

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE HOUSE.**



**MONDAY, JULY 12, 2010.**

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# JOURNAL OF THE HOUSE.

Monday, July 12, 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:

Eternal God, at the beginning of this new legislative workweek, we look to You for guidance as we organize our priorities and duties for this week. In prayer we ask for Your assistance so that our choices and decisions will be right, ethical and appropriate for these uneasy political and economic times. Teach us to be concerned with the issues in our own districts, the needs of the Commonwealth and of all the people. May we be aware of the consequences of all our decisions and choices now and in the future. Inspire us to work together in resolving the legislative and administrative matters which we face as elected officials so that our communities will enjoy peace, prosperity and a bright future.

Prayer.

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.

Pledge of allegiance.

## *Messages from the Governor*

A message from His Excellency the Governor recommending legislation relative to making appropriations for Fiscal Year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4868) was filed in the Office of the Clerk on Friday, July 9, 2010.

Supplemental appropriations.

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

A message from His Excellency the Governor (under the provisions of Section 3 of Article LXII of the Amendments to the Constitution) recommending legislation relative to providing the terms of certain bonds and notes to be issued by the Commonwealth (House, No. 4869) was filed in the Office of the Clerk on Thursday, July 8, 2010.

Bonds.

The message was read; and it was referred, under Rule 17G, to the committee on Bonding, Capital Expenditures and State Assets.

## *Communication from Representative Atkins of Concord.*

The Honorable Steven T. James  
Clerk of the House of Representatives

State House, Room 145  
Boston, MA 02133

Dear Mr. James:

On Wednesday, July 7 and Thursday, July 8 I missed the following roll calls due to a relapse of pneumonia. Please see below for a list of how I would have voted had I been present.

I respectfully request that this list be printed in the Journal of the House.

- No. 425 – On Enactment - Land Taking (S.2154) **YES**
- No. 426 – On Amendment #3 Changed - Sales Tax Holiday August 14-15 (S.2380) **NO**
- No. 427 – On Amendment #13 - Gift Ban Preservation (S.2380) **NO**
- No. 428 – On Engrossment as Amended - Economic Development Reorganization (S.2380) **YES**
- No. 429 – On Engrossment - Athletic Programs (S.2469) **YES**
- No. 430 – On Engrossment – State Universities (H.4864) **NO**

Thank you for your assistance with this matter.

Sincerely,



Cory Atkins  
14<sup>th</sup> Middlesex District

*Communication from Representative Fox of Boston.*

The Honorable Steven T. James  
Clerk of the House of Representative State House  
Room 145  
Boston, MA 02133

Dear Mr. James:

On Wednesday, July 7 and Thursday, July 8 I was absent from the following roll calls due to a medical emergency. Please see below a list of how I would have voted had I been present.

I respectfully request that this list be printed in the House Journal for the records.

- 425 S-2154 On Enactment – Land taking **Yes**
- 426 S-2380 On Amendment #3 changed-Sales tax Holiday August 14-15  
**No**
- 427 S-2380 On Amendment #13 Gift Ban Preservation **No**

- 428 H-4863 On Engrossment as Amended-Economic Development Reorganization **Yes**
- 429 S-2469 On Engrossment - Athletic Programs **Yes**
- 430 H-4864 On Engrossment – State Universities **Yes**

Thank you for your support and assistance.

Sincerely,



Gloria L. Fox  
7 Suffolk District

*Resolutions.*

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

Resolutions (filed by Mr. Costello of Newburyport) congratulating the Newburyport Affordable Housing Corporation’s President, Mark Moquin, and its board of directors on the occasion of the opening of eight housing units;

Mark Moquin.

Resolutions (filed by Mr. Kujawski of Webster) congratulating Paul N. O’Donnell on the occasion of his eightieth birthday; and

Paul N. O’Donnell.

Resolutions (filed by Mr. Kujawski of Webster) congratulating Dr. Debra M. Townsley on her retirement as President of Nichols College.

Debra Townsley.

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

*Communications.*

Communications

From the Board of Higher Education containing requests for appropriations submitted to the Governor (under Section 7 of Chapter 150E of the General Laws) to fund a collective bargaining agreement between the Board of Higher Education and the Association of Professional Administrators (APA) Massachusetts Teachers Association/NEA; and

Higher Education,– collective bargaining.

From the Board of Higher Education containing requests for appropriations submitted to the Governor (under Section 7 of Chapter 150E of the General Laws) to fund a collective bargaining agreement between the Board of Higher Education and the Massachusetts Teachers Association acting on behalf of the Massachusetts State College Association (MSCA);

Id.

Severally were placed on file.

*Annual and Special Reports.*

The annual report of the Department of Public Utilities (under the provisions of Section 1G(g) of Chapter 164 of the General Laws) relative to the degree of impact on the aggregate reduction of the electricity and impact on transition charges due to implementation or use of cogeneration systems, fuel cell and renewable energy technologies; and

Department of Public Utilities,—renewable energy.

Reports

Of the Department of Public Health (under the provisions of sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities in the Commonwealth, severally were spread upon records of the House, as follows:

Correctional facilities,—inspection reports.

Of the Bristol County Jail-Ash Street Facility, in the town of Dartmouth;

Of the Hampshire County Jail and House of Correction, in the city of Northampton;

Of the Massachusetts Correctional Institution Cedar Junction, in the town of Walpole;

Of the Middlesex County Jail, in the city of Cambridge;

Of the North Central Correctional Institution, in the city of Gardner; and

Of the Western Massachusetts Regional Women's Correctional Center, in the town of Chicopee;

Severally were placed on file.

*Petitions.*

Mr. Toomey of Cambridge presented a petition (subject to Joint Rule 12) of Timothy J. Toomey and others (with the approval of the mayor and city council of Cambridge) that the city of Cambridge be authorized to grant a permanent easement on and over certain strips of land owned by the city of Cambridge in Watertown, Massachusetts; and the same was referred, under Rule 24, to the committee on Rules.

Cambridge,—easement.

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 Ms. Provost of Somerville, 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.

Mr. Toomey of Cambridge presented a petition (subject to Joint Rule 12) of Timothy J. Toomey and others (with the approval of the mayor and city council of Cambridge) that the city of Cambridge be granted certain easements upon state owned land; and the same was referred, under Rule 24, to the committee on Rules.

Id.

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 Ms. Provost of Somerville, 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.

*Reports of Committees*

By Mr. Finegold of Andover, for the committee on Telecommunications,

Telecommunica-

Utilities and Energy, on House, No. 4730, an Order relative to authorizing the committee on Telecommunications, Utilities and Energy to make an investigation and study of a House document concerning telecommunications (House, No. 4867). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

tions, Utilities and Energy,— study.

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.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on Public Health to make an investigation and study of certain House documents concerning boards of registration (House, No. 4755) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2186) of Martha M. Walz, Michael J. Moran and others relative to the removal or transportation of trash,— and recommending that the same be recommitted to the committee on Public Health. Under Rule 42, the report was considered forthwith; and it was accepted.

Trash removal.

Mr. Binienda of Worcester, for the committee on Rules, on the 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) reported, in part, asking to be discharged from further consideration:

State Administration and Regulatory Oversight,— study order.

Of the petition (accompanied by bill, House, No. 1157) of Patricia A. Haddad, Joan M. Menard and others relative to the purchase of flags substantially manufactured in the United States; and

Flags.

Of the petition (accompanied by bill, House, No. 3011) of Harold P. Naughton, Jr., relative to authorizing the Division of Capital Asset Management to convey certain lands to the town of Northborough;

Northborough,— land.

And recommending that the same severally be recommitted to the committee on State Administration and Regulatory Oversight.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Moran of Boston, for the committee on Election Laws, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4846) of Robert S. Hargraves and Steven C. Panagiotakos (by vote of the town) relative to placing of a certain question on the ballot in the town of Pepperell in the current year relative to the granting of licenses for the sale of all alcoholic beverages in said town,— and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Pepperell,— liquor license.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to special license plates for certain military personnel (printed in House, No. 4588) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Military personnel,— license plates.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House. Placed in the Orders of the Day for the

next sitting for a second reading.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill authorizing certain development in the Fort Point Channel in the city of Boston (Senate No. 2376) ought to pass with an amendment in section 1, in line 12, by striking out the following “and chapter 170 of the acts of 1880” and inserting in place thereof the following “, chapter 170 of the acts of 1880 and chapters 402 and 403 of the acts of 1939”. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Boston,—  
Fort Point  
Channel.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to the registration of real estate appraisers (House, No. 277) ought to pass with amendments in section 1, in line 2, by striking out the year “2004” and inserting in place the year “2008”; and in section 4, in line 15, by striking out the following “Section 1” and inserting in place thereof the following “Sections 1 and 3”. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Real estate  
appraisers,—  
registration.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to the registration and inspection of street rods and custom vehicles (House, No. 4557) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4871). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Custom  
vehicles,—  
registration.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to a special commission on seafood marketing (House, No. 706, changed) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4872). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Seafood  
marketing.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending.

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

Relative to the provision of health insurance and other benefits in the town of Phillipston (House, No. 4196) [Local Approval Received];  
Concerning the public records law (House, No. 4764);  
Providing certain health insurance for Richard D. Valcourt (House, No. 4776);  
Amending the public records law (House, No. 4785);  
Relative to bidding for public construction contracts (House, No. 4786); and  
Relative to global positioning system technology and public employees

Phillipston,—  
benefits.  
Public records.  
R. D. Valcourt.  
Public records.  
Construction.  
Public

(House, No. 4789).

employees,— GPS.

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

*Emergency Measure.*

The engrossed Bill further regulating public charities (see Senate, No. 2117, 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.

Public charities,— regulations.

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 5 to 0. Sent to the Senate for concurrence.

*Engrossed Bills.*

Engrossed bills

Further regulating funeral processions (see Senate, No. 1884, amended); and Amending the charter of the town of Winchendon (see Senate, No. 2333); (Which severally originated in the Senate); and

Bills enacted.

Authorizing the town of Westwood to grant 3 licenses for the sale of wines and malt beverages to food stores (see House, No. 4089, amended) (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.

*Orders of the Day.*

The Senate Bill establishing an organ and tissue donor registration fund (Senate, No. 2515, amended), 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. Sent to the Senate for concurrence in the amendment previously adopted by the House.

Third reading bill.

The Senate Bill relative to the sale of antique barometers, thermometers and clocks (Senate, No. 2403), 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.

Id.

The House Bill establishing a sick leave bank for Meghan Savage, an employee of the Department of Children and Families (House, No. 4798) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Meghan Savage,— sick leave.

Mr. Pedone of Worcester then moved to amend the bill by adding 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 department.”.

**UNCORRECTED PROOF.**

The amendment was adopted; and the bill (House, No. 4798, amended) was passed to be engrossed. Sent to the Senate for concurrence.

*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.

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At twenty-seven minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M.