

JOURNAL OF THE HOUSE.

Monday, August 30, 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. Most Gracious God, we pause for a moment of prayer and reflection as we begin this morning's legislative session. We try to clear our minds of our many obligations, distractions and duties and turn them to You, our Creator and spiritual matters. With Your assistance, we believe, we are able to give direction, meaning and purpose to our busy daily lives. Inspire us to be aware of Your constant presence and available help at all times. In dealing with current and often controversial legislative issues and public policy matters may we have the wisdom to make right, ethical and reasoned decisions. May the spirit of mutual understanding, good will and respect for each individual fill our hearts and minds in resolving national and local challenges.

Grant Your blessings to 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.

Resolutions.

Blackstone River Valley National Historical Park. Resolutions (filed with the Clerk by Representatives Peterson of Grafton, Callahan of Sutton, Fernandes of Milford, Frost of Auburn and Kujawski of Webster) memorializing the Congress of the United States to establish the Blackstone River Valley National Historical Park, were referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Peterson, 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:

Nanette Maltais, sick leave. By Representative Falzone of Saugus and Senator DiDomenico, joint petition (subject to Joint Rule 12) of Mark V. Falzone, Sal N. DiDomenico and others for legislation to establish a sick leave bank for Nanette Maltais, an employee of the Department of Revenue; and

Tara Reilly, sick leave. By Mr. Speranzo of Pittsfield, petition (subject to Joint Rule 12) of Christopher N. Speranzo for legislation to establish a sick leave bank for Tara Reilly, an employee of the Department of Children and Families.

Severally, under Rule 24 to the committee on Rules.

Paper from the Senate.

The House Bill relative to the charter of the city known as the town of Franklin (House, No. 4845) came from the Senate passed to be engrossed, in concurrence, with amendments in section 15, in line 68, striking out the word "council" and inserting in place thereof the word "administrator"; striking out section 22 and inserting in place thereof the following section:

"SECTION 22. Said charter is hereby further amended by striking out section 6-7-1 and inserting in place thereof the following section:—

6-7-1 The town administrator shall submit to the town council and file copies with the finance committee a 5-year capital improvements program which shall include: (a) a clear summary of its contents; (b) a list of all capital improvements proposed to be undertaken during the next 6 fiscal years, together with supporting data; (c) cost estimates, methods of financing and recommended time schedules; and (d) the estimated annual cost of operating and maintaining any facility to be constructed or acquired."; and striking out section 27 and inserting in place thereof the following section:

"SECTION 27. The state secretary shall cause the following 2 questions to be placed on the official ballot to be used in the city known as the town of Franklin at the biennial state election to be held on November 2, 2010:—

Shall sections 1 to 7, inclusive, sections 10 to 13, inclusive, and sections 15 to 25, inclusive, of an act passed by the General Court in the year 2010 entitled 'An Act Relative to the Charter of the City known as the Town of Franklin', be accepted?

Shall the Town Treasurer-Collector be appointed, as provided in Sections 8, 9, 14 and 26 of that act, rather than elected?"

Under suspension of Rule 35, on motion of Mr. Vallee of Franklin, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

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:

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]; and

Relative to South Hadley town meetings (House, No. 4980);

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

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, on House, Nos. 124, 138, 140, 170, 171, 188, 910, 944, 946, 948, 962, 973, 975, 1028, 1048, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1090,

Franklin,— city charter.

New Bedford,— ballot question.

South Hadley.

Health Care Financing,— study.

Health Care Financing,— study.

1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1105, 1106, 1107, 1924, 1926, 1934, 1935, 1936, 1937, 1938, 1940, 1947, 1948, 1949, 1950, 1951, 1955, 1956, 1957, 1958, 1962, 2024, 2027, 2030, 2045, 2050 and 2088, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of certain House documents concerning health care financing issues (House, No. 5006). 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.

Harwich,— liquor licenses.

Report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the recommitment petition (accompanied by bill, House, No. 4586) of Sarah K. Peake and Robert A. O' Leary (by vote of the town) that the town of Harwich be authorized to issue three additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

Under suspension of the rules, on motion of Mr. Speliotis of Danvers, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

Belmont,— liquor licenses.

Report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the 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.

Under suspension of the rules, on motion of Mr. Brownsberger of Belmont, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

Dedham,— liquor licenses.

Report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the 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.

Under suspension of the rules, on motion of Mr. McMurtry of Dedham, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

Orders of the Day.

Gardner,— ballot question.

The House Bill authorizing the placement of a certain question on the ballot to be used at the 2010 biennial state election in the city of Gardner (House, No. 4897) (its title having been changed by the committee on Bills in the Third Reading) was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the state secretary to place a certain local question on the state ballot, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted; and the bill (House, No. 4897, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Emergency Measure.

The engrossed Bill authorizing the placement of a certain question on the ballot to be used at the 2010 biennial state election in the city of Gardner (House, No. 4897, 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.

Gardner,— ballot question.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 3 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for Christopher Lemoing, an employee of the Plymouth County sheriff's department (see House, No. 4925) (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.

Bill enacted.

The engrossed Bill authorizing the city of Everett to create an inspectional services department in the city of Everett (see House, No. 4697) (which originated in the House), having been certified by the Clerk to 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.

Id.

Order.

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.

Next sitting.

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