

# JOURNAL OF THE HOUSE.

Wednesday, December 12, 2007.

Met according to adjournment, at one o'clock P.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.

God, Our Creator, the Christmas season engenders a widespread spirit of giving gifts to others and thanks to You for our material and spiritual blessings. During this joyous time of the year, we are grateful, too, for Your personal concern for us and for the genuine love and concern of family, friends and neighbors. We also pray that the generous and thoughtful mood of Christmas will remain as a part of our culture, our daily intention and our dealing with other people. As citizens of this great nation and Commonwealth, we are grateful for the personal freedoms which we enjoy to vote, to speak out and to worship You, Our Creator, in accord with our conscience.

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

### *Resignation of Representative Marzilli of Arlington.*

The following communication, received this day by the Clerk, was read for the information of the House; and placed on file, to wit:—

December 12, 2007.

The Honorable Salvatore F. DiMasi  
*Speaker of the House of Representatives*  
State House, Room 356  
Boston, MA 02133

Dear Speaker DiMasi:

Resignation of Representative J. James Marzilli, Jr.

I am writing to inform you that I irrevocably resign from my seat as State Representative for the 23rd Middlesex District effective January 31, 2008 or the date that I am sworn in to the Massachusetts State Senate, whichever is sooner.

It has been an honor to serve in the House of Representatives for the past seventeen years and I look forward to continuing my service to the people of this Commonwealth as a Senator. I also look forward to continuing to work with you and all of my colleagues in the General Court.

Sincerely,

J. JAMES MARZILLI, JR.,  
*State Representative,*  
*Twenty-third Middlesex District.*

### *Order.*

The following order (filed this day by Mr. DiMasi of Boston) was referred, under Rule 85, to the committee on Rules:

*Ordered,* That the House irrevocably accepts the resignation, dated December 12, 2007 and effective January 31, 2008 or upon his qualification as Senator from the Fourth Middlesex Senatorial District, whichever is sooner, of J. James Marzilli, Jr., as the Representative in the General Court from the 23rd Middlesex District, and declares that, by reason of this resignation, the office of Representative from that district is vacant as of January 31, 2008 or upon said qualification, whichever is sooner; and be it further

Twenty-third Middlesex Representative District, irrevocable vacancy.

*Ordered,* That, the precept to be issued by the Speaker, under the provisions of Section 141 of Chapter 54 of the General Laws, appointing a time for the election to fill the vacancy that shall exist in the office of Representative in the General Court from said Twenty-third Middlesex District shall designate Tuesday, March 4, 2008, as the time ordered by the House of Representatives for said election.

Twenty-third Middlesex Representative District, time for election to fill vacancy.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Ms. Provost of Somerville, the order was considered forthwith; and it was adopted.

### *Resolutions.*

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

Resolutions (filed by Mr. D'Amico of Seekonk) congratulating Dennis Bowley on receiving the Eagle Award of the Boy Scouts of America;

Dennis Bowley.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Patrick Francis Gray on receiving the Eagle Award of the Boy Scouts of America;

Patrick Francis Gray.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating James J. Connolly on the occasion of his retirement from the Natick Public Schools;

James J. Connolly.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Douglas H. Courtot of Wrentham upon his elevation to the rank of Eagle Scout; and

Douglas H. Courtot.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Kyle R. Donegan of Wrentham upon his elevation to the rank of Eagle Scout;

Kyle R. Donegan.

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.

### *Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Costello of Newburyport, petition (accompanied by bill, House, No. 4426) of Michael A. Costello (with the approval of the

Amesbury, liquor licenses.

mayor and town council) that the town of Amesbury be authorized to grant additional licenses for the sale of alcoholic beverages;

Wareham  
Crossing,  
liquor  
license.

By Ms. Gifford of Wareham, joint petition (accompanied by bill, House, No. 4427) of Susan Williams Gifford and Marc R. Pacheco (by vote of the town) relative to the issuance of a license for the sale of alcoholic beverages to "Wareham Crossing" in the town of Wareham;

Topsfield,  
liquor  
license.

By Mr. Speliotis of Danvers, joint petition (accompanied by bill, House, No. 4428) of Theodore C. Speliotis and Frederick E. Berry (by vote of the town) that the town of Topsfield be authorized to grant an additional license for the sale of wine and malt beverages not to be drunk on the premises; and

North  
Andover,  
liquor  
license.

By Mr. Torrisi of North Andover, petition (accompanied by bill, House, No. 4429) of David M. Torrisi and others (by vote of the town) that the town of North Andover be authorized to grant an additional license for the sale of all alcoholic beverage not to be drunk on the premises to Wine & Beer at the Andovers;

Severally to the committee on Consumer Protection and Professional Licensure.

Lawrence,  
housing.

By Mr. Lantigua of Lawrence, petition (accompanied by bill, House, No. 4433) of William Lantigua (with the approval of the mayor and city council) that the city of Lawrence be authorized to regulate the rents of certain governmentally-involved housing. To the committee on Housing.

Shirley,  
Longley  
Acres.

By Mr. Eldridge of Acton, joint petition (accompanied by bill, House, No. 4430) of James B. Eldridge and Pamela P. Resor (by vote of the town) that the town of Shirley be authorized to establish a special fund for the preservation of the Longley Acres Conservation Area;

Westford,  
land.

By Mr. Hall of Westford, joint petition (accompanied by bill, House, No. 4431) of Geoffrey D. Hall and Steven C. Panagiotakos (by vote of the town) that the town of Westford be authorized to transfer a certain parcel of land to the conservation commission of said town; and

Framingham,  
town  
meeting.

By Ms. Richardson of Framingham, petition (accompanied by bill, House, No. 4432) of Pam Richardson (by vote of the town) relative to the filling of vacancies of town meeting members in the town of Framingham;

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Rose  
Kennedy  
Greenway.

By Mr. DiMasi of Boston, petition (subject to Joint Rule 12) of Salvatore F. DiMasi relative to certain open space and parkland known as the Rose Kennedy Greenway in the city of Boston.

Canton,  
Dedham and  
Westwood,  
interchange.

By Representative Galvin of Canton and Senator Joyce, joint petition (subject to Joint Rule 12) of William C. Galvin and Brian A. Joyce for legislation to regulate the granting of permits by the Highway Department for the interchange project at routes 93 and 95 located in the towns of Canton, Dedham and Westwood.

By the same members, joint petition (subject to Joint Rule 12) of William C. Galvin and Brian A. Joyce that the Secretary for Administration and Finance be directed to designate the use of certain land abutting Route 95 or Dedham Street in the town of Canton for civic, recreational or social purposes.

Canton,  
Route 95  
land.

By Mr. Kennedy of Brockton, petition (subject to Joint Rule 12) of Thomas P. Kennedy and others (with the approval of the mayor and city council) relative to the retirement of certain employees of the city of Brockton.

Brockton,  
retirement.

By Representative Kulik of Worthington and Senator Resor, joint petition (subject to Joint Rule 12) of Pamela P. Resor, Stephen Kulik and others for legislation to provide for an income tax credit for the rehabilitation of residential historic properties.

Historic  
residences,  
tax credit.

By Mr. Nyman of Hanover, petition (subject to Joint Rule 12) of Robert J. Nyman and others that the State Retirement Board be authorized to grant disability retirement benefits to Roy E. Minnehan for injuries sustained by him in the performance of his duties as a member of the Division of State Police.

Roy E.  
Minnehan,  
pension.

By Mrs. Poirier of North Attleborough, petition (subject to Joint Rule 12) of Elizabeth A. Poirier and Bradford Hill for legislation to lower the minimum age of certain persons to vote in the Presidential primary to be held in the year two thousand and eight.

Presidential  
primary.

By Mr. Ross of Wrentham (by request), petition (subject to Joint Rule 12) of Lawrence Enegren relative to eligibility requirements for the prescription advantage program.

Prescription  
advantage.

By Mr. Timilty of Milton, petition (subject to Joint Rule 12) of Walter F. Timilty for legislation to establish a sick leave bank for Deborah McNamara, an employee of the Department of Conservation and Recreation.

Deborah  
McNamara,  
sick leave.

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

#### *Reports of Committees.*

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Patricia Hiersche, an employee of the Department of Mental Retardation (House, No. 4418). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Patricia  
Hiersche,  
sick leave.

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 Ms. Provost of Somerville, the bill was read a second time forthwith; and it was ordered to a third reading.

By Ms. Balsler of Newton, for the committee on Mental Health and Substance Abuse, on House, Nos. 1891 and 2042, a Bill to protect the mentally ill in emergency rooms (House, No. 2042, changed in line 16, by inserting after the word "center", the following: "inc.", and in line 18, by striking out the words "advisors, as well as from the" and inserting in place thereof the words "advisors committee, as well as from the massachusetts psychiatric society the").

Emergency  
rooms,  
mentally  
ill

Mental  
health  
parity.

By the same member, for the same committee, on House, No. 1871, a Bill relative to mental health parity (House, No. 4423).

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

Cell  
phones,  
prepaid.

By Mr. Dempsey of Haverhill, for the committee on Telecommunications, Utilities and Energy, on a petition, a Bill relative to the sale of prepaid cell phones (House, No. 3277).

Electricity,  
regulate.

By the same member, for the same committee, on House, No. 3293, a Bill further regulating the provision of electricity and other services in the Commonwealth (House, No. 4424) [Representative Patrick of Falmouth dissenting].

Steam  
companies,  
regulate.

By the same member, for the same committee, on House, No. 3391, a Bill relative to the supervisory authority of the Department of Telecommunications and Energy to regulate steam companies (House, No. 4425).

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

*Orders of the Day.*

Second  
reading  
bill.

The House Bill relative to the Greenfield town charter (House, No. 4331) was read a second time; and it was ordered to a third reading.

*Order.*

Next  
sitting.

On motion of Mr. DiMasi of Boston,—  
*Ordered*, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

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At a quarter after one o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.