

JOURNAL OF THE HOUSE.

Thursday, April 7, 2011.

Met according to adjournment at eleven o'clock A.M., 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).

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.

Statement Concerning Representative Story of Amherst.

A statement of Ms. Reinstein of Revere concerning Ms. Story of Amherst 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, Representative Story of Amherst, will not be present in the House Chamber for today's sitting due to a family matter. Her missing of roll calls today is due entirely to this schedule conflict. Statement concerning Ms. Story of Amherst.

Statement of Representative Garlick of Needham.

A statement of Representative Garlick of Needham 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 I will not be present in the House Chamber for a portion of today's sitting due to a long-standing commitment in the district. If I were able to be present for the vote on passing to be enacted the engrossed Bill providing for the municipal road and bridge maintenance needs of the Commonwealth (see House, No. 3324, amended), I would vote in the affirmative. My missing of roll calls today is due entirely to the reason stated. Statement of Ms. Garlick of Needham.

Statement Concerning Representative Winslow of Norfolk.

A statement of Mr. Hill of Ipswich concerning Mr. Winslow of Norfolk 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, Representative Winslow of Norfolk, is unable to be present in the House Chamber for today's sitting due to his being in California to deliver the keynote address to a law reform group at Pepperdine Law School. His missing of roll calls today is due entirely to the reason stated. Statement concerning Mr. Winslow of Norfolk.

Resolutions.

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

Resolutions (filed by Mr. DeLeo of Winthrop) commending all state employees on the occasion of "Performance Recognition Day"; Performance Recognition Day.

Resolutions (filed by Mr. Ashe of Longmeadow) celebrating the two hundred and fiftieth anniversary of the town of Monson; Monson,— anniversary.

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Lieutenant Britton W. Crosby on the occasion of his retirement;

Resolutions (filed by Representatives Canavan of Brockton, Creedon of Brockton and Brady of Brockton) recognizing April 17-23, 2011 as National Coin Week;

Resolutions (filed by Mr. Coppinger of Boston) honoring Lou Gorman for his years of service to his country, to the Boston Red Sox and to his community;

Resolutions (filed by Mr. Fernandes of Milford) congratulating Dorothy Burns on the occasion of her one hundredth birthday;

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Fire Chief Dennis Mann on the occasion of his retirement; and

Resolutions (filed by Mr. Mahoney of Worcester) honoring the retirement of Rabbi Seth L. Bernstein of Temple Sinai in the city of Worcester;

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

Quarterly Report.

A quarterly report of the Executive Office of Labor and Workforce Development (under Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for February, 2011, was placed on file.

Petitions.

Mr. Cantwell of Marshfield presented a petition (subject to Joint Rule 12) of James M. Cantwell relative to public protests at funerals; 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. Murphy of Burlington, 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.

Representative Dykema of Holliston and Senator Spilka presented a joint petition (subject to Joint Rule 12) of Carolyn C. Dykema and Karyn Spilka that the Department of Transportation be authorized to acquire certain parcels of land under the care and control of the town of Hopkinton for highway purposes; 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. Murphy of Burlington, 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:

By Mr. Wong of Saugus, a petition (accompanied by bill, House, No. 3334) of Donald H. Wong and others (by vote of the town) for legislation to authorize the town of Saugus to place a certain question relative to a real estate tax assessment for snow and ice removal costs on the town's election ballot. To the committee on Election Laws.

Saugus,—
snow and ice
removal.

By Representative Harrington of Groton and Senator Donoghue, a joint petition (accompanied by bill, House, No. 3335) of Sheila C. Harrington and Eileen Donoghue (by vote of the town) for legislation to authorize the transfer of a certain parcel of land in the town of Groton; and

Groton,—
land.

By Mr. Wong of Saugus, a petition (accompanied by bill, House, No. 3336) of Donald H. Wong and others (by vote of the town) for legislation to make certain changes in the charter of the town of Saugus.

Saugus,—
charter.

Severally to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Papers from the Senate.

Reports

Of the committee on Consumer Protection and Professional Licensure, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 94) of Sal N. DiDomenico and Kathi-Anne Reinstein for legislation to improve the law for pricing of grocery and retail items,— and recommending that the same be referred to the committee on Community Development and Small Businesses; and

Retail
pricing.

Of the committee on Education, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1853) of Jennifer L. Flanagan, Patricia D. Jehlen and David M. Torrisi for legislation to prohibit the Commonwealth from discrimination against those providing special education services to Massachusetts students,— and recommending that the same be referred to the committee on Public Service.

Special
education,—
discrimination.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

A petition of Brian A. Joyce, Mark J. Cusack, Walter F. Timilty and Bruce J. Ayers for legislation to establish a sick leave bank for Kevin Sitler, an employee of the department of corrections, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Kevin
Sitler,—
sick leave
bank.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1892) was referred, in concurrence, to the committee on Public Service.

A petition of Anthony Petrucci for legislation relative to economic development in the North Point area of the city of Cambridge (accompanied by bill, Senate, No. 1872) (having been returned to the Senate by the State Secretary, under the provisions of Chapter 3 of the General Laws with memorandum relative thereto) was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.

Cambridge,—
North Point.

The following notice was received from the Clerk of the Senate, to wit:—

April 7, 2011.

Honorable Robert A. DeLeo
Speaker of the House of Representatives
Room 356, State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Therese Murray, President of the Senate, had announced the appointments of Senators Kenneth J. Donnelly and James E. Timilty to the Special Commission established (pursuant to Section 13 of Chapter 283 of the Acts of 2010) to make an investigation and study of the feasibility of creating a jail diversion program specifically for veterans convicted of non-violent substance abuse offenses.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration:

Of the petition (accompanied by bill, House, No. 2027) of Frank I. Smizik and others relative to the licensure of professional landscape architects,— and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure.

Of the petition (accompanied by bill, House, No. 1987) of Garrett J. Bradley relative to unclaimed property,— and recommending that the same be referred to the committee on Financial Services.

By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1293) of Paul J. Donato and others for legislation to authorize cities and towns to install video monitoring systems to detect certain motor vehicle violations,— and recommending that the same be referred to the committee on Transportation.

By Mr. Kaufman of Lexington, for the committee on Revenue, asking to be discharged from further consideration:

Of the petition (accompanied by bill, House, No. 765) of Jennifer E. Benson and others for legislation to sustain community preservation,— and recommending that the same be referred to the committee on Community Development and Small Businesses.

Of the petition (accompanied by bill, House, No. 2986) of Antonio F. D. Cabral and others for legislation to create a rail transit fund from certain increased assessments and vehicle emissions classifications,— and recommending that the same be referred to the committee on Transportation.

Under rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

Veterans,—
jail
diversion
program.

Landscape
architects.

Unclaimed
property.

Motor
vehicles,—
video
monitoring.

Community
preservation.

Rail
transit
fund.

Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for David C. Napolitano, an employee of the Department of Probation (House, No. 3326). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

David C.
Napolitano,—
sick leave
bank.

Mr. Kafka of Stoughton for said committee 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.

Subsequently, under suspension of the rules, on motion of Mr. Cusack of Braintree, the bill (having been 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 Establishing a Sick Leave Bank for David C. Napolitano, an employee of the Trial Court.” The bill (House, No. 3326) then was sent to the Senate for concurrence.

By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Lisa A. Sullivan, an employee of the Trial Court (House, No. 3249).

Lisa A.
Sullivan,—
sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick bank leave for Yvonne B. Smith, an employee of the Massachusetts Trial Court (House, No. 3327).

Yvonne B.
Smith,—
sick leave
bank.

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

Mr. Kafka of Stoughton, for said committee reported, in each instance, that the matter be scheduled for consideration by the House. Under suspension of the rules, in each instance, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on Senate, No. 1035 and House, No. 992, a Bill relative to urban redevelopment in the city of Quincy (House, No. 3337). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Quincy,—
redevelopment.

Orders of the Day.

The Senate Bill authorizing the appointment of Drew Lonergan as a police officer in the town of Bourne (Senate, No. 1885), 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, in concurrence.

Third
reading
bill.

House bills
Amending the charter of the town of Eastham (House, No. 3256); and

Second
reading
bills.

Creating an appointed town treasurer-collector position in the town of Eastham (House, No. 3257);

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

Recesses.

Recesses. At sixteen minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until the hour of two o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. Hill, subject to the call of the Chair; and at nineteen minutes before three o'clock the House was called to order with Ms. Peisch of Wellesley in the Chair.

Papers from the Senate.

Roads and bridges,—maintenance. The House Bill providing for the municipal road and bridge maintenance needs of the Commonwealth (House, No. 3324), 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 1890.

Under suspension of Rule 35, on motion of Mr. Straus of Mattapoisett, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

The House then non-concurred with the Senate in its amendment. Sent to the Senate for its action.

Committee of conference. Subsequently (Mrs. Haddad of Somerset being in the Chair) the bill came from the Senate with the endorsement that said branch had insisted on its amendment. The bill bore the further endorsement that said branch had asked for a committee of conference on the disagreeing votes of the two branches; and that Senators McGee, Joyce and Knapik had been appointed to the committee on the part of the Senate.

On motion of Mr. Straus of Mattapoisett, the House then receded from its non-concurrence in the Senate amendment; and concurred therein.

Emergency Measures.

Westport,—bridge. The engrossed Bill designating a certain bridge in the town of Westport as the Leo J. St. Onge Bridge (see Senate, No. 1781, 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 30 to 0. Sent to the Senate for concurrence.

Bill enacted. Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Roads and bridges,—maintenance. The engrossed Bill providing for the municipal road and bridge maintenance needs of the Commonwealth (House, No. 3324, 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 41 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 put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a "loan" bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 148 members voted in the affirmative and 0 in the negative.

Bill enacted (state loan),—yea and nay No. 31.

[See Yea and Nay No. 31 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bill.

The engrossed Bill amending the charter of the town of Westborough (see House, No. 1456) (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.

Order.

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.

Next sitting.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at nine minutes after five o'clock P.M., on motion of Mr. Hill of Ipswich (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.