

JOURNAL OF THE HOUSE.

Thursday, June 29, 2006.

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

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. Pledge of allegiance.

Message from the Governor.

A message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5114) was filed in the office of the Clerk on Wednesday, June 28. Supplemental appropriations.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Guests of the House.

During the session, the Chair (Mr. Petrolati of Ludlow) declared a brief recess and introduced Dr. Pedro Catarino, Ambassador of Portugal to the United States and Dr. Manuela Bairos, Consul-General of Portugal in Boston. Ambassador Catarino, who addressed the House briefly, and Consul-General Bairos were the guests of Representatives Cabral of New Bedford, Correia of Fall River, Rodrigues of Westport, deMacedo of Plymouth, Gomes of Harwich and Perry of Sandwich. Ambassador Catarino and Consul-General Bairos.

Papers from the Senate.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the Hampden County Correctional Center, in the town of Edgartown, was spread upon the records of the House; and returned to the Senate. Hampden County Correctional Center.

A petition (accompanied by bill, Senate, No. 2604) of Harriette L. Chandler, Edward M. Augustus, Jr., Timothy P. Murray and Michael V. O'Brien (with approval of mayor and city council) for legislation relative to the Worcester DCU Arena and Convention Center, was referred, in concurrence, to the committee on Municipalities and Regional Government. Worcester, DCU Arena.

Reports of Committees.

Report of the committee on Public Service, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4976) of Robert K. Coughlin and Marian Walsh that employees Dedham-Westwood Water District.

Dedham-
Westwood
Water
District.

of the Dedham-Westwood Water District be eligible for membership in the retirement system of Norfolk County.

Under suspension of the rules, on motion of Mr. Coughlin of Dedham, the report was considered forthwith.

Pending the question on acceptance of the report, the same member moved that it be amended by substitution of the Bill authorizing the Dedham-Westwood District to accept applicable provisions of M.G.L Chapter 32 (House, No. 4976), which was read.

The amendment was adopted; and, under suspension of the rules, on further motion of the same member, the substituted bill was read a second time forthwith; and it was ordered to a third reading.

Franklin,
Corporal
Cabino
Bridge.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill designating the new Route 140 bridge, West Central Street, Franklin as the Lance Corporal Shayne Cabino Bridge (House, No. 4997) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measure.

Clinical
laboratories.

The engrossed Bill relative to clinical laboratories (see Senate, No. 725, 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.

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 Bills.

Bills
enacted.

Engrossed bills
Removing automatic qualification for certain licenses (see Senate, No. 469, amended);

Transferring employees of the Berkshire regional planning commission to the state retirement system (see Senate, No. 1570, amended);

(Which severally originated in the Senate); and

Abolishing the library district in the towns of Mendon and Upton (see House, No. 4681) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third
reading
bill.

The Senate Bill relative to the sale of land in the city of Quincy by the Massachusetts Water Resource Authority (Senate, No. 2190, amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence. Sent to the Senate in concurrence in the amendments previously adopted by the House.

The Senate Bill authorizing the appointment of Lori Moniz as a reserve police officer for the city of Taunton (Senate, No. 2486), 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.

Third
reading
bill.

House bills

Relative to hazardous materials mitigation (House, No. 1315, amended) (its title having been changed by the committee on Bills in the Third Reading); and

Third
reading
bills.

Authorizing the town of Topsfield to grant an additional license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 4810) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

House bills

Relative to nursing home audit disallowances (House, No. 1498); To exempt small charities from tax upon raffle proceeds (House, No. 2414);

Second
reading
bills.

Relative to the registration of podiatrists (House, No. 2684);

Exempting Scott Lemay from the maximum age requirement for firefighters in the city of Methuen (House, No. 4118);

Providing for the registration of naturopathic doctors (House, No. 4250);

Further regulating early childhood immunizations (House, No. 4703);

Providing for the establishment and administration of rent regulations and the control of evictions in manufactured housing communities in the town of Lakeville (House, No. 5016);

Further regulating eligibility for the police civil service examination (House, No. 5041); and

Authorizing the town of Dartmouth to borrow money to fund certain payments (House, No. 5047);

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

The House Bill relative to patients' rights (House, No. 2724) was read a second time.

Second reading
bill amended.

The amendments previously recommended by the committee on Health Care Financing,— that the bill be amended in line 7, by striking out the word "that" and inserting in place thereof the words "provided that any such medications", and in line 8, by inserting after the word "personal" the words "and would not otherwise be used in the treatment of another patient",— were adopted.

The bill (House, No. 2724, amended) then was ordered to a third reading.

Recess.

Recess.

At fourteen minutes after one o'clock P.M., on motion of Mr. Walsh of Lynn (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of two o'clock; and at five minutes after three o'clock the House was called to order with Mr. Petrolati in the Chair.

Supreme Court, justices salaries.

The engrossed Bill increasing the salaries of the justices of the Supreme Judicial Court (see House, No. 5093), being a printed copy of Section 41 contained in the engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment C of House, No. 5092), was considered.

The committee on Bills in the Third Reading reported that the amendment recommended by the Governor be was considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment C of said House, No. 5092 (as perfected by said committee).

The report was accepted.

The amendment recommended by the Governor then was rejected.

Mr. O'Flaherty of Chelsea then moved 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 5117; by striking out the emergency preamble and inserting in place thereof the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to compensate forthwith justices, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and by striking out the title and inserting in place thereof the following title: "An Act relative to compensation of justices."

The amendments were adopted. Sent to the Senate for concurrence.

Appellate Court, justices salaries.

The engrossed Bill increasing the salaries of the justices of the Appellate Court (see House, No. 5094), being a printed copy of Section 42 contained in the engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment D of House, No. 5092), was considered.

The committee on Bills in the Third Reading reported that the amendment recommended by the Governor be was considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment D of said House, No. 5092 (as perfected by said committee).

The report was accepted.

The amendment recommended by the Governor then was rejected.

Mr. O'Flaherty of Chelsea then moved 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 5118; by striking out the emergency preamble and inserting in place thereof the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to compensate forthwith sheriffs, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and by striking out the title and inserting in place thereof the following title: "An Act relative to compensation of sheriffs."

The amendments were adopted. Sent to the Senate for concurrence.

The engrossed Bill increasing the salaries of the justices of the Trial Court (see House, No. 5095), being a printed copy of Section 44 contained in the engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment E of House, No. 5092), was considered.

Trial Court, justices salaries.

The committee on Bills in the Third Reading reported that the amendment recommended by the Governor be was considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment E of said House, No. 5092 (as perfected by said committee).

The report was accepted.

The amendment recommended by the Governor then was rejected.

Mr. O'Flaherty of Chelsea then moved 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 5119; by striking out the emergency preamble and inserting in place thereof the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to compensate forthwith certain court employees, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and by striking out the title and inserting in place thereof the following title: "An Act relative to compensation of certain court employees."

The amendments were adopted. Sent to the Senate for concurrence.

The engrossed Bill relative to the licensure of massage therapists (see Senate, No. 2258, amended), which had been returned to the Senate by His Excellency the Governor with his objections thereto in writing (for message, see Senate, No. 2587), which had been passed by said branch, notwithstanding the said objections, was considered.

Massage therapists, licensure.

Pending the question on passing the bill, in concurrence, notwithstanding the said objections, Mr. Rodrigues of Westport asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Quorum,
yea and nay
No. 472.

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. 472 in Supplement.]

Therefore a quorum was present.

Bill passed
over veto,
yea and nay
No. 473.

After debate the question on passing the bill, in concurrence, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 134 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 473 in Supplement.]

Therefore the bill was passed, in concurrence, notwithstanding the objections of His Excellency the Governor (more than two thirds of the members having agreed to pass the same).

Home care
workforce
council.

The House Bill to establish a personal care attendant quality home care work force council (House, No. 4246) was read a second time.

The amendment previously recommended by the committee on Health Care Financing,— that the bill be amended by substitution of a bill with the same title (House, No. 4758),— was adopted.

The substituted bill then was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Tobin of Quincy, 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 establishing a personal care attendant quality home care workforce council.”

Quorum.

Pending the question on passing the substituted bill to be engrossed, Mrs. Harkins of Needham asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), 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. 474.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 154 members were recorded as being in attendance.

[See Yea and Nay No. 474 in Supplement.]

Therefore a quorum was present.

After remarks on the question on passing the bill to be engrossed, Mrs. Harkins of Needham moved that it be amended by adding at the end thereof the following section:

“SECTION 3. The first meeting of the PCA Quality Home Care Workforce Council, established by section 28 of chapter 118G of the General Laws, shall be held on or before August 1, 2006 and every 3 months thereafter.”

The amendment was adopted.

Bill passed to
be engrossed,
yea and nay
No. 475.

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 Mrs. Harkins; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 475 in Supplement.]

Therefore the bill (House, No. 4758, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the minimum wage (House, No. 4781) was read a second time.

Minimum
wage.

Pending the question on ordering the bill to a third reading, Messrs. DeLeo of Winthrop and Rodrigues of Westport moved that it be amended by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 1 of chapter 151 of the Massachusetts General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking the figure ‘\$6.75’ and inserting in place thereof the following figure:— \$7.25. This section shall take effect on October 1, 2006.

SECTION 2. Said Section 1 of said chapter 151 is hereby further amended by striking the words ‘A wage of less than \$7.25 per hour’ and inserting in place thereof the following:— A wage of less than \$7.75 per hour. This section shall take effect on October 1, 2007.

SECTION 3. Said Section 1 of said chapter 151 is hereby further amended by striking the words ‘A wage of less than \$7.75 per hour’ and inserting in place thereof the following:— A wage of less than \$8.00 per hour. This section shall take effect on October 1, 2008.”

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 Mr. Marzilli of Arlington; and on the roll call (Mrs. Harkins of Needham being in the Chair) 156 members voted in the affirmative and 0 in the negative.

Amendment
adopted,
yea and nay
No. 476.

[See Yea and Nay No. 476 in Supplement.]

Therefore the amendment was adopted. The bill (House, No. 4781, amended) then was ordered to a third reading.

At ten minutes before six o’clock P.M., the Chair (Mrs. Harkins of Needham) declared a recess until a quarter after six o’clock; and at half past six o’clock the House was called to order with Mrs. Harkins in the Chair.

Recess.

The Chair (Mrs. Harkins of Needham), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 155 members were recorded as being in attendance.

Quorum,
yea and nay
No. 477.

[See Yea and Nay No. 477 in Supplement.]

Therefore a quorum was present.

Under suspension of the rules, on motion of Mr. Rodrigues of Westport, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Bill passed to
be engrossed,
yea and nay
No. 478.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 478 in Supplement.]

Therefore the bill (House, No. 4781, amended) was passed to be engrossed. Sent to the Senate for concurrence.

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. Timilty of Milton then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at two minutes before seven o'clock P.M. (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.