

JOURNAL OF THE HOUSE.

Thursday, November 30, 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, we begin each day with the intention of serving You, constituents and our families to the best of our ability. Your assistance enables us to be successful in responding to our daily opportunities and responsibilities by using our personal talents, gifts and blessings which You have given us, in a thoughtful and positive manner. In Your goodness and especially at this busy time of the year, inspire us to remain focused correctly on the important issues of the day, of the moment and in our communities. Teach us to treat all people fairly and to be open to their suggestions and many needs.

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.

Message from the Governor.

A message from His Excellency the Governor submitting requests for appropriations (under Section 7 of Chapter 150E of the General Laws) to fund certain collective bargaining agreements (House, No. 5348) was filed in the office of the Clerk on Monday, November 27.

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.

Resolutions.

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

Resolutions (filed by Mrs. Coppola of Foxborough) congratulating Richard A. Cavallaro on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mrs. Coppola of Foxborough) congratulating Robert F. Cavallaro on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Representatives Coppola of Foxborough, Poirier of North Attleborough and Travis of Rehoboth) congratulating Lois Honey Mallon on the joyous celebration of her one hundredth birthday;

Resolutions (filed by Ms. Fox of Boston) recognizing Judyann Bigby for her medical leadership on community health issues;

Resolutions (filed by Representatives Fox of Boston and Rushing of Boston) recognizing Helen Keene Cox for her many years of service to the people of the Commonwealth of Massachusetts;

David
James
Hanson.

Resolutions (filed by Mr. O'Brien of Kingston) congratulating David James Hanson on receiving the Eagle Award of the Boy Scouts of America;

David
Sterling.

Resolutions (filed by Mr. Ross of Wrentham) congratulating David Sterling of Norfolk on receiving the Eagle Award of the Boy Scouts of America; and

Derek
Stephen
Vanasse.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Derek Stephen Vanasse of Plainville upon his elevation to the rank of Eagle Scout;

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

Petitions.

Michael
Rafferty,
sick leave.

Mr. Evangelidis of Holden presented a petition (subject to Joint Rule 12) of Lewis G. Evangelidis and others for legislation to establish a sick leave bank for Michael Rafferty, an employee of the Department of Correction; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Smizik of Brookline, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Wareham
Fire
District.

By Ms. Gifford of Wareham, petition (subject to Joint Rule 12) of Susan Williams Gifford that the Wareham Fire District be granted the authority to control the distribution of water to the inhabitants of the town of Wareham.

Annette V.
Fielding,
sick leave.

By Mr. Koutoujian of Waltham, petition (subject to Joint Rule 12) of Peter J. Koutoujian for legislation to establish a sick leave bank for Annette V. Fielding, an employee of the Department of Social Services.

Emergency
vehicles.

By Mr. Vallee of Franklin, petition (subject to Joint Rule 12) of James E. Vallee relative to the operation of motor vehicles approaching certain emergency vehicles.

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

Papers from the Senate.

Wareham,
liquor
licenses.

The House Bill authorizing the town of Wareham to grant 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5003) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2706.

Under suspension of Rule 35, on motion of Ms. Gifford of Wareham, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

Mr. Pedone of Worcester then moved that the House concur with the Senate in its amendment with further amendments by striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the text contained in House document numbered 5353; and by striking out the title and inserting in place thereof the following title: "An Act authorizing the town of Wareham to grant certain alcoholic beverages licenses.".

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

A petition of Pamela P. Resor and James B. Eldridge for legislation to authorize the Division of Capital Asset Management and Maintenance to lease certain property to the town of Shirley, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Bonding, Capital Expenditures and State Assets.

Shirley,
property
lease.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2754) was referred, in concurrence, to the committee on Bonding, Capital Expenditures and State Assets.

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:

Petition (accompanied by bill) of A. Stephen Tobin for legislation to establish a sick leave bank for Maureen Bambery, an employee of the Trial Court. To the committee on the Judiciary.

Maureen
Bambery,
sick leave.

Petition (accompanied by bill) of Ronald Mariano for legislation to establish a sick leave bank for Robert O'Haver, an employee of the Department of Correction. To the committee on Public Service.

Robert
O'Haver,
sick leave.

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.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Financial Services to make an investigation and study of certain House documents concerning insurance benefits (House, No. 4957) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3072) of John F. Quinn and Christopher G. Fallon relative to mortgage lenders and mortgage brokers,— and recommending that the same be recommitted to the committee on Financial Services. Under Rule 42, the report was considered forthwith; and it was accepted.

Mortgage
lenders.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on the Judiciary to make an

Notaries
public,
commissions.

Notaries
public,
commissions.

investigation and study of certain Senate and House documents concerning the courts of the Commonwealth (House, No. 5125) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 661) of Bradford Hill relative to notices to notaries public and justices of the peace prior to the expiration of their commissions,— and recommending that the same be recommitted to the committee on the Judiciary. Under Rule 42, the report was considered forthwith; and it was accepted.

Pandemic
disease.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relating to medical malpractice liability of health professionals in emergency response (House, No. 4963) ought to pass with an amendment substituting therefor a Bill making appropriations for the fiscal year 2007 to provide funding to support pandemic disease preparation and response in the Commonwealth (House, No. 5349) [Cost: \$15,000,000.00]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House, with an amendment previously recommended by the committee on Health Care Financing and the amendment recommended by the committee on Ways and Means pending.

Under suspension of Rule 7A, on motion of Mr. Cabral of New Bedford, the bill was read a second time forthwith.

The amendment recommended by the committee on Health Care Financing,— that the bill be amended by substitution of a Bill making appropriations for the fiscal year 2006 to provide for funding to support pandemic preparation and response in the Commonwealth (House, No. 5069) [Cost: \$36,300,000.00],— was rejected.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill (House, No. 5349) was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. DeLeo, the bill (having been 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. The bill (House, No. 5349) then was sent to the Senate for concurrence.

East
Longmeadow
Center
Village.

By Mr. Pedone of Worcester, for the committee on Consumer Protection and Professional Licensure, on House, No. 5338, a Bill authorizing the town of East Longmeadow to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5350) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Ms. Rogeness of Longmeadow, the bill was read a second time forthwith; and it was ordered to a third reading.

Carol
Denault,
sick leave.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill establishing a personal leave bank for Carol Denault an employee of the Department of Mental Health at the Worcester State Hospital (House, No. 5342). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Pedone of Worcester, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kaufman of Lexington, for the committee on Public Service, that the recommitted Bill allowing increased retirement benefits for John G. Flores (Senate, No. 2426) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

John G.
Flores,
retirement
benefits.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill further regulating access to birth certificates (Senate, No. 2690) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Birth
certificates.

Mr. Donato of Medford, for said committee, reported that the matter 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.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the town of Ipswich to make an appeal to the Appellate Tax Board (House, No. 4986) ought to pass with an amendment, in the last line, by striking out the figures “30” and inserting in place thereof the figures “90”. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Ipswich,
Appellate
Tax Board.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House for a second reading, with the amendment pending.

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

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (House, No. 4986, amended) was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill further regulating parking for handicapped persons (Senate, No. 2647) be scheduled for consideration by the House.

Handicapped
parking.

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

Tatiana
Lara-
Melendez,
sick leave.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for a certain employee of the Department of Mental Retardation (House, No. 5336) be scheduled for consideration by the House.

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

Property
tax,
study.

By Mr. Binienda of Worcester, for the committee on Revenue, on House, No. 5326, an Order relative to authorizing the committee on Revenue to make an investigation and study of a certain House document concerning a voluntary donation check-off on property tax bills (House, No. 5351). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

Burlington,
town
meeting.

By Mr. Petrucci of Boston, for the committee on Election Laws, that the recommitted Bill relative to the election of town meeting member in the town of Burlington (House, No. 4556, changed) ought to pass.

Private
passenger
automobile
insurance.

By Mr. Mariano of Quincy, for the committee on Financial Services, that the recommitted Bill relative to private passenger automobile insurance (House, No. 1551) ought to pass.

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

Lori
Mazanec,
sick leave
bank.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Lori Mazanec, an employee of the Trial Court of the Commonwealth (House, No. 5343).

Billerica,
land lease.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Billerica to execute a certain lease (House, No. 5330) [Local Approval Received].

Norwood,
Joseph
Fernandes.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill further clarifying the retirement status of a disabled Norwood police officer (House, No. 5327) [Local Approval Received].

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

Engrossed Bill.

The engrossed Bill authorizing increased payment of pensioners for services after retirement (see House, No. 263) (which originated in the House), 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.

Orders of the Day.

House bills
Relative to penalties for animal fighting (House, No. 1765, amended); Third
reading
bills.

Further regulating stop payment orders to a bank (House, No. 3094);

Relative to the appointment of retired police officers as special police officers in the town of Millis (House, No. 4318);

Authorizing the town of Shrewsbury to send certain information to the voters of the town (House, No. 5013);

Relative to town meeting procedures in the town of Burlington (House, No. 5287) (its title having been changed by the committee on Bills in the Third Reading); and

Regulating the issuance of second-hand motor vehicle licenses within the city of Revere (House, No. 5317) (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.

At twenty-seven minutes after twelve o'clock noon, on motion of Ms. Rogeness of Longmeadow (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.