

## JOURNAL OF THE HOUSE.

Thursday, November 18, 2010.

The House was called to order 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), there being no objection, later than the time to which it had adjourned, at six minutes after one o'clock P.M.

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 Secretary of the Commonwealth, transmitting notice of the adoption of Restated Articles of Organization of the Savings Bank Life Insurance Company of Massachusetts (under the provisions of Section 4 of Chapter 176 of the Acts of 2010), was placed on file. SBLL,—  
articles of  
organization.

### *Resolutions.*

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

Resolutions (filed by Representatives L'Italien of Andover, Finegold of Andover, Torrisi of North Andover, Devers of Lawrence, Garry of Dracut and Miceli of Wilmington) congratulating Senator Susan C. Tucker on over two decades of combined service representing the people of Andover, Dracut, Lawrence and Tewksbury in the Massachusetts State Legislature; and Honorable  
Susan C.  
Tucker.

Resolutions (filed by Mr. Stanley of Waltham) congratulating Andrew Driscoll on the occasion of his seventieth birthday; Andrew  
Driscoll.

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

### *Petitions.*

Petitions severally were presented and referred as follows:

By Representative Fernandes of Milford and Senator Moore, a joint petition (accompanied by bill House, No. 5071) of John V. Fernandes and Richard T. Moore (by vote of the town) that the town of Milford be authorized to issue an additional license for the sale of alcoholic beverages to be drunk on the premises to Fun Zone, LLC, of said town; Milford,—  
alcoholic  
beverages.

By Representative Frost of Auburn and Senator Moore, a joint petition (accompanied by bill House, No. 5076) of Paul K. Frost and Michael O. Moore (by vote of the town) for legislation to authorize the town of Millbury to issue two additional licenses for the sale of alcoholic beverages to be drunk on the premises; and Millbury,—  
alcoholic

Revere,—  
motor  
vehicle  
licenses.

By Ms. Reinstein of Revere, a petition (accompanied by bill House, No. 5074) of Kathi-Anne Reinstein and Sal DiDomenico (with the approval of the mayor and city council) for legislation to regulate the issuance of second hand motor vehicle licenses in the city of Revere;

Severally to the committee on Consumer Protection and Professional Licensure.

Milford,—  
geriatric  
authority.

Representative Fernandes of Milford and Senator Richard T. Moore, a joint petition (accompanied by bill House, No. 5072) of John V. Fernandes and Richard T. Moore (by vote of the town) relative to the operation of the geriatric authority of the town of Milford. To the committee on Municipalities and Regional Government.

Malden,—  
early  
retirement.

By Representative Donato of Medford and Senator Tisei, a joint petition (accompanied by bill House, No. 5073) of Paul J. Donato of Medford and Richard R. Tisei (with the approval of the mayor and city council) that the city of Malden be authorized to provide for a work force reduction plan through the implementation of an early retirement incentive program for certain employees. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Maurice  
Jandreau,—  
sick leave  
bank.

Mr. Koczera of New Bedford presented a joint petition (subject to Joint Rule 12) of Robert M. Koczera and Mark C. Montigny for legislation to establish a sick leave bank for Maurice Jandreau, an employee of the Trial Court; 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. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Cambridge,—  
North Point.

Mr. Toomey of Cambridge presented a petition (subject to Joint Rule 12) of Timothy J. Toomey, Jr. relative to the environmental review process for the development of a certain parcel of land located in the North Point area of the city of Cambridge; 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. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

North Adams,—  
land.

By Mr. Bosley of North Adams, a petition (subject to Joint Rule 12) of Daniel E. Bosley relative to the conveyance of a certain parcel of land by the Division of Capital Asset Management and Maintenance to the city of North Adams.

By Mr. Walsh of Boston, a petition (subject to Joint Rule 12) of Martin J. Walsh for legislation to establish a sick leave bank for Doreen Edwards, an employee of the Boston Municipal Court.

Doreen  
Edwards,—  
sick leave  
bank.  
Robert  
Manning,—  
sick leave  
bank.

By Mr. Walsh of Boston, a petition (subject to Joint Rule 12) of Martin J. Walsh for legislation to establish a sick leave bank for Robert Manning, an employee of the Dorchester Division of the Boston Municipal Court.

Severally, under Rule 24 to the committee on Rules.

*Papers from the Senate.*

The House Bill relative to the other post employment benefits trust fund of the town of Belmont (House, No. 4223) 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 2638.

Belmont,—  
trust fund.

Under suspension of Rule 35, on motion of Mr. Brownsberger of Belmont, 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 Belmont to recall elected officials (House, No. 4414) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 3, in lines 17 to 22, inclusive (as changed by the committees on Bills in the Third Reading), striking out the sentence contained therein and inserting in place thereof the following sentence: "If within 30 days after the delivery by the town clerk of the petition forms, the petition, signed by not less than 20 per cent of the registered voters of the town, including at least 5 per cent of the registered voters from each precinct, is filed with the town clerk, the town shall certify the number of signatures which are names of voters in the town and precincts, as appropriate, and if the clerk determines that it contains a sufficient number of valid signatures, the clerk shall, within 5 business days, submit the petition to the board of selectmen."

Belmont,—  
recalls.

Under suspension of Rule 35, on motion of Mr. Brownsberger of Belmont, 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.

A Bill authorizing the city of Melrose to appropriate funds from the Mount Hood Memorial Park and Golf Enterprise Fund to pay certain debt service (Senate, No. 2637) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Melrose,—  
debt  
service.

A petition (accompanied by bill, Senate, No. 2651) of Stephen M. Brewer and Anne M. Gobi (by vote of the town) for legislation relative to the tax collector in the town of Brookfield, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Brookfield,—  
tax  
collector.

*Reports of Committees.*

Betty Garcia,—  
sick leave  
bank.

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 joint petition 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. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Retirement  
commission.

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 at petition of Robert F. Fennell relative to establishing a public employee retirement commission within the Executive Office for Administration and Finance. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Consumer  
Protection and  
Professional  
Licensure,—  
study.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 223, 229, 279, 313, 321, 3546 and 3868, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning telemarketing, door-to-door sales, consumer rebates and other consumer issues (House, No. 5077). 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 asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

Bonds,—  
issuance.

By Mr. Cabral of New Bedford, for the committee on Bonding, Capital Expenditures and State Assets, on a message from His Excellency the Governor, a Bill providing the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 5065). Read; and referred, under Rule 33, to the committee on Ways and Means.

Motor  
vehicles,—  
glass  
repairs.

By Mr. Murphy of Burlington, for the committee on Ways and Means, on House bills Nos. 883 and 4538, a Bill relative to motor vehicle glass repair shop registration (House, No. 5080).

Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Murphy of Burlington, for the committee on Ways and Means that the Bill relative to the purchase of flags in the Commonwealth (House, No. 1157) ought to pass with an amendment by substituting therefore a bill with the same title (House, No. 5081). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Flags,—  
purchases.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, then reported that the matter be scheduled for consideration by the House.

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 substituted bill (House, No. 5081) was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing a sick leave bank for Frank J. Servello, an employee of the Executive Office of Public Safety and Security (Senate, No. 2650) be scheduled for consideration by the House.

Frank J.  
Servello,—  
sick leave  
bank.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

*Engrossed Bill.*

The engrossed Bill relative to the Mattapoissett River Valley Water Supply Protection Advisory Committee (see House, No. 4858) (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.

Bill  
enacted.

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

The Senate Bill establishing a sick leave bank for Francis Bedard, an employee of the Department of Correction (Senate, No. 2648) was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Kaufman of Lexington.

Francis  
Bedard,—  
sick leave  
bank.

The bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time; and it was passed to be engrossed, in concurrence.

The House Bill relative to the granting of licenses for the sale of all alcoholic beverages in certain restaurants in the town of Belmont (House, No. 5024) was discharged from its position in the Orders of the Day, and considered forthwith, under suspension of Rule 47, on motion of Mr. Brownsberger of Belmont.

Belmont,—  
alcoholic  
beverages.

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, its title having been changed by said committee to read: "An Act authorizing the town of Belmont to grant licenses for the sale of all alcoholic beverages in certain restaurants.". Sent to the Senate for concurrence.

Harwich,—  
alcoholic  
beverages.

The House Bill authorizing the town of Harwich to issue additional liquor licenses (House, No. 5026) was discharged from its position in the Orders of the Day, under suspension of Rule 47, on motion of Ms. Clark of Melrose. The bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pedone Worcester moved to amend it by adding the following section:

“SECTION 2. This act shall take effect upon its passage.”. The amendment was adopted; and the bill (House, No. 5026, amended) was passed to be engrossed, its title having been changed by said committee to read: “An Act authorizing the town of Harwich to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises.”. Sent to the Senate for concurrence.

Marlborough,—  
Jonathan  
Brant  
Courtroom.

The House Bill designating a certain courtroom in the Marlborough District Courthouse as the Jonathan Brant Courtroom (House, No. 5061) was discharged from its position in the Orders of the Day, and considered forthwith, under suspension of Rule 47, on motion of Mr. Brownberger of Belmont.

The bill, reported by the committee on Bills in the Third Reading to be correctly drawn, then was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: “An Act designating a courtroom in the Marlborough District Courthouse as the Jonathan Brant Courtroom.”. Sent to the Senate for concurrence.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

Next  
sitting.

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

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At twenty four minutes before one o'clock P.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.