

UNCORRECTED PROOF

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



MONDAY, JULY 27, 2009.

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JOURNAL OF THE HOUSE.

Monday, July 27, 2009.

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).

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.

Papers from the Senate.

A report of the committee on Economic Development and Emerging Technologies, asking to be discharged from further consideration of the petition (accompanied by bill, Senate No. 203) of Karen A. Spilka for legislation to extend the use of the Sixth Edition of the Massachusetts Building Code, and recommending that the same be referred to the Senate committee on Ways and Means,—accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the discharge of the committee Massachusetts Building Code.

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 Vincent A. Pedone relative to the issuance of licenses to individuals engaged as photovoltaic installers. Photovoltaic installers.

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 Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill regarding Fisherman's Wharf in the town of Provincetown (House, No. 800),— and recommending that the same be recommitted to the committee on Environment, Natural Resources and Agriculture. Under Rule 42, the report was considered forthwith; and it was accepted. Provincetown,— Fisherman's Wharf.

By Mr. Wagner of Chicopee, for the committee on Transportation, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1889) of Steven M. Brewer and Todd M. Smola for legislation relative to recreational vehicles; Recreational vehicles.

Of the petition (accompanied by bill, House, No. 3224) of Anne M. Gobi relative to regulating the use of recreational vehicles; Id.

Recreational
vehicles.

Of the petition (accompanied by bill, House, No. 3297) of Angelo Puppolo that the Registry of Motor Vehicles be directed to establish an educational program for recreational vehicles;

Id.

Of the petition (accompanied by bill, House, No. 3330) of Frank Smizik, William Brownsberger and others for legislation to further regulate snow and recreational vehicles; and

Id.

Of the petition (accompanied by bill, House, No. 3368) of Stephen H. Kaiser, William Brownsberger and another for legislation to further regulate the operation of off road vehicles;

And recommending that the same severally be referred to the committee on Public Safety and Homeland Security. Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

Natural
resources,—
safeguard.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, No. 736, a Bill safeguarding our natural resources (House, No. 4172).

Framingham,—
veteran
costs.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to veteran costs in Framingham (House, No. 3710).

Cities and
towns,—
reimbursements.

By Mr. Naughton of Clinton, for the committee on Veterans and Federal Affairs, on a petition, a Bill reimbursing cities and towns for certain expenditures on behalf of veterans (House, No. 3381).

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

School
improvement
plans.

By Ms. Walz of Boston, for the committee on Education, on Senate, No. 229 and House, No. 424, a Bill relative to school improvement plans (House, No. 424).

Wareham
Fire
District.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the Wareham Fire District (House, No. 1976).

Devens
Military
Base.

By the same member, for the same committee, on a petition, a Bill relative to concurrent jurisdiction over the former Devens Military Base (House, No. 1996).

Chelmsford.

By the same member, for the same committee, on a petition, a Bill to authorize the town of Chelmsford to regulate the removal of above ground utility poles and overhead wires and other associated structures and to regulate the installation of underground wires and associated structures (House, No. 3700) [Local Approval Received].

Becket,—
Center
Pond.

By the same member, for the same committee, on a petition, a Bill establishing the Center Pond Restoration and Protection District in the town of Becket (House, No. 3701) [Local Approval Received].

Sherwood
Forest Lake
District.

By the same member, for the same committee, on a petition, a Bill to establish the Sherwood Forest Lake District (House, No. 3702) [Local Approval Received].

Natick.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Natick to lease certain property (House, No. 3705) [Local Approval Received].

Revere.

By the same member, for the same committee, on a petition, a Bill repealing the tenure of the city clerk, city collector and city engineer of the city of Revere (House, No. 3708) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill amending Chapter 317 of the Acts of 1974 (as amended on May 19, 2006) to allow the town of Brookline, through its Board of Selectmen, to sell taxi licenses (House, No. 3712) [Local Approval Received].

Brookline.

By the same member, for the same committee, on a petition, a Bill protecting the city of Revere’s vehicular rental surcharge from the opening of the consolidated rental car facility at Logan International Airport (House, No. 3709, changed by adding at the end thereof the following three sections:

Revere,—
car
rentals.

“SECTION 3. For any car rental company or franchise office relocating from Revere to the ConRAC facility which has a franchise or facility at Logan, such car rental company shall determine, based upon information from the calendar year immediately preceding the year of relocation to the ConRAC facility, the percentage of the total combined Revere and Logan vehicular rental transactions that were Revere based, and then shall impose a \$10.00 surcharge, for the sole benefit of the City of Revere, on that same percentage of its vehicular rental transactions occurring at the ConRAC facility each year. This \$10.00 surcharge for the benefit of Revere shall be in lieu of the Boston Convention Center Financing vehicular surcharge imposed by Chapter 152, §9(e) of the Acts of 1997.

SECTION 4. The \$10.00 surcharge set forth in Sections 2 and 3 above shall be paid to, and administered by, the commissioner of revenue in accordance with Chapter 92, §§2, 3 of the Acts of 2005. All provisions of said Chapter 92, Sections §§2, 3 of the Acts of 2005 shall apply to the surcharges set forth in this legislation.

SECTION 5. This act shall take effect upon its passage.”

By the same member, for the same committee, on a petition, a Bill authorizing the town of Fairhaven to assess as a betterment to those affected properties, the costs incurred by the town to provide design and construction data to the Federal Emergency Management Agency in order to credit the Fairhaven portion of the New Bedford hurricane barrier with protection of certain areas of the town of Fairhaven from flood protection (House, No. 3743) [Local Approval Received].

Fairhaven.

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

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

Relative to the use of certain bond proceeds in the town of Rutland (Senate, No. 2033); and

Rutland.

Relative to the recreation revolving fund in the town of Rutland (Senate, No. 2077); and

Id.

House bills

Designating the Mary L. Girouard Flagpole (printed as Senate, No. 1470);

Girouad
Flagpole.

Amending the requirements for barber instructors (House, No. 255);

Barbers.

Relative to a conveyance of land in the town of East Longmeadow (House, No. 610);

East
Longmeadow.

- Lunenburg. Relative to changes to the charter of the town of Lunenburg (House, No. 635);
- Weston. Relative to the establishment of an enterprise fund for the Brook School Apartments in the town of Weston (House, No. 1124);
- Nahant. Relative to the town of Nahant's ability to issue bond anticipation notes (House, No. 1133); and
- Provincetown. To amend the charter of the town of Provincetown (House, No. 4135);
Severally placed in the Orders of the Day for the next sitting for a second reading.
- Natick. By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Natick to establish a separate fund for acquisition and construction of new parking (House, No. 3706) [Local Approval Received].
- Brookline. By the same member, for the same committee, on a petition, a Bill authorizing the town of Brookline to lease town owned property for an additional thirty years (House, No. 3711) [Local Approval Received].
- Id. By the same member, for the same committee, on a petition, a Bill authorizing the town of Brookline to lease town owned property for an additional twenty years (House, No. 3713) [Local Approval Received].
- Id. By the same member, for the same committee, on a petition, a Bill amending Chapter 472 of the Acts of 1998 to allow the town of Brookline to create an independent autonomous seven-member board to supervise, manage and invest the Retiree Healthcare Liability Trust Fund in order to comply with the requirements of statement 43 of the Governmental Accounting Standards Board and to authorize the board of selectmen to appoint two members to said board (House, No. 3714) [Local Approval Received].
- Id. By the same member, for the same committee, on a petition, a Bill amending Chapter 534 of the Acts of 1973 relative to the Office of Chief of the Fire Department of the town of Brookline (House, No. 3826) [Local Approval Received].
- Paxton. By the same member, for the same committee, on a petition, a Bill relative to the town of Paxton (House, No. 4041) [Local Approval Received].
Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.
Mr. Kafka of Stoughton, for said committee reported that the matters be scheduled for consideration by the House. Severally placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measures.

Mary F. Keeler,—
sick leave
bank.

The engrossed Bill establishing a sick leave bank for Mary F. Keeler, an employee of the Trial Court (see House, No. 1138), 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 XLVII (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.

The engrossed Bill establishing a sick leave bank for Gayle Tickel, an employee of the Department of Correction (see House, No. 1155, 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.

Gayle Tickel,—
sick leave
bank.

A separate vote was taken, as required by the provisions of Article XLVII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

The engrossed Bill providing for reporting dates for capital gains revenue and transferring certain fund (see House, No. 4142, 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.

Capital
gains
tax.

A separate vote was taken, as required by the provisions of Article XLVII (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.

Engrossed bills.

The engrossed Bill validating a certain vote taken by the town of Foxborough (see House bill printed in House, No. 4161) (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 (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Foxborough,—
validate
vote.

The engrossed Bill establishing a sick leave bank for Michelle Nocera, an employee of the Middlesex Sheriff's Office (see House, No. 1150) (which originated in the House), 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.

Michelle
Nocera,—
sick leave
bank.

Orders of the Day.

The Senate bill establishing a sick leave bank for Kathleen Ginn, an employee of the Department of Developmental Services (Senate, No. 2089) (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; and it was passed to be engrossed. Sent to the Senate for concurrence.

Third
reading
bill.

House bills

Establishing a sick leave bank for Michele Merenda, an employee of the Department of Transitional Assistance (House, No. 1149); and Establishing a sick leave bank for Amy S. Fein, an employee of the Department of Public Health (House, No. 1888);

Third
reading
bill.

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

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.

At twenty three minutes before twelve o'clock noon, on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M.