

JOURNAL OF THE HOUSE.

Thursday, October 26, 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:

Eternal God, a moment of prayer and reflection enables us to focus, briefly, our attention and thoughts on You, our obligations and our own many blessings. In Your goodness, help us to accept our daily responsibilities and to keep all issues in clear perspective. In these uneasy times, inspire us, as individuals and as a society, to reason together in addressing the political and policy issues which often divide our communities. Teach us to learn from history and to be open to the views and experiences of others as we plan for the present and the future of our communities and the people.

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

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.

Appointments to a Special House Committee.

The Minority Leader announced that he had appointed Representatives Rogeness of Longmeadow and Poirier of North Attleborough to the special committee of the House established (pursuant to House order, No. 5258, printed as amended) to study matters of public safety at reproductive health facilities.

Resolutions.

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

Resolutions (filed by Messrs. Binienda of Worcester, Leary of Worcester, Spellane of Worcester, Fresolo of Worcester and Pedone of Worcester) recognizing the month of November, 2006, as Family Literacy Month in the city of Worcester;

Resolutions (filed by Representatives Canavan of Brockton, Creedon of Brockton and Kennedy of Brockton) congratulating Carol Thomas and Vincent Macrina for being chosen as co-recipients for the Brockton Historical Society's 2006 Historic Citizen Award;

Resolutions (filed by Mr. Kujawski of Webster) congratulating Anthony John Iozzo on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Messrs. Miceli of Wilmington and Finegold of Andover) congratulating Warren R. Carey, recipient of the Greater Lowell area democrats 2006 Distinguished Democrat Award; and

Nathan Alan
Schwartzing.

Resolutions (filed by Messrs. O'Brien of Kingston and Webster of Hanson) congratulating Nathan Alan Schwartzing on receiving the Eagle Award of the Boy Scouts of America;

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. Scibak of South Hadley, 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:

Norwood,
Joseph
Fernandes.

By Mr. Rogers of Norwood, petition (accompanied by bill, House, No. 5327) of John H. Rogers and Marian Walsh (by vote of the town) relative to the retirement status of Joseph Fernandes, a disabled former police officer in the town of Norwood. To the committee on Public Service.

Dennis,
Caleb Chase
trust fund.

By Mr. Turner of Dennis, petition (accompanied by bill, House, No. 5326) of Cleon H. Turner and Robert A. O'Leary (by vote of the town) that the town of Dennis be authorized to include a voluntary donation check off on property tax bills and establish a fund to assist the poor. To the committee on Revenue.

Severally sent to the Senate for concurrence.

Paper from the Senate.

Norwood,
Brian J.
Donoghue.

A petition of Marian Walsh for legislation to exempt Brian J. Donoghue of Norwood from the maximum age requirements for appointment as a firefighter in the town of Norwood, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2734) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

Community
Preservation
Act.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill regulating exemptions for cooperative corporations under the Community Preservation Act (Senate, No. 2725) be scheduled for consideration by the House.

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

Voter
registration
program.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the recommitted House Bill relative to voter registration for program participants (House, No. 65) be scheduled for consideration by the House.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to pilots (House, No. 1377, changed) be scheduled for consideration by the House.

Pilots.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the local appropriating authority of the town of Wellesley to seek voter approval to assess taxes for the purpose of funding said town's group insurance liability fund (House, No. 4872) be scheduled for consideration by the House.

Wellesley,
group
insurance.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill for a special law re: certain contracting procedures in the city of Boston (House, No. 5129) be scheduled for consideration by the House.

Boston,
contracting.

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

Report of the committee on the Judiciary, that the House Bill relative to the penalties for animal fighting (House, No. 1765) ought NOT to pass (under Joint Rule 10).

Animal
fighting.

Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith, the question being on rejection (under Joint Rule 10).

Pending the question on rejection of the bill, under said rule, it was recommitted, on further motion of the same member.

Emergency Measure.

The engrossed Bill authorizing certain borrowing by Bunker Hill Community College (see Senate, No. 2729), 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.

Bunker Hill
Community
College,
borrowing

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 5 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

The engrossed Bill modifying the schedule for deposits of revenue for the service of civil process by constables (see House, No. 3576) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill
re-enacted.

Bill
enacted.

The engrossed Bill providing veteran status to Michael L. Buckley (see Senate, No. 2468) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bills
enacted.

Engrossed bills
Establishing the Freedom's Way Heritage Area and Commission (see Senate, No. 1852, amended)

Further regulating the consignment of fine art (see Senate, No. 2461);

Exempting from inspection certain electrical substation air tanks (see Senate, No. 2696);

(Which severally originated in the Senate);

Exempting the position of deputy chief of the fire department of the city of Easthampton from the civil service law (see House, No. 4537);

Designating a certain parcel of land in the city of Boston as the Frank Jordan Memorial Rose Garden (see House, No. 4815);

Designating in the towns of Arlington, Lexington, Lincoln and Concord a scenic byway to be known as The Battle Road: The Road to Revolutions (see House, No. 5222); and

Designating a certain bridge in the city of Lawrence as the Charles F. Nyhan, Sr. Bridge (see House, No. 5296);

(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.

Medical
peer review
committees.

The engrossed Bill relative to medical peer review committees (see Senate, No. 2418, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. Dempsey of Haverhill moved that Rule 40 be suspended; and the motion prevailed.

The same member then moved that the bill be amended in section 4 (as added by amendment by the Senate) by striking out the last sentence contained therein as follows: "Information gathered by a medical peer review committee under these sections shall not be confidential if the individual group formed the committee for the sole purpose of keeping information confidential."

The amendment was adopted. Sent to the Senate for concurrence.

Motion to Discharge the Committee on Rules.

General
Court,
formal
sessions.

Before proceeding to consideration of the Orders of the Day, Mr. Peterson of Grafton moved that the committee on Rules be discharged from further consideration of the House Order relative to the suspension of Joint Rule 12A to permit the General Court to meet in formal sessions for the purpose of considering and taking action on certain matters (House, No. 5322); and the motion to discharge was negatived.

Orders of the Day.

Senate bills

Authorizing the town of Lincoln to grant a license for the sale of wines and malt beverages to be drunk on the premises (Senate, No. 2503) (its title having been changed by the committee on Bills in the Third Reading); and

Third
reading
bills.

Establishing a sick leave bank for Karen Ann Devine, an employee of the Department of Corrections (Senate, No. 2728);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Relative to the safe operation of railroad cars or locomotives (House, No. 2143) (its title having been changed by the committee on Bills in the Third Reading);

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Relative to the Middlesex Canal Commission (House, No. 4280);
Designating the town of Natick as the Home of Champions and the city of Brockton as the City of Champions (House, No. 4958) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the prevention of Shaken Baby Syndrome (House, No. 4959) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the establishment of a voluntary health records registry for biological parents of adopted persons (House, No. 5031) (its title having been changed by the committee on Bills in the Third Reading); and

Releasing a non-development covenant restriction on certain land in the town of Leicester (House, No. 5143) (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.

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.

Mr. Bradley of Hingham then moved that as a mark of respect to the memory of Mary Jeanette Murray, a member of the House from Cohasset from 1977 to 2000, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty-four minutes before twelve o'clock noon, on motion of Mr. Flynn of Bridgewater (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.