

**JOURNAL OF THE HOUSE.**

Thursday, August 26, 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:

Prayer. Gracious God, in Whom we place our trust and hope, as we begin this morning's legislative session we focus our thoughts on You and spiritual matters. We believe that You and Your assistance enable us to set reasoned and sound priorities for each and every day in our struggle to live according to Your ways and commandments. We also believe that You have a personal interest in our human and spiritual well-being for You are a personal God, Our Creator. In Your goodness, help us, as elected representatives of the people, to address, to the best of our ability, the needs and concerns of the people who look to us for leadership. May we have the enthusiasm and the wisdom to resolve the many issues which few face in these difficult times.

Bestow Your blessings on the Speaker, the members and employees of this House and their families. Amen.

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.

*Silent Prayer.*

Kathleen Morelli. At the request of the Chair, the members, guests and employees stood for a moment of silent prayer in respect to the memory of Kathleen Morelli who passed away on Monday, August 23. The beloved Mrs. Morelli was the mother of Toby Morelli, the Deputy Chief of Staff/Legislative Director for Speaker Robert A. DeLeo.

*Communications.*

*Communications*

UMASS joint pharmacy school,—appointments. From the University of Massachusetts consisting of two letters notifying the General Court of the appointment of Edward W. Collins, Jr., and Stephen P. Tocco to the special commission established (under Section 153 of Chapter 131 of the Acts of 2010) to study the University of Massachusetts at Amherst and the University of Massachusetts at Lowell jointly establishing a public school of pharmacy; and

In-state tuition retention,—UMASS appointments. From the University of Massachusetts consisting of two letters notifying the General Court of the appointment of David J. Gray and James Julian 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;

Severally were placed on file.

*Resolutions.*

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

Resolutions (filed by Mr. Vallee of Franklin) congratulating Sean Patrick Mateus McKeown on receiving the Eagle Award of the Boy Scouts of America; Sean McKeown.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Reed Matthew Turgeon on receiving the Eagle Award of the Boy Scouts of America; Reed Turgeon.

Resolutions (filed by Mr. Vallee of Franklin) congratulating John Paul Vetrano on receiving the Eagle Award of the Boy Scouts of America; John Vetrano.

Resolutions (filed by Representatives Bowles of Attleboro and Poirier of North Attleborough) congratulating Chief Ronald Churchill on his forty-four years of service to the city of Attleboro; Ronald Churchill.

Resolutions (filed by Mr. D'Amico of Seekonk) congratulating Kenneth Bruce Edward Martin on receiving the Eagle Award of the Boy Scouts of America; Kenneth Martin.

Resolutions (filed by Mr. Fagan of Taunton) congratulating Mr. and Mrs. Ronald Medeiros on the occasion of their fiftieth wedding anniversary; and Ronald and Audrey Medeiros.

Resolutions (filed by Mr. Lewis of Winchester) commemorating the rededication of George T. Davidson Park; George T. Davidson Park.

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

*Petitions.*

Messrs. Naughton of Clinton and Pedone of Worcester presented a petition (subject to Joint Rule 12) of Harold P. Naughton, Jr., and Vincent A. Pedone for legislation to establish a sick leave bank for Richard Maypothor, Jr., an employee of the Department of Correction; and the same was referred, under Rule 24, to the committee on Rules. Richard Maypothor, Jr.—sick leave.

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 Mr. Pedone, 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.

Mr. Spellane of Worcester presented a petition (subject to Joint Rule 12) filed at the request of Kathryn Urbanowski for the issuance by the Governor of an annual proclamation setting apart the month of September as Childhood Cancer Awareness Month; and the same was referred, under Rule 24, to the committee on Rules. Childhood Cancer Awareness Month.

Childhood Cancer Awareness Month.

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 Mr. Pedone of Worcester, 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.

Papers from the Senate.

Pepperell—alcoholic beverages licenses.

The House Bill authorizing the placement of a certain question on the ballot to be used at the November 2010 biennial state election in the town of Pepperell relative to the sale of alcoholic beverages (House, No. 4846) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 1 and inserting in place thereof the following section:

“SECTION 1. (a) Notwithstanding section 11 of chapter 138 of the General Laws, the state secretary shall cause to be placed on the official ballot to be used in the town of Pepperell at the biennial state election to be held in November in the year 2010 the following question:

‘Shall licenses be granted in this town for the sale of all alcoholic beverages (whiskey, rum, gin, malt beverages, wines and all other alcoholic beverages) to be drunk on the premises of restaurants?

Yes \_\_\_\_\_ No \_\_\_\_\_.

If a majority of the votes cast in answer to that question is in the affirmative, the town of Pepperell may grant licenses for the sale of all alcoholic beverages to be drunk on the premises of restaurants. The licenses shall be subject to said chapter 138.

(b) The town counsel of the town of Pepperell shall cause a summary of the question to be printed on the ballot along with the question as stated in subsection (a).”

Under suspension of Rule 35, on motion of Mr. Hargraves of Groton, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Cape and Vineyard Electric Cooperative, Inc.

A petition of Robert A. O’Leary and Timothy Madden for legislation to clarify the application of Chapter 156B, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Telecommunications, Utilities and Energy.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2613) was referred, in concurrence, to the committee on Telecommunications, Utilities and Energy.

Reports of Committees.

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

Relative to the appointment of executive secretaries and town managers (Senate, No. 793);

Town managers.

Relative to tampering with water company meters (Senate, No. 1486);

Water meters.

Authorizing the establishment of senior citizen safety zones (House, No. 543);

Seniors’ safety.

Authorizing the town of Rehoboth to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4847) [Local Approval Received]; and

Rehoboth.

Relative to collective bargaining agreements (House, No. 4891);

Collective bargaining.

Under suspension of Rule 7A, in each instance, on motion of the same member, the bills severally were read a second time forthwith; and they were ordered to a third reading.

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill directing the Secretary of the Commonwealth to place a certain nonbinding question on the biennial state election ballot in the city of New Bedford (House, No. 4970) [Local Approval Received].

New Bedford,—ballot.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the signing of warrants for payment in the town of Pembroke (House, No. 4918) [Local Approval Received].

Pembroke,—warrants.

By the same member, for the same committee, on a petition, a Bill relative to South Hadley town meetings (House, No. 4980) [Local Approval Received].

South Hadley,—town meeting.

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

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on House, Nos. 2986, 3008, 3021, 3027, 3028, 3029, 3030, 3031, 3032, 3034, 3047, 3494 and 3618, an 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 issues (House, No. 4999).

State Administration and Regulatory Oversight,—study.

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 asking to be discharged from further consideration of the 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.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for Colleen Robichaud, an employee of the Registry of Motor Vehicles (see House, No. 4777), 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.

Bill enacted.

Engrossed bills

Relative to property taxes in the town of Carver (see Senate, No. 2144) (which originated in the Senate);

Bills enacted.

Bills  
enacted.

Authorizing the transfer of location of a certain license for the sale of all alcoholic beverages to be drunk on the premises in the town of Westborough (see House, No. 4735);

Authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4736, amended); and

Placing a certain question on the ballot to be used at the November 2010 biennial state election in the town of Pepperell relative to the sale of alcoholic beverages (see House, No. 4846, amended);  
(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.

*Orders of the Day.*

Beavers,—  
control.

The engrossed Bill protecting our natural resources (see House, No. 4943), which had been returned by His Excellency the Governor with recommendation of amendments (for message, see House, No. 4994) was considered.

The amendments recommended by the Governor then were adopted in the following form (as approved by the committee on Bills in the Third Reading):

In Section 1 (as engrossed) by striking out the last sentence and inserting in place thereof the following sentence:— "If the director, in consultation with the state department of public health, determines that such a threat exists, it shall immediately issue the emergency permit to alleviate the existing threat to human health and safety for a period not exceeding 10 days."; and

In Paragraph 5 of G.L. 131, § 80A, as amended by House Bill No. 4943, by striking out the last sentence and inserting in place thereof the following sentence:— "If the director, in consultation with the state department of public health, determines that such a threat to human health or safety exists, as defined in this section, the director shall immediately issue an extension permit.".

Sent to the Senate for its action.

House bills

Third  
reading  
bills.

Exempting clerical positions in the town of Billerica from the civil service law (House, No. 4391) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the town of Milford to issue an additional license for the sale of wines and malt beverages not to be drunk on the premises (House, No. 4938);

Authorizing the town of Dracut to grant a license for the sale of wines and malt beverages not to be drunk on the premises (House, No. 4962); and

Establishing a sick leave bank for Imani Smith, an employee of the Department of Youth Services (House, No. 4993) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee 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 post employment benefits trust fund in the town of Wayland (House, No. 4319) was read a third time. Third reading  
bill amended.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a Bill establishing a postemployment benefits trust fund in the town of Wayland (House, No. 5005), which was read.

The amendment was adopted; and the substituted bill 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 on Monday next at eleven o'clock A.M. Next  
sitting.

At eight minutes after 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 Monday at eleven o'clock A.M., in an Informal Session.