

## JOURNAL OF THE HOUSE.

Thursday, November 4, 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).

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.

### *Communication.*

A communication from the Comptroller of the Commonwealth (under Section 12(a) of Chapter 7A of the General Laws) relative to the late submission of the Statutory Basis Financial Report for the fiscal year ended June 30, 2010, was placed on file. Comptroller,—  
financial  
report.

### *Annual Reports.*

#### Annual reports

Of the Division of Banks (under Section 13 of Chapter 167 of the General Laws) relative to describing and analyzing trends affecting the Commonwealth's banks and credit unions, for the fiscal year 2009; Banking  
trends.

Of the Division of Banks (under Section 6A of Chapter 171 of the General Laws) relative to describing and analyzing trends affecting the Commonwealth's banks and credit unions, for the fiscal year 2010; and Id.

Of the Rose Fitzgerald Kennedy Greenway Conservancy (under Chapter 306 of the Acts of 2008) describing its performance against the goals for the prior year, and detailing all revenues and expenditures of funds for the prior year, regardless of source, for the fiscal year 2010; Rose Kennedy  
Greenway  
Conservancy.

Severally were placed on file.

### *Quarterly Report.*

The third quarterly report of the Department of Transportation (under Section 149 of Chapter 25 of the Acts of 2009) relative to the progression of the incorporation of agencies and authorities into said department, was placed on file. Department of  
Transporta-  
tion,—  
quarterly  
report.

### *Resolutions.*

Resolutions (filed with the Clerk by Messrs. Finegold of Andover and Miceli of Wilmington) congratulating Representative William G. Greene, Jr., on his induction into the Shawsheen Valley Technical High School Hall of Fame, were referred, under Rule 85, to the committee on Rules. William G.  
Greene Jr.,—  
hall of fame.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Fallon of Malden, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Petitions.*

Gardner,—  
health insurance.

Mr. Rice of Gardner presented a petition (accompanied by bill, House, No. 5064) of Robert L. Rice, Jr. (with the approval of the mayor and city council) for legislation to authorize the city of Gardner to join the Group Insurance Commission; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

Betty Garcia,—  
sick leave.

Mr. Rushing of Boston presented a petition (subject to Joint Rule 12) of Byron Rushing and Sonia Chang-Diaz for legislation to establish a sick leave bank for Betty Garcia, an employee of the Department of Transitional Assistance; and the same was referred, under Rule 24, to the committee on Rules.

*Papers from the Senate.*

Lila Kate Smith,—  
sick leave.

A Bill establishing a special fund in the town of Brimfield (Senate, No. 2625) (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.

PERAC,—  
governing rules.

A communication from the Public Employee Retirement Commission (under the provisions of Section 50 of Chapter 7 of the General Laws) submitting recommended amendments to the rules and regulations governing retirement of public employees in the Commonwealth (Senate, No. 2646) was referred, in concurrence, to the committee on Public Service.

Rutland,—  
town meetings.

A petition (accompanied by bill, Senate, No. 2647) of Stephen M. Brewer and Lewis G. Evangelidis (by vote of the town) for legislation to validate certain proceedings taken at the annual town meeting in the town of Rutland, was referred, in concurrence, to the committee on Election Laws.

*Reports of Committees.*

Elder Abuse,—  
study.

By Ms. Wolf of Cambridge, for the committee on Elder Affairs, on House, No. 542, an Order relative to authorizing the committee on Elder Affairs to make an investigation and study of a certain House document concerning elder abuse (House, No. 5059) [Representative Poirier of North Attleborough, dissenting].

Financial Services,—  
study.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on House, Nos. 90, 866, 872, 878, 879, 885, 890, 898, 900, 904, 906, 908, 918, 921, 922, 931, 933, 934, 937, 939, 940, 942, 949, 950, 951, 965, 968, 972, 977, 985, 986, 989, 1000, 1003, 1009, 1010, 1014, 1018, 1025, 1031, 1032, 1045, 1049, 1056, 1059, 1060, 2825, 3448, 3563, 3564, 3888, 3892, 3893, 3895 and 3896, an Order relative to authorizing the committee on Financial Services to make an investigation and study of certain House documents concerning homeowner insurance, checking account overdraft fees, tobacco cessation health insurance coverage and other health insurance issues (House, No. 5060).

By the same member, for the same committee, on House, Nos. 860, 865, 913, 914, 927, 930, 968, 1012, 1020, 1044, 1052 and 1055, an Order relative to authorizing the committee on Financial Services to make an investigation and study of certain House documents concerning long-term care, underwriting guidelines, children's health insurance and other health insurance related issues (House, No. 5062).

Financial Services,—  
study.

Severally 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, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

*Engrossed Bill.*

The engrossed Bill establishing a sick leave bank for Elise Lachance, an employee of the Department of Correction (see House, No. 4710) (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 establishing a postemployment benefits trust fund in the town of Wayland (see House No. 5005) (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.

Id.

*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, Mr. deMacedo of Plymouth 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 seven 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.