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Massachusetts House Journal, 10/20/2009

Massachusetts House Journal, October 20, 2009

Tuesday, October 20, 2009

Massachusetts House of Representatives
2009 Regular Session

Met according to adjournment at eleven o'clock A.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:

Eternal God, in Whose presence we live our daily lives, in prayer we open our hearts and minds to You, Our Creator. We seek the peace, truth and the joy which You offer us as we carry out daily tasks and obligations. We try to the best of our ability to remain faithful to You, Your ways and Commandments and our obligations as elected representatives of the people. May we, as a society, be united in seeking common goals which will make our communities and neighborhoods peaceful, safe, prosperous and family-friendly. Help us to address current legislative and public-policy issues, even the most complex and sensitive, in a reasoned, thoughtful and a mature manner. In our diverse society, teach us to respect the diverse opinions of all people, but remain committed to our own ideals, goals and human and spiritual values.

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.

Appointment of the Minority Leader.

The Minority Leader announced that he had appointed Representative Ross of Wrentham as his designee to serve on the special commission established (under Chapter 498 of the Acts of 2008) to make an investigation and study relative to improving the conditions necessary to, and determining the feasibility of, bringing the water quality in the Charles River lower basin to a level safe for swimming.

Statement Concerning Representative Koutoujian of Waltham.

A statement of Mr. Mariano of Quincy concerning Mr. Koutoujian of Waltham 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 one of our colleagues, Mr. Koutoujian of Waltham, is unable to be present in the House Chamber for the remainder of today's sitting due to illness. His missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Smola of Palmer.

A statement of Mr. Jones of North Reading concerning Mr. Smola of Palmer 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 one of our colleagues, Mr. Smola of Palmer, is unable to be present in the House Chamber for today's sitting due to the recent death of his grandmother, Grace Kulpa. His missing of roll calls today is due entirely to the reason stated.

Resolutions.

Resolutions (filed with the Clerk by Mr. Galvin of Canton) congratulating Thomas J. Ronayne III for his service to the town of Canton, were referred, under Rule 85, to the committee on Rules.

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

Annual, Quarterly and Special Reports.

The annual report of the Massachusetts Technology Development Corporation (established by Chapter 497 of the Acts of 1978) submitting financial statements for the fiscal years 2008 and 2009;

A quarterly report of the Executive Office of Transportation (under sections 12 and 13 of Chapter 86 of the Acts of 2008, and Section 18 of Chapter 233 of the Acts of 2008) submitting a summary of periodic and substantial completion estimates for certain contracts; and

A report of the Division of Health Care Finance and Policy (under Section 23 of Chapter 118 of the General Laws) submitting the results of health insurance surveys conducted during the years 2008 and 2009;

Severally were placed on file.

Papers from the Senate.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2183) of Steven A. Baddour, Attorney General Martha Coakley, Stephen M. Brewer, James E. Vallee and other members of the General Court for legislation to combat economic crime. To the committee on the Judiciary.

Petition (accompanied by bill, Senate, No. 2184) of Marc R. Pacheco for legislation to establish a sick leave bank for Cassandra Silvia, an employee of the Department of Developmental Services. 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 James E. Vallee, Martha Coakley (Attorney General) and others relative to economic crimes involving monetary instruments or other property known to be derived from criminal activity. To the committee on the Judiciary.

Petition (accompanied by bill) of Thomas P. Conroy for legislation to amend municipal borrowing procedures. To the committee on Municipalities and Regional Government.

Under suspension of the rules, on motion of Mr. Vallee of Franklin, the report was considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Speliotis of Danvers, for the Committee on Consumer Protection and Professional Licensure, on House, Nos. 398, 399 and 400, a Bill to require engine coolant and antifreeze to contain a **bittering** agent so as to render it unpalatable (House, No. 4285).

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill relative to naming "The Road to Boston" in memory of Benny Emerick (House, No 3182).

By the same member, for the same committee, on a petition, a Bill designating a certain bridge in the city of Malden (House, No. 3209).

By the same member, for the same committee, on a petition, a Bill naming a certain bridge in the city of Malden (House, No. 3210).

By the same member, for the same committee, on House Nos. 3218 and 3219, a Bill designating a certain bike path in the town of Millbury as the Honorable Richard Dwinell Memorial Blackstone Valley Bike Path (House, No. 3218).

By the same member, for the same committee, on a petition, a Bill designating a certain bridge in the town of Foxborough as the Billy Sullivan Memorial Bridge (House, No. 3220).

By the same member, for the same committee, on a petition, a Bill designating a certain bridge in the town of Danvers as the Danversport Miracle Bridge (House, No. 3335, changed in line 2 by striking out the word "Miracle", and in line 3 by striking out the words "and maintain").

By the same member, for the same committee, on a petition, a Bill designating Route 20 in the town of Northborough as the John Davis Highway (House, No. 4030).

By the same member, for the same committee, on a petition, a Bill designating a portion of Route 140 as the Korean War Veterans' Memorial Roadway (House, No. 4215).

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

At thirteen minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until half past twelve o'clock noon; and at twenty minutes before one o'clock P.M. the House was called to order with Mr. Petrolati of Ludlow in the Chair.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey land in Agawam to the Veterans of America, Inc. for the purpose of veterans' housing (House, No. 4186) ought to pass with an amendment substituting therefore a Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the town of Agawam (House, No. 4289). Read; and 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 Ms. Sandlin of Agawam, 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.

Subsequently, the second noon recess having terminated, 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; and it was passed to be engrossed. The bill (House, No. 4289) then was sent to the Senate for concurrence.

At eighteen minutes before one o'clock P.M., on motion of Mr. Costello of Newburyport (Mr. Petrolati of Ludlow being in the Chair), the House recessed until a quarter after twelve o'clock noon; and at twenty minutes before one o'clock P.M. the House was called to order with Mr. Petrolati of Ludlow in the Chair.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to the Vietnam Veterans Memorial Skating Rink in the city of North Adams (House, No. 3550), be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Bosley of North Adams, the bill was read a second time forthwith; and it was ordered to a third reading.

Prior to the noon recess,-- Mr. Murphy of Burlington, for the committee on Ways and Means, on House, No. 4157, reported, in part, a Bill making appropriations for the fiscal year 2009 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4288) [Fiscal Note: \$71,716,390]. Read; referred under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Murphy of Burlington, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, the same member asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 152 members were recorded as being in attendance.

Therefore a quorum was present.

After debate on the question on passing the bill to be engrossed, Ms. Callahan of Sutton moved to amend it by inserting after section 60 (as printed) the following section:

“SECTION 61A. Provided further that a detailed itemized budget relative to house and senate operations contained in any legislative accounts including; line items 9500-0000, 9600-0000, 9700-0000 shall be filed by the offices of house speaker and senate president with both the house and senate committees on ways and means prior to the release of the annual house and senate budgets for the proposed fiscal year budget and any changes made to said itemized operations in such legislative accounts within deficiency budgets shall be duly noted. These itemized budgets and changes shall be made available to all members of the General Court.”.

After debate the amendment was rejected.

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. Murphy of Burlington; and on the roll call (Mr. Donato of Medford being in the Chair) 118 members voted in the affirmative and 34 in the negative.

[Messrs. Binienda of Worcester and Kujawski of Webster answered “present” in response to their names.]

Therefore the bill (House, No. 4288) was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bill - Land Taking.

The engrossed Bill authorizing the lease of certain conservation land in the town of Easton for agricultural purposes and to establish the Tufts Farm Maintenance Fund (see House, No. 1885) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, 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 taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bill.

The engrossed Bill authorizing the town of Saugus to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 1120) (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.

Recesses.

At twenty-five minutes before four o'clock P.M., on motion of Mr. Miceli of Wilmington (Mr. Donato of Medford being in the Chair), the House recessed until half past four o'clock; and at time the House was called to order by Mr. Donato.

The House thereupon, on motion of Ms. Reinstein of Revere, took a further recess until half past five o'clock;

and at twenty-nine minutes before six o'clock the House was called to order with Mr. Donato in the Chair.

Paper from the Senate.

The House Bill making appropriations for the fiscal year 2009 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4288) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 14.

Under suspension of the rules, on motion of Mr. Murphy of Burlington, the amendment was considered forthwith; and it was adopted, in concurrence.

Emergency Measure.

The engrossed Bill making appropriations for the fiscal year 2009 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4288, 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 Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 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.

Order.

On motion of Mr. DeLeo of Winthrop,--

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

Mr. Fagan of Taunton then moved that as a mark of respect to the memory of Richard Hughes of Everett, a dedicated public servant, who had served the Legislature for over 37 years, as director of constituent services to Speaker George Keverian of Everett, personnel director to Majority Leader Richard A. Voke of Chelsea and most recently as chief of staff to Representative James H. Fagan of Taunton, the House adjourn; and the motion prevailed.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twenty-four minutes after six 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 Thursday at eleven o'clock A.M., in an Informal Session.

MA H.R. Jour., 10/20/2009

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