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The Commonwealth of Massachusetts

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**JOURNAL OF THE HOUSE.**



THURSDAY, SEPTEMBER 3, 2009.

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## JOURNAL OF THE HOUSE.

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Thursday, September 3, 2009.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Kafka of Stoughton 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, as we begin this new month of the year, we pause for a moment of prayer in which we seek Your guidance and direction. We believe that with Your gifts of wisdom and knowledge, which are always available to us, we are better prepared to evaluate and address correctly in a reasoned and mature manner the legislative items which come before us. Teach us to be thoughtful, patient, but critical, listeners in our dialoguing with constituents and colleagues. In these uneasy times and in our very diverse society, let our disagreements remain focused on traditional principles and values which we hold in high esteem. On Monday, a national holiday and family day, we honor the women and men, the working people of the United States, who, by their hard labor, have made this nation great. May we, as a society, continue to help and urge all people to use their natural and acquired gifts and talents in a productive and beneficial manner for themselves, their families and for the common good.

Grant Your blessings to the Speaker, the members and employees of this House and to their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. Kafka), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### *Silent Prayer.*

Richard J. Egan.

At the request of Ms. Dykema of Holliston, the members, guests and employees stood in a moment of silent prayer in respect to the memory of Ambassador Richard J. Egan, the former United States Ambassador to Ireland and founder of EMC Corporation. Mr. Egan's commitment to our country began at an early age, enlisting in the United States Marine Corps at age 17 and serving in the Korean War. Throughout his life he was strongly committed to his community of Hopkinton, the Commonwealth, and the global community.

He was a dynamic leader having served as Director of the Massachusetts High Technology Council and Business Roundtable, Director of the New York Stock Exchange Advisory Board, and founder of the Hopkinton Technology for Education Foundation. He earned numerous accolades including the 1994 "Master Entrepreneur of the Year" from Inc. Magazine, the Medal of Honor Society's Patriot Award, the Jewish National Fund's Tree of Life Award and is one of Irish America Magazine's "Top 100."

The Massachusetts House of Representatives extends its deepest condolences to the Egan family in their time of grief and remembrance.

*Resolutions.*

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

Resolutions (filed by Mr. Jones of North Reading) recognizing David Hanlon for his eighteen years of dedicated service to the town of North Reading, Massachusetts; David Hanlon.

Resolutions (filed by Mr. Donelan of Orange) recognizing Barney Cummings for his endless dedication to the community and the town of Athol; Barney Cummings.

Resolutions (filed by Ms. Gifford of Wareham) congratulating Chief Thomas A. Joyce on the occasion of his retirement from the Wareham Police Department; Thomas A. Joyce.

Resolutions (filed by Mr. Pignatelli of Lenox) celebrating the twenty-fifth anniversary of the Berkshire Scenic Railway Museum; and Berkshire Scenic Railway Museum.

Resolutions (filed by Mr. Rice of Gardner) honoring Leo J. Bosselait on the occasion of his ninetieth birthday; Leo J. Bosselait.

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

*Communications.**Communications*

From the Bristol County Registry of Deeds (pursuant to Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Technological Fund; Bristol County Registry of Deeds.

From the Dukes County Registry of Deeds (pursuant to Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Technological Fund; Dukes County Registry of Deeds.

From the Norfolk County Registry of Deeds (pursuant to Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Technological Fund; Norfolk County Registry of Deeds.

From the Executive Office of Housing & Economic Development (pursuant to Section 6B(f) of Chapter 40J of the General Laws) relative to a long-term plan for the Massachusetts Broadband Institute; Broadband Institute.

From the Executive Office of Transportation (pursuant to items 6000-0001 and 6010-0001 of Chapter 139 of the Acts of 2006) submitting copies of several quarterly and special reports, including STIP funding, Chapter 90 PWED fund, and certain payroll reports; and Executive Office of Transportation.

From the Executive Office of Transportation (pursuant to Sections 12 and 13 of Chapter 86 of the Acts of 2008) transmitting quarterly reports containing periodic and substantial completion estimates submitted pursuant to section 39G of Chapter 30 of the General Laws and listing certain dates in relation to projects under the control of said office and the Department of Highways. Id.

Severally were placed on file.

*Annual and Special Reports.*

Department of Public Utilities.

An annual report of the Department of Public Utilities (pursuant to Section 193 of Chapter 164 of the General Laws) concerning installations of cogeneration, renewable energy, fuel cell and onsite generation facilities for the year 2008;

Reports

Health Care Finance and Policy.

Of the Division of Health Care Finance and Policy (pursuant to Section 4 of Chapter 118G of the General Laws) relative to its affairs to the Secretary of the Executive Office of Health and Human Services and to the General Court;

Health projects.

Of the Division of Health Care Finance and Policy (pursuant to Section 35 of Chapter 118G of the General Laws) relative health safety net demonstration projects;

Real property,—state-owned.

Of the Division of Capital Asset Management (pursuant to Section 40K of Chapter 7 of the General Laws) relative to the real property owned and leased by the Commonwealth;

Developmental services.

Of the Department of Developmental Services (pursuant to Chapter 4 of the Resolves of 2008) relative to a self determination model for individuals served by the department;

MassHealth.

Of the Executive Office of Health and Human Services (pursuant to Section 40 of Chapter 305 of the General Laws) relative to the MassHealth Payment Policy Advisory Board; and

Health care payment system.

Of the Special Commission on the Health Care payment system (pursuant to Section 44 of Chapter 305 of the General Laws) relative to the health care payment system.

Semi-annual report

Insurance fraud .

Of the Insurance Fraud Bureau (pursuant to Section 1 (k) of Chapter 338 of the Acts of 1990) containing a spending and management plan for said office.

Quarterly report

Workforce and Development.

Of the Division of Unemployment Assistance (under the provision of Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund August 2009.

Severally were placed on file.

*Petition.*

Belmont,—post-employment benefits.

Mr. Brownsberger of Belmont presented a petition (accompanied by bill, House, No. 4223) of William Brownsberger (by vote of the town) that the town of Belmont be authorized to establish a post-employment benefits trust fund for former employees of said town; and the same was referred to the committee on Municipalities and Regional Government.

*Reports of Committees.*

Clinton,—liquor license.

By Mr. Binienda of Worcester, for the committee on Rules, that Joint Rule 7B be suspended on the petition of Harold P. Naughton, Jr., and others (by vote of the town) that the town of Clinton 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. Peterson of Grafton, the report was considered forthwith. Joint Rule 7B 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, that the Senate Bill establishing a sick leave bank for Michael Belloli, an employee of the Department of Correction (Senate, No. 2100, amended) be scheduled for consideration of the House.

Michael Belloli,—  
sick leave bank.

Under suspension of Rule 7A, on motion of Mr. Peterson of Grafton, 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 Senate Bill establishing a sick leave bank for Margaret Ann Sheehan, an employee of the Trial Court (Senate, No. 2106) be scheduled for consideration of the House.

Margaret Ann Sheehan,—  
sick leave bank.

Under suspension of Rule 7A, on motion of Mr. Peterson of Grafton, 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 Senate Bill establishing a sick leave bank for Ellen Starck, an employee of the parole Board (Senate, No. 2125) be scheduled for consideration of the House.

Ellen Starck,—  
sick leave bank.

Under suspension of Rule 7A, on motion of Mr. Peterson of Grafton, 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 Senate Bill authorizing the lease of conservation land in the town of Easton for agricultural purposes to establish the Tufts farm maintenance fund (House, No. 1885) be scheduled for consideration of the House.

Easton,—  
Tufts farm maintenance fund.

Under suspension of Rule 7A, on motion of Mr. Peterson of Grafton, 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 Senate Bill establishing a sick leave bank for a certain employee of the Trial Court (House, No. 4209) be scheduled for consideration of the House.

Deborah Armstrong,—  
sick leave bank.

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

By Mr. Moran of Boston, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill validating the town of Sherborn's annual town election held on May 12, 2009 (printed in House, No. 4222).

Sherborn,—  
election.

Douglas,—  
town  
administrator.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill establishing a town administrator and municipal finance department in the town of Douglas (House, No. 1894) [Local Approval Received].

Cambridge,—  
energy  
alliance.

By the same member, for the same committee, on a petition, a Bill relative to the provision of services to the city of Cambridge by the Cambridge Energy Alliance (House, No. 1916). [Local Approval Received].

Antonio  
Bell.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Antonio Bell (House, No. 4203).

Susan  
Harper.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave for Susan Harper, an employee of the Department of Developmental Services (House, No. 4211).

Joanna  
Cross.

By the same member, for the same committee on a petition, a Bill, establishing a sick leave bank for Joanna Cross (House, No. 4212).

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

#### *Engrossed Bills.*

Bill  
enacted.

The engrossed Bill establishing a sick leave bank for Judith Fitzsimmons, an employee of the Trial Court (see House, No. 1886) (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 relative to the charter of the town of Provincetown (see House, No. 4135) (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.

#### *Order.*

Next  
sitting.

On motion of Mr. DeLeo of Winthrop,—

*Ordered,* That when the House adjourns today, it adjourn to meet on Tuesday next at eleven o'clock A.M.

Representatives Reinstein of Revere and DeLeo of Winthrop then moved that as a mark of respect to the memory of William J. Hill, a member of the House from Revere in 1959 and 1960, the House adjourn; and the motion prevailed.

Accordingly, at sixteen minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet the following Tuesday at eleven o'clock A.M., in an Informal Session.