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The Commonwealth of Massachusetts

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**JOURNAL OF THE HOUSE.**



MONDAY, JANUARY 23, 2012.



# JOURNAL OF THE HOUSE.

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Monday, January 23, 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).

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.

*Resignation of Representative Brownsberger of Belmont.*

The following communication was read; and spread upon the records of the House, as follows:

January 20, 2012.

The Honorable Steven T. James  
*Clerk of the House of Representatives*  
 The Massachusetts State House  
 Room 145  
 Boston, MA 02133

Dear Mr. James:

I hereby resign as State Representative from the 24th Middlesex District effective upon my taking the oath of office as State Senator from the Second Suffolk and Middlesex District. I am expecting to take the oath of office on Tuesday, January 24th.

Resignation of  
 Representative  
 William N.  
 Brownsberger  
 of Belmont.

Respectfully,

WILLIAM N. BROWNSBERGER,  
*State Representative,*  
*24th Middlesex District.*

*Resignation of Representative Pedone of Worcester.*

The following communication was read; and spread upon the records of the House, as follows:

January 20, 2012.

The Honorable Steven T. James  
*Clerk of the House of Representatives*  
 The Massachusetts State House  
 Room 145  
 Boston, MA 02133

Dear Mr. James:

I am writing to offer my resignation as Representative in the General Court from the 15th Worcester District, effective at the close of business today, January 20, 2012. Thank you for your attention to this

Resignation of  
 Representative  
 Vincent A.  
 Pedone of  
 Worcester.

Resignation of Representative Vincent A. Pedone of Worcester.

matter, and I want to offer you a personal thank you for our service together.

Respectfully,

VINCENT A. PEDONE,  
State Representative,  
15th Worcester District.

*Appointments by the Speaker.*

The Speaker announced that he had made the following appointments:

Commission on the Status of Women.

That Ms. Laurie Giardella of Nahant had been appointed to serve a full term; and that Ms. Maureen Reddy of Winthrop and Ms. Marianne Fleckner of Westford had been appointed to serve until October 31, 2014, as members (under Section 66 of Chapter 3 of the General Laws) of the Massachusetts Commission on the Status of Women;

Cranberry experiment board.

That Representative Straus of Mattapoissett had been appointed (under Section 261 of Chapter 60 of the Acts of 1994) to the Cranberry Experiment Station Board of Oversight;

Grandparents,—parenting.

That Representative Donato of Medford had been appointed (under Section 69 of Chapter 3 of the General Laws) to serve as a member of the permanent Commission on the Status of Grandparents raising Grandchildren;

Public school innovations.

That Ms. Trudy Macero of Winthrop and Ms. Mary Kay Wydra of Springfield had been appointed (under Section 181 of Chapter 240 of the Acts of 2010) to serve as members of the Commission to Develop an Index of Creative and Innovative Education in the Public Schools;

Asian-American Commission.

That he had appointed Mr. Larry Wong of Stoneham (to serve until December 31, 2012), Mr. Joel Buenaventura of Quincy (to serve until December 31, 2013) and Ms. Deborah Ho of Newton (to serve until December 31, 2014) as members (under Section 68 of Chapter 3 of the General Laws) of the Massachusetts Asian-American Commission;

College scholarships.

That Timothy Leshan of Northeastern University had been appointed to serve on the Special Commission established (under Section 190 of Chapter 68 of the Acts of 2011) to make an investigation and study of the need to Incentivize the Commonwealth's College Scholarship System; and

Public Counsel Services.

That James C. Kennedy and Martin Healy had been appointed (under Section 1 of Chapter 211D of the General Laws) to serve as members of the Committee for Public Counsel Services.

*Petitions.*

Woburn,—ballot question.

Mr. Dwyer of Woburn presented a petition (accompanied by bill, House, No. 3892) of James J. Dwyer and others (with the approval of the mayor and city council) that the city of Woburn be authorized to place a certain question regarding the sale of alcoholic beverages on the city's election ballot; and the same was referred to the committee on Election Laws. Sent to the Senate for concurrence.

Pearlene Odom,—

Mr. Galvin of Canton presented a joint petition (subject to Joint Rule 12) of William C. Galvin for legislation to establish a sick leave

bank for Pearlene Odom, an employee of the Department of Transportation; and the same was referred, under Rule 24, to the committee on Rules. sick leave bank.

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 Public Service. Sent to the Senate for concurrence.

Ms. Gobi of Spencer presented a petition (subject to Joint Rule 12) of Anne M. Gobi and others for legislation to require drivers employed by companies transporting students to submit to alcohol and drug testing; and the same was referred, under Rule 24, to the committee on Rules. Drug and alcohol testing,— school transportation.

*Paper from the Senate.*

A Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2112) (on Senate, No. 2108, amended), passed to be engrossed by the Senate, was read; and referred, under Rule 33, to the committee on Ways and Means. Supplemental appropriations.

*Reports of Committees.*

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to life settlements and stranger originated life insurance (House, No. 3573), be scheduled for consideration by the House, with 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. 3877),— pending. Placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending. Life insurance settlements.

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

Senate bills

Authorizing the sale of land by the Wakefield Housing Authority (Senate, No. 1986); Wakefield,— housing.

Validating certain elections in the town of Dudley (Senate, No. 2048) [Local Approval Received]; and Dudley,— elections.

Relative to certain affordable housing in the city of Taunton (Senate, No. 2062) [Local Approval Received]; Taunton,— housing.

Severally placed in the Orders of the Day for the next sitting for a second reading.

*Engrossed Bills.*

Engrossed bills

Authorizing the town of Milton to grant a license for the sale of wines and malt beverages to be drunk on the premises of a certain restaurant (see Senate, No. 2019); Bills enacted.

Bills  
enacted.

Authorizing the city of Somerville to incur debt to maintain property leased, licensed, or otherwise under the control of the city pursuant to an agreement between the city and the Commonwealth (see Senate, No. 2025);

(Which severally originated in the Senate); and

Authorizing a ballot question in the town of Arlington relative to the granting of licenses for the sale of wines and malt beverages to be drunk on the premises in certain theaters (see House, No. 3647, amended);

Authorizing the town of Danvers to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 3699);

Relative to voting precincts in the city of Revere (see House, No. 3782);

Relative to enhancing the practice of nurse-midwives (see House, No. 3815);

Relative to voting precinct in the city of Peabody (see House, No. 3847);

(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.*

Recess.

At eight minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House recessed until half past six o'clock P.M.; and at that time the House was called to order with the Speaker in the Chair.

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#### *Joint Convention.*

Joint Session  
of the two  
branches.

Pursuant to assignment, at half past six o'clock P.M., the two branches met in in the Chamber of the House of Representatives, for the purpose of receiving such communication as His Excellency, Deval L. Patrick, Governor of the Commonwealth, may be pleased to make relative to the concerns of the Commonwealth; and were called to order by the Honorable Therese Murray, President of the Senate.

#### *Order Adopted.*

On motion of Mr. Berry,—

Notification of  
Lieutenant-  
Governor and  
others.

*Ordered,* That a committee be appointed to consist of members of the Senate and House of Representatives to wait upon His Honor the Lieutenant-Governor, the Constitutional officers, members of the Executive Council and other distinguished guests of the Governor and inform them that the two branches are now in Convention and request the honor of their presence.

Senators Brewer, Chandler, Downing and Tarr were appointed on the part of the Senate; and Representatives Haddad of Somerset, O'Day of West Boylston, Peterson of Grafton, Hogan of Stow, Costello of Newburyport, Vieira of Falmouth and Holmes of Boston, were appointed on the part of the House.

Subsequently, Mr. Brewer, for the committee, reported that His Honor, Timothy P. Murray, the Lieutenant-Governor, the Constitutional officers, members of the Executive Council, members of the Supreme Judicial Court and the Adjutant General would immediately attend upon the convention.

Shortly thereafter, His Honor the Lieutenant-Governor, Timothy P. Murray, the Constitutional officers, members of the Executive Council, members of the Supreme Judicial Court and Adjutant General Joseph C. Carter entered the Chamber under the escort of the Sergeant-at-Arms.

*Prayer.*

The President then introduced Rabbi Jonah Dov Pesner, Senior Vice President, Union for Reform Judaism, who delivered the following Invocation:

<p>In the Torah portion                  That the Jewish people read this week                  We hear the story of the exodus;                  Specifically, the recitation of the plagues                  God brings down upon Egypt                  Calling out to Pharaoh;                  How long                  Will you refuse                  To humble yourself                  Before me?                  Let my people go                  That they may serve me ...                  So God we turn to you on the occasion                  Of this assembly                  As our esteemed Governor, Deval Patrick                  And his colleagues                  Here in the chamber of our government                  Gather to reflect on the                  State of the Commonwealth                  Under the hopeful gaze                  Of the women, men and children                  Who live and work here                  In Massachusetts,                  And ask you before God:                  Let us humble ourselves.                  Let us remember                  We are in Your service;                  There is a higher purpose;                  In the scripture                  We read of the plague of thick darkness:                  ... A darkness that can be touched ...                  That descended upon all the land of Egypt                  For three days                  People could not see one another ...                  While all the Israelites enjoyed light                  In their dwellings                  How could it be</p>	<p>Invocation.</p>
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Invocation.

That for the Egyptians  
 It was utter darkness  
 But among the Hebrew slaves  
 There was light?  
 The rabbis teach  
 That the darkness was caused  
 By the Egyptians' own  
 Blindness  
 They were *blind*  
 To the suffering of the Hebrews!  
 For seeing the pain of others  
 Rising up against injustice  
 Reaching up for the higher purpose  
 Brings light —  
 While closing our eyes  
 Can only cause darkness ...  
 Dear God,  
 Much light has burst forth from this chamber  
 This room,  
 A cradle of American Democracy  
 Where courageous representatives and senators  
 In which bold governors  
 Have championed the rights of all people;  
 A body that in recent memory  
 Became a model for the nation  
 By guaranteeing every person access  
 To health care  
 By protecting the marriage rights  
 Of all people  
 By defending our young people  
 From bullying and abuse  
 These lawmakers have blazed  
 The flaming light of justice  
 And so our eyes are open  
 To both the suffering  
 And the beauty  
 Of one another.  
 Please God;  
 Let not our eyes begin to close;  
 Let not the darkness descend;  
 Even during these painful economic times  
 When resources seem so scarce  
 And politics have become so cruel  
 For the need is so very, very real.  
 Open up our eyes oh God,  
 Open them wide!  
 Let us continue to see the truth  
 About our sisters and brothers  
 Throughout our great Commonwealth;  
 And let us continue to be  
 A model for our nation  
 Unafraid



Undeterred  
 Like the shining dome of this great hall  
 Reflecting the midday sun  
 From this very street  
 So aptly named  
 A Beacon –  
 A Beacon of shining light  
 Across our nation.  
 And let us say, amen!

*Order Adopted.*

On motion of Mr. Tarr,—

*Ordered,* That a committee be appointed to consist of members of the Senate and House of Representatives to wait upon His Excellency the Governor and inform him that the two branches are now in Convention for the purpose of receiving such communication as he may be pleased to make to them relating to the concerns of the Commonwealth. Notification of Governor.

Senators Hart, Donoghue, Clark and Tarr were appointed on the part of the Senate; and Representatives Rushing of Boston, Beaton of Shrewsbury, Mahoney of Worcester, McMurtry of Dedham, Brady of Brockton, Wong of Saugus and Henriquez of Boston were appointed on the part of the House.

Subsequently, Mr. Hart, for the committee, reported that His Excellency the Governor, Deval L. Patrick would immediately attend upon the convention.

*Moment of Silence.*

The President then introduced Lieutenant-Governor Timothy P. Murray, who requested a moment of silence to the memories of Worcester Firefighter Jon D. Davies and Peabody Firefighter James Rice who died in the line of duty last month. Moment of silence.

*Pledge of Allegiance.*

The Lieutenant-Governor then introduced Worcester Deputy Fire Chief Geoffrey Gardell and Peabody Fire Chief Steven Pasden, who led the convention in the pledge of allegiance to the flag. Pledge of allegiance.

*National Anthem.*

The Lieutenant-Governor then introduced 12 year old Emma Henderson of Northampton, who sang our National Anthem. National Anthem.

Shortly thereafter, His Excellency the Governor, Deval L. Patrick, entered the Chamber under the escort of the Sergeant-at-Arms. State of the State address.

The President then introduced His Excellency the Governor, Deval L. Patrick, who thereupon addressed the Convention relative to the concerns of the Commonwealth (Senate, No. 5).

The President in the Chair, she then introduced Bishop John M. Borders, III, of the Morning Star Baptist Church who delivered the Benediction. Benediction.

The President in the Chair, His Excellency the Governor, Deval L. Patrick, the Lieutenant Governor, the Constitutional officers, the members of the Executive Council, members of the Supreme Judicial Court and the Adjutant General then withdrew from the Chamber under the escort of the Sergeant-at-Arms.

At eight minutes past eight o'clock P.M., on motion of Mr. Petrucelli, the Convention was dissolved.

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*Order.*

The Speaker being in the Chair,—

On motion of Ms. Wolf of Cambridge,—

*Ordered,* That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next  
sitting.

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At ten minutes after eight o'clock A.M., on motion of Ms. Ferrante of Gloucester, the House adjourned, to meet the following day at eleven o'clock A.M.