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The Commonwealth of Massachusetts

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**JOURNAL OF THE HOUSE.**



MONDAY, AUGUST 3, 2009.

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Monday August 3, 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).

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

God, our Creator, as we begin this morning's informal legislative session, we pause for a moment to reflect on spiritual principles and to offer a prayer to You for guidance. Each day we address current, often emotional, legislative items and issues. In these times of limited financial resources help us to meet, to the best of our ability, the needs of people and our communities. Inspire us to formulate public policy which recognize and respects the dignity of each individual and promotes the common good of all. Help us to follow sound principles and basic human and spiritual values in our efforts to make our communities peaceful, safe, civil and substance abuse free.

Grant Your blessing 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.

### *Resolutions.*

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

Resolutions (filed by Mr. Madden of Nantucket) congratulating the Falmouth Historical Society on its celebration of the one hundred and fiftieth birthday of Katharine Lee Bates, the author of *America The Beautiful*; and

Resolutions (filed by Mr. Pignatelli of Lenox) celebrating the life of the honorable Paul Perachi;

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

### *Petitions.*

Mr. Tobin of Quincy presented a petition (subject to Joint Rule 12) of A. Stephen Tobin and Kathi-Anne Reinstein relative to tips and tip sharing in restaurants; and the same was referred, under Rule 24, to the committee on Rules.

The following petitions (having been transmitted to the Secretary of the Commonwealth under the provisions of Section 5 of Chapter 3 of the General Laws), having been returned by the Secretary to the office of the Clerk on July 28, 2009, stating that the petitioners, in both instances, had failed to file proof of notice of publication with the Secretary, were placed on file:

HD2622  
Tideland  
projects.

Petition (subject to Joint Rule 9) of Michael J. Rodrigues relative to projects to be located over water or on filled tidelands; and

HD3000  
Recourse  
recovery.

Petition (subject to Joint Rule 9) of Rosemary Sandlin for legislation to establish a Massachusetts Resource Recovery Corporation.

*Paper from the Senate.*

Scholastic  
athletics.

A petition of Anthony D. Galluccio for legislation relative to funds allocated for sports programs in public schools in the Commonwealth came from the Senate referred, under suspension of Joint Rule 12, to the committee on Education.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2122) was referred, in concurrence, to the committee on Education.

*Reports of Committees.*

By Mr. Binienda of the 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 following petitions:

Regional  
transit  
authorities.

Petition (accompanied by bill) of John J. Binienda relative to providing reimbursement to contracted vendors of regional transit authorities for certain fuel excise tax payments; and

Real estate  
tax  
agreements.

Petition (accompanied by bill) of Thomas P. Conroy relative to real estate tax deferral and recovery agreements.

Severally to the committee on Revenue.

Lowell,—  
Ward  
rotary.

Petition (accompanied by bill) of Kevin J. Murphy and others for legislation to designate a certain traffic circle in the city of Lowell as the Mickey Ward rotary; and

Handicapped  
parking  
placards.

Petition (accompanied by bill) of Elizabeth A. Poirier relative to temporary handicapped parking placards. Severally to the committee on Transportation.

Under suspension of the rules, on motion of Mr. Spellane of Worcester, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance.

Severally sent to the Senate for concurrence.

Westwood,—  
group  
insurance.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4095) of Paul McMurtry (by vote of the town) for legislation to establish a group insurance liability fund in the town of Westwood,— and recommending that the same be referred to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on a petition, a Bill relative to the licensure of health plans (House, No. 971). Health care plans.

By the same member, for the same committee on a petition, a Bill relative to promoting supplemental insurance coverage (House, No. 973). Supplemental insurance.

Severally read; and referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill establishing a sick leave bank for Theodore S. Bielecki, an employee of the Department of Correction (Senate, No. 2110) be scheduled for consideration by the House. Theodore S. Bielecki,—sick leave bank.

Under suspension of Rule 7A, on motion of Ms. Clark of Melrose, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill establishing a sick leave bank for Betty Green, an employee of the Department of Revenue (House, No. 4177) be scheduled for consideration by the House. Betty Green,—sick leave bank.

Under suspension of Rule 7A, on motion of Mr. Spellane of Worcester, the bill was read a second time forthwith; and it was ordered to a third reading.

By Ms. Forry of Boston, for the committee on Community Development and Small Business, on a petition, a Bill relative to state-ments of small business consideration (House, No. 207). Small business.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, No. 697, a Bill relative to the Milk Producers Security Fund reimbursement (House, No. 4188). Milk producers.

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

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on House, Nos. 864 and 947, a Bill relative to liquor legal liability insurance (House, No. 947). Liquor liability insurance.

By the same member, for the same committee, on a petition, a Bill relative to qualified financial contracts (House, No. 993). Financial contracts.

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

#### *Engrossed bill.*

The engrossed Bill authorizing the town of Hanover to establish another post employment benefits trust fund (see House, No. 3819) (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.*

Third  
reading  
bill.

The House Bill designating a certain area in the city of Worcester as a place of peace healing garden (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.

*Order.*

Next  
sitting.

On motion of Mr. DeLeo of Winthrop,—  
*Ordered,* That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

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At sixteen 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 Thursday at eleven o'clock A.M., in an Informal Session.