

## JOURNAL OF THE HOUSE.

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Monday, July 19, 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, Our Creator, in this changing and uneasy world, we place our trust and hope in You. We believe that You are always near us so that we can call upon You and Your assistance at all times and in all circumstances. At the beginning of today's legislative session, we look to You for guidance as we pass judgment on the matters which come before. Help us to make the right, reasoned and sound ethical choices so that both the people and society will be well-served. In these economic stressful times, with limited public resources, teach us to be mindful of the needs of people who depend upon others for their daily existence. As we struggle to resolve today's complex public policy issues, teach us, at the same time, to plan for a bright future for our families and our communities.

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.*

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at a certain town election in the town of Hopkinton (House, No. 4893) was filed in the office of the Clerk on Thursday, July 15.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Election Laws. Sent to the Senate for concurrence.

### *Appointments of the Minority Leader.*

The Minority Leader announced that he had made the following appointments:

That Representative Smola of Palmer had been appointed to serve on the special commission established (under Section 13 of Chapter 132 of the Acts of 2009) to study the feasibility and costs of establishing a functional magnetic resonance imaging and neuropsychological cognitive testing program for all military forces of the commonwealth prior to and upon return from deployment;

That Representative Humason of Westfield had been appointed to the special commission established (under Section 162 of Chapter 131 of the Acts of 2010) to make an investigation and study relative to higher education in-state tuition retention;

Stimulus  
expenditures.

That Mr. Stephen Capone of North Reading, the owner of Capone Iron Corporation in the town of Rowley, had been appointed to serve on the special commission established (under Section 167 of Chapter 131 of the Acts of 2010) to investigate and study the expenditure of funds received through the American Reinvestment and Recovery Act;

Operating  
budget,—  
transfers.

That Representative Polito of Shrewsbury had been appointed to the special commission established (under Section 168 of Chapter 131 of the Acts of 2010) for the purpose of making an investigation and study relative to the feasibility of transferring personnel that are currently funded from the capital budget to the operating budget and transferring capital projects funded from the operating budget to the capital budget; and

Medicaid  
program  
advisory  
committee.

That Representative Barrows of Mansfield had been appointed to the advisory committee established (under Section 178 of Chapter 131 of the Acts of 2010) to study the comparative costs and benefits of different care delivery models for the Medicaid program including, but not limited to, all-managed care, a state-contracted chronic disease management program and patient-centered medical homes.

#### *Guests of the House.*

Grannies  
Grannies of  
Limpopo,  
South Africa.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced the “Vekhegula Vakhegula” or “Grannies Grannies” from Limpopo, South Africa, ranging in age from 49 to 84 years young. They convene twice a week swapping domestic and field chores for foot ball, donning soccer boots instead of their usual rubber sandals. The team was established five years ago to improve the health and fitness levels of these women. Limpopo, an impoverished area in South Africa, has poor treatment for all health problems from high blood pressure to cancer. These remarkable women are enjoying the benefits of improved health, team camaraderie, and the accomplishment of learning new skills.

This past weekend they were invited to participate in the Veterans Cup in the town of Lancaster, hosted by the United States Adult Soccer Association, where they won the Veteran’s Cup in the Women Over 60 Division.

The women then entertained the House with beautiful singing of African music.

They were the guests of Representatives Khan of Newton and Rushing of Boston.

#### *Resolutions.*

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

Donald  
Smith.

Resolutions (filed by Representatives Poirier of North Attleborough and Perry of Sandwich) commemorating the Shawme-Crowell State Forest dedication and memorial ceremony honoring Donald Smith;

Patrick  
Connor  
Brown.

Resolutions (filed by Mr. D’Amico of Seekonk) congratulating Patrick Connor Brown on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. D’Amico of Seekonk) congratulating Michael Mullen on receiving the Eagle Award of the Boy Scouts of America;

Michael  
Mullen.

Resolutions (filed by Mr. D’Amico of Seekonk) congratulating Tighe D. Ratcliffe on receiving the Eagle Award of the Boy Scouts of America;

Tighe D.  
Ratcliffe.

Resolutions (filed by Ms. Peake of Provincetown) congratulating Patrick Donnelly on receiving the Eagle Award of the Boy Scouts of America; and

Patrick  
Donnelly.

Resolutions (filed by Ms. Peake of Provincetown) congratulating Pamet Harbor Yacht and Tennis Club on the occasion of its fiftieth anniversary celebration;

Pamet Harbor  
Yacht and  
Tennis Club.

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

#### *Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Brownsberger of Belmont, a petition (accompanied by bill House, No. 4894) of William N. Brownsberger and Steven A. Tolman (by vote of the town) that the town of Belmont be authorized to grant liquor licenses for the sale of all alcoholic beverages.

Belmont,—  
liquor  
license.

By Representative Garry of Dracut and Senator Tucker, a joint petition (accompanied by bill House, No. 4895) of Colleen M. Garry and Susan C. Tucker (by vote of the town) for legislation to authorize the town of Dracut to issue an additional liquor license for the sale of wine and malt beverages not to be drunk on the premises.

Dracut,—  
liquor  
license.

By Mr. McMurtry of Dedham, a petition (accompanied by bill House, No. 4896) of Paul McMurtry (by vote of the town) for legislation to authorize the town of Dedham to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises.

Dedham,—  
liquor  
license.

Severally to the committee on Consumer Protection and Professional Licensure.

By Representative Rice of Gardner and Senator Flanagan, a joint petition (accompanied by bill House, No. 4897) of Robert L. Rice, Jr., and Jennifer L. Flanagan (with the approval of the mayor and city council) for legislation authorizing the placement of a certain question on the state election ballot in the city of Gardner. To the committee on Election Laws.

Gardner,—  
snow  
removal.

By Ms. Grant of Beverly, a petition (accompanied by bill House, No. 4905) of Mary E. Grant (with the approval of the mayor and city council) relative to authorizing the city of Beverly to convey certain land.

Beverly,—  
land.

By Representative Linsky of Natick and Senator Ross, a joint petition (accompanied by bill House, No. 4898) of David P. Linsky and Richard J. Ross (by vote of the town) for legislation authorizing the town of Sherborn to use certain town forest land for the purpose of constructing, operating, and maintaining a wireless telecommunication facility.

Sherborn,—  
town forest  
land.

Shrewsbury,—  
school  
construction  
fund.

By Ms. Polito of Shrewsbury, a petition (accompanied by bill House, No. 4899) of Karyn E. Polito and Michael O. Moore (by vote of the town) for legislation authorizing the town of Shrewsbury to create a special fund for school construction projects.

Severally to the committee on Municipalities and Regional Government.

Methuen,—  
Christopher J.  
Lane.

By Mrs. Campbell of Methuen, a petition (accompanied by bill House, No. 4900) of Linda Dean Campbell (with the approval of the mayor and city council) relative to the appointment of Christopher J. Lane as a police officer in the city Methuen, notwithstanding the maximum age requirements. To the committee on Public Service.

Belmont,—  
property  
tax billing.

By Mr. Brownsberger of Belmont, a petition (accompanied by bill House, No. 4901) of William N. Brownsberger and Steven A. Tolman (by vote of the town) for legislation authorizing the modification of the form of property tax billing in the town of Belmont. To the committee on Revenue.

Severally sent to the Senate for concurrence.

*Papers from the Senate.*

**Bills**

Debtor  
proceedings.

Authorizing the transfer of supplementary proceedings when the judgment debtor moves (Senate, No. 2548) (on Senate bill No. 1639); and

Deed  
recording  
requirements.

Clarifying recording requirements at registries of deeds (Senate, No. 2549) (on Senate bill No. 2369);  
Severally passed to be engrossed by the Senate were read; and they were referred, under Rule 33, to the committee on Ways and Means.

**Bills**

Gloucester,—  
linkage.

Establishing a linkage extraction program in the city of Gloucester (Senate, No. 100) (on a petition) [Local Approval Received];

Sharon  
Baert,—  
sick leave  
bank.

Establishing a sick leave bank for Sharon Baert, an employee of the Department of Developmental Services (Senate, No. 2466, amended in line 4 by inserting after the name "Baert." 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.") (on a petition); and

Motor  
vehicles,—  
reckless  
operation.

Authorizing the warrantless arrest for reckless or negligent operation that results in serious bodily injury or death (Senate, No. 2472) (on Senate, No. 1570);

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.

*Reports of Committees.*

Cost  
containment.

By Mr. Binienda of Worcester, for the committee on Rules, asking to be discharged from further consideration of the Senate Bill to promote cost containment, transparency and efficiency in the provision of quality health insurance for individuals and small businesses (Senate, No. 2447),— 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.

A report of the committee on Environment, Natural Resources and Agriculture, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, House, No. 4725) of Frank I. Smizik relative to preserving public trust rights in land affected by ocean erosion, was considered forthwith, under suspension of the rules, on motion of Mr. Straus of Mattapoisett.

Ocean  
erosion,—  
trust rights.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Smizik of Brookline.

By Ms. Wolf of Cambridge, for the committee on Elder Affairs, on Senate, Nos. 300, 304, 325 and House, Nos. 538, 539, 540, 546, 547, 3662 and 3663, an Order relative to authorizing the committee on Elder Affairs to make an investigation and study of certain Senate and House documents concerning elder issues (House, No. 4904).

Elder Affairs,—  
study.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 693, 694, 707, 708, 709, 710, 711, 712, 713, 715, 719, 720, 729, 730, 733, 734, 735, 744, 745, 750, 761, 763, 766, 770, 771, 795, 798, 805, 816, 830, 840, 842 and 3675, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of certain House documents concerning environmental issues (House, No. 4889).

Environment,  
Natural  
Resources and  
Agriculture,—  
study.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on Senate, Nos. 472, 488, 515, 522 and House, Nos. 857, 859, 861, 867, 869, 870, 871, 873, 875, 876, 877, 880, 882, 894, 895, 911, 912, 928, 1015, 1021, 1022, 1029, 1030, 1037, 1054, 1058, 3449 and 3677, an Order relative to authorizing the committee on Financial Services to make an investigation and study of certain Senate and House documents concerning financial services (House, No. 4890).

Financial  
Services,—  
study.

Severally 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, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

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

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 854 and 3440, a Bill relative to the reduction of particulate emissions from diesel engines (House, No. 4903). Read; and referred, under Joint Rule 29, to the committee on Rules of the two branches, acting concurrently.

Diesel  
engines.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, No. 726, a Bill relative to producer responsibility for mercury-added lamps (House, No. 4902).

Mercury  
lamps.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill authorizing the city of Cambridge to grant a permanent easement on and over certain strips of land owned by the city of Cambridge in Watertown, Massachusetts (House, No. 4874) [Local Approval Received].

Cambridge,—  
land.

Cambridge,—  
land. By the same member, for the same committee, on a petition, a Bill authorizing the grant of easements upon land of the Commonwealth located in the city of Cambridge (House, No. 4875).

Grafton,—  
land. By the same member, for the same committee, on House, No. 4780, a Bill authorizing the leasing of land in Grafton to the United States Department of Labor and authorizing the conveyance or lease of surplus state-owned properties (House, No. 4892).

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

Collective  
bargaining. By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on House, No. 607, a Bill relative to collective bargaining agreements (House, No. 4891).

Trash,—  
transportation. By Mr. Sánchez of Boston, for the committee on Public Health, on a petition, a Bill relative to the removal or transportation of trash (House, No. 2186).

Colleen  
Robichaud,—  
sick leave. By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Colleen Robichaud, an employee of the Registry of Motor Vehicles (House, No. 4777).

Littleton,—  
light  
department. By Mr. Finegold of Andover, for the committee on Telecommunications, Utilities and Energy, on a petition, a Bill relative to the town of Littleton Electric Light Department (House, No. 4741) [Local Approval Received].

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

Prescription  
monitoring  
program. By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to the enhancement of the prescription monitoring program (House, No. 4478) be scheduled for consideration by the House, with the amendment previously recommended by the committee on Health Care Financing,— that the bill be amended by substitution of a bill with the same title (House, No. 4770),— and the amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4879),— pending.

Placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

*Engrossed Bills.*

Engrossed bills  
Relative to the sale of antique barometers, thermometers and clocks (see Senate, No. 2403); and

Establishing a sick leave bank for James E. Munchbach, an employee of the Trial Court (see Senate, No. 2413);  
(Which severally originated in the Senate);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Id. Engrossed bills  
Authorizing the town of Wareham to issue 8 additional liquor licenses (see Senate, No. 2520, amended) (which originated in the Senate);

Relative to minimum age requirement for obtaining identification cards (see House, No. 4512); and

Relative to state universities (see House, No. 4864);

(Which severally 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.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

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

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