

JOURNAL OF THE HOUSE.

Monday, November 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 of Goodness and Faith, we pause for a moment of personal reflection and to focus our minds and thoughts on You, Our Creator. Each day, we pray for the wisdom to recognize our opportunities for serving You and constituents and for the courage to carry out our responsibilities as elected leaders in these uncertain times. Inspire us to motivate all people to utilize their talents and gifts in an intelligent and positive manner. Even in this age of possible terrorist activities, teach us to hold in the highest esteem the dignity and importance of each individual person, from the youngest child to the most senior adult.

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.

Resolutions.

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

Hanukkah.

Resolutions (filed by Ms. Balsler of Newton and other members of the House) commemorating the celebration of Hanukkah;

Philip Travis.

Resolutions (filed by Mr. Correia of Fall River and other members of the House) congratulating State Representative Philip Travis on the occasion of his retirement from the Massachusetts House of Representatives;

Coolley Dickinson, Inc.

Resolutions (filed by Representatives Kocot of Northampton, Kulik of Worthington, Scibak of South Hadley and Story of Amherst) commending the VNA & Hospice of Cooley Dickinson, Inc.;

Betty Lynch.

Resolutions (filed by Mr. Patrick of Falmouth and other members of the House) acknowledging the contributions of Betty Lynch to the Commonwealth of Massachusetts; and

Benjamin Langelo.

Resolutions (filed by Mrs. Walrath of Stow) congratulating Benjamin Langelo on receiving the Eagle Award of the Boy Scouts of America;

Mrs. Harkins of Needham, 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. Correia, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Ms. Flanagan of Leominster presented a petition (subject to Joint Rule 12) of Jennifer L. Flanagan and Robert A. Antonioni for legislation to establish a sick leave bank for Tatiana Lara-Melendez, an employee of the Department of Mental Retardation; and the same was referred, under Rule 24, to the committee on Rules.

Tatiana Lara-Melendez, sick leave bank.

Papers from the Senate.

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 committee on Transportation be granted until Wednesday, November 15, 2006 within which to make its final report on current Senate number 2721.

Transportation committee, extension of time for reporting.

Under suspension of the rules, on motion of Ms. Peisch of Wellesley, the order (having been approved by the committees on Rules of the two branches, acting concurrently), was considered forthwith; and it was adopted, in concurrence.

A Bill authorizing the Commissioner of Capital Asset Management and Maintenance to grant a certain easement in the town of Belchertown (Senate, No. 2727) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Belchertown, land conveyance.

Reports of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities, as follows:

Correctional facilities, inspection reports.

Of the Hampshire County Jail and House of Correction, in the city of Northampton; and

Of the South Middlesex Pre-Release Center, in the town of Framingham;

Severally were spread upon the records of the House; and returned to the Senate.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2740) of Therese Murray and Jeffrey Davis Perry (by vote of the town) for legislation to authorize the town of Sandwich to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure.

Sandwich, liquor license.

Petition (accompanied by bill, Senate, No. 2738) of Edward M. Augustus, Jr., and Paul K. Frost (by vote of the town) for legislation relative to the town of Auburn's Authority to convey a certain parcel of land;

Auburn, land conveyance.

Petition (accompanied by bill, Senate, No. 2739) of Stanley C. Rosenberg and Peter V. Kocot (with approval of mayor and city council) for legislation to amend the charter of the city of Northampton to include 2 elected positions for the community preservation committee; and

Northampton, preservation committee.

Sandwich,
charter.

Petition (accompanied by bill, Senate, No. 2741) of Therese Murray and Jeffrey Davis Perry (by vote of the town) for legislation to amend the charter of the town of Sandwich;

Severally to the committee on Municipalities and Regional Government.

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 following petitions:

William
Lewis,
sick leave
bank.

Petition (accompanied by bill) of Matthew C. Patrick and Robert A. O'Leary for legislation to establish a sick leave bank for William Lewis, an employee of the Trial Court. To the committee on the Judiciary.

Paula
Phelan,
sick leave
bank.

Petition (accompanied by bill) of Kathi-Anne Reinstein for legislation to establish a sick leave bank for Paula Phelan, an employee of the Department of Industrial Accidents. To the committee on Public Service.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Animal
fighting,
penalties.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to penalties for animal fighting (House, No. 1765) be scheduled for consideration by the House for a second reading, with an amendment recommended by the committee on the Judiciary pending.

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

The amendment recommended by the committee on the Judiciary,— that the bill be amended by striking out section 12,— was adopted.

The bill (House, No. 1765, amended) then was ordered to a third reading.

Wenham,
liquor
licenses.

Report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 5142) of Bradford Hill (by vote of the town) relative to alcoholic beverages licenses for the town of Wenham.

Under suspension of the rules, on motion of Mr. Hill of Ipswich, the report was considered forthwith.

Pending the question on acceptance of the report, Messrs. Pedone of Worcester and Hill moved that it be amended by substitution of a Bill authorizing the town of Wenham to grant certain alcoholic beverages licenses (House, No. 5333), which was read [Local Approval Received].

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

Report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 5284) of Paul C. Casey (by vote of the town) that the town of Winchester be authorized to grant an additional license for the sale of alcoholic beverages not to be drunk on the premises.

Winchester,
liquor
license.

Under suspension of the rules, on motion of Ms. Balsler of Newton, the report was considered forthwith.

Pending the question on acceptance of the report, Messrs. Pedone of Worcester and Casey of Winchester moved that it be amended by substitution of a Bill authorizing the town of Winchester to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 5334), which was read [Local Approval Received].

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

Emergency Measure.

The engrossed Bill relative to the prevention of Shaken Baby Syndrome (see House, No. 4959), 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.

Shaken
baby
syndrome.

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 10 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 House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed Bills.

Engrossed bills

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

Bills
enacted.

Authorizing certain borrowing by Bunker Hill Community College (see Senate, No. 2729);

(Which severally originated in the Senate);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to hazardous materials mitigation (see House, No. 1315, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, 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.

Bills
enacted.

Engrossed bills

Protecting children from persons who offer to pay for sexual contact (see House, No. 859, amended);

Establishing an appointed superintendent of streets in the town of Lakeville (see House, No. 4296);

Designating Benjamin Franklin as the official inventor of the Commonwealth (see House, No. 4690);

Further regulating review of fence viewers' rulings (see House, No. 4749);

Regulating the appointment of police officers in the town of Boxford (see House, No. 5048);

Providing certain benefits for call firefighters in the town of Wenham (see House, No. 5141); and

Authorizing the town of Ipswich to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5182);

(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.

Quorum.

Adjournment.

Mrs. Paulsen of Belmont asked for a count of the House to ascertain if a quorum was present, the Chair (Mr. Donato of Medford), determined that a quorum was not in attendance.

Under the provisions of Rule 82, the Chair (Mr. Donato), at twenty-three minutes after eleven o'clock A.M., declared an adjournment of the House until Thursday next at eleven o'clock A.M., in an Informal Session.