

JOURNAL OF THE HOUSE.

Thursday, July 8, 2010.

Met according to adjournment, at one o'clock P.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).

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

Prayer. Eternal God, our personal intention for this and for everyday is to serve You, our constituents and our own families in a faithful and conscientious manner. With Your assistance we believe that we will be successful in carrying out our intention. In Your goodness help us to develop an enthusiasm and a right conscience as we struggle with the legislative items which come before us as elected leaders. Inspire us to be guided in making our decisions of traditional principles and solid values which recognize the dignity of each individual and importance of promoting the common good of all. In dealing with sensitive and controversial matters, we pray for patience, integrity of mind and heart, independence of judgment and a spirit of good will. In resolving current legislative challenges may we be aware of the needs of future generations.

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:

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

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

Andy Gala. Resolutions (filed by Mr. Barrows of Mansfield) congratulating Andy Gala on the occasion of his retirement as Foxborough's town manager;

James and Viola Imbrogna. Resolutions (filed by Mr. Dwyer of Woburn) congratulating Mr. and Mrs. James Imbrogna on the occasion on their fiftieth wedding anniversary;

M. Ruth Shea. Resolutions (filed by Mr. Fresolo of Worcester) congratulating M. Ruth Shea on the occasion of her ninetieth birthday; and

Pearle L. Crawford Library. Resolutions (filed by Mr. Kujawski of Webster) congratulating the town of Dudley on the occasion of the grand opening of the new Pearle L. Crawford Memorial Library;

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.

Petition.

Ms. Benson of Lunenburg presented a petition (subject to Joint Rule 12) of Jennifer E. Benson and James B. Eldridge that the water supply district of the town of Acton be prohibited from acquiring sources for the supply of water located in the town of Boxborough; and the same was referred, under Rule 24, to the committee on the Rules.

Acton,— water acquisition.

Papers from the Senate.

The House Bill authorizing the town of Norwood to acquire a certain parcel of real estate from the Veterans of Foreign Wars, Norwood 2452, Inc. and to lease the same to the post and certain other veterans' organizations (House, No. 4383) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 1 and in section 2, in line 5, by adding after the word "Laws", in each instance, the following " , but subject to subsections (a), (b) and (g) of section 16 of said chapter 30B,"

Norwood,— Veteran's Post.

Under suspension of Rule 35, on motion of Mr. Rogers of Norwood, 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.

The Senate Bill exempting the position of chief of police of the town of Great Barrington from the provisions of civil service law (Senate, No. 2332) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Great Barrington,— police chief.

A petition of Gale D. Candaras and Brian M. Ashe for legislation to establish a sick leave bank for Holly Ann Beaumier, an employee of the office of Medicaid, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Holly Ann Beaumier,— sick leave bank.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2538) was referred, in concurrence, to the committee on Public Service.

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 Stephen Stat Smith that the Department of Health and Human Services be authorized to establish a sick leave bank for Cheryl A. Cole, an employee of said department. To the committee on Public Service.

Cheryl A. Cole,— sick leave bank.

Agawam,—
drag racing. Petition (accompanied by bill) of Rosemary Sandlin (with the approval of the mayor and town council) for legislation to authorize the town of Agawam to regulate “drag racing” by motor vehicles within said town. To the committee on Transportation.

Under suspension of the rules, on motion of Mr. Smith of Everett, the reports were considered forthwith. Joint Rule 12 was suspended, in each instance. Severally sent to the Senate for concurrence.

Mercury
recycling
program. Report of the committee on Environment, Natural Resources and Agriculture, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 726) of Mark V. Falzone and others that manufacturers of mercury-added lamps implement a recycling program;

Forested
lands,—
clear cutting. Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 765) of Peter V. Kocot for legislation to prohibit the clear cutting of certain forested lands;

Timber
harvesting. Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 813) of Robert L. Rice, Jr., and others relative to timber harvesting activities on forestlands;

Diesel
emissions,—
reduction. Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 854) of Alice K. Wolf and others relative to reducing diesel emissions from certain construction vehicles;

Id. Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 3440) of Cheryl A. Coakley-Rivera and others relative to the reduction of particulate emissions from diesel engines;

Hazardous
waste,—
toxic fire
retardants. Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 3881) of Jennifer M. Callahan and others for legislation to include toxic fire retardant prevention products under the hazardous waste laws; and Under suspension of the rules, in each instance, on a motion of Mr. Straus of Mattapoisett, the reports severally were considered forthwith.

Pending the question, in each instance, on acceptance of the report, the petitions were recommitted, on further motion of the same member.

Elder
Affairs,—
study. By Ms. Wolf of Cambridge, for the committee on Elder Affairs, on Senate, Nos. 302, 313, 314, 315, 321, 326, 329 and House, Nos. 531, 532, 548, 549, 550, and 3437, an Order relative to authorizing the committee on Elder Affairs to make an investigation and study of Senate and House documents concerning elder issues (House, No. 4861) [Mr. Ross of Wrentham dissenting].

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 said 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.

By Mr. Sánchez of Boston, for the committee on Public Health, on a petition, a Bill relative to death benefit claims (House, No. 4812). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Death
benefit
claims.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, No. 757, a Bill for a competitive economy through safer alternatives to toxic chemicals (House, No. 4865).

Toxic
chemicals,—
safe
alternatives.

By Mr. Keenan of Salem, for the committee on Tourism, Arts and Cultural Development, on a petition, a Bill relative to the certification of Hull Public Library (House, No. 4779) [Local Approval Received].

Hull,—
library
certification.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill reducing medical errors and improving patient safety (House, No. 4720) ought to pass with an amendment by substitution of a bill with the same title (House, No. 4862) [Cost: Greater than \$100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

Medical
errors.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill to protect farm viability (House, No. 3477) ought to pass. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Farm
viability.

Engrossed Bills.

Engrossed bills
Relative to the provision of notice of the availability of the annual finance committee report (see House, No. 1901);

Bills
enacted.

Designating a certain bridge in the town of Westminster as the Ryan Patrick Jones Bridge (see House, No. 4437); and

Authorizing James M. McGarry to continue to serve as police chief in the town of Sheffield (House, No. 4487);

(Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Recess.

At nineteen minutes before two o'clock P.M., on motion of Mr. Pedone of Worcester (Mr. Donato of Medford being in the Chair), the House recessed until ten minutes after two o'clock; and at eleven minutes before three o'clock the House was called to order with Mr. Vallee of Franklin in the Chair.

Recess.

Orders of the Day.

Senate bills
Amending the charter of the town of Winchendon (Senate, No. 2333); and
Relative to the North Carver Water District (Senate, No. 2348);

Third
reading
bills.

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and passed to be engrossed, in concurrence.

House bills

Relative to the number of town meeting members among precincts in the town of Shrewsbury (its title having been changed by the committee on Bills in the Third Reading) (House, No. 4305); and

Promoting fairness in private construction contracts (House, No. 4721).

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and passed to be engrossed. Severally sent to the Senate for concurrence.

House bills

Relative to public procurement (House, No. 12); Authorizing employees of the Inspector General's Office to participate in representative town meeting (House, No. 13);

To re-train disabled firefighters (House, No. 4463);

Amending and updating the Foxborough Sewer Act (House, No. 4680); Relative to the composition of the licensing board for the city of Pittsfield (House, No. 4682);

Establishing a sick leave bank for Meghan Savage (House, No. 4798); Authorizing the town of Danvers to grant an additional license for the sale of wine and malt beverages (House, No. 4816);

Authorizing the town of Danvers to grant an additional license for the sale of wine and malt beverages (House, No. 4817); and The House Resolve declaring Chapter 397 of the Acts of 2008 "Darnell's Law" (House, No. 1139).

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

Paper from the Senate.

The House Bill authorizing the town of Westwood to grant 3 licenses for the sale of wines and malt beverages to food stores (House, No. 4089) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 18 by inserting after the word "be" the words "lawfully operating as a commercial business" (previously inserted by the House committee on Bills in the Third Reading).

Under suspension of Rule 35, on motion of Mr. McMurtry of Dedham, 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.

Orders of the Day.

The Senate Bill relative to safety regulations for school athletic programs (Senate, No. 2469) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Mr. Pedone of Worcester then moved to amend the bill by striking out section 2; and by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to enhance forthwith the public health of school athletes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health."

The amendments were adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays at the request of Mr. Kujawski of Webster; and on the roll call (Mr. Vallee of Franklin being in the Chair) 148 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 429 in Supplement.]

Therefore the bill (Senate, No. 2469, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments.

Report of Committee.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to changing the name "state college" to "state university" (House, No. 4560) ought to pass with an amendment substituting therefore a Bill relative to state universities (House, No. 4864). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, then reported recommending that the matter be scheduled for consideration by the House, with the amendment pending.

Under suspension of Rule 7A, on motion of Mr. Torrisi of North Andover, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Torrisi; and on the roll call (Mr. Vallee of Franklin being in the Chair) 126 members voted in the affirmative and 21 in the negative.

[See Ye and Nay No. 430 in Supplement.]

Therefore the bill (House, No. 4864) was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bills.

Mr. Donato of Medford being in the Chair,—

Engrossed bills

Relative to the North Carver Water District (see Senate, No. 2348, amended) (which originated in the Senate); and

Authorizing the town of Norwood to acquire a certain parcel of real estate from the Veterans of Foreign Wars, Norwood 2452, Inc. and to lease the same to the post and certain other veterans' organizations (House, No. 4383, amended) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Third reading bills.

Second reading bills.

Westwood,— liquor licenses.

Student athletes,— head injuries.

Bill passed to be engrossed,— yeas and nays No. 429.

State universities.

Bill passed to be engrossed,— yeas and nays No. 430.

Bills enacted.

Orders of the Day.

Plymouth,—
land.

The House Bill relative to a transfer of land in the town of Plymouth (House, No. 4264) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it in section 1 by adding the following sentence "The town of Plymouth, acting through its board of selectmen, may transfer Parcel A, upon such terms and conditions as it deems appropriate, including for nominal consideration, to cure inadvertent encroachments on the trust property that were created when said town acquired this parcel as part of its purchase of the 78.56 acres for open space and conservation purposes."

The amendment was adopted; and the bill (House, No. 4264, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Funeral
processions.

The Senate Bill further regulating funeral processions (Senate, No. 1884, amended) 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.

House bills

Susan
Spera.

Establishing a sick leave bank for Susan Spera, an employee of the Department of Developmental Services (House, No. 4717) (its title having been changed by the committee on Bills in the Third Reading); and

Bond
payments.

Relative to the bond amount paid by gasoline distributors, unclassified importers and unclassified exporters (House, No. 4729) (its title having been changed by the committee on Bills in the Third Reading);

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.

Special Communication.

The Speaker being in the Chair,—

The following communication, together with returns of votes and schedules therein referred to, was received from the Secretary of the Commonwealth, to wit:—

July 8, 2010.

To the Honorable House of Representatives:

Returns
of votes for
Representative,
—
Sixteenth
Essex
District.

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the fifteenth day of June, 2010, for Representative in the General Court, 16th Essex District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

The communication was read; and, there being no objection, it was placed on file.

Member Qualified.

Soon afterward, under escort of the Sergeant-at-Arms, His Excellency the Governor, accompanied by the Honorable Executive Council came in; the oaths and affirmation required by the Constitution and laws were administered by the Governor to the member-elect then present, Marcos A. Devers, and were subscribed by him; afterward which His Excellency declared that the member was duly qualified to enter upon the discharge of his duties.

Representative-
elect
Marcos A.
Devers,—
qualification.

After brief remarks by Mr. Devers, he was assigned seat No. 49 by the Speaker.

His Excellency the Governor, and the Honorable Councilor then departed the Chamber under escort of the Sergeant-at-Arms.

Order.

Mr. Donato of Medford being in the Chair,—

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 ten minutes after five o'clock P.M., on motion of Mr. Hill of Ipswich (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.