

UNCORRECTED PROOF

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



MONDAY, SEPTEMBER 21, 2009.

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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:

Gracious God, we begin this day and legislative session with a prayer for Your guidance. We believe that Your assistance enables us to comprehend issues more clearly. In addressing the matters and issues which come before us, we place our trust and hope in You and Your ways as we often struggle to make the right, ethical and responsible legislative and personal decisions. As elected leaders, teach us to be good listeners as we discuss with constituents their personal concerns and the various issues in their communities. May we together formulate and evaluate public policy with respect to the rights, the importance and the dignity of all individuals. Teach us to discuss and promote the common good in our diverse communities and society. Prayer.

Grant Your blessings to the Speaker, the members and employees of this House of Representatives 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. Pledge of allegiance.

Papers from the Senate.

The House Bill authorizing the town of Norton to transfer certain park land (House, No. 4136) came from the Senate, passed to be engrossed in concurrence, with an amendment striking out section 5 and inserting in place thereof the following two sections: Norton,—
park land.

“SECTION 5. If the land conveyed pursuant to section 1 ceases to be used for the purposes described in said section 1, the land shall revert to the town of Norton to be used for conservation purposes.

SECTION 6. This act shall take effect upon its passage.”

Under suspension of Rule 35, on motion of Mrs. Poirier of North Attleborough, the amendment was considered forthwith. The committee on Bills in the Third Reading reported recommending that the House non-concur with the Senate in its amendment; and the report was accepted.

The House then non-concurred with the Senate in its amendment. Sent to the Senate for its action.

The Senate Bill authorizing the Department of Highways and the town of Kingston to exchange certain parcels of land (Senate, No. 2147, amended in section 2, in line 15 to 19, inclusive, by striking out the sentence contained therein and inserting in place thereof the following sentence: “Notwithstanding sections 40E Kingston,—
land.

Kingston,—
land.

to 40I, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the department of highways following the acquisition of the land and easements described in section 3, shall convey to the town for municipal purposes the portion of land owned by the commonwealth and under control of the department shown as parcel 6 on the plan described in said section 3 located south of the layout of the ramp which is no longer required for highway purposes.”; and in section 3, in lines 23 to 31, inclusive, by striking out the sentence contained therein and inserting in place thereof the following sentence: “Notwithstanding any general or special law to the contrary, the board of selectmen of the town of Kingston, upon receipt of the notice required under section 1 and as requested by the division of capital asset management and maintenance in consultation with the department of highways, shall either convey by deed to the commonwealth, acting by and through the division on behalf of the department, or release the town’s interest in, and the commonwealth acting by and through the division on behalf of the department shall acquire by deed, eminent domain or otherwise, the land required for the ramp to be laid out as a state highway in the following described parcels of land owned by the town: not more than 1.95 acres of the town’s land described as parcels 1, 2 and 3 on that plan of land entitled ‘Plan of Land Parcels in Kingston, Massachusetts to be Exchanged between the Town of Kingston and the Massachusetts Department of Highways,’ dated August 6, 2007.”) (on Senate, No. 2086) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Disabled
persons,—
endangerment.

The Senate Bill relative to reckless endangerment of persons with disabilities (Senate, No. 84) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Workforce
development.

Reports of the committee on Labor and Workforce Development, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 701) of Mark C. Montigny for legislation to authorize the funding of capital expenditures for workforce development and adult basic education, and recommending that the same be referred to the committee on Bonding, Capital Expenditures and State Assets;

Mediation.

Of the petition (accompanied by bill, Senate, No. 697) of Thomas M. McGee for legislation relative to mediation, and recommending that the same be referred to the committee on the Judiciary;

Labor and
materials.

Of the petition (accompanied by bill, Senate, No. 692) of Brian A. Joyce for legislation relative to the payment of labor and materials, and recommending that the same be referred to the committee on the State Administration and Regulatory Oversight; and

Workers
compensation.

Of the petition (accompanied by bill, Senate, No. 695) of Thomas M. McGee, Francis X. Callahan, Jr., Marc R. Pacheco, Angelo J. Puppolo, Jr. and other members of the General Court for legislation relative to workers compensation for veterans, and

recommending that the same be referred to the committee on the Veterans and Federal Affairs;

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2152) of Susan C. Tucker, Barry R. Finegold and Barbara A. L'Italien (by vote of the town) for legislation to authorize a ballot question relative to the Punchard Free School in the town of Andover. To the committee on Education. Andover.

Petition (accompanied by bill, Senate, No. 2153) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation relative to the North Carver Water District; and North Carver
Water District.

Petition (accompanied by bill, Senate, No. 2154) of Susan C. Tucker, Barry R. Finegold and Barbara A. L'Italien (by vote of the town) for legislation to authorize easements over certain land in the town of Andover. Andover.

Severally to the committee on Municipalities and Regional Government.

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 Jeffrey Sánchez for legislation to prohibit the issuance of mortgages to persons convicted or arson. Under suspension of the rules, on motion of Mr. Smizik of Brookline, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Financial Services. Severally sent to the Senate for concurrence. Arsonists,—
mortgages.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, No. 716, a Bill authorizing the lease of land to yacht clubs (House, No. 4252). Read; and referred, under Rule 33, to the committee on Ways and Means. Yacht
clubs.

Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to clean energy (House, No. 4168) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4253). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Clean
energy.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for a second reading, with the amendment pending.

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

Relative to floor finishing products (House, No. 2304); Floor
products.

Peabody,—
elections.

Ratifying, validating and confirming in all respects the election calendar established by the city of Peabody for elections to be held in 2009 (House, No. 4219); and

Construction
losses.

To limit losses of subcontractors in private construction (House, No. 4228);

Severally placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bill.

Bill
enacted.

The engrossed Bill relative to a new public safety facility lease in the town of Burlington (see House, No. 4056, changed) (which originated in the House), having been 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.

Orders of the Day.

Third
reading
bill.

The Senate Bill amending the charter of the town of Sandwich (Senate, No. 782), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

House bills

Second
reading
bills.

Authorizing the town of Saugus to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 1120); and

Authorizing the town of Winchester to issue five licenses for the sale of all alcoholic beverages to be drunk on the premises for restaurants containing seventy or more seats (House, No. 1905);

Severally were read a second time; and they were ordered to a third reading.

Order.

Next
sitting.

On motion of Mr. DeLeo of Winthrop,—

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

At twenty-four minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on the following Wednesday at eleven o'clock A.M.