

Tuesday, November 10, 2009.

Met at six minutes after eleven o'clock A.M., with Mr. Petrolati of Ludlow 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, Our Creator, in Whom we place our trust and hope, this moment of reflection and prayer is a reminder of Your presence in our daily lives and in the world around us. You are present everywhere. In carrying out our daily duties, we look to You for the gifts of knowledge which enable us to comprehend issues clearly and of wisdom to make the right and honorable decisions and choices. Tomorrow we observe Veterans Day, a national holiday on which we remember and honor all the women and men who served the nation, in both war time and peacetime, in our armed forces. Veterans Day is an occasion to recall the heroic sacrifices of all veterans in defending and preserving our freedoms and security as citizens of this nation. May we keep all veterans, both the living and the dead, in our thoughts and in our prayers for them and their families.

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

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

*Statement Concerning Representative Donato of Medford.*

A statement of Mrs. Haddad of Somerset concerning Mr. Donato of Medford was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Mr. Donato of Medford, is unable to be present in the House Chamber for today's sitting due to business pertaining to regional government, outside the Commonwealth. His missing of roll calls today will be due entirely to the reason stated.

*Statement Concerning Representative Kujawski of Webster.*

A statement of Mr. Mariano of Quincy concerning Mr. Kujawski of Webster was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Mr. Kujawski of Webster, is unable to be present in the House Chamber for today's sitting due to official business outside the State House. His missing of roll calls today will be due entirely to the reason stated.

*Resolutions.*

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

Warren E. Sweetser.

Resolutions (filed by Mr. Arciero of Westford) honoring Warren E. Sweetser on the occasion of his retirement from the town of Westford Water Department; and

Frederick "Fred" C. Lewis.

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Frederick "Fred" C. Lewis 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. Koczera of New Bedford, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Petition.*

Mansfield,—  
Edward Pazzit  
bridge.

Representative Barrows of Mansfield and Senator Timilty presented a joint petition (subject to Joint Rule 12) of F. Jay Barrows, Elizabeth Poirier and Louis L. Kafka relative to designating a certain bridge in the town of Mansfield in honor of Edward Joseph Pazzit, 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. Hill of Ipswich, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

Janet Ochner,—  
sick leave.

Mr. Kocot of Northampton presented a petition (subject Joint Rule 12) of Peter V. Kocot and Stanley C. Rosenberg for legislation to establish a sick leave bank for Janet Ochner, an employee of the Department of Developmental Services; and the same was referred, under Rule 24 to the committee on Rules.

*Papers from the Senate.*

Brookline,—  
retirees.

The House Bill relative to the retiree healthcare liability trust fund of the town of Brookline (House, No. 3714) 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 2148.

Under suspension of Rule 35, on motion of Mr. Smizik of Brookline, 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.

Clean energy.

The House Bill relative to clean energy (House, No. 4253) 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 2180, as amended in section 10, in lines 176, 177 and 178, by striking out the sentence in those lines; in lines 187 and 188, by striking out the following: "(h) Clause (9) of section 3 shall not apply to disbursements from the trust fund. (i)"; in line 232, by striking out the figures: "200" and inserting in place thereof the figures: "300"; and in section 15, in line 265, by striking out the figure: "8" and inserting in place thereof the figure: "6".

Under suspension of Rule 35, on motion of Mr. Dempsey of Haverhill, 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.

A report of the committee on Tourism, Arts and Cultural Development, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1866) of Benjamin B. Downing and Jennifer L. Flanagan for legislation to establish pilot artist enterprise zones, and recommending that the same be referred to the committee on Revenue,—accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Artist enterprise zones.

A petition (accompanied by bill, Senate, No. 2196) of Richard T. Moore, Geraldo Alicea and others (by vote of the town) for legislation to authorize the town of Oxford to grant an additional license for the sale of wine and malt alcoholic beverages, was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.

Oxford,—  
liquor license.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2199) of Anthony D. Galluccio, Eugene L. O'Flaherty and Kathi-Anne Reinstein for legislation relative to local contributions from the stabilization fund to the city of Chelsea. To the committee on Education.

Chelsea,—  
stabilization fund.

Petition (accompanied by bill, Senate, No. 2198) of Mark C. Montigny and John F. Quinn for legislation to authorize the Commonwealth of Massachusetts to convey a certain parcel of land in Dartmouth. To the committee on State Administration and Regulatory Oversight.

Dartmouth,—  
land.

*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 following petitions:

Petition (accompanied by bill) of F. Jay Barrows relative to establishing a sick leave bank for Bill St. Claire, an employee of the Department of Correction; and

Bill St. Claire,—  
sick leave.

Petition (accompanied by bill) of James M. Murphy that the Department of Correction be authorized to establish a sick leave bank for David Pizzi, an employee of said department;

David Pizzi,—  
sick leave.

Severally to the committee on Public Service.

Under suspension of the rules, on motion of Mr. Hill of Ipswich, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance.  
Severally sent to the Senate for concurrence.

Child support.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Resolve providing for an investigation and study by a special commission relative to child support (House, No. 127, changed in line 10 by inserting after the word "families," the words "and persons with disabilities").

Drug rehabilitation.

By the same member, for the same committee, on a petition, a Bill to study the need for drug rehabilitation for the Department of Children and Families' clients (House, No. 3419).

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Handicapped accessibility.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill relative to improving handicapped accessibility (House, No. 125).

Family networks.

By the same member, for the same committee, on a petition, a Bill relative to family networks (House, No. 162).

Caseloads.

By the same member, for the same committee, on a petition, a Bill to establish caseloads at the Department of Children and Families (House, No. 163).

Disabled persons.

By the same member, for the same committee, on a petition, a Bill clarifying the investigative powers of the Disabled Persons Protection Commission (House, No. 165).

Id.

By the same member, for the same committee, on a petition, a Bill providing for enhanced protection of children an investigation of abuse and neglect allegations (House, No. 166).

Rose Kennedy Greenway.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill authorizing the Massachusetts Turnpike Authority to lease certain property to the Boston Harbor Alliance (House, No. 4312, changed in line 29, in lines 37 and 38, and also in line 38, by striking out the words "Boston harbor island alliance" and inserting in place thereof, in each instance, the words "National Park Service".)

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Organ transplants.

By Ms. Stanley of Newburyport, for the committee on Health Care Financing, on Senate, No. 589, a Bill relative to insurance benefits of organ transplant recipients (House, No. 4328). 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 Richard Donati, an employee of the Department of Correction (see Senate, No. 2157, amended) (which originated in the Senate), in respect to which the Senate had concurred in the adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

#### *Engrossed bills*

Relative to the interest rate to be charged upon apportioned betterment assessments for water and sewer projects in the town of Mattapoisett (see House No. 1910); Bills enacted.

Relative to the retiree health care liability trust fund of the town of Brookline (see House, No. 3714, amended); and

Designating a portion of Route 140 as the Korean War Veterans' Memorial Roadway (see House, No. 4215);

(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.

#### *Recess.*

At twenty-five minutes after eleven o'clock A.M., on motion of Mr. Rodrigues of Westport (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of one o'clock P.M.; and at fourteen minutes after one o'clock the House was called to order with Mr. Mariano of Quincy in the Chair. Recess.

#### *Motions to Discharge Certain Matters from the Orders of the Day.*

Prior to the noon recess,— The House Bill extending simulcasting (House, No. 4315) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Dempsey of Haverhill. Simulcasting.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4323),— was adopted; and the substituted bill was ordered to a third reading.

Subsequently, the noon recess having terminated, under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the substituted bill to be engrossed, Ms. Reinstein of Revere moved to amend it in section 14, in line 8, after the words "live racing", by inserting the following: "; provided, however, that notwithstanding the provisions of Section 2 of Chapter 128A of the General Laws, each said licensee may apply for, and the state racing commission or its successor may grant, a license to simulcast pursuant to this act on or before July 31, 2010"; and the amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, Mr. Jones of North Reading and other members moved to amend it in line 88, after the word "appropriation", by inserting the following: "; provided, however, that the monies in the fund shall be used for the purposes of assisting efforts to secure alternative employment and retraining opportunities for displaced workers impacted by the passage of chapter 388 of the acts of 2008, including, but not limited to, coordinating the delivery of available state and federal resources and services"; and the amendment was adopted.

Quorum.— Pending the question on passing the bill, as amended, to be engrossed, Mrs. Poirier of North Attleborough asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Mariano of Quincy), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,—  
yea and nay  
No. 248.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (the Speaker being in the Chair) 144 members were recorded as being in attendance.

**[See Yea and Nay No. 248 in Supplement.]**

Therefore a quorum was present.

After remarks on the question on passing the bill, as amended, to be engrossed (Mr. Mariano of Quincy being in the Chair), Ms. Wolf of Cambridge moved to amend it by inserting after section 21 the following section:

“SECTION 21½. Provided further that funds from the Racing Stabilization Fund established pursuant to Section 20 shall be expended for the purpose of providing job counseling and retraining for displaced employees of the greyhound meeting licensee located in Bristol county and of the greyhound meeting licensee located in Suffolk county.”

The amendment was rejected.

The bill, as amended, then was passed to be engrossed. Mr. Dempsey of Haverhill moved that this vote be reconsidered, and, there being no objection, the motion to reconsider was considered forthwith; and it was negatived.

The bill (House, No. 4323, amended) then was sent to the Senate for concurrence.

Public  
utility  
companies.

A report of the committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment of the House Bill relative to public utility companies (House, No. 4126), recommending passage of a Bill with the same title (House, No. 4329) was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Finegold of Andover.

Conference  
committee  
report  
accepted,—  
yea and nay  
No. 249.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of Mr. DiNatale of Fitchburg; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 249 in Supplement.]**

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

*Orders of the Day.*

House bills

Validating the acts and proceedings of the 2009 spring annual town meeting and the 2009 spring special town meeting of the town of Westminster (printed in House, No. 4179); and

Authorizing a special meeting of the town council of the city known as the town of Randolph for the purpose of selecting a town manager (printed in House, No. 4299);

Third  
reading  
bills.

Severally 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.

Senate bills

Authorizing the town of Templeton to grant an additional license for all alcoholic beverages not to be drunk on the premises (Senate, No. 2063);

Second  
reading  
bills.

Designating a certain bridge in the town of Raynham as the SFC Jared C. Monti Bridge (Senate, No. 2177); and

Designating a certain bridge in the city of Taunton as the SSG Adelino Paulo bridge (Senate, No. 2178); and

House bills

To amend chapter 395 of the acts of 1970, as amended (House, No. 1121);

Authorizing the town of Southbridge to establish certain special funds (House, No. 1131);

Regulating notaries public to protect consumers from fraud and other abuses (House, No. 1592);

Establishing an appointed board of health for the town of Nantucket (House, No. 1895);

Designating a certain rest area in the town of Barnstable as the Korean War Veterans Memorial rest area (House, No. 3159);

Designating a certain bike path in the town of Millbury as the Honorable Richard Dwinell Memorial Blackstone Valley bike path (House, No. 3218);

Designating a certain bridge in the town of Billerica the John F. Leary bridge (House, No. 3232);

Clarifying the continuing education requirements for real estate brokers and sales persons (House, No. 4169);

Amending the town of Yarmouth charter (House, No. 4175);

Relative to the membership of the conservation commission of the town of Stockbridge (House, No. 4191);

To designate a certain traffic circle in the city of Lowell (House, No. 4204);

Pertaining to the issuance of bonds or notes by the city of Worcester (House, No. 4265); and

Authorizing the town of Hingham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4268);

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

The House Bill authorizing the Division of Capital Asset Management to convey, lease and grant easements with respect to certain land in the town of Uxbridge (House, No. 4300), reported by said committee to be correctly drawn, was read a third time.

Uxbridge,—  
easements.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it in section 3 by adding the following sentence: “Upon completion of any such construction by KGI Properties, LLC, the Massachusetts department of transportation shall

Uxbridge,—  
easements.

bear all maintenance and repair costs for any structures and related land area used by said department.”; and in section 5 by striking out the last sentence and inserting in place thereof the following sentence: “Upon conveyance of the respective fee parcels, the grantees shall be solely responsible for all costs, liabilities and expenses of any nature and kind for the development, maintenance, use and operation of the parcel.”; and the amendment was adopted.

The bill House, No. 4300, amended) then was passed to be engrossed. Sent to the Senate for concurrence.

*Paper from the Senate.*

Veterans’  
benefits.

The House Bill providing benefits to veterans and servicemembers (House, No. 4310, amended) 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 2194.

Under suspension of the rules, on motion of Mr. Naughton of Clinton, the amendment was considered forthwith.

Pending the question on concurring with the Senate in its amendment, the same member moved that the House concur with the Senate in its amendment with a further amendment by striking out the text contained therein and inserting in place thereof the text contained in House document numbered 4333; and by striking out the title and inserting in place thereof the following title: “An Act providing benefits to veterans and service members.”

Further  
amendments  
adopted,—  
yea and nay  
No. 250.

After debate on the question on adoption of the further amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Naughton; and on the roll call 152 members voted in the affirmative and 1 in the negative.

**[See Yea and Nay No. 250 in Supplement.]**

Therefore the further amendments were adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendments.

*Engrossed Bill.*

Public  
utility  
companies.

The engrossed Bill relative to public utility companies (see House, No. 4329) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. Finegold of Andover moved that Rule 40 be suspended; and the motion prevailed.

The same member then moved to amend the bill by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide for reliable utility service in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted. Sent to the Senate for concurrence.

*Emergency Measures.*

Mr. Pedone of Worcester being in the Chair,— The engrossed Bill providing benefits to veterans and service members (see House, No. 4310, 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.

Veterans’  
benefits.

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 2 to 0. Sent to the Senate for concurrence.

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.

Bill  
enacted.

The engrossed Bill relative to public utility companies (see House, No. 4329, 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.

Public  
utility  
companies.

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 2 to 0. Sent to the Senate for concurrence.

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.

Bill  
enacted.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

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

Next  
sitting.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-three minutes after five o’clock P.M., on motion of Mr. Hill of Ipswich (Mr. Pedone of Worcester being in the Chair), the House adjourned, to meet the following Thursday at eleven o’clock A.M., in an Informal Session.