

JOURNAL OF THE HOUSE.

Thursday, July 6, 2006.

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.

God, Our Creator, we pause during this moment of prayer to think about You, spiritual values and goals and our present agenda for this day. Help us to distinguish the pressing items of this day's agenda from the less important matters. As elected leaders in our communities, grant us the wisdom to recognize political, philosophical and ethical issues and principles in resolving legislative and public policy proposals. In our decision making process, teach us to be open to and to respect the rights of all to express their opinions, often controversial, on the legislative matters of the day. Inspire us to work together in making our communities stable, free of violence and family-friendly.

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 — Bill Returned with Recommendation of Amendment.

J. Michael Ruane, retirement.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to a certain retired employee of the Commonwealth [see House, No. 5063, amended] (for message, see House, No. 5122) was filed in the office of the Clerk on Friday, June 30.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

The House refused to amend the bill. The bill then was sent to the Senate for its action.

Message from the Governor — Veto.

Genetic counselors.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill providing for the licensing of genetic counselors [see House, No. 4326] (for message, see House, No. 5130) was filed in the Office of the Clerk on Wednesday, July 5.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting, the question being on passing the bill, notwithstanding the said objections.

Petitions.

Petitions severally were presented and referred as follows:

By Ms. Kaprielian of Watertown, petition (accompanied by bill, House, No. 5134) of Robert M. Koczera and others (with the approval of the mayor and city council) that the city of New Bedford be authorized to place on the ballot the question relative to the fluoridation of the water supply in said city; and

New Bedford, fluoride water.

By Ms. Wolf of Cambridge, petition (accompanied by bill, House, No. 5126) of Alice K. Wolf and others (with the approval of the city council) for legislation to reduce to seventeen years the age for voting in local elections in the city of Cambridge;

Cambridge, voting age.

Severally to the committee on Election Laws.

By Mr. Kocot of Northampton, petition (accompanied by bill, House, No. 5127) of Peter V. Kocot (with the approval of the mayor and city council) relative to the zoning of certain property on Ryan Road in the city of Northampton;

Northampton, Ryan Road.

By Mr. Pedone of Worcester, petition (accompanied by bill, House, No. 5128) of James B. Leary and others (with the approval of the mayor and city council) for legislation to authorize the city of Worcester to issue bonds for improvements to the arena and convention center of said city; and

Worcester, convention center.

By Ms. Fox of Boston, petition (accompanied by bill, House, No. 5129) of Gloria L. Fox (with the approval of the mayor and city council) relative to certain contracting procedures in the city of Boston;

Boston, contracting.

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Canessa of New Bedford, petition (subject to Joint Rule 12) of Stephen R. Canessa and others for legislation to establish an invasive aquatic plants control and prevention fund to be administered by the Department of Conservation and Recreation.

Invasive aquatic plants.

By Mr. Hill of Ipswich, petition (subject to Joint Rule 12) of Bradford Hill relative to appeals of discretionary rulings and decisions by the Board of Appeal on Motor Vehicle Liability Policies and Bonds.

Motor vehicles, appeals.

By Mr. Petersen of Marblehead, petition (subject to Joint Rule 12) of Thomas M. McGee and Mark V. Falzone for legislation to designate certain roadways in the towns of Arlington, Lexington, Lincoln and Concord a scenic byway of the Commonwealth to be known as "The Battle Road: The Road to Revolutions".

Brownfields Redevelopment Fund.

By Mr. Naughton of Clinton, petition (subject to Joint Rule 12) of Harold P. Naughton, Jr., that re-hired fire fighters and police officers be credited with active service for certain periods of unemployment.

Police and fire fighters, credits.

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

Papers from the Senate.

The engrossed Bill relative to creditable service of certain state contract employees [see Senate, No. 2462, amended], which had

State contract employees, service.

State contract employees, service.

been returned to the Senate by His Excellency the Governor with recommendation of amendment (for message, see Senate, No. 2631), came from said branch with the endorsement that it had refused to amend the bill.

Under suspension of the rules, on motion of Mr. Quinn of Dartmouth, the bill was considered forthwith. The House then also refused to amend the bill.

An order came from the Senate with the endorsement that it had been adopted by said branch, as follows:

Ordered. That Notwithstanding the provisions of Joint Rule 10, the committees on Children and Families and Labor and Workforce Development, acting jointly, be granted until Thursday, July 6, 2006, within which to make its final report on current Senate document numbered 2535.

Under suspension of the rules, on motion of Mr. Rodrigues of Westport, the order (having been reported by the committees on Rules of the two branches, acting concurrently) was considered forthwith.

Pending the question on adoption of the order, in concurrence, the same member moved that it be amended by striking out the date "July 6, 2006" and inserting in place thereof the date "June 20, 2006".

The amendment was adopted.

The order, as amended, then also was adopted, in concurrence. Sent to the Senate for concurrence in the amendment.

The House Order relative to granting until Wednesday, July 26, 2006, the time within which the committee on Economic Development and Emerging Technologies is authorized to report on certain current Senate and House documents, came from the Senate with the endorsement that it had been adopted, in concurrence, with and amendment striking out the date "Wednesday, July 26" and inserting in place thereof the date "Monday, July 31".

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

The House Order relative to granting until Wednesday, May 31, 2006, the time within which the committee on Telecommunications, Utilities and Energy is authorized to make its final report on current Senate bill numbers 1808, 1817 and 2345; and House bills numbered 3290 and 4307, came from the Senate with the endorsement that it had been adopted, in concurrence, with amendments striking out the date "Wednesday, May 31" and inserting in place thereof the date "Thursday, July 13" and striking out the following: "Senate bill numbers 1808, 1817 and 2345" and inserting in place thereof the following: "Senate bill number 2345".

Under suspension of Rule 35, on motion of Mr. Marzilli of Arlington, the amendments were considered forthwith; and they were adopted, in concurrence.

Children and Families and Labor and Workforce Development committees, extension of time for reporting.

Economic Development and Emerging Technologies committee, extension of time for reporting.

Telecommunications, Utilities and Energy committee, extension of time for reporting.

A Bill relative to medical peer review committees (Senate, No. 2418, amended by inserting at the end thereof the following new section:

"SECTION 5. Said chapter 111, as so appearing, is hereby amended by inserting after section 205 the following section:—

Section 205A. Sections 204 and 205 shall apply to any individual or group that forms a committee to perform the duties of a medical peer review committee, notwithstanding the fact that the formation of the committee is not required by law or regulation or that the individual or group is not affiliated with a public hospital or licensed hospital or nursing home or health maintenance organization. Information gathered by a medical peer review committee under these sections shall not be confidential if the individual or group formed the committee for the sole purpose of keeping information confidential.") (on Senate, No. 1302), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

By Mr. Scaccia of Boston, 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 Christopher J. Donelan and Stanley C. Rosenberg relative to assistant clerks of court for the District Court of Greenfield and the District Court of Franklin. Under suspension of the rules, on motion of Mr. Rodrigues of Westport, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration of the Bill relative to student safety (House, No. 5040),— and recommending that the same be referred to the committees on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill requiring notice of the treatment of minors for drug overdoses (House, No. 4572, changed) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mrs. Walrath of Stow, the bill was read a second time forthwith.

The amendment previously recommended by the committee on Health Care Financing,— that the bill be amended by substitution of a Bill requiring parental notice of the treatment of minors for drug overdoses (House, No. 5032),— was adopted.

Pending the question on ordering the substituted bill to a third reading, it was referred to the committee on Ways and Means, on further motion of Mrs. Walrath.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill concerning the right of persons

Medical peer review committees.

Greenfield and Franklin, district courts.

Student safety.

Minors, drug overdoses.

Mental health, outdoor programs.

Mental health,
outdoor
programs.

receiving services from programs of facilities of the Department of Mental Health to daily access to fresh air and the outdoors (House, No. 4757) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Quinn of Dartmouth, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading it was recommitted to the committee on Health Care Financing, on motion of Mrs. Walrath of Stow.

Post-
incarceration
supervision.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a commission to study mandatory post-incarceration supervision (House, No. 1809). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Physical
assistants,
services.

By Mr. Mariano of Quincy, for the committee on Financial Services, on a recommitted petition, a Bill relative to the physician services provided by registered physician assistants (House, No. 4913).

Uniform
probate
code.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill relative to the uniform probate code (House, No. 801).

Juvenile
justice
program.

By the same member, for the same committee, on a petition, a Bill relative to community based juvenile justice programs (House, No. 995).

Women,
alternate
sentencing.

By the same member, for the same committee, on a petition, a Bill providing alternative sentencing programs for women (House, No. 1731).

Parole
Board.

By the same member, for the same committee, on a petition, a Bill providing for behavioral science representation on the Parole Board (House, No. 1753).

Patient
confidentiality.

By the same member, for the same committee, on a petition, a Bill to protect patient confidentiality (House, No. 1754).

Pregnant
inmates.

By the same member, for the same committee, on a petition, a Bill relative to pregnant and postpartum inmates in state prisons, county houses of correction and jails (House, No. 1797).

Publicly
funded
beds.

By Mr. Koutoujian of Waltham, for the committee on Public Health, on a recommitted petition, a Bill relative to publicly funded beds (House, No. 4853).

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

Alternative
fuel
vehicles.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill to promote the development of alternative fuels and the use of alternative fuel vehicles in the Commonwealth (Senate, No. 2220) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Norfolk Probate
Court, deputy
registrar.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill providing for the appointment of a deputy assistant registrar in the Norfolk probate court (House, No. 910).

Female
inmates.

By the same member, for the same committee, on a petition, a Bill regulating programs outside correctional institutions for female inmates (House, No. 1798).

By the same member, for the same committee, on a petition, a Bill relative to the custody of a child of a parent convicted of murder of the other parent (House, No. 1853).

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

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, that the Bill punishing assault and battery by means of a bodily substance upon correctional facility employees (Senate, No. 2517) ought to pass.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill to control the use of methamphetamine (Senate, No. 2183, amended) ought to pass.

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

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Sharon Melvin-James, an employee of the Trial Court of the Commonwealth (House, No. 704).

By the same member, for the same committee, on a petition, a Bill making social workers subject to the malpractice tribunal (House, No. 730).

By the same member, for the same committee, on Senate, No. 890 and House, No. 753, a Bill allowing the solemnization of marriage by a judicial officer (House, No. 753).

By the same member, for the same committee, on a petition, a Bill granting discretion to the Superior Court to allocate certain settlement proceeds (House, No. 773).

By the same member, for the same committee, on a petition, a Bill relative to providing for the equitable apportionment of certain liens (House, No. 776).

By the same member, for the same committee, on Senate, No. 834 and House, No. 821, a Bill to modernize the administrative subpoena statute (House, No. 821).

By the same member, for the same committee, on a petition, a Bill to protect children from persons who offer to pay for sexual contact (House, No. 859).

By the same member, for the same committee, on a petition, a Bill relative to victims of crimes (House, No. 860).

By the same member, for the same committee, on a petition, a Bill relative to the Homestead Act (House, No. 877).

By the same member, for the same committee, on a petition, a Bill relative to community based juvenile justice programs (House, No. 994).

By the same member, for the same committee, on a petition, a Bill relative to penalties for animal fighting (House, No. 1765).

By the same member, for the same committee, on a petition, a Bill permitting breast-feeding in public (House, No. 1782).

By the same member, for the same committee, on a petition, a Bill to provide certain information to victims of domestic violence (House, No. 1799).

Children,
custody.

Correctional
officers,
assaults.

Methampheta-
mine.

Sharon Melvin-
James,
sick leave.

Social
workers,
malpractice.

Marriage
solemnization.

Superior
Court,
settlements.

Personal
injury
liens.

Administrative
subpoenas.

Children,
protect.

Crime victims,
rights.

Homestead
Act.

Juvenile
justice.

Animal
fighting.

Breast feeding
in public.

Domestic abuse
victims.

Laurence
Lacombe,
sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for a certain employee of the Trial Court (House, No. 4140).

Attorney fees,
liens.

By the same member, for the same committee, on a petition, a Bill relative to attorney's lien for fees (House, No. 4323).

Frances M.
Ravish,
sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Frances M. Ravish, an employee of the Trial Court of the Commonwealth (House, No. 5071).

Crimes
against
children.

By the same member, for the same committee, on House, No. 836, a Bill increasing the statute of limitations for sexual crimes against children (House, No. 5131).

Robert W.
Noseworthy,
retirement.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a recommended petition, a Bill relative to the retirement allowance payable to Robert W. Noseworthy (House, No. 4841).

Condo-
miniums,
tax titles.

By Mr. Binienda of Worcester, for the committee on Revenue, on a petition, a Bill relative to charges associated with condominiums in tax title (House, No. 5005).

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

Recess.

Recess.

At half past eleven o'clock A.M., on motion of Mr. Smizik of Brookline (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at eleven minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

Emergency Measures.

Princeton,
easements.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant certain easements to the town of Princeton over lands held for conservation recreation purposes (see Senate, No. 2355), 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 4 to 0. Sent to the Senate for concurrence.

Hatfield,
land.

The engrossed Bill providing for a partial release of certain land in the town of Hatfield from the operation of an agricultural preservation restriction (see House, No. 4472), 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 4 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Authorizing certain terms for borrowing by the town of Hopkinton for construction of school buildings (see Senate, No. 2070) (which originated in the Senate); Bills enacted.

Authorizing the town of Franklin to establish a post employment health insurance trust fund (see House, No. 4150, amended); and

Allowing students with disabilities to participate in graduation ceremonies (see House, No. 4710);

(Which severally 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.

Order.

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. Next sitting.

At ten minutes before two o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.