

### JOURNAL OF THE HOUSE.

Thursday, October 28, 2010.

Met according to adjournment at nine minutes after 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).

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.

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

Paul Holmquist.

Resolutions (filed by Mr. Turner of Dennis) congratulating Lieutenant Paul Holmquist on the occasion of his retirement and for his more than twenty-three years serving the people of Yarmouth and the Yarmouth Fire Department;

Robert Kelleher.

Resolutions (filed by Mr. Turner of Dennis) congratulating Deputy Chief Robert Kelleher on the occasion of his retirement and for his more than twenty-three years serving the people of Yarmouth and the Yarmouth Fire Department; and

Connor W. Meaney.

Resolutions (filed by Mr. Turner of Dennis) congratulating Connor W. Meaney on receiving the Eagle Scout Award of the Boy Scouts of America;

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

#### Petitions.

Marlborough District Court, Jonathan Brant.

Representative Kaufman of Lexington and Senator Eldridge presented a joint petition (subject to Joint Rule 12) of Jay R. Kaufman, James B. Eldridge and Danielle W. Gregoire for legislation to designate a certain courtroom in the district courthouse in the city of Marlborough in honor of Jonathan Brant; and the same was referred, under Rule 24, to the committee on Rules.

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. Brownsberger of Belmont, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Representative Alicea of Charlton and Senator Brewer, a joint petition (subject to Joint Rule 12) of Geraldo Alicea and Stephen M. Brewer for legislation to establish a sick leave bank for Sheila Santelli, an employee of the Department of Housing and Community Development.

Sheila Santelli,—sick leave.

By Mr. Calter of Kingston, petition (subject to Joint Rule 12) of Thomas J. Calter for legislation to establish a sick leave bank for Brian C. Linehan, an employee of the Department of Revenue.

Brian C. Linehan,—sick leave.

By Ms. Hogan of Stow, petition (subject to Joint Rule 12) of Kate Hogan for legislation to establish a sick leave bank for Tanya Robideau, an employee of the Department of Correction.

Tanya Robideau,—sick leave.

Severally, under Rule 24, to the committee on Rules.

#### Papers from the Senate.

The House Bill authorizing the town of Dennis to borrow in anticipation of reimbursements from betterments assessed (House, No. 4244), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 2, by inserting after the word "borrow" the following "for a term of up to 15 years".

Dennis,—betterment reimbursements.

Under suspension of Rule 35, on motion of Mr. Turner of Dennis, 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.

The House Bill authorizing the town of Seekonk to convert certain seasonal licenses for the sale of all alcoholic beverages or for the sale of wines and malt beverages to be drunk on the premises to annual licenses for such sales (House, No. 4518) (its title having been changed by the Senate committee on Bills in Third Reading), came from the Senate passed to be engrossed, in concurrence, with the following amendments:

Seekonk,—alcoholic beverages.

In section 3, in line 49, adding the following sentence "Upon conversion of the license under this section, Tito's Cantina, Inc. shall surrender any licenses for the sale of wines and malt beverages or alcoholic beverages it holds for these premises."; striking out section 4; in section 5, in line 89, adding the following sentence "Upon conversion of the license under this section, Chardonnay's, Inc. shall surrender any licenses for the sale of wines and malt beverages or alcoholic beverages it holds for these premises."; in section 6, in line 102, adding the following sentence "Upon conversion of the license under this section, Toti's Pizza Palace, Inc. shall surrender any licenses for the sale of wines and malt beverages or alcoholic beverages it holds for these premises."; and in section 7, in line 29, adding the following sentence "Upon conversion of the license under this section, Eric Medeiros and Steven Medeiros d/b/a Brothers Seafood Restaurant shall surrender any licenses for the sale of wines and malt beverages or alcoholic beverages they hold for these premises.".

Under suspension of Rule 35, on motion of Mr. D'Amico of Seekonk, 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.

## Bills

Florida,—  
treasure-  
collector.

Relative to the position of appointed-treasurer-collector in the town of Florida (Senate, No. 2551) (on a petition) [Local Approval Received]; and

Charlemont  
and Hawley.

Changing the boundary lines between Charlemont and Hawley (Senate, No. 2628) (on a petition) [Local Approval Received];

Severally, passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

MaryAnn  
Audette,—  
sick leave  
bank.

A petition of Stanley C. Rosenberg and Christopher J. Donelan for legislation establishing a sick leave bank for MaryAnn Audette, an employee of the Department of Revenue, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Revenue.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2644) was referred, in concurrence, to the committee on Public Service.

*Report of a Committee.*

Billerica,—  
water  
conservation  
fund.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a recommended petition, a Bill establishing a special account for the town of Billerica water conservation fund (House, No. 1918) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Engrossed Bill.*

Bill  
enacted.

The engrossed Bill relative to quarterly tax billing in the town of Belmont (see House No. 4901) (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.

*Motions to Discharge Certain Matters  
in the Orders of the Day.*

Hubbardston,—  
ballot  
question.

The Senate Bill authorizing the town of Hubbardston to send certain information to the voters relative to ballot questions (Senate, No. 2090, amended) was discharged from its position in the Orders of the Day, and considered forthwith, under suspension of Rule 47, on motion of Mr. Smizik of Brookline.

The bill, 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.

The following House bills were discharged from their position in the Orders of the Day and considered forthwith, under suspension of the Rule 47, in each instance, on motion of Mr. Smizik of Brookline:

Title V.  
Rehoboth,—  
alcoholic  
beverages.

Relative to Title V approval (House, No. 751); and  
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);

The bills, severally having been reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

*Orders of the Day.*

The engrossed Bill prohibiting fraud and misapplication of Department of Transitional Assistance funds (see House, No. 4830), which had been contained in Section 11 of the General Appropriation Bill (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment specified by him (for message, see House, No. 4840), was considered.

Transitional  
assistance,—  
fraud.

The committee on Bills in the Third Reading offered a special report.

Prior to the reading of the special report of the committee on Bills in the Third Reading, Mrs. Poirier of North Attleborough asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato) determined that a quorum was not in attendance, and, since a quorum was not present, under House Rule 82, the Chair, at twenty-three minutes after eleven o'clock, declared an adjournment of the House, until the following Monday at eleven o'clock A.M., in an Informal Session.

Quorum.