

# JOURNAL OF THE HOUSE.

Monday, December 20, 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).

Pledge of allegiance.

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.

### Guests of the House.

Weston,—soccer team.

During the session, the Chair (Mr. Donato of Medford) introduced the Division 3 State Champion High School Girls Soccer Team from Weston High School, accompanied by their coach, Mr. James Blackwell. They were the guests of Ms. Peisch of Wellesley.

Malden High School Choral Art Society.

Later in the session, the Chair (Mr. Donato) introduced the Malden High School Choral Art Society, a group composed of the combined Concert Choir, Mixed Chorus and Show Choir of Malden High School. The choir groups then entertained the members and staff by singing a beautiful Christmas carol rendition. They were the guests of Representatives Fallon of Malden, Smith of Everett and the Chair (Mr. Donato of Medford).

### Quarterly Report.

Unemployment Trust Fund.

A quarterly report of the Executive Office of Labor and Workforce Development (under Section 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for October, 2010, was placed on file.

### Resolutions.

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

Christopher C. Henes.

Resolutions (filed by Mr. Vallee of Franklin) honoring Army Colonel Christopher C. Henes in celebration of his retirement on January 1, 2011;

Scholarship America.

Resolutions (filed by Messrs. Sullivan of Fall River, Aguiar of Fall River and Rodrigues of Westport) congratulating Scholarship America on the occasion of its fiftieth anniversary; and

Aaron Williams.

Resolutions (filed by Mr. Swan of Springfield) congratulating Aaron Williams on creating a historical basketball monument in the Malden Square community in Springfield;

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. 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.

### Petition.

Mr. Donato of Medford presented a petition (subject Joint Rule 12) of Paul J. Donato relative to establishing a sick leave bank for Stephen Costa, an employee of the Massachusetts Rehabilitation Commission; and the same was referred, under Rule 24, to the committee on Rules.

Stephen Costa,—sick leave bank.

### Paper from the Senate.

Mr. Kafka of Stoughton being in the Chair,—

The Senate Bill relative to a lien for architects, engineers, land surveyors and other site professionals (Senate, No. 2512), came from the Senate with the endorsement that said branch had concurred with the House in its amendment (in section 2, in line 72, striking out the word "prime") with further amendments in section 10, in line 103, inserting after the word "mortgage" the word "except"; striking out section 19 (as changed by the Senate committee on Bills in the Third Reading) and inserting in place thereof the following section:

Architect,—liens.

"SECTION 19. Section 33 of said chapter 254, as so appearing, is hereby amended by striking out, in line 28, the word 'section' and inserting in place thereof the following words:— 'sections 2C, 2D or' ."; and adding the following two sections:—

"SECTION 20. This act shall apply to liens for professional services, as defined in section 1, for which any person has filed or recorded a notice of contract on an interest in real property on or after the effective date of this act; provided, however, that this act shall not apply to any mortgage filed or recorded before the effective date of this act.

SECTION 21. This act shall take effect on July 1, 2011."

Under suspension of Rule 35, on motion of Mr. Murphy of Burlington, the further amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

### Reports of Committees.

Mr. Donato of Medford having returned to the Chair,—

By Mr. Binienda of Worcester, for the committee on Rules, that Joint Rule 12 be suspended on the petition of Todd M. Smola and Stephen M. Brewer for legislation to establish a sick leave bank for Linda Baker, an employee of the Department of Developmental Services.

Linda Baker,—sick leave bank.

Under suspension of the rules, on motion of Mr. Pedone of Worcester, 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.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House:

Senate bills

Authorizing the town of Cummington to continue the employment Police Chief Dennis W. Forgea (Senate, No. 2632, amended) [Local Approval Received];

Cummington,—Dennis Forgea.

Rutland,—  
proceedings. Validating certain proceedings in the town of Rutland (Senate, No. 2647) [Local Approval Received]; and House bills

North  
Andover,—  
Christopher M.  
Dufresne. Authorizing the appointment of Christopher M. Dufresne as a fire-fighter in the town of North Andover notwithstanding the maximum age requirements (House, No. 5011) [Local Approval Received]; and  
South Hadley,—  
town meeting. Relative to South Hadley town meeting members (House, No. 5096) [Local Approval Received];

Under suspension of Rule 7A, in each instance, on motion of Mr. Kafka, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Reports

Northborough,—  
alcoholic  
beverages. Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the joint petition (accompanied by bill, House, No. 5013) of Harold P. Naughton, Jr., Harriette L. Chandler and others (by vote of the town) that the town of Northborough be authorized to issue a license for the sale of alcoholic beverages to be located at "The Shops@20" in said town;

Woburn,—  
alcoholic  
beverages. Of the same committee, ought NOT to pass (under Joint Rule 10), on the joint petition (accompanied by bill, House, No. 5042) of James Dwyer, Kenneth J. Donnelly and others (with approval of the city council) for legislation to authorize the city of Woburn to issue ten additional licenses for the sale of all alcoholic beverages to be drunk on the premises; and

North  
Reading,—  
alcoholic  
beverages. Of the same committee, ought NOT to pass (under Joint Rule 10), on the joint petition (accompanied by bill, House, No. 5068) of Bradley H. Jones, Jr., and others (by vote of the town) that the town of North Reading be authorized to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises;

Under suspension of the rules, in each instance, on a motion of Mr. Jones of North Reading, the reports were considered forthwith. Pending the question, in each instance, on acceptance of the reports, the petitions were recommitted, on motions of Mr. Speliotis of Danvers.

Robert  
Manning,—  
sick leave  
bank. By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Robert Manning (House, No. 5117). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

Brian  
Linehan,—  
sick leave  
bank. The engrossed Bill establishing a sick leave bank for Brian Linehan, an employee of the Department of Revenue (see House, No. 5067, 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.

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 5 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

The engrossed Bill authorizing the town of Sudbury to enter into and to extend wireless facility contracts or leases for periods in excess of 20 years (see House, No. 4715, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate. Bill re-enacted.

The engrossed Bill authorizing the lease and construction of improvements to the North Branch Library and East Branch Library buildings in the town of Watertown (see House, No. 4667, amended) (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.

Motion to Discharge a Certain Matter in the Orders of the Day.

The House Bill to assure college and career readiness through six-year career plans for all Massachusetts public schools (House, No. 4523), 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. Kafka of Stoughton. Students,—  
career  
plans.

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. 4933),— was rejected.

Pending the question on ordering the bill to a third reading, Ms. Peisch of Wellesley moved to amend it by substitution of a bill with the same title (House, No. 5120), which was read.

The amendment was adopted; and the substituted bill was ordered to a third reading.

Order.

On motion of Mr. DeLeo of Winthrop,—  
Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M. Next sitting.

At eleven minutes after twelve o'clock noon, on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.