

Wednesday, April 13, 2011.

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).

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.

Statement of Representative Holmes of Boston.

A statement of Mr. Holmes 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 on Thursday, April 7, 2011, I was absent from the House Chamber for a portion of the sitting, on official business in another part of the State House, and was not notified of the taking of Yea and Nay No. 31, on the question on passing to be enacted the engrossed [state loan] Bill providing for the municipal road and bridge maintenance needs of the Commonwealth (see House, No. 3324, amended). Had I been present for the roll call, I would have voted in the affirmative. My missing of the roll call was due entirely to the reason stated.

Statement
concerning
Mr. Holmes
of Boston.

Statement Concerning Representative Spiliotis of Peabody.

A statement of Ms. Reinstein of Revere concerning Ms. Spiliotis of Peabody 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 colleagues, Representative Spiliotis of Peabody, was not present in the House Chamber for today's sitting due to a previously scheduled medical appointment. If she had been able to be present for the taking of the yeas and nays on adoption of the House Order relative to special procedures for consideration of the General Appropriation Bill for the fiscal year 2012 (House, No. 3399, amended), she would vote in the affirmative. Her missing of roll calls today is due entirely to the reason stated.

Statement
concerning
Ms. Spiliotis
of Peabody.

*Messages from the Governor — Supplemental Appropriation Bill
Returned with Disapproval and Amendment.*

A message from His Excellency the Governor returning with his disapproval of item 8910-8200 contained in section 2 of the engrossed Bill making appropriations for the fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 3318, amended] (for message, see House, No. 3346), was filed in the office of the Clerk on Monday, April 11.

Supplemental
appropriations,
—
disapproval
of item
8910-8200.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

Supplemental
appropriations,—
amendment to
section 4A.

A message from His Excellency the Governor returning with recommendation of amendment section 4A contained in the engrossed Bill making appropriations for the fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 3318, amended] (for message, see House, No. 3345) was filed in the office of the Clerk on Monday, April 11.

The message was read; and said section (printed as House, No. 3347) was referred, on motion of Mr. Pedone of Worcester, to the committee on Bills in the Third Reading.

Resolutions.

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

Joseph C.
Keohane.

Resolutions (filed by Mr. Murphy of Burlington) congratulating Joseph C. Keohane upon the dedication of the Upper Simond's Park Field in his honor;

Therapy.

Resolutions (filed by Ms. Balser of Newton) recognizing occupational therapy;

Donna
Moulthrop.

Resolutions (filed by Mr. Brownsberger of Belmont) honoring Donna Moulthrop on the occasion of the retirement as Health Director for the town of Belmont; and

David
Jardin.

Resolutions (filed by Messrs. Kafka of Stoughton and Galvin of Canton) congratulating David Jardin, Fire Chief of the town of Stoughton, on his retirement;

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

Communication.

Embalming
and
funerals,—
fees.

A communication from the Division of Professional Licensure (pursuant to Section 3B of Chapter 7 of the General Laws) relative to the implementation of proposed fee changes by the Board of Registration in Embalming and Funeral Directing [Copy of said communication forwarded to the committee on Ways and Means, as required by said law; and to the committee on Consumer Protection and Professional Licensure, for informational purposes], was placed on file.

Petitions.

Petitions severally were presented and referred as follows:

Woburn,—
liquor
licenses.

By Mr. Dwyer of Woburn, a petition (accompanied by bill, House, No. 3343) of James J. Dwyer and others (with the approval of the mayor and city council) for legislation to authorize the city of Woburn to issue eight additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

Marlborough,—
liquor
license.

By Representative Levy of Marlborough and Senator Eldridge, a joint petition (accompanied by bill, House, No. 3344) of Steven L. Levy and James B. Eldridge (with the approval of the mayor and city

council) for legislation to authorize the city of Marlborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises.

Severally to the committee on Consumer Protection and Professional Licensure.

By Mr. Smith of Everett, a petition (accompanied by bill, House, No. 3342) of Stephen Stat Smith (with the approval of the mayor and board of alderman) for legislation to increase the retirement allowance to former police officer Michael Marchese of the city of Everett. To the committee on Public Service.

Everett,—
Michael
Marchese.

Sent to the Senate for concurrence.

Representative Linsky of Natick and Senator Spilka presented a joint petition (subject to Joint Rule 12) of David Paul Linsky, Karen Spilka and others for legislation to designate a certain bridge in the town of Natick as the Silvano Anthony Melchiorri bridge; and the same was referred, under Rule 24, to the committee on Rules.

Silvano
Anthony
Melchiorri,—
bridge.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. D'Emilia of Bridgewater, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

Mrs. O'Connell of Taunton presented a petition (subject to Joint Rule 12) of Shaunna O'Connell for legislation to establish a sick leave bank for Mark E. Lopes, an employee of the Bristol County Sheriff's Office; and the same was referred, under Rule 24, to the committee on Rules.

Mark E.
Lopes,—
sick leave.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. D'Emilia of Bridgewater, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Papers from the Senate.

A report from the committee on Economic Development and Emerging Technologies, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 166) of Marc R. Pacheco for legislation relative to information technology producers responsibility model state legislation,— and recommending that the same be referred to the committee on Environment, Natural Resources and Agriculture; accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Information
technology
producers.

A petition of Jennifer L. Flanagan for legislation relative to behavioral emergency services, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Health Care Financing.

Behavioral
emergency
services.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1893) was referred, in concurrence, to the committee on Health Care Financing.

Reports of Committees.

Linda Kelley,—
sick leave bank.

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 Viriato Manuel deMacedo for legislation to establish a sick leave bank for Linda Kelley, an employee of the Department of Transportation. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, asking to be discharged from further consideration:

Workers' pathways.

Of the joint petition (accompanied by bill, House, No. 977) of Linda Dorcena Forry and others relative to workers' pathways to self sufficiency,— and recommending that the same be referred to the committee on Higher Education.

Social workers,—
education loan repayment.

Of the joint petition (accompanied by bill, House, No. 1832) of David M. Torrisi and others for an appropriation of a certain sum of money to provide for the establishment of an education loan repayment program for social workers,— and recommending that the same be referred to the committee on Higher Education.

Parental custody.

Of the petition (accompanied by bill, House, No. 2684) of John W. Scibak and others relative to supporting children and parental custody,— and recommending that the same be referred to the committee on the Judiciary.

Public employees,—
collective bargaining.

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 541) of Tom Sannicandro and others for legislation to include family child care providers under certain collective bargaining laws governing public employees,— and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities.

Under rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

Lawrence,—
fire chief.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill exempting the position of fire chief of the city of Lawrence from the civil service law (House, No. 3259) [Local Approval Received], be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Garlick of Needham, the bill was read a second time forthwith; and it was ordered to a third reading.

Joseph DeMartino,—

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for

Joseph DeMartino, an employee of the Department of Correction (House, No. 3339), be scheduled for consideration by the House.

sick leave bank.

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

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill authorizing the conveyance of certain state land in the town of Sharon (House, No. 2589, changed in section 1, in line 3, by striking out the following: "40J" and inserting in place thereof the following: "40H"; and in section 2, in line 23, by striking out the figures "30" and inserting in place thereof the figures "60"). Read; and referred, under Rule 33, to the committee on Ways and Means.

Sharon,—
land conveyance.

By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Shrewsbury to establish a special fund (House, No. 556, changed in line 16 by striking out the word "projects" and inserting in place thereof the word "project"; and in line 18 by striking the word "mat" and inserting in place thereof the word "may") [Local Approval Received].

Shrewsbury,—
fund.

By the same member, for the same committee, on a petition, a Bill relative to a sewer betterment abatement (House, No. 3319) [Local Approval Received].

Shirley,—
abatement.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill to include the Saugus River Watershed on the Citizens Advisory Board on uses of the Rumney Marsh area (House, No. 2598) [Representative Lyons of Andover dissenting].

Saugus River Watershed,—
board.

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

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on House, No. 1, reported, in part, a Bill making appropriations for the fiscal year 2012 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 3400) [Total appropriation: \$30,454,295,809.00]. Read; and referred, under 7A, to the committee on Steering, Policy and Scheduling.

General Appropriation Bill.

Subsequently Mr. Kafka of Stoughton, for said committee reported that the matter be scheduled for consideration by the House; and, under the provisions of House order No. 3399, amended (adopted this day), the bill was placed in the Orders of the Day for Monday, April 25, for a second reading.

Recess.

At five minutes after eleven o'clock A.M., on motion of Mr. Murphy of Burlington (Mr. Donato of Medford being in the Chair), the House recessed until the hour of two o'clock P.M.; and at eight minutes after two o'clock the House was called to order with Mrs. Haddad of Somerset in the Chair.

Recess.

Quorum.

Quorum.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Haddad), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,—
yea and nay
No. 32.

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.

[See Yea and Nay No. 32 in Supplement.]

Therefore a quorum was present.

*Report of a Committee.*General
Appropriation
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 General Appropriation Bill for the fiscal year 2012 (House, No. 3400) (for order, see House, No. 3399).

Pending the question on adoption of the order, Mr. Jones of North Reading and other members of the House moved to amend it by inserting after the sixth paragraph contained in lines 28 to 34, inclusive, the following paragraph:

“Ordered, That, a consolidated amendment to the General Appropriation Bill for Fiscal Year 2012, offered by the committee on ways and means, shall contain a fiscal note indicating its total expenditures; and be it further”.

Amendment
adopted,—
yea and nay
No. 33.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Jones of North Reading; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 33 in Supplement.]

Therefore the amendment was adopted.

Mr. Peterson of Grafton and other members of the House moved to amend the order by inserting after the fifth paragraph contained in lines 23 to 26, inclusive, the following paragraph:

“Ordered, That, any amendment in the second degree containing language which would create a study of any part of the subject matter contained in the original amendment, may only be adopted if such further amendment has the express approval of the sponsor of the original amendment. Express approval shall be limited to the original sponsor speaking in favor of the further amendment on the floor of the House during the formal session in which the amendment is offered, provided that such speech is recorded in the Journal of the House, or the filing of the further amendment by the original sponsor. If the original sponsor does not provide express approval of such further amendment, the further amendment may only be adopted by an affirmative vote of not less than two-thirds of the members on a recorded yea and nay vote; and provided further”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 31 members voted in the affirmative and 125 in the negative.

Amendment
rejected,—
yea and nay
No. 34.**[See Yea and Nay No. 34 in Supplement.]**

Therefore the amendment was rejected.

After debate on the question on adoption of the order, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 125 members voted in the affirmative and 31 in the negative.

Order
adopted,—
yea and nay
No. 35.**[See Yea and Nay No. 35 in Supplement.]**

Therefore the order (House, No. 3399, published as amended) was adopted.

Orders of the Day.

House Bills

Validating the actions taken at the annual town election held in the town of North Brookfield (printed in House, No. 1831);

Third
reading
bills.

Amending the charter of the town of Eastham (House, No. 3256); and

Relative to urban redevelopment in the city of Quincy (House, No. 3337);

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. 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 a quarter after three o'clock P.M., on motion of Mr. Hill of Ipswich (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.