

UNCORRECTED PROOF

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



MONDAY, JULY 13, 2009.

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Monday, July 13, 2009.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, 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).

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

Prayer.

Gracious God, the Eternal Source of all Truth, Light and Love. As we face each day's legislative and personal decisions we pray for truth in our minds, light in our consciences and love in our hearts. We believe that You and Your guidance enables us to comprehend legislative items and issues clearly. Your assistance also helps us to make choices which are reasoned, fair and ethical. In the continuing of our on-going discussions and debate about serious issues on the national and state level grant us conciliatory spirit and keen listening skills, so that our decisions will benefit current and future generations. Inspire us to have our daily decisions on traditional principals and basic human and spiritual values.

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

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.

Petitions.

Petitions severally were presented and referred, as follows:

Winchester,—
liquor
licenses.

By Representative Lewis and Senator Jehlen, joint petition (accompanied by bill, House, No. 1905) of Jason Lewis and Patricia D. Jehlen (by vote of the town) that the licensing authority of the town of Winchester be authorized to issue five additional licenses for the sale of all alcoholic beverages to be drunk on the premises to certain restaurants.

Id.

By the same members, joint petition (accompanied by bill, House, No. 1906) of Jason Lewis and Patricia D. Jehlen (by vote of the town) that the licensing authority of the town of Winchester be authorized to issue four additional licenses for the sale of wines and malt beverages to be drunk on the premises to certain restaurants;

Tisbury,—
liquor
licenses.

By Representative Madden of Nantucket and Senator O'Leary, joint petition (accompanied by bill, House, No. 1907) of Timothy R. Madden and Robert A. O'Leary (by vote of the town) for legislation to authorize the town of Tisbury to grant licenses for the sale of beer and wine in restaurants, inns and hotels; and

Fairhaven,—
liquor
license.

By Mr. Straus of Mattapoisett, petition (accompanied by bill, House, No. 1908) of William Straus (by vote of the town) relative to authorizing the town of Fairhaven to issue a common victualer beer and wine license to Katherine Psychopaidas, Manager, Mermaids

Seafood Restaurant & Grille in said town. Consumer Protection and Professional Licensure;

Severally to the committee on Consumer Protection and Professional Licensure.

By Representative Dykema of Hopkinton and Senator Spilka, joint petition (accompanied by bill, House, No. 1909) of Carolyn C. Dykema and Karen E. Spilka (by vote of the town) relative to the election of the members of the board of public works of the town of Hopkinton. To the committee on Election Laws.

Hopkinton,—
public
works.

By Mr. Straus of Mattapoisett, petition (accompanied by bill, House, No. 1910) of William Straus (by vote of the town) relative to the interest rate to be charged upon apportioned betterment assessments for water and sewer projects in the town of Mattapoisett. To the committee on Revenue.

Mattapoisett,—
betterment
assessments.

Severally sent to the Senate for concurrence.

Representative Callahan of Sutton and Senator Richard T. Moore presented a joint petition (subject to Joint Rule 12) of Jennifer M. Callahan and Richard T. Moore for legislation to establish a sick leave bank for Bruce Bagdasarian, an employee of the Westborough State Hospital; and the same was referred, under Rule 24, to the committee on Rules.

Bruce
Bagdasarian,—
sick leave
bank.

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. Clark of Melrose, 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.

Petitions severally were presented and referred, as follows:

By Mr. Cantwell of Marshfield, petition (subject to Joint Rule 12) of James M. Cantwell relative to the use of amateur radios while operating a motor vehicle.

Motor
vehicles,—
radios.
HD4447

By the same member, petition (subject to Joint Rule 12) of James M. Cantwell relative to the renewal of real estate broker and salespersons' licenses.

Real estate
brokers.
HD4452

By Ms. Coakley-Rivera of Springfield, petition (subject to Joint Rule 12) of Cheryl A. Coakley-Rivera and others relative to project review or permit requirement upon certain land by the Department of Fisheries, Wildlife and Environmental Law Enforcement.

Environmental
land,—
project reviews.
HD4441

By Mr. Donelan of Orange, petition (subject to Joint Rule 12) of Christopher J. Donelan and James R. Miceli for legislation to establish a manufactured homes commission.

Manufactured
homes,—
study.
HD4473

By Mr. Driscoll of Braintree, petition (subject to Joint Rule 12) of Joseph R. Driscoll, Jr., and others relative to Massachusetts Bay Transportation Authority advertising.

MBTA,—
advertising.
HD4462

By the same member (by request), petition (subject to Joint Rule 12) of George Florentine that the retirement board grant credit for retirement purposes to George Florentine for service performed at Bunker Hill Community College.

George
Florentine,—
retirement.
HD4470

Unemployment insurance.
HD4442

By Mr. Mariano of Quincy, petition (subject to Joint Rule 12) of Ronald Mariano relative to unemployment insurance payments under the workers' compensation law.

Beethoven,—
official musician.
HD4450

By Mr. Murphy of Weymouth (by request), petition (subject to Joint Rule 12) of Kelsey J. Sullivan for legislation to designate Ludwig van Beethoven as the official musician of the Commonwealth.

Suffolk criminal clerks.
HD4461

By Mr. O'Flaherty of Chelsea, petition (subject to Joint Rule 12) of Eugene L. O'Flaherty relative to Suffolk Superior Criminal Court clerks.

Photovoltaic installers,—
licensing.
HD4468

By Mr. Pedone of Worcester, petition (subject to Joint Rule 12) of Vincent A. Pedone relative to the issuance of licenses to individuals engaged as photovoltaic installers.

Food stamps,—
motor fuel assistance.
HD4467

By Ms. Peisch of Wellesley (by request), petition (subject to Joint Rule 12) of Catherine Barber that the Department of Transitional Assistance be directed to establish a motor fuel assistance stamp program.

Charter schools.
HD4474

By Ms. St. Fleur of Boston, petition (subject to Joint Rule 12) of Marie P. St. Fleur and others for legislation to provide for the establishment of in-district charter schools with pay-for-performance.

Severally, under Rule 24, to the committee on Rules.

Reports of Committees.

Jocelyn Burns,—
sick leave bank.

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 Robert F. Fennell for legislation to establish a sick leave bank for Jocelyn Burns, an employee of the Trial Court.

Under suspension of the rules, on motion of Ms. Clark of Melrose, 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.

Transportation bond payments,—
regulate.

Mr. Murphy of Burlington, for the committee on Ways and Means, on a message from His Excellency the Governor submitting recommendations for making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4155), reported, in part, a Bill further regulating appropriations for fiscal year 2010 (House, No. 4160), which was read.

Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the bill was read a second time forthwith; and it was ordered to a third reading.

Autism commission.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill establishing an autism commission (House, No. 155).

Asperger Syndrome.

By the same member, for the same committee, on a petition, a Bill establishing a pilot program for adults with Asperger Syndrome and Autism (House, No. 156).

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on House, No. 164, a Bill relative to job opportunities for people with disabilities (House, No. 1911). Persons with disabilities.

By the same member, for the same committee, on House, No. 177, a Bill creating a means for tracking the unmet needs of individuals with developmental disabilities in the Commonwealth of Massachusetts (House, No. 1912). Developmental disabilities.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to the Havey Beach Reservation in the city of Boston (House, No. 820). Havey Beach.

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

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

The Senate Bill relative to the Leino Park Water District (Senate, No. 2068); and Leino Park.

House bills

Establishing a sick leave bank for Mary F. Keeler, an employee of the Trial Court (House, No. 1138); Mary F. Keeler.

Establishing a sick leave bank for Dolores Tower (House, No. 1160); Dolores Tower.

Establishing a sick leave bank for Crystal Pollack (House, No. 1161); Crystal Pollack.
and

Pertaining to retirement boards (House, No. 2577); Retirement boards.

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

Engrossed Bill.

The engrossed Bill relative to the town of Norton water and sewer commission (see House, No. 3698) (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. Bill enacted.

Orders of the Day.

House Bills

Authorizing the city of Gardner to convey certain park land (House, No. 612); Third reading bills.

Establishing the Arlington Redevelopment Government Board as the Board of Survey (House, No. 3471); and

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

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.

The House Bill establishing a sick leave bank for Gayle Tickel, an employee of the Department of Correction (House, No. 1155), was read a third time. Third reading bill amended.

Third reading
bill amended.

The committee on Bills in the Third Reading reported with a recommendation to amend the bill in line 8 by inserting after the name "Tickel." 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."; and the report was accepted.

The amendment then was adopted; and the bill (House, No. 1155, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At a quarter after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until half past twelve o'clock P.M.; and at nine minutes before one o'clock the House was called to order with Mr. Donato in the Chair.

The House thereupon, on motion of Mr. Peterson of Grafton, took a further recess, until a quarter after one o'clock; and at twenty-two minutes after one o'clock P.M., the House was called to order by Mr. Donato.

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 twenty-three minutes after one 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.