

JOURNAL OF THE HOUSE.

Tuesday, July 6, 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:

Eternal God, in Whom we place our trust and hope, in prayer we ask for Your guidance as we begin a new week of legislative session. May we always be aware of Your presence in our daily lives and Your concern for our material and spiritual well-being. In these uncertain political and economic times, inspire us to select priorities and goals which meet the present needs and concerns of the people and our communities. As we dialogue together in our search for answers to the many issues which we face as a society, teach us to seek and speak truth in addressing the legislative and administrative proposals which come before us. Help us to encourage all people to use their talents and intellectual gifts both for their own benefit and the common good of society and our communities. May the enthusiasm, ideals and the good will, which Independence Day generated around the country, remain with us throughout the year.

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

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.

Annual and Semi-Annual Reports.

Annual reports

Of the Division of Health Care Finance and Policy (under the provisions of Section 304 of Chapter 149 of the Acts of 2004) relative to employers who had fifty or more employees using MassHealth, Commonwealth Care, or the Uncompensated Care Pool/Health Safety Net during fiscal year 2009 (a copy was forwarded to the House and Senate committees on Ways and Means and the joint committees on Health Care [Financing] and Public Health, as required by said law);

Of MassDOT (under the provisions of Subsection (e) of Section 19 of Chapter 6A of the General Laws) relative to the integration and consolidation of information technology systems within said department for fiscal year 2009 (a copy was forwarded to the House and Senate committees on Ways and Means, the House and Senate committees on Bonding, Capital Expenditures and State Assets and the joint committee on Transportation, as required by said law); and

The semi-annual report of the Structurally Deficient Bridge Improvement Program Coordination and Oversight Council (under the provisions of Section 16 of Chapter 233 of the Acts of 2008) for the period ending June 30, 2010 (a copy was forwarded to the House and Senate

Prayer.

Pledge of allegiance.

Health Care Finance and Policy.

MassDOT, — information technology.

Structurally Deficient Bridge Council.

committees on Ways and Means, the House and Senate committees on Bonding, Capital Expenditures and State Assets and the joint committee on Transportation, as required by said act).
Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Representative D'Amico of Seekonk and Senator Timilty, a joint petition (accompanied by bill, House, No. 4847) of Steven J. D'Amico and James E. Timilty (by vote of the town) that the town of Rehoboth be authorized to issue a license for the sale of alcoholic beverages not to be drunk on the premises to The Wine Shack, LLC, d/b/a The Grapevine.

By Representative Hogan of Stow and Senator Flanagan, a joint petition (accompanied by bill, House, No. 4848) of Kate Hogan and Jennifer L. Flanagan (by vote of the town) that the town of Bolton be authorized to grant a license for the sale of alcoholic beverages to be drunk on the premises to Nashoba Valley Winery.

Severally to the committee on Consumer Protection and Professional Licensure.

By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 4850) of Jennifer L. Flanagan and James B. Eldridge (by vote of the town) relative to the granting of an easement in the town of Harvard for the construction of housing for elderly persons.

By Representative Bosley of North Adams and Senator Downing, a joint petition (accompanied by bill, House, No. 4851) of Daniel E. Bosley and Benjamin B. Downing (with the approval of the mayor and city council) that the city of North Adams be authorized to use certain reserve funds for the reduction of debt in the current fiscal year.

By Representatives Kafka of Stoughton and Galvin of Canton, a petition (accompanied by bill, House, No. 4852) of Louis L. Kafka and William C. Galvin (by vote of the town) for legislation to authorize the town of Stoughton to transfer certain excess funds from the public health enterprise fund to the stabilization fund of said town.

Severally to the committee on Municipalities and Regional Government.
By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 4853) of Louis L. Kafka, James E. Timilty and Brian A. Joyce (by vote of the town) that the town of Sharon be authorized to exempt the position of deputy chief of police from the civil service law.

By Representative McCarthy of East Bridgewater and Senator Kennedy, a joint petition (accompanied by bill House, No. 4854) of Allen J. McCarthy and Thomas P. Kennedy (by vote of the town) for legislation to authorize the town of Whitman to appoint retired police officers for the purpose of performing special details.

Severally to the committee on Public Service.
Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Ms. Clark of Melrose, a petition (subject to Joint Rule 12) of James M. Grafton and Richard R. Tisei relative to the eligibility of David L. Grafton for appointment to the position of fire fighter within the Commonwealth;

By Mr. Flynn of Bridgewater (by request), a petition (subject to Joint Rule 12) of Leo Harlow for legislation to require operators of motor vehicles to activate headlights during inclement weather conditions involving rain and snow;

By Mr. Flynn of Bridgewater (by request), a petition (subject to Joint Rule 12) of Michael Flashner that inmates of the Department of Correction be required to pass a general equivalency diploma test upon release from the custody of said department;

By Mr. Guyer of Dalton, a petition (subject to Joint Rule 12) of Denis E. Guyer for legislation to further regulate bidding on publicly assisted energy projects;

By Mr. O'Flaherty of Chelsea, a petition (subject to Joint Rule 12) of Eugene L. O'Flaherty for legislation to further regulate the estate tax under the rules in the construction of wills and trusts; and

By Ms. Sandlin of Agawam, a petition (subject to Joint Rule 12) 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.

Severally, under Rule 24 to the committee on Rules.

Papers from the Senate.

The House Bill establishing expanded gaming in the Commonwealth (House, No. 4619), came from the Senate with the endorsement that it had been passed to be engrossed, in concurrence, by said branch with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2530; 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 establish and regulate forthwith gaming in the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

Under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the amendments were considered forthwith. The House then non-concurred with the Senate in its amendments; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Dempsey, Reinstein of Revere and Frost of Auburn then were appointed the committee on the part of the House. Sent to the Senate to be joined.

Subsequently the bill came from the Senate with the endorsement that said branch had insisted on its amendments, concurred with the House in the appointment of a committee of conference; and that Senators Rosenberg, Panagiotakos and Ross had been appointed the committee on the part of the Senate.

A Bill authorizing the town of Wareham to issue eight (8) additional liquor licenses (Senate, No. 2520) (on Senate bill No. 2483) [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.

Rehoboth,—
liquor
license.

Bolton,—
liquor
license.

Harvard,—
elderly
housing.

North Adams,—
finances.

Stoughton,—
enterprise
fund.

Sharon,—
police
chief.

Whitman,—
special
police.

David L.
Grafton.

Wipers,—
inclement
weather.

Inmates,—
diplomas.

Public bidding,—
energy projects.

Estate
tax.

Agawam,—
drag
racing.

Expanded
gaming.

Committee of
conference.

Id.

Wareham,—
liquor
licenses.

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:

Amesbury,—
charter. Placing a certain question on the ballot of the November 2010 state election in the town of Amesbury (House, No. 4772) [Local Approval Received];

Maria Hudson.
Amesbury,—
liquor
license. Establishing a sick leave bank (House, No. 4797); and
Authorizing the town of Amesbury to grant additional licenses for the sale of all alcoholic beverages (House, No. 4818) [Local Approval Received].

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.

Toxic
chemicals. 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. 757) of Jay R. Kaufman, William N. Brownsberger and others for legislation to promote safe alternatives to toxic chemicals;

Aquatic life,—
protect. Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 834) of James B. Eldridge, Frank I. Smizik and others relative to establishing standards for restoring and maintaining stream flows, water levels and hydrologic regimes that protect natural aquatic life in rivers and streams;

Eastern
box
turtle. Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 3672) of Michael J. Rodrigues for an investigation by a special commission of the development, implementation and financing of a conservation management plan for the protection of the eastern box turtle; and

Department of
Fisheries,—
land. Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4167) of Cheryl A. Coakley-Rivera and others relative to projecting review or permit requirement upon certain land by the Department of Fisheries, Wildlife and Environmental Law Enforcement.

Under suspension of the rules, in each instance, on a motion of Mr. Smizik of Brookline, the reports were considered forthwith. Pending the question on acceptance of the reports, the petitions were recommended, in each instance, on motion of Mr. Pedone of Worcester.

Children,
Families and
Persons with
Disabilities,—
study. By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on House, Nos. 136, 137, 145, 151, 154, 160, 161, 172, 175, 179, 189, 190, 3420, 3422, 3798 and 3857, an Order relative to authorizing the committee on Children, Families and Persons with Disabilities to make an investigation and study of certain House documents concerning children families and persons with disabilities (House, No. 4828).

Economic
Development
and
Emerging
Technologies,—
study. By Mr. Dempsey of Haverhill, for the committee on Economic Development and Emerging Technologies, on House, Nos. 329, 331, 332, 333, 335, 336, 338, 340, 342 and 3802, an Order relative to authorizing the committee on Economic Development and Emerging Technologies to make an investigation and study of certain House

documents relative to issues regarding economic development (House, No. 4842).

Severally 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, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

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

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the Bill relative to school district regionalization (House, No. 4754) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

School district
regionalization.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to the provision of health insurance and other benefits in the town of Phillipston (House, No. 4196) [Local Approval Received].

Phillipston,—
benefits.

By the same member, for the same committee, on a petition, a Bill to re-train disabled firefighters (House, No. 4463).

Firefighters,—
re-training.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Lee to grant retirement benefits to Stanley Daoust (House, No. 4709) [Local Approval Received].

Stanley
Daoust,—
retirement
benefits.

By the same member, for the same committee, on a petition, a Bill providing certain health insurance for Richard D. Valcourt (House, No. 4776).

Richard D.
Valcourt.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Meghan Savage (House, No. 4798).

Meghan
Savage,—
sick leave.

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 Senate Bill relative to economic development reorganization (Senate, No. 2380) 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 4820.

Economic
development,—
reorganization.

By the same member, for the same committee, that the Bill relative to post-partum depression (House, No. 4668) ought to pass with an amendment by substitution of a bill with the same title (House, No. 4859).

Post-partum
depression.

By the same member, for the same committee, that the Senate Bill establishing an organ and tissue donor registration fund (Senate, No. 2515, amended) ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4860.

Organ and
tissue donor
fund.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending. Mr. Kafka of Stoughton, for said committee, then reported 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.

Fluid tanks. By Mr. Murphy of Burlington, for the committee on Ways and Means, that the following bills ought to pass:
 Relative to certain tanks used for storage of fluids (Senate, No. 914); and
 Mercury,—
 antiques. Relative to the sale of antique barometers, thermometers and clocks (Senate, No. 2403).
 Severally read; and 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.

Youth development. By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill improving coordination of the youth workforce development system in the Commonwealth (House, No. 4624) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting, the question being on ordering the bill to a third reading, with an amendment (House, No. 4724) previously recommended by the committee on Labor and Workforce Development, pending.

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

- Palmer,—
ballot question. Senate bills
 Authorizing a certain question relative to a charter revision in the town of Palmer to be placed on the state election ballot (Senate, No. 2352) [Local Approval Received]; and
- Athletic,—
safety. Relating to safety regulations for school athletic programs (Senate, No. 2469); and
- Guardians. House bills
 Further regulating the appointment of certain guardians (House, No. 1513);
- Apprentices. Relative to apprentice training (House, No. 4580);
- Harwich,—
revenue. Establishing the Caleb Chase revenue account for the town of Harwich (House, No. 4587) [Local Approval Received];
- Provincetown,—
excise tax. Relative to room occupancy excise tax in the town of Provincetown (House, No. 4653) [Local Approval Received];
- Provincetown,—
police. Exempting all positions in the Provincetown police department from the civil service law (House, No. 4656) [Local Approval Received];
- Westford,—
liquor licenses. Authorizing the town of Westford, acting by and through its conservation commission, to lease a certain parcel of land for camp purposes (House, No. 4662) [Local Approval Received];
- Boston,—
property lease. Authorizing the city of Boston parks and recreation commission to lease certain real property under its control and owned by the city of Boston (House, No. 4663) [Local Approval Received];
- Watertown,—
library. Providing for the leasing and construction of improvements to the North Branch Library and East Branch Library Buildings in the town of Watertown (House, No. 4667) [Local Approval Received];
- Gardner,—
commission. Authorizing the city of Gardner to convey certain land under the control of the Gardner Conservation Commission (House, No. 4679) [Local Approval Received];

- Authorizing the town of Southbridge to match debt repayment for school projects to the retirement of other outstanding debt (House, No. 4695) [Local Approval Received]; Southbridge,—
debt.
- Establishing a linkage extraction program in the city of Everett (House, No. 4696) [Local Approval Received]; Everett,—
linkage.
- Authorizing the city of Everett to create an inspectional services department in the city of Everett (House, No. 4697) [Local Approval Received]; Everett,—
inspections.
- Authorizing the town of Sudbury to enter into or extend wireless facility contracts or leases for periods in excess of twenty years (House, No. 4715) [Local Approval Received]; Sudbury,—
wireless leases.
- Establishing a sick leave bank for Susan Spera (House, No. 4717); Susan Spera.
- Authorizing the town of Sudbury to enter into long-term energy related leases/contracts including power purchase agreements (House, No. 4718) [Local Approval Received]; Sudbury,—
purchasing.
- Authorizing the town of Westborough to remove a condition of a full liquor license (House, No. 4735) [Local Approval Received]; Westborough,—
liquor license.
- Authorizing the town of Winthrop and the Winthrop Housing Authority to grant certain easements for underground electric and intelligence transmission and distribution cables (House, No. 4766) [Local Approval Received]; and Winthrop,—
transmission lines.
- Relative to cutting down, trimming or removing bushes and small trees (House, No. 4791); Tree
trimming.
- Severally placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measure.

The engrossed Bill authorizing the Bristol County Commissioners to borrow money for the repair of sewer extension facilities at the Bristol County Agricultural High School (see House, No. 4763, 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.
 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 6 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

The engrossed Bill authorizing the city of Melrose to enter into a tax deferral agreement with Stone Place Limited Partnership (see Senate, No. 2438) (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.

The Senate Bill requiring adequate education relative to the proper safety and operation of a motorcycle for minors (Senate, No. 2344, 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. Sent to the Senate for concurrence in the amendment previously adopted by the House. Third reading bill.

Third reading
bills and
resolve.

Senate bills
Relative to a betterment assessment in the town of Sturbridge (Senate, No. 2043);
Exempting the position of fire chief in the city of Gloucester from the civil service law (Senate, No. 2102);
Authorizing the granting of easements and the conveyance of certain land in the town of Andover (Senate, No. 2154); and
Relative to the regulation of explosives (Senate, No. 2468) (its title having been changed by the committee on Bills in the Third Reading); and
The Senate Resolve reviving and continuing the special commission relative to the establishment of a cranberry heritage area (Senate, No. 1876);
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, in concurrence.

Third
Reading
bills.

House bills
Designating a portion of the Captain William K. Webb Memorial State Park as Marys' Point (House, No. 791) (its title having been changed by the committee on Bills in the Third Reading);
Requiring the posting of security for the seizure and impoundment of animals (House, No. 1969, changed);
Relative to the qualifications, service and salary of county managers (House, No. 1993) (its title having been changed by the committee on Bills in the Third Reading);
Establishing a shellfish mitigation receipts reserved for appropriation fund in the town of Dennis (House, No. 4245); and
Improving emergency access to mental health services (House, No. 4681);
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.

Next
sitting.

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

At twenty-two minutes before twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M.