

Thursday, December 3, 2009.

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).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, we take a moment of the opening of today's legislative session to direct our thoughts and attention to You, our Creator. We believe that You are in our midst and that Your assistance enables us to select legislative and personal options which are reasonable and right. As we try to deal successfully with current complex and sensitive issues, grant us patience, wisdom, and fair mindedness. In our diverse society and communities may we continue to respect the opinions and constituent rights of all individuals. Strengthen our commitment to our basic principles and religious beliefs. As we enter this season of special religious and civil observances and gift giving, may our hearts and minds be filled with happiness, peace, thanks and goodwill towards all.

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

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:

Resolutions (filed by Mr. Hill of Ipswich) commending Wreaths Across America for their dedicated volunteer service;

Resolutions (filed by Messrs. Kafka of Stoughton and Galvin of Canton) congratulating Steven Banchick, Sensei of the Okinawan Karate Club in the town of Stoughton on obtaining the rank of Kyoshi-Hachi Dan, eighth dan of the shohei ryu style;

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Steven Gould on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Scott Holt on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Ms. Peisch of Wellesley) honoring Andrew Spencer Hill on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Messrs. Stanley of Waltham and Koutoujian of Waltham) congratulating Paula Vizard on the occasion of her retirement; and

Resolutions (filed by Mr. Walsh of Boston) congratulating Danny Ryan 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 Miss Garry of Dracut, resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

A communication from the Division of Professional Licensure on behalf of the Board of Examiners of Sheet Metal Workers (under Chapter 232 of the Acts of 2008 and Section 3B of Chapter 7 of the General Laws) making formal notification of the proposed implementation of new fees for certain sheet metal worker licenses, was placed on file.

Sheet metal workers,—licensing fees.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Binienda of Worcester (by request), a petition (subject to Joint Rule 12) of Merton Knightly for the adoption of resolutions memorializing the President and the Congress of the United States regarding the rights of states under the Tenth Amendment to the Constitution.

U.S. Constitution,—states' rights.

By Mr. Bradley of Hingham (by request), petition (subject to Joint Rule 12) of Michael Dowd for legislation to grant credit under the public employees retirement law for teachers for services performed on the United States Virgin Islands.

Teachers,—creditable service.

By Representative Costello of Newburyport and Senator Baddour, joint petition (subject to Joint Rule 12) of Michael A. Costello and Steven A. Baddour relative to designating a certain road in the town of Salisbury as Army Sergeant Jordan Michael Shay Memorial Drive.

Salisbury,—Sgt. Shay Drive.

By Mr. Donato of Medford, petition (subject to Joint Rule 12) of Paul J. Donato relative to classification of disabled fire fighters as "conditional employees" as a precondition of reinstatement as a fire department employee.

Firefighters,—conditional employees.

By Mr. Fresolo of Worcester, petition (subject to Joint Rule 12) of John P. Fresolo for legislation to require public high schools to provide driver education programs as a precondition for graduation of the students in the Commonwealth

Drivers education,—high school.

By Mr. Fresolo of Worcester, petition (subject to Joint Rule 12) of John P. Fresolo for legislation to authorize interpreters to assist non-English speaking applicants in the oral and road portions for licenses to operate motor vehicles.

Road test,—interpreters.

By Representative Frost of Auburn and Senator Michael O. Moore, joint petition (subject to Joint Rule 12) of Paul K. Frost, Michael O. Moore and others for legislation to include seizure dogs in the guide dog law.

Seizure dogs.

By Miss Gregoire of Marlborough, petition (subject to Joint Rule 12) of Danielle W. Gregoire relative to requiring sex offenders on pretrial probation to wear global positioning devices.

Sex offenders.

By Mr. Jones of North Reading, petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., George N. Peterson, Jr., and others for an appropriation of a certain sum of money for reimbursement to cities and towns for the cost of conducting an election to fill a vacancy in the office of the United States Senate.

Special U.S. Senate election,—costs.

Mattresses,—
sealing. By Mr. Koutoujian of Waltham (by request), petition (subject to Joint Rule 12) of Ann Kent for legislation to require manufacturers, distributors and dealers to seal mattresses from the infestation of insects.

Motor
vehicle
infractions. By Mr. McCarthy of East Bridgewater, petition (subject to Joint Rule 12) of Allen J. McCarthy relative to the fee payable for non-criminal hearings on civil motor vehicle infractions.

Birth records,—
dissemination. By Mr. Miceli of Wilmington, a petition (subject to Joint Rule 12) of James R. Miceli for legislation to further regulate the dissemination of birth records

Civil
service
list. By Mr. O'Flaherty of Chelsea, petition (subject to Joint Rule 12) of Eugene L. O'Flaherty relative to placement of certain persons on the civil service eligibility list for original appointment to the fire service.

Congress,—
vacancies. By Ms. Polito of Shrewsbury, petition (subject to Joint Rule 12) of Karyn E. Polito relative to filling a vacancy in the United State Congress.

Janice and
Linda
Natale,—
creditable
service. By Ms. Reinstein of Revere, petition (subject to Joint Rule 12) of Kathi-Anne Reinstein that the State Retirement Board be authorized to grant credit to Janice and Linda Natale for certain services rendered at Salem State College.

Funeral
processions. By Mr. Sannicandro of Ashland (by request), petition (subject to Joint Rule 12) of Donna Demers for legislation to require that vehicles in certain funeral processions be operated with emergency flashers activated.

Credit union
investments. By Mr. Spellane of Worcester, petition (subject to Joint Rule 12) of Robert P. Spellane relative to the investment powers of the Massachusetts Credit Union Share Insurance Corporation.

Veteran,—
tax
abatement. By Mr. Tobin of Quincy, petition (subject to Joint Rule 12) of A. Stephen Tobin for legislation to further regulate the granting of real estate tax abatements for certain veterans.

Boston,—
roadway
construction. By Mr. Walsh of Boston, petition (subject to Joint Rule 12) of Martin J. Walsh that the Secretary of Transportation be directed to promulgate regulations for certain roadways under construction in the city of Boston.

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

Paper from the Senate.

Charlton,—
liquor
licenses. The engrossed Bill authorizing the town of Charlton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 114, amended), came from the Senate with an amendment in lines 1 to 7, inclusive, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

"Notwithstanding sections 12 to 17 of chapter 138 of the General Laws, the licensing authority of the town of Charlton may grant 4 additional licenses for the sale of all alcoholic beverages to be drunk on the premises to the following entities: Masonic Health System of Massachusetts, Inc., Overlook Masonic Health Center, Inc., Overlook Communities, Inc., and Overlook Catering, Inc. The licenses shall be subject to all of said chapter 138 except said section 17. Once issued, the licensing authority shall not approve the

transfer of any of the license to any other location but a license may be re-issued by the licensing authority at the same location if an applicant for the license files with the licensing authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid."

Under suspension of Rule 35, on motion of Mr. Alicea of Charlton, 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.

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

Petition (accompanied by bill, Senate, No. 2228) of Joan M. Menard for legislation to establish a sick leave bank for Catherine Ann Ouellette, an employee of the Trial Court. Severally to the committee on the Judiciary. **Catherine Ann Ouellette,—**
sick leave.

Petition (accompanied by bill, Senate, No. 2227) of Michael W. Morrissey for legislation to establish a sick leave bank for John Riordan. To the committee on Public Service. **John Riordan,—**
sick leave.

Petition for legislation (accompanied by bill, Senate, No. 2226) of Thomas P. Kennedy for legislation to extend the deadline for mailing quarterly tax bills. To the committee on Revenue. **Quarterly tax bills.**

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 Daniel E. Bosley relative to establishing guidelines governing the proper disposal of unused or expired prescription drugs. To the committee on Public Health. **Prescription drugs,—**
disposal.

Petition (accompanied by bill) of Allen J. McCarthy, Danielle W. Gregoire and Sarah K. Peake for legislation to extend the time within which cities and towns are authorized to mail quarterly tax bills. To the committee on Revenue. **Quarterly tax bills,—**
mailings.

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

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill regarding the selectman-town administrator form of government (House, No. 633) be scheduled for consideration by the House. **Stoneham,—**
administrator.

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

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to elections for the Dennis Water District (House, No. 1140) be scheduled for consideration by the House. **Dennis Water District,—**
elections.

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.

Salem,—
National
Guard
birthplace.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill designating the city of Salem as the birthplace of the National Guard (House, No. 1145, changed) be scheduled for consideration by the House.

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

Sober
housing,—
discrimination.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill further prohibiting discrimination in sober housing (House, No. 2206) be scheduled for consideration by the House.

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

Lincoln,—
license.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Lincoln to place a certain question relative to the sale of wine and malt beverages on the town's election ballot (House, No. 4257) be scheduled for consideration by the House.

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

Winchester,—
liquor
license.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Winchester to issue on additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 4345) be scheduled for consideration by the House.

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

Anne
Smith,—
sick leave.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Anne Smith, an employee of the Department of Revenue (House, No. 4353). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

Bill
enacted.

The engrossed Bill authorizing the town of Plymouth to conduct a referendum on January 19, 2010 (see House bill printed in House, No. 4358) (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 (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill establishing a land acquisition fund in the town of Middleborough (see Senate, No. 2139, amended) (which originated in the Senate), 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.

Orders of the Day.

House Bills

Establishing the office of treasurer-collector for the town of Whitman (House, No. 1920);

Third
reading
bills.

Designating a certain bridge in the town of Billerica as the John F. Leary Bridge (House, No. 3232) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the appointment of the members of the Dalton Redevelopment Authority (House, No. 4242, changed) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the town of Tyngsborough to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4296);

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.

The House Bill authorizing the city of Leominster to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4267), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Leominster,—
liquor
license.

Pending the question on passing the bill to be engrossed, Mr. Rosa of Leominster moved to amend it by adding at the end of section 1 the following two paragraphs:

"The licensing authority shall not approve the transfer of the license to any other location. The license may be reissued by the licensing authority at the same location if an applicant for the license files with the licensing authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically with all of the legal rights, privileges and restrictions pertaining thereto to the licensing authority of the city of Leominster, which may then grant the license to a new applicant at the same location and under the same conditions as specified in this act."

The amendment was adopted; and the bill (House, No. 4267, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill establishing an autism commission (House, No. 155) was read a third time.

Autism,—
special
commission.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Autism,—
special
commission.

Pending the question on passing the bill to be engrossed, Ms. L'Italien of Andover moved that it be amended by substitution of a Resolve providing for an investigation and study by a special commission relative to autism (House, No. 4382), which was read.

The amendment was adopted; and the substitute resolve was passed to be engrossed. Sent to the Senate for concurrence.

Order.

Next
sitting.

On motion of Mr. DeLeo of Winthrop,—

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

At twenty-eight minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (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.