

JOURNAL OF THE HOUSE.

Thursday, October 21, 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:

Gracious God, the Spirit of Truth and Love, we depend upon You and Your guidance in our daily effort to do what is right, honorable and just. Grant us Your gift of knowledge to see issues clearly and the wisdom to make reasoned and thoughtful decisions. Our daily intention is to serve You, the Commonwealth and constituents and our families to the best of our ability. In addressing and resolving complex and sensitive issues, help us to form a right conscience in our decision-making actions. Teach us to be good listeners and to have an open mind to the opinions of others as we discuss issues and public policy with associates and constituents. May we face our daily responsibilities and opportunities with renewed enthusiasm, fidelity and humility.

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.

Silent Prayer.

At the request of Speaker DeLeo of Winthrop and the Chair (Mr. Donato of Medford), the members, guests and employees stood in a moment of silent prayer in respect to the memory of Ann M. (Damplo) Nucci of East Boston, who passed away on October 19. She was the devoted mother of former Boston City Councillor John A. Nucci.

Message from the Governor — Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment section 31 (published as House, No. 5055) of the engrossed Bill making appropriations for the fiscal years 2010 and 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 5028] (for message, see House, No. 5052) was filed in the office of the Clerk on Friday, October 15.

The message was read; and, under the provisions of Article LVI (as amended by Article XC) of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendments recommended by His Excellency, the bill (see House, No. 5055) was referred, on motion of Mr. Pedone of Worcester, to the committee on Bills in the Third Reading.

Ambulance services,— insurance.

Appointment to a Special Commission.

State bank. The Speaker announced that he had appointed Mr. Richard Gavegnano of Peabody to the special commission established (under Section 180 of Chapter 240 of the Acts of 2010) to study the feasibility of establishing a bank owned by the Commonwealth or by a public authority constituted by the Commonwealth.

Communication.

Civil service lists. A communication from the Human Resources Division of the Executive Office for Administration and Finance (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a list of certain public safety police promotional lists which have been revoked by the Personnel Administrator as of October 1, 2010, was placed on file.

Annual Report.

Technology Development Corporation. The annual report of the Massachusetts Technology Development Corporation (established by Section 6 of Chapter 40G of the General Laws) submitting financial statements for the fiscal years 2008 and 2009, was placed on file.

Resolutions.

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

Paula Lenzi Kantor. Resolutions (filed by Mr. Mariano of Quincy) congratulating Paula Lenzi Kantor on the occasion of her retirement;

Polly Howard. Resolutions (filed by Mr. Peterson of Grafton, Carolyn Dykema and Karyn Polito) honoring Polly Howard's dedication to the town of Westborough, and the community;

Majorie and James L. Gallo Scholarship. Resolutions (filed by Representatives Barrows and Poirier) congratulating James L. Gallo on establishing the Majorie and James L. Gallo Scholarship; and

Board of Registration in Nursing. Resolutions (filed by Mr. Kafka and other members of the House) honoring the Massachusetts Board of Registration in Nursing on the occasion of its centennial anniversary;

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

Petitions.

Boston,—liquor licenses. By Mr. Basile of Boston presented a petition (accompanied by bill, House, No. 5056) of Carlo P. Basile and Anthony W. Petrucci (with the approval of the mayor and city council) that the licensing board for the city of Boston be authorized to issue certain licenses for the sale of alcoholic beverages at Logan Airport located in said city; and the same was referred, under Rule 24, to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Mr. Sannicandro of Ashland presented a petition (subject to Joint Rule 12) of Tom Sannicandro for legislation to further define virtual corporations under the law regulating limited liability companies doing business in the Commonwealth; and the same was referred, under Rule 24, to the committee on Rules.

Virtual corporations.

Papers from the Senate.

A Bill establishing a sick leave bank for Meridyth L. Reith, an employee of the Department of Environmental Protection (House, No. 4575), came from the Senate with the endorsement that said branch had non-concurred with the House in its further amendment.

Meridyth L. Reith,—sick leave bank.

On motion of Mr. Pedone of Worcester, the House then receded from its further amendment.

A petition (accompanied by bill, Senate, No. 2637) of Thomas M. McGee, Richard R. Tisei and Katherine Clark (with the approval of the mayor and city council) for legislation relative to the Mount Hood Memorial Park and Golf Course Enterprise Fund in the city of Melrose, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Melrose,—Mount Hood fund.

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

Petition (accompanied by bill, Senate, No. 2640) of Stephen M. Brewer and Lewis G. Evangelidis for legislation to establish a sick leave bank for Francis Bedard, an employee of the Department of Correction; and

Francis Bedard,—sick leave bank.

Petition (accompanied by bill, Senate, No. 2641) of James E. Timilty for legislation to establish a sick leave bank for Frank J. Servello, an employee of the Executive Office Public Safety and Security; Severally to the committee on Public Service.

Frank Servello,—sick leave bank.

Reports of Committees.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 3154, 3157, 3158, 3164, 3194, 3208, 3212, 3217, 3233, 3246, 3250, 3251, 3257, 3260, 3277, 3278, 3279, 3282, 3286, 3294, 3295, 3302, 3307, 3314, 3319, 3320, 3329, 3331, 3332, 3345, 3346, 3347, 3349, 3350, 3641, 3789, 4027 and 4028, an Order authorizing the committee on Transportation to make an investigation and study of certain House documents regarding windshield wipers, funeral processions, motorcycles and other matters (House, No. 5053). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Windshield wipers, funeral processions, and other matters,—study.

Subsequently, Mr. Binienda of Worcester, for said committees, reported asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill authorizing the licensing of firearms for persons

Firearms,—age 70.

Firearms,—
age 70. 70 years of age or older (House, No. 541) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 5049). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the licensing of firearms for persons 70 years of age or older (House, No. 541) be scheduled for consideration by the House with 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. 5049),— pending.

Under suspension of Rule 7A, on motion of the same member, 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.

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

Authorizing the town of Dedham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5025); and

Establishing a sick leave bank for Nanette Bradley, an employee of the Department of Children and Families (House, No. 5047);

Under suspension of Rule 7A, in each instance, on motion of the same member the bills were read a second time forthwith; and they were ordered to a third reading.

A report of the committees on Rules of the two branches, acting concurrently, that the Bill creating a special commission on college scholarships (House, No. 4940) ought NOT to pass (under Joint Rule 10).

Under suspension of the rules, on motion of Ms. Peisch of Wellesley, the report was considered forthwith. The House then refused to reject the bill (under Joint Rule 10).

Under suspension of Rule 32, on motion of the same member, the bill was read a second time forthwith; and it was referred, under Rule 33, to the committee on Ways and Means.

Reports

Of the committee on Community Development and Small Business, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 200) of Michael J. Rodrigues relative to exempting certain small retail establishments from unit pricing;

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 201) of Michael J. Rodrigues for legislation to allow retail stores to open during holidays;

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 202) of Michael J. Rodrigues relative to clear and conspicuous price disclosure;

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 205) of Frank I. Smizik relative to establishing the Commonwealth community fund;

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 206) of William M. Straus and Stephen Kulik for legislation to require that rebates on retail sales be made at the time of such purchases;

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 208) of David M. Torrisi relative to the display of prices in food stores;

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 212) of James T. Welch relative to pricing in food stores and food departments; and

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 1062) of David M. Torrisi, Barbara A. L'Italian and others relative to the rehabilitation of community resources;

Under suspension of the rules, in each instance, on a motion of Ms. Forry of Boston, the reports were considered forthwith. Pending the question on acceptance of the reports, the petitions were recommit- ted, in each instance, on motion of the same member.

Reports

Of the committee on Veterans and Federal Affairs, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3382) of Harold P. Naughton, Jr., and John A. Hart, Jr., relative to the appointment of veterans' agents and service officers;

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3383) of Harold P. Naughton, Jr., for legislation to establish a military scholarship program for children, siblings and spouses of certain veterans;

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3384) of Harold P. Naughton, Jr., and John A. Hart, Jr., relative the Department of Veterans' Services;

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3385) of Harold P. Naughton, Jr., and others relative to burial benefits of veterans;

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3387) of Jeffrey David Pery and others for legislation to require compliance with federal immigration laws for public benefits;

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3388) of Kathi-Anne Reinstein and others for legislation to impose a penalty for the removal of commemorative flag holders from graves of veterans and police and fire personnel;

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3389) of Kathi-Anne Reinstein and others for legislation to impose a penalty for the removal of American flags and fire and police commemorative medallions from burial places;

Community fund.

Retail sales,— rebates.

Food stores,— pricing.

Id.

Community resourceas.

Veterans' agents,— appointment.

Scholarship,— military children.

Veterans' services.

Veterans,— burial benefits.

Immigration,— public benefits.

Commemorative flags,— removal.

Id.

Dedham,— liquor license.

Nanette Bradley,— sick leave.

College scholarships,— commission.

Unit pricing.

Retail stores,— holidays.

Price disclosure.

Veterans' agents. Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3390) of Kathi-Anne Reinstein and others relative to veterans' agents and veterans' benefits;

Veterans,—retirement stipend. Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3391) of Kathi-Anne Reinstein and others for legislation to increase the stipend for certified veterans at the time of retirement from public service ; and

Armed forces,—sexual harassment. Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3392) of Kathi-Anne Reinstein and Bruce E. Tarr for legislation to establish an office of prevention of sexual harassment of members and former members of the armed forces;

Under suspension of the rules, in each instance, on a motion of Mr. Naughton of Clinton, the reports were considered forthwith. Pending the question on acceptance of the reports, the petitions were recommit- ted, in each instance, on motion of the same member.

Emergency Measure.

Barbara Sereda. The engrossed Bill establishing a sick leave bank for Barbara Sereda, an employee of the Department of Transitional Assistance (see Senate, No. 2624), 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 10 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Bills enacted. Authorizing the town of Wenham to grant certain licenses for the sale of wines and malt beverages not to be drunk on the premises (see Senate, No. 2623) (which originated in the Senate); and

Relative to intermunicipal agreement between the towns of Provincetown and Truro (see House, No. 4873) (which originated in the House);

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.

Third Reading bills. There being no objection,— House bills

Relative to quarterly tax billing in the town of Belmont (House, No. 4901); and

Establishing a sick leave bank for Patrick Cuervels, an employee of the Trial Court (House, No. 5046) (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.

There being no objection,— The Senate Bill relative to a lien for architects, engineers, land surveyors and site professionals (Senate, No. 2512), was read a third time.

Architects,—liens.

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by striking out section 1A (previously inserted by amendment by the House).

The amendment was adopted; and the bill (Senate, No. 2512, amended) was passed to be engrossed. Sent to the Senate for concurrence in another amendment previously adopted by the House.

The engrossed Bill prohibiting fraud and misapplication of Department of Transitional Assistance funds (see House, No. 4830), which had been contained in Section 11 of the General Appropriation Bill (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment specified by him (for message, see House, No. 4840), was considered.

Transitional assistance,—fraud.

The committee on Bills in the Third Reading offered a special report.

Prior to the reading of the special report of the committee on Bills in the Third Reading, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato) determined that a quorum was not in attendance, and, since a quorum was not present, under House Rule 82, the Chair, at seven minutes before noon, declared an adjournment of the House, until the following Monday at eleven o'clock A.M., in an Informal Session.

Quorum.