

Wednesday, July 8, 2009.

Met according to adjournment at eleven o'clock A.M., with Petrolati of Ludlow 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 formal legislative session with a prayer for guidance as we take-up and evaluate the items on today's calendar. We believe that Your gift of wisdom enables us to understand and to comprehend correctly the contents of the items on the day's calendar. In these worldwide, uneasy, political and economic times, inspire us to plan and work together in resolving the most pressing and sensitive legislative and administrative issues in our communities. Help us to continue our common effort in these competitive times to make the Commonwealth an international academic and research center in which the human and spiritual needs of people are recognized and addressed. With Your assistance may we always remain faithful to our high principles as well as to our religious values and beliefs which You have made known to us.

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

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement Concerning Representative Rushing of Boston.

A statement of Mrs. Haddad of Somerset concerning Mr. Rushing of Boston 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, Mr. Rushing of Boston will be away from the State House from Monday, July 6 through Friday, July 17, 2009. Representative Rushing is an elected Lay Deputy to the triennial General Convention of The Episcopal Church from the Episcopal Diocese of Massachusetts. The General Convention, which is the highest governing body in The Episcopal Church, will be meeting in Anaheim, California, in the Diocese of Los Angeles. He is the Senior Advisor to the President of the House of Deputies of the Convention, Dr. Bonnie Anderson. His missing of roll calls this week and next week is due entirely to the reason stated.

Statement Concerning Representative Toomey of Cambridge.

A statement of Mr. Mariano of Quincy concerning Mr. Toomey of Cambridge 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, Mr. Toomey of Cambridge was unable to be present in the House Chamber for today's sitting due to

Prayer.

Pledge of allegiance.

Statement concerning Representative Rushing of Boston.

Statement concerning Representative Toomey of Cambridge.

travel outside of the Commonwealth. His missing of roll calls today was due entirely to the reason stated. Had he been present for the taking of the roll call on passing to be engrossed House bill No. 4159, relative to the Board of Public Accountancy and regulating the registration of certified public accountants, he would have voted in the affirmative.

Guests of the House.

Seosaimh
Keady and
Dennis
Amblo.

During the session, the Chair (Mr. Valley of Franklin) declared a brief recess and introduced members of the 82nd Airborne "All-American" Division of the United States Army, Seosaimh (Joseph) Keady and Dennis Amblo, each of whom had recently returned from serving a third tour of duty in Iraq. They were the guests of Representatives Naughton of Clinton, Walsh of Boston and Benson of Lunenburg.

Resolutions.

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

Benjamin A.
Wierman.

Resolutions (filed by Mr. Calter of Kingston) congratulating Benjamin A. Wierman on receiving the Eagle Award of the Boy Scouts of America; and

Susan
Yaskell.

Resolutions (filed by Ms. Stanley of West Newbury) congratulating Susan Yaskell on the occasion of her retirement from the town of West Newbury;

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

Engrossed Bill.

Bill
enacted.

The engrossed Bill establishing a sick leave bank for Angela N. Wilson, an employee of the Department of Youth Services (see House, No. 613), 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.

Recess.

Recess.

At eleven minutes after eleven o'clock A.M., on motion of Mr. Spellane of Worcester (Mr. Petrolati of Ludlow being in the Chair), the House recessed until a quarter before twelve o'clock noon; and at seven minutes before twelve o'clock noon, the House was called to order with the Speaker in the Chair.

Order.

On motion of Mr. Petrolati of Ludlow,—

Representative-
elect Aaron
Michlewitz.

Ordered. That a special committee of the House be appointed to escort His Honor the Lieutenant-Governor, acting Governor, and the honorable members of the Executive Council to the House Chamber

for the purpose of administering the oaths of office to Representative-elect Aaron Michlewitz.

The Speaker then appointed Representatives Mariano of Quincy, Walz of Boston, Moran of Boston, Donato of Medford, Fory of Boston, Basile of Boston, O'Flaherty of Chelsea, Costello of Newburyport, Peterson of Grafton, deMacedo of Plymouth and Polito of Shrewsbury as the special committee of the House.

Special
committee
of the
House.

Special Communication.

July 8, 2009.

To the Honorable House of Representatives:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the sixteenth day of June, 2009, for Representative in the General Court, 3rd Suffolk District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

Returns of
votes for
Representa-
tive,—
Third Suffolk
District.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

The communication was read; and, there being no objection, it was placed on file.

Member Qualified.

Soon afterward, under escort of the special committee of the House and the Sergeant-at-Arms, His Honor the Lieutenant-Governor, acting Governor, accompanied by the Honorable Executive Council and Mr. Michlewitz came in; the oaths and affirmation required by the Constitution and laws were administered by the acting Governor to the member-elect then present, and were subscribed by him; afterward which His Honor declared that the member was duly qualified to enter upon the discharge of his duties.

Representative-
elect Aaron
Michlewitz,—
qualification.

After brief remarks by Mr. Michlewitz, he was assigned seat No. 108 by the Speaker.

His Honor the acting-Governor, and the Honorable Councilors then departed the Chamber under escort of the Sergeant-at-Arms.

Guests of the House.

While awaiting for the return of the House committee charged with escorting the acting Governor and Counsel to the House Chamber, the Speaker introduced Boston Mayor Thomas M. Menino, several members of the Boston City Council, Senator Anthony Petrucci and many other distinguished citizens of the city of Boston who were present in the House Chamber for the qualification of Mr. Michlewitz.

Mayor
Menino,
etc.

Recess.

At twenty-four minutes before one o'clock P.M., the Speaker declared a recess until half past one o'clock P.M.; and at twenty minutes before two o'clock, the House was called to order with Mr. Vallee of Franklin in the Chair.

Petitions.

Petitions severally were presented and referred, as follows:

By Representative Falzone of Saugus and Senator McGee, joint petition (accompanied by bill, House, No. 1120) of Mark V. Falzone, Thomas M. McGee and Kathi-Anne Reinstein (by vote of the town) relative to authorizing the town of Saugus to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises for a certain area in the Square One Mall. To the committee on Consumer Protection and Professional Licensure.

By Mrs. Creedon of Brockton, petition (accompanied by bill, House, No. 1885) of Geraldine Creedon and others (by vote of the town) that the town of Easton be authorized to lease certain conservation land in said town for agricultural purposes and to establish the Tufts Farm maintenance fund. To the committee on Municipalities and Regional Government.

By Representative Bowles of Attleboro and Senator Brown, joint petition (accompanied by bill, House, No. 1884) of Bill Bowles, Scott P. Brown and Elizabeth A. Poirier (with the approval of the mayor and municipal council) that Ronald M. Churchill be authorized to continue to hold the position of chief of the fire department of the city of Attleboro, notwithstanding the maximum age requirement. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Representative Kaufman of Lexington and Senator Donnelly presented a joint petition (subject to Joint Rule 12) of Jay R. Kaufman and Kenneth J. Donnelly for legislation to establish a sick leave bank for Amy S. Fein, an employee of the Department of Public Health; 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 Donato of Medford, 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.

Papers from the Senate.

The House Bill establishing a sick leave bank for Margaret Freddie Purcell, an employee of the Department of Developmental Services (House, No. 4080) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following sentence: "Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court."

Under suspension of Rule 35, on motion of Mr. Pedone of Worcester, 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.

A petition (accompanied by bill, Senate, No. 2105) of Bruce E. Tarr and Bradford R. Hill (by vote of the town) for legislation to establish the appointment of the Feofees of Ipswich Grammar School, was referred, in concurrence, to the committee on Municipalities and Regional Government.

A petition of Stephen J. Buoniconti for legislation to establish a sick leave bank for Margaret Ann Sheehan, an employee of the Trial Court, came from the Senate with the endorsement that it had been referred by said branch, under suspension of Joint Rule 12, to the committee on the Judiciary.

The House then concurred with said branch in the suspension of Joint Rule 12; and the petition (accompanied by bill, Senate, No. 2106) was referred, in concurrence, to the committee on the Judiciary.

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 Christopher J. Donelan and others relative to dedicating a portion of Route 2 to Dennis Rindone, in honor of the Chairman of the Route 2 Safety Improvement Task Force. Under suspension of the rules, on motion of Mr. Donato of Medford, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 153) of Barbara A. L'Italien and other members of the General Court that the Secretary of Health and Human Services and the Secretary of Education in meeting the needs of children with autism spectrum disorder collaborate with parents of children with autism,— and recommending that the same be referred to the committee on Higher Education. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Mary F. Keeler, an employee of the Trial Court (House, No. 1138).

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Delores Tower (House, No. 1160).

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Crystal Pollack (House, No. 1161).

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

Ipswich,—
grammar
school.

Margaret Ann
Sheehan,—
sick leave
bank.

Dennis
Rindone
highway.

Autism,—
needs.

Mary F.
Keeler,—
sick leave.

Delores
Tower,—
sick leave.

Crystal
Pollack,—
sick leave.

Saugus,—
Square One
Mall.

Easton,—
Tufts
Farm.

Attleboro,—
fire chief.

Amy S. Fein,—
sick leave
bank.

Margaret
Freddie
Purcell,—
sick leave
bank.

*Engrossed Bill — Land Taking.*Charlestown
Navy Yard.

The engrossed Bill relative to the Charlestown Navy Yard (see House, No. 4075) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted
(land taking),—
yea and nay
No. 165.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 165 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Orders of the Day.

House bills

Third
reading
bills.

Authorizing the city of Woburn to convey certain land (House, No. 1112);

Authorizing an odd-numbered board of library trustees not to exceed 9 members in the town of Boxford (House, No. 3707) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the town of Nantucket to grant, sell, convey or otherwise dispose of Muskeget Island situated in the town of Nantucket and acquired for the purposes of a public park (House, No. 4134);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

House bills

Second
reading
bills.

Establishing a town manager form of government for the town of Hanover (House, No. 1123);

Establishing a sick leave bank for Sara Dubik-Unruh, an employee of the Department of Transitional Assistance (House, No. 1142);

Establishing a sick leave bank for a certain employee of the Middlesex Sheriff's Office (House, No. 1150)

Establishing a sick leave bank for Gayle Tickel, an employee of the Department of Correction (House, No. 1155);

Relative to designating a certain area in the city of Worcester as a place of peace healing garden (House, No. 2988);

Authorizing the town of Hanover to establish another post employment benefits trust fund (House, No. 3819); and

Establishing the position of municipal hearing officer in the town of Southbridge (House, No. 4116);

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

Second reading
bill amended.

The Recommended House Bill authorizing the city of Methuen to lease that building formally known as the "Dav Building" to the Head Start Program of the Greater Lawrence Community Action Council (House, No. 599) was read a second time.

The amendment previously recommended by the committee on Municipalities and Regional Government,— to amend it by substituting therefore a bill with the same title (House, No. 1883),— was adopted; and the substituted bill was ordered to a third reading.

The House Bill relative to the disposition of property in the town of Westborough (House, No. 3147, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Westborough,—
land.

Pending the question on passing the bill to be engrossed, Mr. Peterson of Grafton and other members of the House moved to amend it by inserting after section 1 the following section:

"SECTION 1A. The first paragraph of section 5 of chapter 660 of the acts of 1987 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:— The conveyance shall be in accordance with such terms and conditions as the deputy commissioner shall prescribe, including, but not limited to, a preservation restriction in perpetuity with the Massachusetts historical commission."

The amendment was adopted; and the bill (House, No. 3147, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Reports of Committees.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to substantial equivalency and oversight (House, No. 3654, changed) ought to pass, with an amendment substituting therefore a bill with the same title (House, No. 4159). 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, with the amendment pending.

CPA's,—
regulate.

Under suspension of Rule 7A, on motion of Mr. Speliotis of Danvers, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means was adopted; and the substituted bill was ordered to a third reading.

Subsequently under suspension of the rules, on further motion of the same member, the bill, reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, its title having been changed by said committee to read: "An Act relative to the Board of Public Accountancy and regulating the registration of certified public accountants."

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Speliotis; and on the roll call 154 members voted in the affirmative and 0 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 166.**[See Yea and Nay No. 166 in Supplement.]**

Therefore the bill was passed to be engrossed. The bill (House, No. 4159) then was sent to the Senate for concurrence.

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.

At four minutes after three o'clock P.M., on motion of Mr. Puppolo of Springfield (Mr. Vallee of Franklin being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.