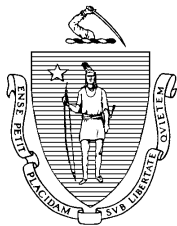


The Commonwealth of Massachusetts

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**JOURNAL OF THE HOUSE.**



THURSDAY, SEPTEMBER 24, 2009.



## JOURNAL OF THE HOUSE.

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Thursday, September 24, 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:

Eternal God, we begin this legislative session with the right intention of serving You, constituents and our families faithfully during the course of this day. We seek Your guidance, help and blessings so that our day will a direction, purpose and meaning. Grant us the knowledge to know what is worth knowing, the wisdom to recognize what accomplishing and the courage to protect what is worth preserving. In carrying out our duties may we read the signs of the times correctly and address them in a creative and prudent manner in order to meet the current and changing needs of people and our communities. May we continue our open dialogue in trying to resolve the many public policy issues which confront us and our culture today.

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.

### *Appointments of the Minority Leader.*

The Minority Leader announced that he had made the following appointments:

That Representative Ross of Wrentham had been appointed to the special commission established (under Chapter 7 of the Resolves of 2008) for the purpose of making an investigation and study relative to the economy in order to create and maintain quality jobs in the Commonwealth;

Economy,—  
quality  
jobs.

That Mr. Wayne A. Klockner, the State Director and Vice President for the Nature Conservancy of Massachusetts, had been appointed to serve on the special commission established (under Chapter 8 of the Resolves of 2008) for the purpose of conducting an investigation and study of innovative methods for funding the conservation of forested wildlands and woodlands owned and managed by public and nonprofit organizations and by private individuals and organizations;

Forested  
wildlands and  
woodlands.

That Representative Hill of Ipswich had been appointed as his designee to serve on the special commission established (under Chapter 60 of the Acts of 2009) to review all aspects of regionalization including possible opportunities, benefits and challenges to regionalizing services within the Commonwealth;

Regionalization.

Sheriff's  
offices,—  
reorganization,  
etc.

That Representative Perry of Sandwich had been appointed to the special commission established (under Section 22 of Chapter 61 of the Acts of 2009) for the purpose of making an investigation and study relative to the reorganization or consolidation of sheriffs' offices;

*Resolutions.*

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

Alessandro  
Pizzi.

Resolutions (filed by Mr. Vallee of Franklin) honoring Mr. Alessandro Pizzi on his retirement from the Probation Department after thirty-seven years of dedicated service;

East Parish  
United  
Methodist  
Church.

Resolutions (filed by Mr. Costello of Newburyport) congratulating the East Parish United Methodist Church on the occasion of its one hundred and seventy-fifth anniversary;

Jeffrey  
Brewer.

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Jeffrey Brewer of Sharon Boy Scout Troop 95 on earning the Eagle Scout Award;

Robert F.  
Lutz.

Resolutions (filed by Ms. Polito of Shrewsbury) congratulating Robert F. Lutz on being named the Grand Marshal of the 2009 Shrewsbury Fall Festival Parade; and

Robert P.  
Dunford.

Resolutions (filed by Mr. Walsh of Boston) congratulating Superintendent-in-Chief Robert P. Dunford on the occasion of his retirement;

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

*Papers from the Senate.*

Public  
utility  
companies.

The House Bill relative to public utility companies (House, No. 4126), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2115, amended in section 1, in line 12, striking out the words "records, information and personnel necessary to respond to the state of emergency" and inserting in place thereof the words "documents, information and personnel necessary to respond to the state of emergency; provided, however, that documents and information provided to the chairman during such state of emergency shall be subject to the exemption provided by subclause (n) of clause Twenty-sixth of section 7 of chapter 4, to the extent necessary to protect the public safety"; and in section 5, in line 58, by adding at the end thereof the following sentence: "The department shall accord protected treatment under section 5D of chapter 25 to confidential, competitively-sensitive or other proprietary information contained in an emergency response plan and shall also confirm the application of subclause (n) of clause Twenty-sixth of section 7 of chapter 4 so as not to jeopardize public safety."

Under suspension of the rules, on motion of Mr. Finegold of Andover, the amendments were considered forthwith.

The House then non-concurred with the Senate it is amendments; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Finegold, Rice of Gardner and Hargraves of Groton were appointed the committee on the part of the House. Sent to the Senate to be joined.

Committee of conference.

A petition of Jennifer L. Flanagan and Robert L. Rice, Jr., for legislation to establish a sick leave bank for Richard Donati, an employee of the Department of Correction, came the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Richard Donati,—sick leave bank.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2157) was referred, in concurrence, to the committee on Public Service.

### *Reports of Committees.*

By Ms. Malia of Boston, for the committee on Mental Health and Substance Abuse, asking to be discharged from further consideration

Of the petition, (accompanied by bill, Senate, No. 738) of Cynthia Stone Creem, Willie Mae Allen, Bruce E. Tarr, Patricia D. Jehlen and other members of the General Court for legislation to establish a public guardianship commission; and

Public guardianship commission.

Of the petition, (accompanied by bill, House, No. 1922) of Willie Mae Allen, Kay Khan and others for legislation to establish and set up on the books of the Commonwealth a separate fund to be known as the public guardianship commission fund.

Public guardianship fund.

And recommending that the same severally be referred to the committee on the Judiciary.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Ms. Malia of Boston, for the committee on Mental Health and Substance Abuse, on a petition, a Bill relative to the youth alcohol education program to reduce underage drinking and promote healthy choices (House, No. 1925, changed in lines 24 and 25, inclusive, by striking out the sentence contained therein).

Alcohol education program.

By the same member, for the same committee on a petition, a Bill providing for linguistically appropriate mental health services (House, No. 1949, changed in section 1, in lines 19 to 21, inclusive, by striking out the paragraph contained in those lines; in section 2, in line 43 to 46, inclusive; by striking out the paragraph contained in those lines; in section 3, in lines 69 to 72, inclusive, by striking out the lines contained in those lines; in section 4, in lines 95 to 98, inclusive, by striking out the lines contained in those lines; in section 5, in lines 120 to 123, inclusive, by striking out the lines contained in those lines).

Linguistic services.

By the same member, for the same committee, on a petition, a Bill relative to services for persons with mental illness who are living with older family members or primary caretakers (House, No. 1951, changed in line 5, by striking out the following: "reaches the age of 65, or" and inserting in place thereof the word "has", and in line 6, by inserting after the word "circumstances", the word "which".);

Caretakers,—mentally ill.

Inhalant  
abuse.

By the same member, for the same committee, on House, Nos. 1943 and 3907, a Bill relative to inhalant abuse (House, No. 4254).

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

Massachusetts  
Food Policy  
Council.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House Nos. 718 and 776, a Bill establishing the Massachusetts Food Policy Council (House, No. 4255). Read; and referred, under Joint Rule 29, to the committee on Rules of the two branches, acting concurrently.

Urban  
wildlife  
preservation.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill providing for park expansion and urban wildlife preservation in Belmont and Cambridge (House, No. 701). Read; and referred, under Rule 33, to the committee on Ways and Means.

#### *Emergency Measures.*

Susan  
Harper,—  
sick leave  
bank.

The engrossed Bill establishing a sick leave bank for Susan Harper, an employee of the Department of Developmental Services (see House, No. 4211) 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.

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 4 to 0. Sent to the Senate for concurrence.

Bill  
enacted.

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 Senate to the Senate.

#### *Engrossed Bills.*

Bills  
enacted.

The engrossed Bill validating the action taken at the town of Sherborn's annual town election (see House bill printed in House, No. 4222) (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 (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Bills  
enacted.

Engrossed bills  
Relative to the charter of the town of Luneburg (see House, No. 635);

Authorizing the city of Salem to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 1128); and

Validating the election calendar in the city of Salem (see House, No. 4112);

(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.*

The House Bill relative to clean energy (House, No. 4253) (its title having been changed by the committee on Bill 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. Third reading bill.

The House Bill authorizing the city of Methuen to lease a building to the Head Start Program of the Greater Lawrence Community Action Council (House, No. 1883) (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. Third reading bill amended.

Pending the question on passing the bill to be engrossed, Ms. Campbell of Methuen moved to amend it by substitution of a bill with the same title (House, No. 4261), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

*Recess.*

At a quarter after twelve o'clock noon, on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until ten minutes before one o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair. Recess.

*Reports of Committees.*

Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to sheriffs (Senate, No. 2121) ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4260 [Fiscal Note: \$217,291,462.00]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Sheriffs.

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.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted; and the bill, as amended, was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Murphy of Burlington, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

The same member then moved to amend the bill at the end of section 6 by inserting after the year "2009" the words "the operations of the office of the sheriff for the purpose of covering the unfunded

Sheriffs. county pension liabilities and other benefit liabilities of the retired sheriff's office employees that remain in the county retirement systems, as determined by the actuary of the public employee retirement administration commission".

The amendment was adopted; and the bill (Senate, No. 2121, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment (text contained in House, No. 4260, printed as amended).

*Recess.*

Recess. At twenty-eight minutes after one o'clock P.M., on motion of Mr. Frost of Auburn (Ms. Clark of Melrose having taken the Chair), the House recessed until two o'clock P.M.; and at thirteen minutes before three o'clock P.M., the House was called to order with Ms. Clark in the Chair.

*Emergency Measure.*

Sheriffs. The engrossed Bill relative to sheriffs (see Senate, No. 2121, 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.

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 4 to 0. Sent to the Senate for concurrence.

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

*Order.*

On motion of Mr. DeLeo of Winthrop,—

Next sitting. *Ordered,* That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

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At two minutes after three P.M., on motion of Mr. Frost of Auburn (Ms. Clark of Melrose being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.