

### JOURNAL OF THE HOUSE.

Thursday, October 11, 2012.

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.

Antony, France,—exchange students.

During the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced a group of exchange students who were seated in the House Chamber from Antony, France. Antony, a commune in the southern suburbs of Paris, is the sister community to the town of Lexington. They were the guests of Mr. Kaufman of Lexington.

#### Resolutions.

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

The Discovery Museums.

Resolutions (filed by Representatives Benson of Lunenburg and Atkins of Concord) congratulating The Discovery Museums on the occasion of its thirtieth anniversary;

Woburn,—St. Charles Borromeo Parish. Thomas A. Miller.

Resolutions (filed by Messrs. Dwyer of Woburn and Kaufman of Lexington) congratulating to St. Charles Borromeo Parish of Woburn on the occasion of its one hundred and fiftieth anniversary;

Resolutions (filed by Mr. Miceli of Wilmington) congratulating Detective Thomas A. Miller on his retirement from the Wilmington Police Department;

Paul Fulcher.

Resolutions (filed by Ms. Peake of Provincetown) honoring Paul Fulcher for his thirty-seven years of service to the town of Orleans;

Nathan Garran.

Resolutions (filed by Ms. Peake of Provincetown) congratulating Nathan Garran on receiving the Eagle Award of the Boy Scouts of America;

Stefan Millis Anthos.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Stefan Millis Anthos on receiving the Eagle Award of the Boy Scouts of America;

Robert G. Osgood.

Resolutions (filed by Mr. Speliotis of Danvers) recognizing Robert "Bob" G. Osgood for fifty-five years of volunteer service to the town of Danvers; and

William James Ostiguy.

Resolutions (filed by Mr. Walsh of Boston and other members of the House) congratulating William James Ostiguy on his retirement from the Boston Fire Department and commending him for his exemplary efforts in the field of substance abuse;

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

#### Communication.

Communication from the Chief Counsel of the Committee of Public Counsel Services (under item 0321-1500 of Section 2 of Chapter 68 of the Acts of 2011) submitting its fourth quarterly report relative to the implementation of the directive to develop a system of appointment of counsel in which no less than twenty-five per cent of indigent defendants be represented by public defender staff by the end of fiscal year 2012 (said report having been due on June 29, 2012, pursuant to said item), was placed on file.

Public Counsel Services.

#### Petition.

Mr. Kulik of Worthington presented a petition (subject Joint Rule 12) of Stephen Kulik and Stanley C. Rosenberg for legislation to establish a sick leave bank for Judy D'Antonio, an employee of the Department of Transitional Assistance; and the same was referred, under Rule 24, to the committee on Rules.

Judy D'Antonio,—sick leave bank.

#### Paper from the Senate.

The House Bill authorizing the town of Sharon to grant licenses to certain establishments for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4163) (its title having been changed by the Senate committee on Bills in the Third Reading), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 1 and inserting in place thereof the following section:

Sharon,—liquor licenses.

"SECTION 1. Notwithstanding chapter 431 of the acts of 1998 or any other general or special law to the contrary, the licensing authority of the town of Sharon may grant licenses for the sale of all alcoholic beverages to be drunk on the premises to restaurants and function rooms having seating capacities of not less than 18 persons."

Under suspension of Rule 35, on motion of Mr. Kafka of Stoughton, 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 Committees.

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  
Relative to the state highway Route 116 Scenic Byway (Senate, No. 2293); and

Rt. 116 Byway.

Authorizing the town of Seekonk to convert seasonal licenses to annual licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2420, amended) [Local Approval Received]; and

Seekonk,—alcoholic beverages.

The House Bill relative to the sale of alcoholic beverages in the city of Somerville (House, No. 4468) [Local Approval Received];

Somerville,—alcoholic beverages.

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.

Chatham,—  
charter.

By Ms. Spiliotis of Peabody, for the committee on Municipalities and Regional Government, that the recommitted Bill relative to the charter of the town of Chatham (House, No. 4141), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4473). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Fall River,—  
wastewater  
treatment.

By Ms. Spiliotis of Peabody, for the committee on Municipalities and Regional Government, on a joint petition, a Bill relative to wastewater treatment in the city of Fall River (House, No. 4430) [Local Approval Received].

Fall River,—  
water storage  
facility.

By the same member, for the same committee, on a joint petition, a Bill relative to a water storage facility in the city of Fall River (House, No. 4431) [Local Approval Received].

Abington,—  
charter.

By the same member, for the same committee, on a petition, a Bill relative to the charter of the town of Abington (House, No. 4438) [Local Approval Received].

Milton,—  
medical  
expenses.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Milton to borrow money for payments of certain medical expenses (House, No. 4445) [Local Approval Received].

Hanson,—  
highway  
surveyor.

By the same member, for the same committee, on a petition, a Bill relative to the position of appointed highway surveyor in the town of Hanson (House, No. 4455) [Local Approval Received].

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

Public  
safety,—  
study.

By Mr. Brady of Brockton, for the committee on Public Safety and Homeland Security, on House, Nos. 636, 637, 638, 639, 640, 641, 642, 643, 644, 646, 647, 649, 650, 651, 652, 654, 655, 656, 657, 661, 662, 663, 665, 666, 668, 669, 670, 1548, 1549, 1551, 1555, 1556, 1561, 1562, 1563, 1564, 1565, 1569, 1570, 1572, 1573, 1574, 1575, 1576, 1579, 1580, 2005, 2387, 2388, 2392, 2393, 2394, 2395, 2397, 2399, 2401, 2404, 2405, 2407, 2409, 2910, 2911, 2912, 2913, 2915, 2916, 2917, 2918, 2920, 2922, 3166, 3298, 3372, 3373, 3632 and 3683, an Order relative to authorizing the committee on Public Safety and Homeland Security to make an investigation and study of certain House documents concerning public safety issues (House, No. 4472). 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.

*Emergency Measure.*

Noelle  
Champoux-  
Olson,—  
sick leave  
bank.

The engrossed Bill establishing a sick leave bank for Noelle Champoux-Olson, an employee of the Department of Youth Services (House, No. 4429), 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 4 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 passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

*Engrossed Bill.*

The engrossed Bill validating the proceedings at the annual town meeting and the annual town election in the town of Heath (see House Bill printed in House, No. 4353) (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. Heath,—  
elections.

*Orders of the Day.*

Senate bills  
Designating a certain node of the Blackstone River and Canal Heritage State Park in the town of Uxbridge as the Effingham Capron Memorial Park (Senate, No. 361); Third reading bills.

Designating a certain portion of Route 197 in the town of Dudley as the Anthony B. DiDonato, Sr. Memorial Highway (Senate, No. 2169); and

Authorizing the town of Rockport to grant a license for the sale of wines and malt beverages at a food store (Senate, No. 2239) [Local Approval Received];

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The Senate Bill regulating surgical technology (Senate, No. 2058), was read a second time. Surgical technology.

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4298,— Mr. Walsh of Boston moved to amend the proposed substitute text in section 1, in line 48, by inserting after the word “supervision”, the words “limited to clinical guidance”; and the further amendment was adopted.

Ms. Canavan of Brockton then moved to amend the proposed substitute text in section 1, in line 9, by inserting after the word “nursing” the words “who is immediately available to physically intervene in providing care to the surgical patient”; and the further amendment was adopted.

The amendment recommended by the committee on Ways and Means, as amended, then was adopted; and the bill (Senate, No. 2058, amended) was ordered to a third reading.

*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-five minutes after eleven o'clock A.M., on motion of Mr. Humason of Westfield (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.