

## JOURNAL OF THE HOUSE.

Monday, March 22, 2010.

Met according to adjournment, at two o'clock P.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:

Gracious God, Eternal Source of Light, Truth and Love, we take a moment to turn our attention to You, Our Creator, on this first full week of spring. We pray for light in our consciences, truth is our minds and love in our hearts. Teach us as a society to reason and dialogue together as we evaluate and address the administrative and legislative matters which come before us. Inspire us to serve You, the people and the Commonwealth with integrity of heart, singleness of purpose and dedication to promoting the common good. We are grateful for the example, courage and moral integrity of the many leaders who have served this nation throughout the years. May we continue to carry out the spirit of our founders which is contained in our constitutions and in their concern for the good and well-being of all people.

Prayer.

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.

Pledge of  
allegiance.

### *Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representatives Bowles of Attleboro and Poirier of North Attleborough) commending the city of Attleboro's Complete Count Committee; and

Attleboro,—  
Complete  
Count.

Resolutions (filed by Mrs. Canavan of Brockton) honoring Joseph Meltzer for receiving the Eagle Award of the Boy Scouts of America;

Joseph  
Meltzer.

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

### *Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Aguiar of Fall River, a petition (subject to Joint Rule 12) of Kevin Aguiar that the honor roll erected on the U.S.S. Massachusetts honoring deceased veterans of World War II be authorized to

U.S.S.  
Massachusetts,—  
honor roll.

National Guard,—scholarship.	include a section in memory of the members of the armed forces from the Commonwealth who died in Afghanistan and Iraq; By Ms. Callahan of Sutton (by request), a petition (subject to Joint Rule 12) of Brian T. Murphy for legislation to authorize certain children of members of the National Guard to participate in the educational assistance program established for said military organization;
Delinquent rent.	By the same member (by request), a petition (subject to Joint Rule 12) of Colum J. Moraghan for legislation to authorize landlords to initiate rent collection procedures against delinquent tenants;
Operational Services,—fees.	By Mrs. Creedon of Brockton, a petition (subject to Joint Rule 12) of Geraldine Creedon for legislation to discontinue the contract administrative fee imposed by the Operational Services Division of the Commonwealth;
Small business,—taxation.	By Ms. Ehrlich of Marblehead, a petition (subject to Joint Rule 12) of Lori A. Ehrlich for legislation to make certain changes in the law relative to the taxation of small business;
Id.	By the same member, a petition (subject to Joint Rule 12) of Lori A. Ehrlich for legislation to reduce the tax imposed on small businesses;
Id.	By the same member, a petition (subject to Joint Rule 12) of Lori A. Ehrlich relative to the tax imposed on certain small businesses employing fifty persons or less;
Unemployment insurance,—worksharing.	By Mr. Evangelidis of Holden, a petition (subject to Joint Rule 12) of Lewis G. Evangelidis relative to the definition of an “affected unit” for the application of worksharing plans under the unemployment insurance law;
Richard D. Valcourt.	By Ms. Gobi of Spencer, a petition (subject to Joint Rule 12) of Anne M. Gobi and Stephen M. Brewer that Richard D. Valcourt, a member of the Worcester regional retirement system, be eligible for benefits from the Group Insurance Commission;
Elizabeth H. Hathaway.	By Mr. Madden of Nantucket (by request), a petition (subject to Joint Rule 12) of Charlotte Harris that the Division of Licensure be authorized to issue a license for the practice of psychology to Elizabeth H. Hathaway, a resident of the state of California;
Dinamarie McCarthy,—sick leave.	By Mr. Mariano of Quincy, a petition (subject to Joint Rule 12) of Ronald Mariano that the Department of Children and Families be authorized to establish a sick leave bank for Dinamarie McCarthy, an employee of said department; and
Public utilities,—fines.	By Representative Rice of Gardner and Senator Flanagan, a joint petition (subject to Joint Rule 12) of Robert L. Rice, Jennifer L. Flanagan and others relative to the use of public utility fines and penalties for the purpose of reimbursing affected customers.
	Severally referred, under Rule 24, to the committee on Rules.

*Papers from the Senate.*

John Riordan,—sick leave.	<b>Bills</b> Relative to establishing a sick leave bank for John Riordan, an employee of the Trial Court (Senate, No. 2227, amended in line 4 by inserting after the word “Riordan,” the following sentence: “Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court.”) (on a petition).
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Relative to establishing a sick leave bank for Christine Frangakis, an employee of the Department of Public Health (Senate, No. 2269, amended by adding the following sentence: “Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department.”; 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 forthwith a sick leave bank for a certain employee of the department of public health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”) (on a petition).

Severally, passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Reports of Committees.*

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on a petition, a Bill relative to preventing fraud (House, No. 892).	Insurance fraud.
By the same member, for the same committee, on Senate, No. 454 and House, No. 944, a Bill prohibiting drug switching payments (House, No. 944).	Drug switching payments.
By the same member, for the same committee, on a petition, a Bill relative to medical examinations (House, No. 1004).	Medical examinations.
By the same member, for the same committee, on a petition, a Bill repealing mandated benefits that are no longer effective (House, No. 3679).	Mandated benefits.
By the same member, for the same committee, on a petition, a Bill relative to nursing home liability insurance (House, No. 3887).	Nursing home liability insurance.
Referred, under Joint Rule 1E, to the committee on Health Care Financing.	
By Mr. Moran, for the committee on Election Laws, on Senate, No. 20 and House, No. 3665, a Bill regarding the preparation of certain ballots in the city of Boston (House, No. 3665) [Local Approval Received] [Representative Jones of North Reading dissenting].	Boston,—ballots.
By Mr. Koutoujian of Waltham, for the committee on Financial Services, on a petition, a Bill relative to certain actions and transactions before the Board of Bank Incorporation and the Commissioner of Banks (House, No. 1017).	Board of Bank Incorporation.
By the same member, for the same committee, on a petition, a Bill authorizing the conversion of banks to another charter (House, No. 1026).	Banks,—conversion.
By the same member, for the same committee, on a petition, a Bill to increase insurance capacity in the commonwealth (House, No. 1057).	Insurance,—capacity.
By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to penalties for false distress calls (House, No. 2217).	False distress calls.

Christine Frangakis,—sick leave.

Public safety facilities. By the same member, for the same committee, on a petition, a Bill to build and renovate fire and police stations in the Commonwealth (House, No. 2293).  
Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Boxford,—recall elections. By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill providing for recall elections in the town of Boxford (House, No. 4381) [Local Approval Received].

Savings bank life insurance. By Mr. Koutoujian of Waltham, for the committee on Financial Services, on Senate, No. 509 and House, No. 889, a Bill relative to savings bank life insurance (House, No. 889, changed by striking out all after the enacting clause and inserting in place thereof the following: "Notwithstanding any general or special law, the company, as defined in Section 1 of Chapter 178A of the general laws, in establishing rates, benefits and coverages shall comply with the non-discrimination provisions of Chapter 175 of the general laws").

Fire insurance. By the same member, for the same committee, on a petition, a Bill relative to applications for insurance against loss or damage to a building by fire (House, No. 903).

Spousal Insurance. By the same member, for the same committee, on a petition, a Bill providing insurance coverage to certain spouses (House, No. 943).

Fire insurance. By the same member, for the same committee, on a petition, a Bill relating to fire insurance (House, No. 957).

Id. By the same member, for the same committee, on a petition, a Bill relating to the standard fire insurance policy (House, No. 960).

Farmer's markets. By the same member, for the same committee, on a petition, a Bill relative to farmers' market insurance (House, No. 998).

Banks,—conversion. By the same member, for the same committee, on a petition, a Bill relative to the conversion of a Massachusetts chartered bank or credit union to a federal or other charter (House, No. 1016).

Credit Union Share Insurance Corporation. By the same member, for the same committee, on a petition, a Bill relative to the investment powers of the Massachusetts Credit Union Share Insurance Corporation (House, No. 4483).

Schools,—Felony notification. By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill requiring police departments to notify school superintendents upon the issuance of felony complaints against students (House, No. 2213).

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

Westborough State Hospital. Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Resolve establishing a special commission on the reuse of Westborough State Hospital (Senate, No. 2219) ought to pass with amendments in line 10, and also in line 11, by striking out the word "two" (as published) and inserting in place thereof, in each instance, the figure "3". [Representative Scaccia of Boston dissenting]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

Mr. Murphy of Burlington, for the committee on Ways and Means, on House, No. 4444, reported, in part, a Bill making appropriations for the Fiscal Year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4572). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading.

By 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  
Further regulating funeral processions (Senate, No. 1884, amended);  
Relative to payment for services rendered for extraordinary storm damage in the town of Templeton (Senate, No. 2231) [Local Approval Received];  
Funerals. Templeton,—payment.  
Establishing a sick leave bank for Denise Cailler, an employee of the Trial Court (Senate, No. 2241); and  
Denise Cailler.  
Relative to the Punchard Free School in the town of Andover (Senate, No. 2321); and  
Punchard Free School.  
House bills  
Relative to education collaboratives (House, No. 379);  
Education.  
Modifying a conservation restriction in the town of Andover (House, No. 598) [Local Approval Received];  
Andover,—restriction.  
Relative to striped bass (House, No. 799);  
Striped bass.  
Relative to dedicating a portion of Route 2 to Dennis Rindone (House, No. 1889);  
Route 2.  
Relative to the removal of spending limits in the town of North Andover (House, No. 1897) [Local Approval Received];  
North Andover,—spending limits.  
Relative to the distribution of the simplified rules for special town meetings in the town of North Andover (House, No. 1899) [Local Approval Received];  
North Andover,—town meeting.  
Relative to the distribution of copies of the warrant in the town of North Andover (House, No. 1900) [Local Approval Received];  
North Andover,—warrant.  
Relative to the conduct of public hearings on capital improvements plans in the town of North Andover (House, No. 1901) [Local Approval Received];  
North Andover,—public hearings.  
Relative to compensated absences in cities and towns (House, No. 1978);  
Absences.  
Relative to the expenditure of certain municipal and district monies (House, No. 1979);  
Monies.  
To increase the amount that can be appropriated from the balance of a capital project fund (House, No. 1980);  
Capital project fund.  
To simplify the rules for use of municipal departmental revolving funds (House, No. 1988);  
Municipal department funds.  
Relative to handicapped automobile licenses or placards (House, No. 1998);  
Handicapped.  
To amend the fine for failing to obtain, renew or violating terms of a license to operate an open air parking lot (House, No. 2006);  
Open air parking lots.  
Relative to private road maintenance (House, No. 2013);  
Private roads.

Nonteaching employees.— Relative to protecting the rights of custodial, maintenance and other nonteaching employees of school districts (House, No. 2534);

Haverhill,— Designating a certain section of highway Route 110 in the city of Haverhill as the Emilio Brothers Memorial Highway (House, No. 3197);

Private roads.— Relative to the maintenance of private roads, beaches and amenities in municipalities (House, No. 3412);

Libraries.— Regarding the fiscal authority of decertified libraries (House, No. 3782, changed);

Nantucket,— To further clarify the Nantucket Islands land bank act regarding land bank. real property interests subject to the land bank act's transfer fee (House, No. 4106) [Local Approval Received];

North Andover,— Authorizing the town of North Andover to incur debt for the debt. replacement of overhead utilities (House, No. 4113) [Local Approval Received];

Hyde Park,— Designating the intersection in front of 306 Turtle Pond Parkway in the Hyde Park district of the city of Boston as Paul P. Loring Square. Square. (House, No. 4120);

North Andover,— Authorizing the town of North Andover to amend a certain conservation restriction (House, No. 4194) [Local Approval Received];

Boston Hill. Exempting the city of Springfield from certain provisions of the Springfield,— General Laws (House, No. 4316) [Local Approval Received];

exemptions. Authorizing the town of Brewster to use a portion of town-owned land use. land for renewable energy projects (House, No. 4450) [Local Approval Received];

Brewster,— Relative to transfer of land in the town of Sharon (House, No. 4468) Sharon,— land transfer. [Local Approval Received];

Relative to a road maintenance revolving account in the town of Brewster,— revolving account. Brewster (House, No. 4495) [Local Approval Received];

Watertown,— Relative to an extension of a lease by the town of Watertown for lease. the town of Watertown Boys and Girls Club (House, No. 4504) [Local Approval Received]; and

Massachusetts Making amendments to the Massachusetts Corporation Act — Corporation Act. Part Two (House, No. 4509).

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

#### *Engrossed Bills.*

Bills enacted. Establishing the position of town clerk in the town of Charlemont (see Senate, No. 2130, amended);

Authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 2258); and

Authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 2259);

(Which severally originated in the Senate);

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.

#### *Orders of the Day.*

Senate bills

Authorizing the town of Winchendon to continue the employment of Allen J. Lafrenni as Fire Chief (Senate, No. 2066); and

Establishing a sick leave bank for Candace Cabey, an employee of the Trial Court (Senate, No. 2273);

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.

The House Bill establishing a sick leave bank for Thomas Troy, an employee of the Department of Corrections (House, No. 4530) (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; and it was passed to be engrossed. Sent to the Senate for concurrence.

Id.

The House Bill relative to minimum age requirement for obtaining identification cards (House, No. 3216) was read a second time.

Second reading bill amended.

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. 4512),— was adopted.

The substituted bill was then ordered to a third reading.

#### *Order.*

On motion of Mr. DeLeo of Winthrop,—

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

Next sitting.

At twenty-three minutes after two o'clock P.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.