

# JOURNAL OF THE HOUSE.

Thursday, December 2, 2010.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Kafka of Stoughton 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. Kafka), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### Appointment of the Minority Leader.

**Sheriffs' offices reorganization commission.**  
The Minority Leader announced that he had appointed Representative-elect Vieira of Falmouth to replace Representative Perry of Sandwich as his designee to the special commission established (under Section 22 of Chapter 61 of the Acts of 2009) to study the reorganization or consolidation of sheriffs' offices.

### Communication.

**Division of Marine Fisheries,—saltwater permits.**  
A communication from the Division of Marine Fisheries submitting proposed fees associated with said division's new recreational saltwater permit program regulations in CMR 7.00 and the estimated revenues to be raised from the fees (copies of said communication forwarded to the committee on Ways and Means and the committee on Environment, Natural Resources and Agriculture), was placed on file.

### Resolutions.

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

**Patrick T. Walsh.**  
Resolutions (filed by Mr. deMacedo of Plymouth) congratulating Patrick T. Walsh on receiving the Eagle Award of the Boy Scouts of America;

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

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

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

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

**Nancy K. Kaufman.**  
Resolutions (filed by Mr. Kaufman of Lexington and other members of the House) commemorating the contributions of Nancy K. Kaufman;

**Bonnie Isman.**  
Resolutions (filed by Ms. Story of Amherst) honoring Bonnie Isman, Director of the Jones Library in the town of Amherst; and

Resolutions (filed by Mr. Torriss of North Andover) congratulating the University of Massachusetts Building Authority on the occasion of its fiftieth anniversary; **UMass Building Authority.**

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 Ms. Ehrlich of Marblehead (Mrs. Haddad of Somerset being in the chair), 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 Mrs. Campbell of Methuen, a petition (accompanied by bill House, No. 5090) of Linda Dean Campbell (with the approval of the mayor and city council) relative to the sale of bonds and notes by the city of Methuen for the purpose of funding the deficit of the health insurance trust fund of said city. **Methuen,—health insurance.**

By Mr. Scibak of South Hadley, a petition (accompanied by bill House, No. 5096) of John W. Scibak (by vote of the town) relative to revising the membership of the town meeting in the town of South Hadley. **South Hadley,—town meeting.**

Severally to the committee on Municipalities and Regional Government. By Mr. Dwyer of Woburn, a petition (accompanied by bill House, No. 5097) of James J. Dwyer, Jay R. Kaufman and others (with the approval of the mayor and city council) relative to the acceptance of certain streets as public ways in the city of Woburn. To the committee on Transportation. **Woburn,—street acceptance.**

Severally, sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mrs. Campbell of Methuen, a petition (subject to Joint Rule 12) of Linda Dean Campbell for legislation to establish a sick leave bank for Patrick J. Hager, an employee of the Department of Revenue. **Patrick J. Hager,—sick leave.**

By Representative Callahan of Sutton and Senator Richard T. Moore, a joint petition (subject to Joint Rule 7B) of Jennifer M. Callahan and Richard T. Moore (requiring the approval of the town) for legislation to validate the annual election in the town of Millville. **Millville,—town election.**

Severally, under Rule 24 to the committee on Rules.

### Papers from the Senate.

The House Bill authorizing the town of Sudbury to enter into long-term energy-related leases and contracts (House, No. 4718) 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 following: **Sudbury,—purchasing.**

“SECTION 1. Notwithstanding section 3 of chapter 40 of the General Laws to the contrary, the town of Sudbury, by its town manager with the approval of the board of selectmen, may lease town lands or buildings for the establishment and operation of facilities to develop renewable or alternative energy for a period not to exceed 50 years.

Sudbury,—  
purchasing.

SECTION 2. The town of Sudbury may enter into contracts for the purchase of renewable or alternative energy, equipment and facilities or the lease thereof for terms not to exceed 50 years, notwithstanding any limitation on the term of any such agreement in chapter 25A of the General Laws or any other general or special law to the contrary.

SECTION 3. Nothing in this act shall be construed to allow the town of Sudbury to sell, lease, transfer any interest in, or change the use of, any land that is subject to Art. XCVII of the Amendments to the Constitution of Massachusetts.

SECTION 4. This act shall take effect upon its passage.”; and by striking out the title and inserting in place thereof the following title: “An Act authorizing the town of Sudbury to enter into long-term leases and contracts for renewable or alternative energy, equipment and facilities.”

Under suspension of Rule 35, on motion of Mr. Conroy of Wayland, 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.

Belmont,—  
alcoholic  
beverages.

The House Bill authorizing the town of Belmont to grant licenses for the sale of all alcoholic beverages to be drunk on the premises of certain restaurants (House, No. 5024) came from the Senate passed to be engrossed, in concurrence, with an amendment, in lines 3 and 4, striking out the words “presently issued” and inserting in place thereof the following “licenses issued pursuant to chapter 14 of the acts of 2004”.

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.

*Reports of Committee.*

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:

Robert  
Manning,—  
sick leave  
bank.

Petition (accompanied by bill) 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. To the committee on the Judiciary.

Kathryn  
Beaupre,—  
sick leave  
bank.

Petition (accompanied by bill) of Peter V. Kocot and Stanley C. Rosenberg for legislation to establish a sick leave bank for Kathryn Beaupre, an employee of the Department of Public Health. To the committee on Public Service.

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

Identity theft,  
privacy rights,—  
study.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 227, 315, 316, 326, 3427 and 3872, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning privacy rights, identity theft and personal information of consumers (House, No. 5091).

By the same member, for the same committee, on House, Nos. 235, 245, 256, 286, 298, 327, 3426, 3801, 3864, 3867 and 3869, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning consumer protection and unfair trade practices (House, No. 5092).

Consumer  
protection and  
unfair trade  
practices,—  
study.

By the same member, for the same committee, on House, Nos. 168, 241, 249, 297, 4180 and 4232, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning licensure issues, glazier and photovoltaic installers (House, No. 5093).

Licensure,—  
study.

By the same member, for the same committee, on House, Nos. 258, 260, 274, 294, 302, 322 and 3650, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning gaming issues and the State Lottery (House, No. 5094).

Gaming  
and lottery,—  
study.

By the same member, for the same committee, on House, Nos. 80, 81, 82, 83, 226, 237, 246, 248, 251, 264, 265, 269, 271, 273, 283, 292, 307, 308, 320, 3866, 3871 and 3873, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning alcohol, identification for purchase, special licenses and other alcohol sales related issues (House, No. 5095).

Tolls and the  
Turnpike,—  
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.

Report of the committee on State Administration and Regulatory Oversight, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 5035) of Robert A. DeLeo for legislation designating a certain walkway in Winthrop as the John Kilmartin Walkway.

Winthrop,—  
John  
Kilmartin  
Walkway.

Under suspension of the rules, on a motion of Mr. Walsh of Boston, the report was considered forthwith.

Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a joint petition, a Bill authorizing the town of Milford to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5071) [Local Approval Received].

Milford,—  
liquor  
licenses.

By the same member, for the same committee, on a joint petition, a Bill authorizing the town of Millbury to issue two additional liquor licenses (House, No. 5076) [Local Approval Received].

Millbury,—  
liquor  
license.

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

Laraine Nasif,—  
sick leave  
bank.

*Emergency Measure.*

The engrossed Bill establishing a sick leave bank for Laraine Nasif, an employee of the Department of Revenue (see House, No. 4362), 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 14 to 0. Sent to the Senate for concurrence.

*Engrossed Bills.*

Engrossed bills

Clarifying the term “warehouse” or other storage facility (see Senate, No. 1791);

Authorizing the town of Carver to divert funds from the Conservation Fund (see Senate, No. 2095);

Relative to payment of property taxes in the town of Carver (see Senate, No. 2145);

Relative to the estate of homestead (see Senate, No. 2406, amended);

Relative to the position of appointed Treasurer-Collector in the town of Florida (see Senate, No. 2551);

Changing the boundary line between Charlemont and Hawley (see Senate, No. 2628);

Authorizing the city of Melrose to appropriate funds from the Mount Hood Memorial Park and Golf Course Enterprise Fund to pay certain debt service (see Senate, No. 2637);

(Which severally originated in the Senate);

Authorizing the town of Billerica to establish a Billerica Water Conservation Fund (see House, No. 1918); and

Relative to the town of Littleton Electric Light Department (see House, No. 4741, amended);

(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 it were signed by the acting Speaker and sent to the Senate.

*Reconsideration.*

Mr. Pedone of Worcester moved that the vote be reconsidered by which the House, at the previous sitting, concurred with the Senate in its amendment to the House Bill providing equity for school principals (House, No. 371, amended); and the motion to reconsider was considered forthwith and it prevailed.

Pending the recurring question on concurring with the Senate in its amendment, the same member moved to amend it by striking out the text contained in said amendment and inserting in place thereof the following:

“Section 41 of chapter 71 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the first sentence of the second paragraph and inserting in place thereof the follow-

Bills  
enacted.

School  
principals.

ing sentence:— School principals, by whatever title their position may be known, shall not be represented in collective bargaining, but each principal, upon the written request of the principal, shall meet and discuss the terms and conditions of his employment in his school district with the district’s superintendent or his designee, at a time to be determined by the superintendent and may be represented by an attorney or other representative.”

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

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

The House Bill relative to Tisbury Water Supply System (House, No. 5014) was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Greene of Billerica.

Tisbury,—  
water  
system.

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 relative to the town Tisbury Water Supply System.”. Sent to the Senate for concurrence.

The House Bill establishing a sick leave bank for Maurice Jandreau (House, No. 5083) was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Madden of Nantucket.

Maurice  
Jandreau,—  
sick leave  
bank.

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 establishing a sick leave bank for Maurice Jandreau, an employee of the Trial Court.

Mr. Pignatelli of Lenox then asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Haddad) determined that a quorum was not in attendance. Since a quorum was not present, the previous vote (on passing House, No. 5083, to be engrossed) was declared void. Under House Rule 82, the Chair, at twenty-two minutes before twelve o’clock noon, declared an adjournment of the House, until the next day at ten o’clock A.M., in an Informal Session.

Quorum.