

JOURNAL OF THE HOUSE.

Wednesday, May 21, 2008.

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:

Prayer.

Gracious God, we depend upon Your guidance as we take up, evaluate and address the items on our legislative and personal agenda for this day. Help us to comprehend rightly and to understand clearly all the matters which come before us as responsible elected leaders. May we always be aware of the consequences of our daily decisions. Inspire us to be conscientious in following Your ways and precepts at all times as we work together in building peaceful, stable and harmonious communities. Teach us to use our personal human talents and intellectual gifts in serving You, our families and constituents in these uneasy times.

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

Message from the Governor.

Medway, validate election.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating a certain election in the town of Medway (House, No. 4545) was filed in the office of the Clerk on Monday, May 19.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Election Laws. Sent to the Senate for concurrence.

Guests of the House.

Saint Jerome School.

During the session, Mr. Murphy of Weymouth took the Chair and introduced students from the seventh grade class of Saint Jerome School in Weymouth. The same member then read a citation honoring the school, which he then presented to Nora Donovan, school vice-president. They were the guests of Representative Murphy of Weymouth.

Resolutions.

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

MIT cycling team.

Resolutions (filed by Representatives Brownsberger of Belmont, Kaprielian of Watertown, Rushing of Boston, Toomey of Cambridge, Walz of Boston and Wolf of Cambridge) honoring the

Massachusetts Institute of Technology cycling team, 2008 Division II national champions;

Resolutions (filed by Ms. Peake of Provincetown) honoring Douglas Ann Bohman for her more than twenty-five years of service to the town of Chatham; Douglas Ann Bohman.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and Kafka of Stoughton) congratulating Brian Claus on receiving the Eagle Scout Award of the Boy Scouts of America; Brian Claus.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and Kafka of Stoughton) congratulating Christopher Cullaz on receiving the Eagle Scout Award of the Boy Scouts of America; Christopher Cullaz.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and Kafka of Stoughton) congratulating Jeff Lessard on receiving the Eagle Scout Award of the Boy Scouts of America; and Jeff Lessard.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and Kafka of Stoughton) congratulating Sean Litchman on receiving the Eagle Award of the Boy Scouts of America; Sean Litchman.

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

Orders.

The following orders were referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Order (filed by Mr. Wagner of Chicopee), to wit:—

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Thursday, June 5, 2008, within which time to make its final report on current House document numbered 3592. Transportation committee, extension of time for reporting.

Order (filed by Mr. Wagner of Chicopee), to wit:—

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Friday, June 20, 2008, within which time to make its final report on current House document numbered 4642. ii

Mr. Scaccia of Boston, for the committees on Rules, then reported, in each instance, that the orders ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Hill of Ipswich, the orders were considered forthwith; and they were adopted. Severally sent to the Senate for concurrence.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Brownsberger of Belmont, petition (accompanied by bill, House, No. 4757) of William N. Brownsberger (by vote of the town) Belmont, alcohol license.

that the town of Belmont be authorized to place a question on a town election ballot relative to granting a club license to VFW Post 1272. To the committee on Election Laws.

Chelmsford,
affordable
housing.

By Representative Golden of Lowell and Senator Fargo, joint petition (accompanied by bill, House, No. 4758) of Thomas A. Golden, Jr., Susan C. Fargo and others relative to affordable housing in the town of Chelmsford. To the committee on Housing.

Wayland,
public
works.

By Representative Conroy of Wayland and Senator Brown, joint petition (accompanied by bill, House, No. 4759) of Thomas P. Conroy and Scott P. Brown (by vote of the town) for legislation to authorize the town of Wayland to establish a department of public works;

Lincoln,
historical
commission.

By the same members, joint petition (accompanied by bill, House, No. 4760) of Thomas P. Conroy and Susan C. Fargo (by vote of the town) that the board of selectmen of the town of Lincoln be authorized to appoint alternate members to the historical commission of said town;

Haverhill,
school
textbooks.

By Mr. Dempsey of Haverhill, petition (accompanied by bill, House, No. 4761) of Brian S. Dempsey (with the approval of the mayor and city council) that the city of Haverhill be authorized to borrow a certain sum of money for the purchase of text books for the school department; and

Everett,
charter
commission.

By Mr. Smith of Everett, petition (accompanied by bill, House, No. 4762) of Stephen Stat Smith (with the approval of the mayor, board of aldermen and city council) relative to the nomination and election of a charter commission in the city of Everett;

Severally to the committee on Municipalities and Regional Government.

Norwood,
police
officers.

By Representative Rogers of Norwood and Senator Walsh, joint petition (accompanied by bill, House, No. 4763) of John H. Rogers and Marian Walsh (by vote of the town) that the town of Norwood be authorized to appoint retired police officers of the town of Norwood as special police officers in said town. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Tracey
Albrecht,
sick leave.

By Mr. Dempsey of Haverhill, petition (subject to Joint Rule 12) of Brian S. Dempsey for legislation to establish a sick leave bank for Tracey Albrecht, an employee of the Trial Court.

Clean energy
and jobs.

By Mr. DiMasi of Boston, petition (subject to Joint Rules 12 and 9) of Salvatore F. DiMasi and others for legislation to promote job creation and clean energy technology.

Public safety,
retirement.

By Mr. Fallon of Malden, petition (subject to Joint Rule 12) of Christopher G. Fallon that police officers, fire fighters and correctional officers be eligible for certain line-of-duty benefits under the public employees retirement law.

Plymouth
County,
bonds or
notes.

By Mr. Flynn of Bridgewater, petition (subject to Joint Rule 12) of David L. Flynn and others that the contributory retirement system of Plymouth County be authorized to issue bonds or notes for funding of the unfunded pension liability of said system.

By Mr. Fresolo of Worcester, petition (subject to Joint Rule 12) of John P. Fresolo for legislation to place associate court officers of the Trial Court in Group 2 of the public employees retirement law.

Associate
court officers,
Group 2.

By Representative Greene of Billerica and Senator Marzilli, joint petition (subject to Joint Rule 12) of William G. Greene, Jr., and J. James Marzilli, Jr., for legislation to designate a certain bridge on Route 4 over the Concord River in the town of Billerica as the John F. Leary Bridge.

Billerica,
John F.
Leary
Bridge.

By Ms. Peisch of Wellesley, petition (subject to Joint Rule 12) of Alice Hanlon Peisch for legislation to authorize the Department of Mental Health to establish a sick leave bank for Sarah Carmichael, an employee of the Westborough State Hospital.

Sarah
Carmichael,
sick leave.

By Representative Rice of Gardner and Senator Brewer, joint petition (subject to Joint Rule 12) of Robert L. Rice, Jr., and Stephen M. Brewer for legislation to establish a sick leave bank for Richard K. Ward III, an employee of the Department of Correction.

Richard K.
Ward III,
sick leave.

By Representative Straus of Mattapoisett and Senator Menard, joint petition (subject to Joint Rule 12) of William M. Straus, Joan M. Menard and others for legislation to further regulate "online" advertising on the Internet.

Online
advertising,
regulating.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

An Order relative to extending until Monday, June 30, 2008, the time within which the committee on Education is authorized to report on Senate documents numbered 284, 293 and 298 and House documents numbered 397, 406, 415, 443, 451 and 466, relative to education, came from the Senate with the endorsement that it had been adopted, in concurrence, by said branch, with an amendment striking out the date "Monday, June 30" and inserting in place thereof the date "Friday, June 13".

Education
committee,
extension of
time for
reporting.

Under suspension of Rule 35, on motion of Mr. Murphy of Weymouth, the amendment was considered forthwith; and it was adopted, in concurrence.

A petition of Anthony W. Petrucci for legislation to establish a sick leave bank for David S. Vitale, an employee of the Administrative Office of the Trial Court, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Judiciary.

David S.
Vitale,
sick leave
bank.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2710) was referred, in concurrence, to the committee on Judiciary.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents concerning the courts of the Commonwealth (House, No. 4614) reported, in part, asking to be discharged from further consideration of the joint petition (accompanied by bill, House, No. 1470) of Thomas A. Golden, Jr., and others relative to the penalties for enticing a child under the age of sixteen,— and recommending that the same be recommitted to the committee on Judiciary. Under Rule 42, the report was considered forthwith; and it was accepted.

Child
enticement,
penalties.

Supplemental
appropriations.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on the residue of House No. 4684, reported, in part, a Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4769) [Cost: \$187,734,368.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Murphy of Weymouth, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Rogeness of Longmeadow, the bill (having been 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.

Samuel
Pill,
sick leave.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Samuel Pill, an employee of the Trial Court (House, No. 4722) be scheduled for consideration by the House.

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

Health
insurance
coverage,
study.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on House, Nos. 614, 984, 985, 986, 1121, 1883, 1885, 1886, 1901, 2043, 2077, 2122, 2133, 2144, 2153, 2157, 2176, 2193, 2206, 2243, 2263, 3534, 3884 and 3931, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of certain House documents concerning medical and pharmaceutical insurance coverage (House, No. 4756). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, 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.

Rose
Kennedy
Greenway.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, No. 4541, a Bill authorizing the Rose Fitzgerald Kennedy Greenway Conservancy, Inc. to operate, manage and maintain the Rose Kennedy Greenway (House, No. 4764).

Registry of
Deeds.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on House, No. 4684 (as relates to sections 11 and 20), a Bill further regulating the operation of the Registry of Deeds (House, No. 4765) [Senator Tarr, and Representatives Finegold of Andover and Evangelidis of Holden, dissenting].

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

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill establishing a nursing facility conversion pilot program (House, No. 608) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4766).

Nursing
facilities,
conversions.

By the same member, for the same committee that the Bill relative to hospital and clinic medical record retention (House, No. 2179) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4767).

Medical
records.

By the same member, for the same committee, that the Bill to establish collaborative drug therapy management to improve pharmaceutical care for patients in Massachusetts (House, No. 4688) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4768).

Pharmaceutical
care.

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to patient safety (House, No. 2059) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with an amendment (House, No. 4714) previously recommended by the committee on Health Care Financing pending.

Patient
safety.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending.

By Mr. Bradley of Hingham, for the committee on Election Laws, on a petition, a Bill reducing the minimum seating capacity of certain restaurants in the town of Reading (House, No. 4737) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reading,
hallc
question.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

Establishing a charter school working group (Senate, No. 282, amended);

Charter
schools.

Permitting the reinstatement of Roger B. Cataldo to the police department of the town of Southwick (Senate, No. 1529, amended);

Roger B.
Cataldo.

Providing for the establishment and administration of rent regulations and the control of evictions in mobile home parks in the town of Norwell (Senate, No. 2320);

Norwell,
rent
regulations.

Authorizing the town of Milton to issue one additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (Senate, No. 2485);

Milton,
liquor
license.

Sandwich, liquor license. Authorizing the town of Sandwich to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2524);

Holyoke, utilities. Restricting the authority of the Holyoke Power & Electric Company and the Holyoke Water Power Company (Senate, No. 2554);

Essex Retirement System. Further regulating the Essex Regional Retirement System (Senate, No. 2635);

Midwifery. Relative to a Board of Registration in Midwifery (Senate, No. 2636); and

Liquor liability. Converting the Liquor Liability Joint Underwriting Association into the Hospitality Mutual Insurance Company (Senate, No. 2668); and

Long term care. House bills
To improve long term care career ladder grant program (House, No. 613);

Assisted living. Relative to services offered in assisted living facilities (House, No. 621);

Insurance. Relating to Division of Insurance maintenance assessments (House, No. 1006);

li Relating to liability insurance (House, No. 1007);

li Relating to fire insurance (House, No. 1011);

li Relative to affiliate transfers (House, No. 1026);

li Relative to policies of insurance (House, No. 1050);

Defendants. Relative to clarifying responsibility in matters involving multiple defendants (House, No. 1073);

Insurers. Relative to the delivery of loss information to an insured from commercial insurers (House, No. 1087);

Life insurance. Relative to group life insurance (House, No. 1094);

Uniform probate. Relative to the uniform probate code (House, No. 1633);

Podiatrists. Relative to the registration of podiatrists (House, No. 2269);

Regional retirement. Relative to allowance increases for retired members of regional retirement systems (House, No. 2461);

Condominiums. Relative to charges associated with condominiums in tax title (House, No. 2990);

Attorneys. Amending the public records law (House, No. 3259, changed);

Drivers licenses. Relative to the use of out of state driver's licenses as identification (House, No. 3555, changed);

Emergency lights. Relative to red and blue flashing, rotating or oscillating lights (House, No. 3615);

Spouses, insurance. Providing insurance coverage to certain spouses (House, No. 3856);

Public records. Relative to public records (House, No. 3912);

Dennis O'Neil. Authorizing the city of Fall River retirement board to increase the pension payable to Dennis O'Neil (House, No. 3980);

Cambridge, tax abatement. Authorizing the late filing of a tax abatement application for the owners of Three Fuller Place in Cambridge (House, No. 4226);

Lexington, tax deferrals. Relative to real property tax deferrals in the town of Lexington (House, No. 4262);

Public health. Protecting the public health (House, No. 4346);

Real estate, taxation. Relative to the local taxation of certain real estate (House, No. 4372);

Mental health parity. Relative to mental health parity (House, No. 4423);

Lunenburg, assessments. Relative to an intermunicipal agreement and betterment assessments in the town of Lunenburg (House, No. 4543);

Authorizing the sale of certain land by the city of Haverhill in the town of Boxford (House, No. 4599);

Establishing a board of water and sewer commissioners in the town of Plainville (House, No. 4685);

Designating a certain bridge in the town of Sheffield (House, No. 4703);

Recognizing the profession of interior designers to bid on state contracts (House, No. 4731);

Establishing a sick leave bank for Jesse Goguen (House, No. 4736);

Establishing a sick leave bank for James Coveney, an employee of the Trial Court (House, No. 4741, changed); and

Relative to the Route 3A corridor in the town of Weymouth (House, No. 4917);

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

Recesses.

At the hour of twelve o'clock noon, on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House recessed until half past one o'clock P.M.; and at twenty-four minutes after two o'clock the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on further motion of Ms. Rogeness, subject to the call of the Chair; and at ten minutes after three o'clock the House was called to order with Mr. Donato in the Chair.

Paper from the Senate.

The House Bill financing the production and preservation of housing for low and moderate income residents (House, No. 4594) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2591.

Under suspension of the rules, on motion of Mr. Honan of Boston, the amendment was considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House concur with the Senate in its amendment with a further amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4772; and the report was accepted.

The further amendment was adopted. The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Emergency Measure.

The engrossed Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4769), 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.

Haverhill and Boxford, land.

Plainville, water and sewer.

Sheffield, bridge.

Interior designers.

Jesse Goguen.

James Coveney.

Weymouth, Route 3A.

Recesses.

Housing, finance.

Supplemental appropriations.

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 4 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

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

Mr. Cabral of New Bedford then moved that as a mark of respect to the memory of Antone L. Silva, a member of the House from New Bedford in 1957, 1958 and 1959, the House adjourn; and the motion prevailed.

Accordingly, at twenty-three minutes before four o'clock P.M., on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House adjourned to meet tomorrow at eleven o'clock A.M.