

Wednesday, October 28, 2009.

Met according to adjournment at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair). publically

Pledge of
allegiance.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Silent Prayer.

United States
Marine Captain
Kyle R.
Van De Giesen.

At the request of Representatives Poirier of North Attleborough and Gregoire of Marlborough, the members, guests and employees stood in a moment of silent tribute to the memory of Captain Kyle R. Van De Giesen of North Attleborough.

Captain Van De Giesen was one of the four U.S. Marines who were killed while supporting operations in Helmand Province, Afghanistan during Operation Enduring Freedom. Captain Van De Giesen was assigned to Marine Light Attack Helicopter Squadron 169, Marine Aircraft Group 39, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, based out of Camp Pendleton, California. Captain Van De Giesen is survived by his parents (Mr. Calvin Van De Geisen of Franklin and Mrs. Ruth Ann Van De Giesen of North Attleborough), his wife and 1 child with another child on the way.

Statement Concerning Representative Bosley of North Adams.

A statement of Mr. Vallee of Franklin concerning Mr. Bosley of North Adams was spread upon the records of the House, as follows:

Statement
concerning
Representative
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 a death in his family. His missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Rush of Boston.

A statement of Mrs. Haddad of Somerset concerning Mr. Rush of Boston was spread upon the records of the House, as follows:

Statement
concerning
Representative
Rush of
Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Rush of Boston, is unable to be present in the House Chamber for today's sitting due to an official overseas military obligation extending until Friday, November 6 with the United States Navy. His missing of roll calls this week and next week will be due entirely to the reason stated.

Statement Concerning Representative Smizik of Brookline.

A statement of Mr. Mariano of Quincy concerning Mr. Smizik of Brookline 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 Smizik of Brookline, is unable to be present in the House Chamber for the today's sitting due to official White House business regarding climate change. His missing of roll calls today is due entirely to the reason stated.

Statement
concerning
Representative
Smizik of
Brookline.

Statement Concerning Representative Walsh of Boston.

A statement of Mr. Vallee of Franklin concerning Mr. Walsh of Boston 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 Walsh of Boston, is unable to be present in the House Chamber for the today's sitting due to travel outside of the country. His missing of roll calls today is due entirely to the reason stated.

Statement
concerning
Representative
Walsh of
Boston.

Resolutions.

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

Resolutions (filed by Representatives Fox of Boston and Rushing of Boston) recognizing Chancellor J. Keith Motley on being named the 2009 honoree of the Saving the Health of the Community international benefit gospel concert;

J. Keith
Motley.

Resolutions (filed by Mr. Koczera of New Bedford) congratulating the Acushnet Grange #285 on the celebration of their one hundredth anniversary;

Acushnet
Grange.

Resolutions (filed by Mr. Naughton of Clinton) recognizing the American Legion's ninetieth anniversary; and

American
Legion.

Resolutions (filed by Mr. Naughton of Clinton) recognizing John "Jack" Moran's more than thirty-five years of public service in Clinton and Lancaster;

John
"Jack"
Moran.

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

Reports of Committees.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for John "Jack" Bevelacqua and employee of the department of energy resources (House, No. 4263).

Jack
Bevelacqua,—
sick leave
bank.

By the same member, for the same committee, on a petition, a Bill establishing sick leave banks for certain members of the department of corrections (House, No. 4273).

Lou Polson,
etc.—
sick leave
bank.

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

Papers from the Senate.

A Bill to establish a sick leave bank for Richard Donati, an employee of the Department of Correction (Senate, No. 2157, amended by

Richard
Donati,—
sick leave.

Richard Donati,—
sick leave.

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.”) (on a petition); passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Paulette Moran,—
sick leave bank.

A petition of Michael O. Moore for legislation to establish a sick leave bank for Paulette Moran and employee of the Department of Mental Health, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2187) was referred, in concurrence, to the committee on Public Service.

Emergency Measure.

Mary Markley,—
sick leave bank.

The engrossed Bill establishing a sick leave bank for Mary Markley, an employee of the Trial Court (see House, No. 4233), 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 8 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

Bill enacted.

The engrossed Bill authorizing the town of Winchester to grant 5 licenses for the sale of all alcoholic beverages to be drunk on the premises of certain restaurants (see House, No. 4259, amended) (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.

Recess.

Recess.

At twenty-one minutes after eleven o'clock A.M., on motion of Mr. Kafka of Stoughton (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of one o'clock P.M.; and at five minutes after one o'clock the House was called to order with Mr. Petrolati in the Chair.

Reports of Committees.

Affordable housing,—
preservation.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill preserving publicly assisted affordable housing (House, No. 4132) ought to pass with an amendment by substitution of a Bill preserving publicly-assisted affordable housing (House, No. 4298). 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 of the House, with the amendment pending. Under suspension of Rule 7A, on motion of Mr. Murphy of Burlington, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means was adopted; and the substituted bill was ordered to a third reading.

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

After remarks, Mr. Sánchez of Boston moved to amend the bill by adding the following two sections:

“SECTION 4. Section 61 of chapter 62 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 173, the word ‘taxpayer’ and inserting in place thereof the following words:— qualified Massachusetts project.

SECTION 5. Section 31H of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out, in line 177, the word ‘taxpayer’ and inserting in place thereof the following words:— qualified Massachusetts project.”.

The amendment was adopted.

Mr. Flynn of Bridgewater then moved to amend the bill in line 220 by striking out the words “department submits an offer” and inserting in place thereof the words “owner accepts the”; and the amendment was rejected.

The same member then moved to amend the bill in line 238 by striking out the following: “price; or (3) \$250,000” and inserting in place thereof the following: “price or \$500,000 if the sale price exceeds ten million dollars; or (3) \$250,000 or \$500,000 if the sale price exceeds ten million dollars”. The amendment was rejected.

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Honan of Boston; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 239 in Supplement.]

Therefore the bill (House, No. 4298, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the release of certain restrictions on a parcel of land in the town of Nantucket (see House, No. 4182, amended) (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

Bill passed to be engrossed,—
yea and nay
No. 239.

Nantucket,—
land.

Bill enacted (land taking),—
yea and nay
No. 240.

Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 240 in Supplement.]

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

*Motion to Discharge a Certain Matter
from the Orders of the Day.*

The Senate Bill regulating the sport of mixed martial arts (Senate, No. 998, changed and amended) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Costello of Newburyport.

The amendment previously recommended by the committee on Ways and Means,—that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4290,—then was adopted; and the bill, as amended, was ordered to a third reading.

Subsequently 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.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Costello; and on the roll call 144 members voted in the affirmative and 10 in the negative.

[See Yea and Nay No. 241 in Supplement.]

Therefore the bill (Senate, No. 998, changed and amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Reports of Committees.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to the investment of public employee pension funds in the government of Iran (House, No. 3727) ought to pass with an amendment by substitution of a bill with the same title (House, No. 4297). 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 of the House, with the amendment pending.

Under suspension of Rule 7A, on motion of Mr. Murphy of Burlington, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means was adopted; and the substituted bill was ordered to a third reading.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Spellane of Worcester (Mr. Vallee of Franklin being in the Chair), the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act relative to pension divestment in the Republic of Iran."

Mixed martial arts.

Bill passed to be engrossed,—yea and nay No. 241.

Iranian investments,—divestment.

After debate on the question on passing the bill to be engrossed, Mr. D'Amico of Seekonk moved to amend it by adding the following section:

"SECTION 8. Notwithstanding any general or special law to the contrary, the public fund shall sell, redeem, divest, or withdraw all publicly traded securities of each company identified as having active business operations in any country identified on the most current list of 'most repressive societies' as published by the independent organization 'Freedom House' of 1301 Connecticut Ave. NW, Floor 6, Washington, D.C. 20036; currently to include Belarus, Chechnya, China, Cuba, Côte d'Ivoire, Equatorial Guinea, Eritrea, Laos, Libya, Myanmar, North Korea, Saudi Arabia, Somalia, Syria, Tibet SAR, Turkmenistan, Uzbekistan, Morocco, and Zimbabwe, so long as they remain on the aforementioned most current list. In addition, the public fund shall sell, redeem, divest, or withdraw all publicly traded securities of each company identified as having active business operations in the state of Texas, United States of America. The public fund shall be permitted to cease divesting from certain scrutinized companies doing business in Texas upon that State's repeal of capital punishment."

After remarks on the question on adoption of the amendment, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Vallee of Franklin), 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 151 members were recorded as being in attendance.

[See Yea and Nay No. 242 in Supplement.]

Therefore a quorum was present.

After debate on the question adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 0 members voted in the affirmative and 152 in the negative.

[See Yea and Nay No. 243 in Supplement.]

Therefore the amendment was rejected.

Pending the question on passing the bill to be engrossed, further consideration thereof was postponed, on motion of Mr. Spellane of Worcester, until after disposition of the remaining matters in the Orders of the Day.

Orders of the Day.

The House Bill relative to election of the members of the board of public works of the town of Hopkinton (House, No. 1909), 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. Sent to the Senate for concurrence.

Senate bills

Relative to reckless endangerment of persons with disabilities (Senate, No. 84);

Quorum.

Quorum,—yea and nay No. 242.

Amendment rejected,—yea and nay No. 243.

Third reading bill.

Second reading bills.

Second
reading
bills.

Authorizing the town of Charlton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 114, amended);

Authorizing the Devens Enterprise Commission to grant a license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2049);

Exempting the office of chief of police in the town of Sandwich from the civil service law (Senate, No. 2076);

Authorizing the city of Salem to issue additional licenses for the sale of alcoholic beverages to be drunk on the premises (Senate, No. 2093); and

Establishing a sick leave bank for Terry Howard, an employee of the Department of Public Health (Senate, No. 2131, amended); and

House bills

Relative to anti gang injunctions (House, No. 1582);

Relating to controlled substances and medical treatment (House, No. 1653);

Establishing the office of treasurer-collector for the town of Whitman (House, No. 1920);

To designate Polish American congress day (House, No. 3035, changed);

Designating a certain bridge in the city of Malden (House, No. 3209);

Naming a certain bridge in the city of Malden (House, No. 3210);

and

Establishing a sick leave bank for Michael Jordan, an employee of the Department of the Trial Court (House, No. 4250);

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

Second reading
bill amended.

The House Bill to modernize the board of registration of Social Workers (House, No. 174) was read a second time.

The amendment previously recommended by the committee on Consumer Protection and Professional Licensure,— that the bill be amended by substitution of a bill with the same title (House, No. 4262),— was adopted.

The substituted bill then was ordered to a third reading.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty minutes after four o'clock P.M., on motion of Mr. Flynn of Bridgewater (Mr. Vallee of Franklin being in the Chair), the House adjourned to meet the following day at eleven o'clock A.M., in an Informal Session.