

JOURNAL OF THE HOUSE.

Monday, June 21, 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 of Goodness and Truth, as we begin this morning's legislative session we pause for a moment of prayer, reflection, and meditation. By turning our thoughts and attention to You, in prayer, we receive the knowledge and strength to follow Your teachings and ways in our daily living. This morning we thank You for this beautiful day, the first day of summer. The summertime is not only a season for vacation and family gatherings but also a time to appreciate the beauty, mystery and wonders of Your creation. During the summertime You provide us with an abundance of food and produce for our family tables. We thank You for watching over us and caring for us at all times and in all circumstances.

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.

*Message from the Governor — Supplemental Appropriation
Bill Returned with Disapprovals.*

A message from His Excellency the Governor returning with his disapproval of certain items contained in sections 2, 2A, and 2D contained in 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] (for message, see House, No. 4773) was filed in the office of the Clerk on Wednesday, June 16.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

*Message from the Governor — Supplemental Appropriation Bill
Returned with Recommendation of Amendment.*

A message from His Excellency the Governor returning with recommendation of amendment Section 4 contained in 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] (for message, see House, No. 4774) was filed in the office of the Clerk on Wednesday, June 16.

The message was read; and said Section 4 (published as House, No. 4775), was referred, on motion of Mr. Pedone of Worcester, to the committee on Bills in the Third Reading.

Message from the Governor.

Grafton,— land conveyance. A message from His Excellency the Governor recommending legislation relative to authorizing the leasing of land in the town of Grafton to the United States Department of Labor and authorizing the conveyance or lease of surplus state-owned properties (House, No. 4780) was filed in the office of the Clerk on Wednesday, June 16. The message was read; and it was referred, under Rule 30, to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules: Resolutions (filed by Mr. Brownsberger of Belmont) honoring Stephen Shestakofsky on the occasion of his retirement from the Massachusetts Medical Society; Resolutions (filed by Ms. Peake of Provincetown) congratulating Robert Earl Mason Pirtle on receiving the Eagle Award of the Boys Scouts of America; Resolutions (filed by Ms. Peake of Provincetown) congratulating Cornelius Maxwell Van Dyck on receiving the Eagle Award of the Boys Scouts of America; and Resolutions (filed by Mr. Walsh of Lynn) recognizing Monsignor Paul V. Garrity of St. Mary's Parish in the city of Lynn; 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. Fagan of Taunton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Amesbury,— ballot question. Representative Costello of Newburyport and Senator Baddour presented a joint petition (accompanied by bill House, No. 4772) of Michael A. Costello and Steven A. Baddour (by vote of the town) for legislation to authorize a certain question relative to charter provisions in the town of Amesbury to be placed on the state election ballot; and the same was referred to the committee on Election Laws. Sent to the Senate for concurrence.

Trade,— regulate. David Peets,— sick leave. Medical records,— fees. Petitions severally were presented and referred as follows: By Mr. Moran of Boston, a petition (subject to Joint Rule 12) of Michael J. Moran for legislation regulating trade practices. By Mr. Naughton of Clinton, a petition (subject to Joint Rule 12) of Harold P. Naughton, Jr., for legislation to establish a sick leave bank for David A. Peets, an employee of the Department of Correction; and By Mr. O'Day of West Boylston, a petition (subject to Joint Rule 12) of James J. O'Day relative to copying fees for medical records. Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Bills Relative to credit union shares and deposits (Senate, No. 468) (on a petition); Authorizing the town of Hubbardston to send certain information to the voters relative to ballot questions (Senate, No. 2090, amended in section 1, in lines 8 to 15, inclusive, by striking out the sentence contained therein and inserting in place thereof the following sentence: "The board of selectmen shall make the notice available by posting it: (i) on the town's official website; (ii) at each polling place in the town; (iii) at the town post office; (iv) at the town office building; and (v) subject to available funds and any other conditions that may be imposed by by-law, mailing the notice, or a statement indicating where and how the notice may be obtained, to each residence of a registered voter whose name appears on the latest active voting list in the town; provided, however, that posting of notice under this section may be revised by by-law.") (on a petition) [Local Approval Received]; Authorizing the town of Erving to establish an other postemployment benefits trust fund (Senate, No. 2387) (on a petition) [Local Approval Received]; and Authorizing the city of Melrose to enter into a tax deferment agreement with Stone Place Limited Partnership (Senate, No. 2438) (on a petition) [Local Approval Received]; Severally passed to be engrossed by the Senate were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Petitions were referred, in concurrence, as follows: Petition (accompanied by bill, Senate, No. 2484) of Stephen J. Buoniconti (with the approval of the mayor and city council) for legislation relative to the sale and storage of goods in public ways in the city of Springfield; and Petition (accompanied by bill, Senate, No. 2491) of Michael W. Morrissey and Allen J. McCarthy (by vote of the town) for legislation relative to the transfer of certain funds in the town of Abington; Severally to the committee on Municipalities and Regional Government.

A petition of Joan M. Menard and Stephen R. Canessa for legislation to designate the Plymouth red-bellied cooter as the official turtle of the Commonwealth, came from the Senate referred, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight. The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2507) was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.

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 James E. Vallee

for legislation to establish a sick leave bank for Meghan Savage, an employee of the Department of Children and Families. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Collection agencies.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on Financial Services to make an investigation and study of certain House documents concerning financing and financial services (House, No. 4742) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 887) of Brian S. Dempsey for legislation to allow collection agencies to accept assignment of debts,— and recommending that the same be recommitted to the committee on Financial Services. Under Rule 42, the report was considered forthwith; and it was accepted.

High schools,— graduation.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relating to high school graduation requirements for students with learning disabilities (House, No. 4665),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Everett,— charter commission.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill validating the election of a charter commission in the city of Everett (House, No. 4739) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Smith of Everett, the bill was read a second time forthwith; and it was ordered to a third reading.

Tax accountability.

By Mr. Kaufman of Lexington, for the committee on Revenue, on House, No. 2795, a Bill relative to tax accountability and good government (House, No. 4769). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Prescription monitoring.

Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill relative to the enhancement of the prescription monitoring program (House, No. 4478) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4770) [Cost: Greater than \$100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

Information technology.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on House, No. 2995, a Bill relative to accessible electronic information technology for persons with disabilities (House, No. 4767).

Payment,— credit cards.

By the same member, for the same committee, on House, No. 2997, a Bill relative to the use of credit cards for payment to the Commonwealth (House, No. 4768).

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

Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill relative to the youth alcohol education program to reduce underage drinking and promote healthy choices (House, No. 1925) ought to pass with amendments in line 1 by striking out the figures “2004” and inserting in place thereof the figures “2008”; and in line 13 by striking out the words “established and administered” and inserting in place thereof the word “certified”. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending.

Alcohol education program.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight on House, Nos. 5, 10, 14, 15, 95, 1113, 1118, 1119, 1139, 1157, 2955, 2957, 2958, 2960, 2963, 2965, 2966, 2967, 2970, 2973, 2974, 2976, 2978, 2981, 2982, 2983, 2984, 2985, 2989, 2990, 2992, 2993, 2996, 2998, 3000, 3001, 3002, 3003, 3009, 3011, 3013, 3015, 3016, 3017, 3018, 3019, 3020, 3023, 3024, 3026, 3036, 3037, 3039, 3040, 3041, 3042, 3044, 3045, 3049, 3050, 3052, 3054, 3492, 3493, 3495, 3496, 3497, 3498, 3499, 3500, 3501, 3502, 3503, 3505, 3506, 3508, 3509, 3510, 3615, 3619, 3620, 3621, 3695, 3760, 3761, 3835, 3836, 3839, 3852, 3971, 3973, 3974, 3975, 3976, 3977, 3978, 3979, 3980, 3981 and 4426, an Order relative to authorizing the committee on State Administration and Regulatory Oversight to make an investigation and study of certain House documents concerning state administration and regulatory oversight (House, No. 4781).

State Administration and Regulatory Oversight,— study.

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. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to access to epinephrine in schools (House, No. 2077) be scheduled for consideration by the House, with the amendments previously recommended by the committee on Health Care Financing, pending;

Epinephrine.

By the same member, for the same committee, that the House Bill relative to the transporting of deceased persons (House, No. 2180) be scheduled for consideration by the House, with the amendment previously recommended by the committee on Health Care Financing, pending;

Deceased persons,— transportation.

By the same member, for the same committee, that the House Bill to establish a board of certification of community health workers (House, No. 4130) be scheduled for consideration by the House, with an amendment (House, No. 4692) previously recommended by the committee on Health Care Financing, pending; and

Community health workers.

By the same member, for the same committee, that the House 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) be scheduled for considera-

Ambulatory services.

tion by the House, with an amendment (House, No. 4693) previously recommended by the committee on Health Care Financing, pending. Severally placed in the Orders of the Day for a second reading, with the amendments pending.

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

- North Adams,—
finances. The Senate Bill relative to the financial condition of the city of North Adams (Senate, No. 2442) [Local Approval Received]; and House bills
 - Schools. Relative to dress codes in public schools (House, No. 385, changed);
 - School choice. To increase accountability in school choice reimbursement (House, No. 498, changed);
 - Voter identification. Establishing identification requirements for voters who registered by mail (House, No. 663);
 - Health alerts. Relative to the issuance of public health warnings (House, No. 2042);
 - Mutual aid. Relative to mutual aid for local public health (House, No. 2104);
 - Cosmetics. Relative to healthy cosmetics (House, No. 2108);
 - Benefits. Repealing mandated benefits that are no longer effective (House, No. 3679);
 - Health care,—
language. To eliminate antiquated language in health care requirements (House, No. 3920);
 - Inhalants. Relative to inhalant abuse (House, No. 4254);
 - Rumney Marsh. To include the Saugus River watershed on the citizens advisory board on uses of the Rumney Marsh area (House, No. 4431);
 - Sherborn,—
land. Making a technical correction in a special law relative to certain land in the town of Sherborn (printed in House, No. 4614);
 - Absentee ballots. Relative to absentee ballots (House, No. 4661); and
 - Internet safety. Relative to internet safety in schools (House, No. 4672);
- Severally placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measures.

Telephone poles,—
transportation. The engrossed Bill relative to the transportation of telephone poles (see House, No. 3790), 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 7 to 0. Sent to the Senate for concurrence.

Dukes County,—
trust fund. The engrossed Bill authorizing the government employers in the county of Dukes County to establish a pooled other post-employment benefits trust fund (see House, No. 4105), 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 6 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

The engrossed Bill relative to the Essex North Shore Agricultural and Technical School (see Senate, No. 2392) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

The engrossed Bill authorizing the city of Methuen to repay the borrowing of certain monies for a period of up to 20 years (see House, No. 4404, 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. Id.

Orders of the Day.

The Senate Bill validating the election of a charter commission in the city of Holyoke (Senate, No. 2408, amended), 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, in concurrence. Third reading bill.

The House Bill authorizing James M. McGarry to continue to serve as police chief in the town of Sheffield (House, No. 4487), 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. Id.

Order.

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

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