

JOURNAL OF THE HOUSE.

Thursday, March 16, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mrs. Walrath of Stow 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:

Eternal God, we place our trust in You and our hope in Your ways, which we believe offer us personal happiness, peace and meaning. As we prepare to celebrate the feast of St. Patrick, inspire us to imitate his intellectual and moral courage and his commitment to his goals, principles and beliefs. May the sentiment of this old Irish blessing be in our hearts and minds:

May the road rise to meet you.
May the wind be always at your back.
May the sun shine warm upon your face.
May the rains fall soft upon your fields.
And, until we meet again,
May God hold you in the palm of His hand.

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

At the request of the Chair (Mrs. Walrath), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Statement of Representative Paulsen of Belmont.

A statement of Ms. Paulsen of Belmont 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 I was unable to be present in the House Chamber for the sitting of Thursday, January 19th due to a personal matter. Had I been present for the taking of ye and nay number 342, on passing to be engrossed the House Bill further regulating the use of seat belts (House, No. 229, amended), I would have voted in the affirmative. Any roll calls that I missed that day was due entirely to the reason stated.

Statement of Representative Story of Amherst.

A statement of Ms. Story of Amherst 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 I was unable to be present in the House Chamber for yesterday's sitting due to influenza. Had I been present for the taking of ye and nay number 360, on passing to be engrossed the House Bill relative to early education and care (House, No. 4755, printed as amended), I would have voted in the affirmative. Any roll calls that I missed yesterday was due entirely to the reason stated.

Prayer.

Pledge of
allegiance.

Statement of
Representative
Paulsen of
Belmont.

Statement of
Representative
Story of Amherst.

Resolutions.

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

Brian E. Cormier.

Resolutions (filed by Messrs. Kafka of Stoughton and Galvin of Canton) congratulating Brian E. Cormier of Stoughton upon his elevation to the rank of Eagle Scout;

Judy D'Antonio.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Judy D'Antonio for her passionate advocacy for the Natick community and commending her on the occasion of her retirement from Natick High School;

Jones Drug.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Jones Drug for being selected for the 2006 Shining Light Business Award;

Joseph A. Keefe.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Dr. Joseph A. Keefe as a recipient of the Educator Shining Light Award; and

Gerry #5 Veteran Fireman Association.

Resolutions (filed by Mr. Petersen of Marblehead) congratulating the Gerry #5 Veteran Fireman Association on the occasion of its fiftieth anniversary;

Mrs. Parente of Milford, 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:

Methuen, Sean W. Richards.

By Mr. Broadhurst of Methuen, petition (accompanied by bill, House, No. 4768) of Arthur J. Broadhurst and Steven A. Baddour (with the approval of the mayor and city council) for legislation to exempt Sean W. Richards from the maximum age requirements for applying for civil service appointment as a police officer in the city of Methuen. To the committee on Public Service.

Fitchburg, tax abatements.

By Mr. Goguen of Fitchburg, petition (accompanied by bill, House, No. 4769) of Emile J. Goguen and Robert A. Antonioni (with the approval of the mayor and city council) that the city of Fitchburg be authorized to grant abatements on certain property taxes. To the committee on Revenue.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Bail, regulating.

By Mr. O'Brien of Kingston, petition (subject to Joint Rule 12) of Thomas J. O'Brien relative to probable cause for the revocation and detention of certain persons released on bail.

Easton, veterans benefits.

By Mrs. Creedon of Brockton, petition (subject to Joint Rule 12) of Geraldine Creedon and others for legislation to reimburse the town of Easton for certain expenditures for veterans' benefits..

Karen Kilroy, sick leave.

By Ms. Callahan of Sutton, petition (subject to Joint Rule 12) of Jennifer M. Callahan for legislation to establish a sick leave bank for Karen Kilroy, an employee of the Department of Correction.

Debra A.

By Mrs. Coppola of Foxborough, petition (subject to Joint Rule 12) of Virginia M. Coppola and James E. Timilty for legislation to establish a sick leave bank for Debra A. Flagg, an employee of the Department of Mental Retardation.

Flagg, sick leave.

By Mr. Jones of North Reading, petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., and Bruce E. Tarr for legislation to grant certain retirement credit to Robert W. Noseworthy for services rendered to the town of North Reading.

Robert W. Noseworthy, retirement.

By the same member, petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., and others for adoption of resolutions by the General Court providing for a declaration of the intent of the minimum amount and distribution of local aid to the cities, towns and regional school districts of the Commonwealth during the two thousand and seven fiscal year.

Local aid, distribution.

By Mr. Koutoujian of Waltham, petition (subject to Joint Rule 12) of Peter J. Koutoujian and others that the Registrar of Motor Vehicles be authorized to issue "Gold Star Family" distinctive registration plates without charge to siblings of certain military personnel.

Veterans, plates.

By Mr. Leary of Worcester, petition (subject to Joint Rule 12) of James B. Leary and Harriette L. Chandler relative to providing for a certain exemption in the valuation of land owned by the Commonwealth and used for jails and houses of correction.

Jails, valuation exemption.

By Mr. Stanley of Waltham, petition (subject to Joint Rule 12) of Thomas M. Stanley and others relative to the classification of property taxes in the cities and towns of the Commonwealth.

Property taxes, classification.

By Mr. Sullivan of Fall River, petition (subject to Joint Rule 12) of David B. Sullivan that the Department of the Trial Court be authorized to establish a sick leave bank for Michael Abdow, an employee of the District Court of Fall River.

Michael Abdow, sick leave.

By Mr. Tobin of Quincy, petition (subject to Joint Rule 12) of A. Stephen Tobin for legislation to establish a sick leave bank for Sylvia G. Froom, an employee of the Quincy Division of the Trial Court of the Commonwealth.

Sylvia G. Froom, sick leave.

By Mr. Turkington of Falmouth, petition (subject to Joint Rule 12) of Eric Turkington and others for legislation to regulate the disposal or deposit of dredged materials in the waters of Buzzards Bay.

Buzzards Bay, dredging.

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

Paper from the Senate.

The engrossed Bill relative to elevator license examinations (see Senate, No. 2216, amended), which had been returned by His Excellency the Governor to the Senate with recommendation of amendments (for message, see Senate, No. 2381), came from said branch with the endorsement that it had been amended by striking out sections 8 and 9 and inserting in place thereof the following two sections:

Elevator license examinations.

"SECTION 8. The board of elevator regulations shall adopt rules and regulations to provide for the safe operation of freight elevators excluded under chapter 288 of the acts of 1962.

SECTION 9. Section 6 shall take effect on January 1, 2007. The remainder of this act shall take effect as of January 1, 2006."

Under suspension of Rule 35, on motion of Mr. Hill of Ipswich, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Reports of Committees.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill prohibiting state employees from receiving multiple salaries (House, No. 3499),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

By Ms. Balseer of Newton, for the committee on Mental Health and Substance Abuse, on House, No. 2854, a Bill relative to the health care needs of adolescents in the juvenile justice systems of the Commonwealth (House, No. 4756).

By the same member, for the same committee, on House, No. 2871, a Bill concerning the right of persons receiving services from programs of facilities of the Department of Mental Health to daily access to fresh air and the outdoors (House, No. 4757).

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

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill to establish a personal care attendant quality home care work force council (House, No. 4246) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4758) [Cost: \$20,000,000.00]. Referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

By Mr. Torrissi of North Andover, for the committee on Community Development and Small Business, on House, No. 4145, a Bill establishing the Hingham Shipyard improvement district in the town of Hingham (House, No. 4759) [Local Approval Received].

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 1272, 1284, 1312, 1318 and 4302, a Bill creating the non-indigenous species management plan and listing process for non-native species (House, No. 4760).

By the same member, for the same committee, on House, No. 1273, a Bill further regulating solid waste disposal facilities (House, No. 4761).

By the same member, for the same committee, on House, No. 1297, a Bill relative to property damage caused by beaver (House, No. 4762).

By the same member, for the same committee, on House, Nos. 1337 and 1341, a Bill to regulate coal ash (House, No. 4763).

By the same member, for the same committee, on House, No. 3238, a Bill to require producer responsibility for collection and recycling of discarded electronic products (House, No. 4764).

By the same member, for the same committee, on House, No. 3443, a Bill relative to the Saw Mill Brook in the counties of Suffolk, Norfolk and Middlesex (House, No. 4765).

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 relative to volunteer dentistry (House, No. 2676) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Torrissi of North Andover, for the committee on Community Development and Small Business, on a petition, a Bill to strengthen neighborhood business districts (House, No. 1467).

By the same member, for the same committee, on a petition, a Bill to ensure citizen participation in economic development (House, No. 3871).

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, No. 4601, a Bill authorizing the town of Needham to construct and maintain a common sewer through land acquired for conservation purposes (House, No. 4767) [Local Approval Received].

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill relative to enhancing the penalties for distribution of methylenedioxy methamphetamine (House, No. 839).

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

Engrossed Bill.

The engrossed Bill authorizing the appointment of Francis K. Rayne as a firefighter in the town of Billerica notwithstanding the maximum age requirement (see Senate, No. 2094) (which originated in the Senate), 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.

Orders of the Day.

The engrossed Bill authorizing the application of Benjamin Jores for a civil service examination for police officer notwithstanding the minimum age requirement (see House, No. 4352) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) (for message, see House, No. 4684), was considered in the following form (as approved by the committee on Bills in the Third Reading):

By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Notwithstanding section 58 of chapter 31 of the General Laws, chapter 12 of the acts of 2005, or any other general or special law to the contrary, the personnel administrator of the human resources division within the executive office for administration and finance may accept any previously filed application for the April 2005 civil service examination of police officers; provided however, the applicant shall have applied to take said examination prior to January 5, 2005 and was at least 19 years of age at the time the application was filed with the human resources division; provided further, the applicant shall have reached his or her 21st birthday on or before the date of any re-examination hereunder.

SECTION 2. The human resources division may hold a re-examination for the said April 2005 examination on or before May 31,

State employees, multiple salaries.

Juvenile system, health care.

Mental health, outdoor programs.

Home care work force council.

Hingham Shipyard.

Indigenous species.

Solid waste disposal facilities.

Beavers, property damage. Coal ash.

Electronic products, recycling.

Saw Mill Brook.

Volunteer

dentistry.

Business districts.

Economic development.

Needham, sewer construction.

Methylenedioxy methamphetamine.

Bill enacted.

Benjamin Jores, civil service.

Benjamin

Joress,
civil service.

2006. Applicants eligible under section 1 of this act shall apply with the human resources division for the re-examination no later than April 30, 2006.”; and by striking out the title and inserting in place thereof the following title: “An Act relative to the police civil service examination.”.

Pending the question on adoption of the amendments recommended by the Governor, Ms. Blumer of Framingham and other members of the House moved that they be amended by striking out the proposed section 1 and inserting in place thereof the following section:

“SECTION 1. Notwithstanding section 58 of chapter 31 of the General Laws, chapter 12 of the acts of 2005, or any other general or special law to the contrary, the personnel administrator of the human resources division within the executive office for administration and finance shall accept applications for the April 2005 civil service re-examination for police officers; provided however, the applicant shall have reached his or her 21st birthday on or before the date of any re-examination hereunder.”; and in section 2, in the first sentence, by striking out the word “may” and inserting in place thereof the word “shall”.

The further amendments were adopted.

The amendments recommended by the Governor, as amended, then also were adopted. Sent to the Senate for concurrence.

Third
reading
bill.

The Senate Bill authorizing certain actions by the Braintree Electric Light Department Generating Project (Senate, No. 2318), 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, in concurrence.

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The House Bill relative to the financial conditions in the Athol-Royalston Regional School District (House, No. 4752), 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.

Recess.

Recess.

At twenty-four minutes before twelve o'clock noon, the Chair (Mrs. Walrath of Stow) declared a recess subject to the call of the Chair; and at nine minutes after two o'clock P.M. the House was called to order with Mrs. Harkins of Needham in the Chair.

Paper from the Senate.

Gang
violence.

The Senate Bill reducing gang violence (Senate, No. 2242, amended) came from the Senate with the endorsement that said branch had concurred with the House in its still further amendments with still still further amendments in section 2 (as inserted by still further amendment by the House) inserting after the first sentence the following sentence: “In any prosecution under this section, the falsity of a declaration set forth in the indictment or complaint shall

be established sufficient for conviction by proof that the defendant, while under oath, made irreconcilably contradictory declarations material to the point in question.”; in section 11 (as inserted by amendment and printed in House document numbered 4626), at the end thereof, by inserting after the word “items” the following: “; provided, that funds appropriated in this item and not expended before July 1, 2006 shall be available for expenditure in fiscal year 2007”, and in said section, in item 8000-0038, by striking out the figures “750,000” (inserted by still further amendment by the House) and inserting in place thereof the figures “1,500,000”.

Under suspension of Rule 35, on motion of Mr. Rushing of Boston, the still still further amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

Pending the question on concurring with the Senate in its still still further amendments, the same member moved that the House concur therein with a still still still further amendment in said section 11, by striking out the following: “; provided, that funds appropriated in this item and not expended before July 1, 2006 shall be available for expenditure in fiscal year 2007” (inserted by still still further amendment by the Senate) and inserting in place thereof the following: “; provided, that of the funds appropriated in this item, \$500,000 shall be available for expenditure in fiscal year 2006 and \$1,000,000 for fiscal year 2007”.

The still still still further amendment was adopted.

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

Emergency Measure.

The engrossed Bill relative to elevator license examinations (see Senate, No. 2216, amended), 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.

Elevator
license
examinations.

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 2 to 0. Sent to the Senate for concurrence.

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

Bill
enacted.

Engrossed Bill.

The engrossed Bill authorizing certain actions by the Braintree Electric Light Department Generating Project (see Senate, No. 2318) (which originated in the Senate), 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.

Bill
enacted.

Recess.

Recess.

At twenty-nine minutes before three o'clock P.M., the Chair (Mrs. Harkins of Needham) declared a recess until ten minutes before three o'clock; and at nine minutes after four o'clock the House was called to order with Mrs. Harkins in the Chair.

*Emergency Measure.*Gang
violence.

The engrossed Bill reducing gang violence (see Senate, No. 2242, amended), 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.

Bill
enacted.

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 2 to 0. Sent to the Senate for concurrence.

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

*Orders of the Day.*Third
reading
bill.

The Senate Bill changing the term of office of the moderator for the town of Milton (Senate, No. 2095), 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, in concurrence.

*Order.*Next
sitting.

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

At twenty-two minutes after four o'clock P.M., on motion of Mr. Hill of Ipswich (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.