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**The Commonwealth of Massachusetts**

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**JOURNAL OF THE HOUSE.**



**FRIDAY, JUNE 19, 2009.**

[59]\*

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# JOURNAL OF THE HOUSE.

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Friday, June 19, 2009.

Met according to adjournment, at one o'clock P.M., with Mr. Petrolati of Ludlow 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.

God our Creator, the Ultimate Source of Goodness and Truth, we to begin today's formal legislative session with a prayer in which we seek Your assistance as we take up and address House bill, No. 4129, general appropriations legislation. In this legislation, we have tried to meet the current needs of the people, our communities and society in these uneasy and uncertain economic times. In the months ahead, help us to continue to be aware of the unmet needs of people and our communities. As elected leaders, inspire us to seek and pursue excellence and high standards in all aspects of government administration. May we continue to hold in high esteem our basic institutions as well as the rights and dignity of all individuals. Guide our efforts to build communities which are peaceful, safe, ethical and respectful of the rights of others. Teach us to discuss, define and promote the common good in our communities.

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

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

### *Silent Prayer.*

At the request of Representatives Vallee of Franklin, Gobi of Spencer, Petrolati of Ludlow and Wagner of Chicopee, the members, guests and employees then stood in a moment of silent tribute to the memory of Sergeant First Class Kevin A. Dupont of Chicopee, a member of the Army National Guard who died Wednesday from injuries received on March 8<sup>th</sup> after his Humvee ran over an improvised explosive device in Afghanistan.

Sergeant First Class  
Kevin A. Dupont.

### *Statement of Representative Canavan of Brockton.*

A statement of Mrs. Canavan of Brockton 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 be unable to be present in the House Chamber for the remainder of today's sitting due to a family emergency. If I could be

Statement of  
Representative  
Canavan of  
Brockton.

present for the taking of the roll call on enactment of the General Appropriation Bill for the fiscal year 2010, I would vote in the negative. Any roll calls that I may miss today will be due entirely to the reason stated.

*Statement of Representative Quinn of Dartmouth.*

A statement of Mr. Quinn of Dartmouth 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 be unable to be present in the House Chamber for the remainder of today's sitting due to my attendance of my son's graduation. Any roll calls that I may miss today will be due entirely to the reason stated.

Statement of  
Representative  
Quinn of  
Dartmouth.

*Resolutions.*

Resolutions (filed with the Clerk by Representatives Poirier of North Attleborough, Barrows of Mansfield and D'Amico of Seekonk) congratulating Zacharia S. Cobb on receiving the Eagle Scout Award of the Boy Scouts of America were referred, under Rule 85, to the committee on Rules.

Zacharia S.  
Cobb.

Mr. Binienda of Worcester, for the committee on Rules, reported that the resolutions ought to be adopted. Under suspension of the Rules, on motion of Mr. Pignatelli of Lenox, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Paper from the Senate.*

A petition of Marc R. Pacheco and Thomas J. Calter for legislation to establish a sick leave bank for Kathleen Ginn, an employee of the Department of Mental Retardation, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Kathleen Ginn,  
—sick leave bank.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2089) 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 Lewis G. Evangelidis and Jennifer L. Flanagan for legislation to establish a sick leave bank for Michele Merenda, an employee of the Department of Transitional Assistance. To the committee on Public Service.

Michele Merenda,—  
sick leave  
bank.

Joint petition (accompanied by bill) of Brian S. Dempsey and Michael W. Morrissey relative to establishing a renewable portfolio

Renewable  
energy.

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standard for new baseload low cost renewable energy. To the committee on Telecommunications, Utilities and Energy.

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

By Ms. St. Fleur of Boston, for the committee on Consumer Protection and Professional Licensure, on House, No. 247, a Bill to establish a board of certification of community health workers (House, No. 4130). Read; and referred, under Joint Rule 1E, to the committee on Health Care Financing.

Community health workers.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill relative to third party training and background checks for violent history for security staff at bars and clubs (House, No. 275).

Bars and clubs, - security staff.

By the same member, for the same committee, on Senate, No. 161 and House, No. 277, a Bill relative to the registration of real estate appraisers (House, No. 277).

Real estate appraisers.

By Mr. Spellane of Worcester, for the committee on Public Service, on so much of the recommendations of the State Treasurer and Receiver General (House, No. 65), a Bill relative to the accounting of public employee retirement systems (House, No. 76).

Public employee retirement systems.

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

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill amending the requirements of barber instructors (House, No. 255).

Barber instructors.

By the same member, for the same committee, on Senate, No. 136 and House, No. 231, a Bill to reduce unwanted communication from creditors to protect the peace and privacy of residents (House, No. 4131).

Creditors, - unwanted communications.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill pertaining to retirement boards (House, Bo. 2577).

Retirement boards.

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

*Recess.*

At a quarter after eleven o'clock A.M., the Chair (Mr. Donato of Medford) declared a recess subject to the call of the Chair; and at five minutes before three o'clock P.M. the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recess.

*Quorum.*

Mr. Jones of North Reading thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

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Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 154 members were recorded as being in attendance.

**[See Yea and Nay No. 152 in Supplement.]**

Therefore a quorum was present.

Quorum,—  
yea and nay  
No. 152.

*Report of a Committee*

Mr. Murphy of Burlington, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2060) of the House Bill making appropriations for the fiscal year 2010 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. 4101), reported, in part, a Bill making appropriations for the fiscal year 2010 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. 4129) [Appropriations: \$27,410,926,862].

General  
Appropriation  
Bill.

The same member then moved that the rules be suspended in order that the report of the committee on conference might be considered forthwith.

Transportation  
systems,— reforms.

After remarks on the suspension of the rules, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 132 members voted in the affirmative and 21 in the negative

Rules suspended,—  
yea and nay No.  
153.

**[See Yea and Nay No. 153 in Supplement.]**

Therefore the rules were suspended.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays at the request of the Mr. Murphy of Burlington; and on the roll call 110 members voted in the affirmative and 46 in the negative.

Conference  
committee report  
accepted,—  
yea and nay  
No. 154.

**[See Yea and Nay No. 154 in Supplement.]**

Therefore the report of the committee of conference was accepted.

*Recess.*

At six minutes before five o'clock P.M., on motion of Mr. Donato of Medford (Mr. Petrolati of Ludlow being in the Chair), the House recessed subject to the call of the Chair; and at half past five o'clock P.M. the House was called to order with Mr. Petrolati in the Chair.

Recess.

*Emergency Measures.*

The engrossed Bill making appropriations for the fiscal year 2010 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 (see

General  
appropriation bill.

House, No. 4129), 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 27 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 bill providing for the gift, loan or pledging of the credit of the Commonwealth defined by Section 1 of Article LXII of the amendments to the Constitution); and on the roll call 110 members voted in the affirmative and 45 in the negative.

**[See Yea and Nay No. 155 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker. Mr. Murphy of Burlington moved that this vote be reconsidered; and the motion to reconsider was entertained forthwith and it was negative. The bill then was signed by the acting Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill establishing a sick leave bank for Cassandra Markland, an employee of the Office of Medicaid (see House, No. 3942, 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.

Cassandra Markland,—sick leave bank.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LCVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 34 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 designating a certain bridge in the town of Barre as the Howard W. Dahart Memorial Bridge (see Senate, No. 2034) (which originated in the Senate), 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.*

House bills

Establishing a sick leave bank for Maria Natal, an employee of the Department of Revenue (House, No. 601); and

Relative to the naming of the Joseph P. O'Loughlin Pond (House, No.

Third reading bills.

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717) (its title having been changed by the committee on Bills in the Third Reading);

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.

*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.

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At four minutes before six o'clock P.M., on motion of Mr. Jones of North Reading (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.