

# JOURNAL OF THE HOUSE.

Wednesday, April 7, 2010.

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:

Prayer. Eternal God, we begin today's formal legislative session with a prayer for guidance and direction. Our intention for this and every day is to serve You, our constituents and our families faithfully. In Your goodness, help us to understand clearly and to address correctly the legislative and administrative issues which come before us. In these difficult economic times, inspire us to select legislative options which serve the current and future best interests of the people and our communities. When we disagree on sensitive public policy issues, teach us, as a society, to dialogue in a civil, honest, reasoned and objective manner. Grant us the courage to remain faithful to our own philosophical and religious principles as we struggle to carry out our constitutional obligations.

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

Pledge of allegiance. 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.

### Statement Concerning Representative Bosley of North Adams.

A statement of Ms. Haddad of Somerset concerning Mr. Bosley of North Adams was spread upon the records of the House, as follows:

Statement concerning Mr. Bosley of North Adams. MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Bosley of North Adams, is unable to be present in the House Chamber for today's sitting due to official business outside of the State House.

His missing of the roll call today is due entirely to the reason stated.

### Statement Concerning Representative Callahan of Sutton.

A statement of Ms. Haddad of Somerset concerning Ms. Callahan of Sutton was spread upon the records of the House, as follows:

Statement concerning Ms. Callahan of Sutton. MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Callahan of Sutton, is unable to be present in the House Chamber for today's sitting due to the funeral of her mother-in-law.

Her missing of the roll call today is due entirely to the reason stated.

### Statement Concerning Representative Peterson of Grafton.

A statement of Mr. Jones of North Reading concerning Mr. Peterson of Grafton 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, Representative Peterson of Grafton, was unable to be present in the House Chamber for today's sitting due to being unavoidably delayed in transit. His missing of the roll call today is due entirely to the reason stated. Statement concerning Mr. Peterson of Grafton.

### Guests of the House.

During the session, the Chair (Mr. Donato of Medford), declared a brief recess, and introduced the Cheerleading Team from North Attleborough High School. They were the guests of Representative Poirier of North Attleborough. The team then assembled in the well of the House, where Mrs. Poirier presented each cheerleader with citations of the House congratulating the team on their accomplishment of a very successful season. North Attleborough,— cheerleaders.

Subsequent to the noon recess,— Mr. Fagan of Taunton, who was in the Chair, introduced the 5th grade class of Saint Mary's School in the city of Taunton. Representative Fagan then welcomed the students to the State House and the Chamber of the House. Taunton,— 5th grade class.

### Communication.

A communication from the Office of the Child Advocate of their intent (notwithstanding the provisions of Section 134 of Chapter 176 of the Acts of 2008) to delay submission of the comprehensive plan for response to child abuse and neglect until September 1, 2010, was placed on file. Child abuse report,— delay.

### Reports of Committees.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the House Bill establishing expanded gaming in the Commonwealth (House, No. 4591) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Expanded gaming.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill establishing the Massachusetts state pilotage rate board (Senate, No. 2174, amended) 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 4603. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending. State pilotage rate board.

By Mr. Koutoujian of Waltham, for the committee on Financial Services, on Senate, No. 473 and House, No. 910, a Bill to provide coverage for hearing aids for children (House, No. 910). Hearing aids.

By the same member, for the same committee, on Senate, Nos. 494 and 521 and House, Nos. 938 and 978, a Bill to streamline the physician credentialing process (House, No. 978, changed by striking out section 1 and inserting in place thereof the following section: Physician credentialing process.

"SECTION 1. Section 1 of chapter 176O of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the definition of 'Health care services' the following new definition:—

Physician credentialing process.

'Hospital-based physician', a pathologist, anesthesiologist, radiologist or emergency room physician who practices exclusively within the inpatient or outpatient hospital setting and who provides health care services to a carrier's insured only as a result of the insured being directed to the hospital inpatient or outpatient setting. This definition may be expanded, after consultation with a statewide advisory committee composed of an equal number of organizations representing providers and those representing health plans including but not limited to a representative from the Massachusetts Medical Society, the Massachusetts Association of Health Plans, the Massachusetts Association of Medical staff Services, and Blue Cross Blue Shield of Massachusetts, by regulation to include additional categories of providers who practice exclusively within the inpatient or outpatient or outpatient hospital setting and who provide health care services to a carrier's insured only as a result of the insured being directed to the hospital inpatient or outpatient setting.'; and by striking out section 3 and inserting in place thereof the following section: "SECTION 3. The act shall become effective on January 1, 2011.'")

Mitochondrial disease.

By the same member, for the same committee, on a petition, a Bill providing for care and treatment of patients with mitochondrial disease (House, No. 1033).

Craniofacial disorders.

By the same member, for the same committee, on Senate, No. 449 and House, Nos. 932 and 1034, a Bill relative to insurance coverage for craniofacial disorders (House, No. 1034).

Mental health treatment.

By the same member, for the same committee, on a petition, a Bill relative to the continuity of care of mental health treatment (House, No. 3559).

Health insurance.

By the same member, for the same committee, on House, Nos. 3452 and 4605, a Bill relative to small business health insurance (House, No. 4605).

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

Charging stations.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill promoting the establishment and use of electric vehicle charging stations (House, No. 698).

Management plan.

By the same member, for the same committee, on a petition, a Bill creating the non-indigenous species management plan (House, No. 705).

Regional water districts.

By the same member, for the same committee, on a petition, a Bill to provide technical assistance in the creation of regional water districts (House, No. 727).

Energy conservation.

By the same member, for the same committee, on a petition, a Bill to limit outdoor night lighting, conserve energy, and reduce light pollution (House, No. 731).

Pesticides.

By the same member, for the same committee, on a petition, a Bill to prevent the use of the most dangerous pesticides (House, No. 755).

Solid waste.

By the same member, for the same committee, on a petition, a Bill to reduce solid waste in the Commonwealth (House, No. 756).

Public input.

By the same member, for the same committee, on a petition, a Bill to provide public input into changes to public lands and buildings located thereon (House, No. 758).

By the same member, for the same committee, on a petition, a Bill to increase recycling (House, No. 769). Recycling.

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

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to Title V approval (House, No. 751). Title V.

By the same member, for the same committee, on a petition, a Bill regulating the organic content in newly constructed and renovated lawns (House, No. 754). Organic content.

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

Recess.

At eight minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House recessed until the hour of two o'clock P.M.; and at nine minutes after two o'clock the House was called to order with Mr. Fagan of Taunton in the Chair. Recess.

Engrossed Bills.

Mr. Petrolati of Ludlow being in the Chair,—  
The engrossed Bill validating the actions taken at certain town meetings and town elections in the town of Wilbraham (see House bill printed in House, No. 4564) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more the two-thirds of the members having agreed to pass the same; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

The engrossed Bill authorizing the appointment of special police officers in the city known as the town of Greenfield (see House, No. 636) (which originated in the House), 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. Id.

Papers from the Senate.

Mr. Donato of Medford being in the Chair,—  
The engrossed Bill relative to assault and battery by means of a bodily substance upon correctional facility employees and expanding the prohibition on the dissemination of obscenity (see Senate, No. 997, amended), which had been returned to the Senate by His Excellency the Governor (under Article LVI of the Amendments to the Constitution) with recommendation of amendment [for message, see Senate, No. 2361], came from said branch with the endorsement that it had adopted said amendment in section 1 striking out subsection (d). Correctional facility employees,— assault and battery.

Under suspension of Rule 35, on motion of Mr. Costello of Newburyport, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Athol,—  
part-time  
firefighters.

Mr. Petrolati of Ludlow being in the Chair,—  
A petition of Steven M. Brewer and Christopher J. Donelan for legislation to exempt part-time call firefighters in the town of Athol from the civil service law, came from the Senate referred, under suspension of Joint Rule 7B, to the committee on Revenue.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2368) was referred, in concurrence, to the committee on Revenue.

*Reports of Committees.*

Dinamarie  
McCarthy,—  
sick leave.

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 petition 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.

Under suspension of the rules, on motion of Mr. Mariano of Quincy, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Public Service. Sent to the Senate for concurrence.

Expanded  
gaming bill,—  
procedures.

Mr. Binienda of Worcester, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the House Bill relative to expanded gaming in the Commonwealth (House, No. 4951) (for order, see House, No. 4604).

After remarks on the question on adoption of the order, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 318 in Supplement.]**

Therefore the order (House, No. 4604) was adopted.

*Orders of the Day.*

Second  
reading  
bills.

The Senate Bill further regulating funeral processions (Senate, No. 1884, amended); and

House bills

Establishing a sick leave bank for Stephen R. Fratalia, an employee of the Department of Probation (House, No. 4576); and

Establishing a sick leave bank for a certain employee of the Commonwealth of Massachusetts Trial Court Security Department's office (House, No. 4577).

Severally were read a second time; and ordered to a third reading.

Third  
reading  
bills.

Mr. Donato of Medford being in the Chair,—

House bills

Relative to designating a certain motor vehicle plate assignment (House, No. 4515); and

Establishing a sick leave bank for Frances Bonnayer, an employee of the Massachusetts Department of Transportation (House, No. 4573) (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 tomorrow at eleven o'clock A.M. Next sitting.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at three minutes before three 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 day at eleven o'clock A.M., in an Informal Session.