

JOURNAL OF THE HOUSE.

Monday, June 7, 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).

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

Prayer. Gracious God, at the beginning of today's legislative session in prayer we make known to You our needs, our hopes, our plans, and our problems and challenges. We believe that with Your assistance, guidance and light we may see more clearly our choices and their consequences. In promoting the common good, as elected leaders, inspire us to help all members of our communities to recognize and utilize their human and spiritual gifts and talents. May we together build a society in which the personal dignity of each individual is respected. We pray that our communities will be safe, peaceful, ethical and family friendly.

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

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.

Resolutions.

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

Derrick Mahan. Resolutions (filed by Mr. Vallee of Franklin) congratulating Derrick Mahan on receiving the Eagle Award of the Boy Scouts of America;

Ralph Bumpus. Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Ralph Bumpus on his one hundredth birthday;

Mary "Joyce" Padgett. Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Mary "Joyce" Padgett on the occasion of her retirement;

P. Michael Noftsker. Resolutions (filed by Mr. Hecht of Watertown) congratulating Mr. P. Michael Noftsker on the occasion of his retirement from the Watertown Public School System;

Bonny Rathbone. Resolutions (filed by Mr. Smola of Palmer) congratulating Mrs. Bonny Rathbone on the occasion of her retirement from the Palmer Public School System;

John Patrick Donlan. Resolutions (filed by Mr. Turner of Dennis) congratulating John Patrick Donlan on receiving the Eagle Scout Award of the Boy Scouts of America; and

Arthur Luke. Resolutions (filed by Messrs. Turner of Dennis and Atsalis of Barnstable) commending Arthur Luke for his business accomplishments and for a lifetime of service to his community.

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. Dykema of

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

Annual Report.

The annual report of the Commission on the Status of Women (under the provisions of Section 1 of Chapter 138 of the General Laws) submitting its report for the fiscal year 2009. Status of Women.

Papers from the Senate.

The House Bill making appropriations for the fiscal year 2011 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4601), came from the Senate with the endorsement that it had been 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 2470. General Appropriation Bill.

Under suspension of the rules, on motion of Mr. Murphy of Burlington, the amendment was considered forthwith. The House then non-concurred with the Senate in its amendment, and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Murphy of Burlington, L'Italien of Andover and Hargraves of Groton then were appointed the committee on the part of the House. Sent to the Senate to be joined. Committee of conference.

The House Bill authorizing the town of Westport to lease a portion of the Westport Town Farm to the Trustees of Reservations (House, No. 4368) 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: Westport Town Farm.

"SECTION 1. Notwithstanding any general or special law to the contrary, the town of Westport, acting by and through its board of selectmen, may enter into an agreement with the Trustees of Reservations to lease, for a term of 99 years, a portion of the Town Farm located at 830 Drift road in said town, for agricultural, educational and preservation purposes. The lease shall be subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws. The leasehold premises consist of approximately 39 acres and are shown on a sketch plan entitled 'Westport Town Farm', prepared on behalf of the Trustees of Reservations, and on file in the office of the town clerk.

SECTION 2. If the land subject to the lease in section 1 is used for any other purposes other than those listed in section 1, the lease shall immediately become null and void and any leasehold interest in the land shall immediately revert to the town of Westport.

SECTION 3. This act shall take effect upon its passage."

Under suspension of Rule 35, on motion of Mr. Rodrigues of Westport, 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.

Athol,—
land and
easements.

A Bill authorizing the Department of Fish and Game to acquire land of the town of Athol and to acquire a conservation restriction on lands of the town of Athol in exchange for grants of easements to the town of Athol (Senate, No. 2451) (on Senate bill No. 2411), passed to be engrossed by the Senate was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Bills

North Adams,—
finances.

Relative to the financial condition of the city of North Adams (Senate, No. 2442) (on a petition) [Local Approval Received];

Explosives,—
regulate.

Strengthening the laws related to the regulation of explosives (Senate, No. 2468) (on Senate bill No. 911); and

Student
athletes,—
head
injuries.

Relating to safety regulations for school athletic programs (Senate, No. 2469) (on Senate bill No. 2267);

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

Reports of Committees.

Bethany M.
Tsioropoulos,—
sick leave.

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 petition of Brian S. Dempsey for legislation to authorize the Massachusetts Rehabilitation Commission to establish a sick leave bank for Bethany M. Tsioropoulos, an employee of said commission. Under suspension of the rules, on motion of Ms. Dykema of Holliston, 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.

Investment
adviser
registration.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning boards of registration (House, No. 4690) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 303) of Angelo M. Scaccia and William F. Galvin relative to investment adviser registration,— and recommending that the same be recommended to the committee on Consumer Protection and Professional Licensure. Under Rule 42, the report was considered forthwith; and it was accepted.

Wrongful
convictions,—
scientific
analysis.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents concerning matters relative to the Judiciary (House, No. 4691) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1618) of Eugene L. O'Flaherty relative to the use of forensic and scientific analysis in determining wrongful convictions,— and recommending that the same be recommended to the committee on the Judiciary. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Sánchez of Boston, for the committee on Public Health, asking to be discharged from further consideration

Of the petition (accompanied by bill Senate, No. 867) of Richard T. Moore for legislation relative to centers of excellence;

Centers of
excellence.

Of the petition (accompanied by bill Senate, No. 872) of Richard T. Moore, Patricia D. Jehlen, Martin J. Walsh, Michael D. Brady and other members of the General Court for legislation to prohibit mandatory overtime for the health care workforce;

Health
workers,—
overtime.

Of the petition (accompanied by bill Senate, No. 876) of Richard T. Moore, Bill Bowles, Susan C. Tucker, Richard J. Ross and other members of the General Court for legislation to promote the nursing profession and promote safe patient care; and

Nursing
and patient
safety.

Of the petition (accompanied by bill Senate, No. 890) of Marc R. Pacheco, James B. Eldridge, Anthony D. Galluccio, Michael O. Moore and other members of the General Court for legislation relative to patient safety;

Id.

And recommending that the same severally be referred to the committee on Health Care Financing.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally 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

Establishing a sick leave bank for Melissa Gordon, an employee of the Trial Court (Senate, No. 2433); and

Melissa
Gordon.

Establishing a sick leave bank for Howard Ray, an employee of the Department of Early Education and Care (Senate, No. 2452); and

Howard
Ray.

The House Bill relative to the charter of the town of Franklin (House, No. 4652) [Local Approval Received];

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

Franklin,—
charter.

Ms. Malia of Boston, for the committee on Mental Health and Substance Abuse, reported, under the provisions of Joint Rule 3A, a Committee Resolve providing for an investigation and study by a special commission relative to the provisions of samples of behavioral health medications to individuals under the age of 18 years of age (House, No. 4723). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Behavioral
health
medications,—
study.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, that the Bill improving coordination of the youth workforce development system in the Commonwealth (House, No. 4624) ought to pass with an amendment by substitution of a bill with the same title (House, No. 4724). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Youth
workforce
development
system.

Meridyth L. Reith,—
sick leave.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Meridyth L. Reith, an employee of the Department of Environmental Protection (House, No. 4575).

Rick Leclair,—
sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Rick Leclair, an employee of the Department of Children and Families (House, No. 4698).

Elise Lachance,—
sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Elise Lachance, an employee of the Department of Correction (House, No. 4710).

Carol Roberts,—
sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Carol Roberts, an employee of the Department of Transitional Assistance (House, No. 4711);
Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the following matters ought to pass:

Essex Aggie.

The Senate Bill relative to the Essex North Shore Agricultural and Technical School (Senate, No. 2392);

House bills
Recognizing the profession of interior designers to bid on state contracts (House, No. 2999);

Interior design,—
state contracts.

Retainage.
Price adjustment.

Relative to interest on retainage (House, No. 4507); and
Relative to price adjustment (House, No. 4508);
Severally 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 matters be scheduled for consideration by the House. Severally placed in the Orders of the Day for the next sitting for a second reading.

Public charities,—
regulation.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill further regulating public charities (Senate, No. 2117, amended) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4726.

Motorcycle education,—
minors.

By the same member, for the same committee, that the Senate Bill requiring adequate education relative to the proper safety and operation of a motorcycle for minors (Senate, No. 2344) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4727.

Speed limits.

By the same member, for the same committee, that the Bill relative to speed limits (House, No. 3643) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4728).

Gasoline distributors,—
bonds.

By the same member, for the same committee, that the Bill amending Chapter 62C of the General Laws (House, No. 4367) ought to pass with an amendment substituting therefore a Bill capping the bond amount paid by gasoline distributors, unclassified importers and unclassified exporters (House, No. 4729).

Severally 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 matters be scheduled for consideration by the House. Severally placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

Engrossed Bill.

The engrossed Bill authorizing the establishment of a Raynham development revolving fund in the town of Raynham (see House, No. 4485) (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.

Orders of the Day.

The Senate Bill exempting the position of deputy chief of police in the town of Wakefield from the civil service law (Senate, No. 2230), 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
Authorizing the town of Westwood to grant 3 licenses for the sale of wine and malt beverages to food stores (House, No. 4089) (its title having been changed by the committee on Bills in the Third Reading); and Third reading bills.

Relative to health insurance coverage for retired employees of the town of Brookline (House, No. 4451);

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.

Order.

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

At twenty-two minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.