Advisory Council. Early Education and Care.

Respectfully submitted,

WILLIAM F. WELCH,  
*Clerk of the Senate.*

*Emergency Measure.*

The engrossed Bill modernizing the transportation systems of the Commonwealth (Senate, No. 2087), 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. Transportation systems,—reforms.

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 82 to 0. Sent to the Senate for concurrence.

Subsequently (Mr. Donato of Medford being in the Chair), 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 Senate to the Senate. Bill enacted.

*Orders of the Day.*

The Senate Bill designating a certain bridge in the town of Barre as the Howard W. Dahart Memorial Bridge (Senate, No. 2034), 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.

The House Bill validating a certain election in the town of Orange (printed in House, No. 4058), 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. Id.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

Next  
sitting.

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

---

At twelve minutes before seven o'clock P.M., on motion of Mr. Petersen of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at one o'clock P.M.

Yea and Nay Supplement  
**JOURNAL OF THE HOUSE.**

Thursday, June 18, 2009.

**Yea and Nay No. 150**

Quorum roll call.

Y	Mr. Speaker	Y	Driscoll	Y	Linsky	Y	Spiliotis
Y	Vallee	Y	Dwyer	Y	L'Italian	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	X	Story
Y	Arciero	Y	Fernandes	Y	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	Y	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	X	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	X	Richardson	Y	Poirier
Y	Canessa	Y	Honan	Y	Rodrigues	Y	Barrows
Y	Cantwell	Y	Kafka	Y	Rogers	Y	deMacedo
Y	Clark	Y	Kane	Y	Rosa	Y	Evangelidis
Y	Coakley-Rivera	Y	Kaufman	Y	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	Y	Sannicandro	Y	Perry
Y	D'Amico	Y	Koutoujian	Y	Scaccia	Y	Polito
Y	Dempsey	Y	Kujawski	Y	Scibak	Y	Ross
Y	DiNatale	Y	Kulik	Y	Sciortino	Y	Smola
Y	Donato	Y	Lantigua	Y	Smith	Y	Webster
Y	Donelan	Y	Lewis	Y	Smizik		

YEAS: 156

NAYS: 0

N-V: 3

P=PRESENT

X=NOT VOTING

\*=AFTER VOTE

Yea and Nay Supplement  
**JOURNAL OF THE HOUSE.**

Thursday, June 18, 2009.

**Yea and Nay No. 151**

On acceptance, in concurrence, of a report of the committee of conference on the disagreeing votes of the two branches (for report see Senate, No. 2087) with reference to House amendment (striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4051) of the Senate Bill modernizing the transportation systems of the Commonwealth (Senate, No. 2024).

Y	Mr. Speaker	N	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	N	Fagan	Y	McCarthy	Y	Stanley, H.L.
Y	Aguiar	Y	Fallon	Y	McMurtry	Y	Stanley, T.M.
Y	Alicea	N	Falzone	N	Miceli	N	St. Fleur
N	Allen	N	Fennell	Y	Moran	X	Story
Y	Arciero	Y	Fernandes	Y	Murphy, C.A.	Y	Straus
Y	Ashe	Y	Ferrante	Y	Murphy, J.	N	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	Y	Nyman	N	Toomey
Y	Basile	Y	Fresolo	N	O'Day	Y	Torrisi
Y	Benson	Y	Galvin	Y	O'Flaherty	Y	Turner
Y	Binienda	N	Garballey	N	Patrick	Y	Wagner
Y	Bosley	Y	Garry	Y	Peake	N	Wallace
Y	Bowles	Y	Gobi	Y	Pedone	N	Walsh, M.J.
Y	Bradley	Y	Golden	Y	Peisch	N	Walsh, S.
Y	Brady	Y	Grant	N	Pignatelli	Y	Walz
Y	Brownsberger	Y	Greene	Y	Provost	X	Welch
Y	Cabral	Y	Gregoire	Y	Puppolo	Y	Wolf
N	Callahan	Y	Guyer	Y	Quinn	Y	Jones
Y	Calter	N	Harkins	Y	Reinstein	Y	Peterson
Y	Campbell	Y	Hecht	Y	Rice	Y	Hill
P	Canavan	Y	Hogan	X	Richardson	Y	Poirier
Y	Canessa	Y	Honan	Y	Rodrigues	Y	Barrows
Y	Cantwell	Y	Kafka	N	Rogers	Y	deMacedo
Y	Clark	Y	Kane	Y	Rosa	Y	Evangelidis
Y	Coakley-Rivera	Y	Kaufman	N	Rush	Y	Frost
Y	Conroy	Y	Keenan	Y	Rushing	Y	Gifford
Y	Costello	Y	Khan	Y	Sanchez	Y	Hargraves
N	Creedon	Y	Kocot	Y	Sandlin	Y	Humason
Y	Curran	Y	Koczera	Y	Sannicandro	Y	Perry
Y	D'Amico	Y	Koutoujian	Y	Scaccia	N	Polito
Y	Dempsey	Y	Kujawski	Y	Scibak	Y	Ross
Y	DiNatale	Y	Kulik	Y	Sciortino	Y	Smola
Y	Donato	Y	Lantigua	N	Smith	N	Webster
Y	Donelan	Y	Lewis	Y	Smizik		

YEAS: 130

NAYS: 25

N-V: 4

P=PRESENT

X=NOT VOTING

\*=AFTER VOTE