

JOURNAL OF THE HOUSE.

Thursday, December 28, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Koutoujian of Waltham 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:

God Our Creator, we believe that You have a constant personal concern for our total well-being, both material and spiritual. Help us to respond to You, Your ways, values and Commandments in a positive, reasoned and thoughtful manner. On the eve of a new year, we look forward with joy and optimism to the new year's experiences, challenges and opportunities. Inspire us to comprehend and to respond in a mature and reasoned way to the legislative, public policy and cultural issues in the months ahead. As we formulate our new year resolutions, teach us to remember the dignity of all people as we struggle to strengthen our communities, our families and our basic institutions. Happy New Year.

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

At the request of the Chair (Mr. Koutoujian), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Communication.

Communication from the Plymouth County Registry of Deeds (under Section 2KKK of Chapter 4 of the Acts of 2003) submitting an initial plan of proposed technological improvements at said registry (copies of said communication forwarded, as required under said law, to the Committee on Ways and Means and the committee on Post Audit and Oversight) was read for the information of the House; and it was placed on file.

Resolutions.

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

Resolutions (filed by Mrs. Canavan of Brockton) congratulating Matthew Joseph Kelly on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Daniel Patrick Shine on receiving the Eagle Award of the Boy Scouts of America offered by Representative Patricia A. Haddad;

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Daniel St. George on receiving the Eagle Award of the Boy Scouts of America offered by Representative Patricia A. Haddad; and

Resolutions (filed by Messrs. Kafka of Stoughton and Galvin of Canton) congratulating Richard Gene Bailey of Stoughton Boy Scout Troop 88 on earning the Eagle Scout Award;

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

Paper from the Senate.

The following notice was received from the Clerk of the Senate, to wit:

December 28, 2006.

Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356 State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Robert E. Travaglini, President of the Senate, has announced the following appointments:

Senator John A. Hart, Jr., to the Performance Standards and Workforce Accountability Task Force (pursuant to Section 11 of Chapter 23H of the Acts of 2006);

Senators Steven C. Panagiotakos (Co-Chairperson) and John A. Hart, Jr., to the Robert H. Goddard Council on Science, Technology, Engineering and Mathematics Education (pursuant to Section 4A of Chapter 15A of the General Laws); and

Senator John A. Hart, Jr., to the Commonwealth Information Technology Initiative (CITI) Fund's Advisory Board (pursuant to Section 2TTT of Chapter 168 of the Acts of 2006).

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Maureen Bambery, an employee of the Trial Court of the Commonwealth (House, No. 5370). 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. LeDuc of Marlborough, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mrs. Paulsen of Belmont, 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. Sent to the Senate for concurrence.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Annette V. Fielding, an employee of the Department of Social Services (House, No. 5379). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Annette V. Fielding, sick leave.

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. Kujawski of Webster, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mrs. Paulsen of Belmont, 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. Sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill to create a non-profit Massachusetts 501(c)(3) Deerfield Senior Housing Corporation whose mission is "to assist Deerfield seniors in adapting their homes to meet their needs (House, No. 4377) be scheduled for consideration by the House.

Deerfield Senior Housing Corporation.

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

Subsequently, under suspension of the rules, on motion of Mrs. Coppola of Foxborough, 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, its title having been changed by said committee to read: "An Act establishing the Deerfield Senior Housing Corporation.". Sent to the Senate for concurrence.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to the conversion of Massachusetts-chartered credit unions to a federal charter (printed as House, No. 2982) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Credit union conversion.

Emergency Measure.

The engrossed Bill further regulating driver education and junior operator's licenses (see House, No. 5378), 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.

Junior operator's licenses.

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.

Workforce Accountability Task Force.

Robert H. Goddard Council.

Information Technology Initiative.

Maureen Bambery, sick leave.

Engrossed Bills.

Engrossed bills

Bills enacted.

Relative to medical peer review committees (see Senate, No. 2418, amended);

Prohibiting certain dumping in the city of Brockton (see Senate, No. 2606);

Authorizing the Commissioner of Capital Asset Management and Maintenance to grant a certain easement in the town of Belchertown (see Senate, No. 2727);

Relative to the authority of the town of Auburn to convey a certain parcel of land (see Senate, No. 2738);

Authorizing the state retirement board to grant an accidental disability retirement to James R. Johnson (see Senate, No. 2767);

(Which severally originated in the Senate);

Establishing a Massachusetts work-family council (see House, No. 4216, amended);

Authorizing the town of Wellesley to seek voter approval to assess taxes for the purpose of funding the town's group insurance liability fund (see House, No. 4872, amended);

Relative to the acceptance of Chapter 40N of the General Laws in the town of Marblehead (see House, No. 5147); and

Establishing the Marlborough 2010 Corporation (see House, No. 5369);

(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.

Orders of the Day.

Senate bills

Third reading bills.

Increasing consumer access to licensed marriage and family therapists (Senate, No. 136);

Relative to the charter of the city of Northampton (Senate, No. 2739) (its title having been changed by the committee on Bills in the Third Reading); and

Making corrective changes in certain General and special laws (Senate, No. 2775);

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

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Relative to justices of the peace (House, No. 661); and

Validating the actions taken at the special town election held by the town of New Salem (printed in House, No. 4608);

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. Severally sent to the Senate for concurrence.

Recess.

Recess.

At half past twelve o'clock noon, on motion of Mr. Scaccia of Boston (Mr. Koutoujian of Waltham being in the Chair), the House recessed until a quarter before two o'clock P.M.; and at that time the House was called to order with Mr. Koutoujian in the Chair.

Papers from the Senate.

The House Bill relative to penalties for animal fighting (House, No. 1765, amended) came from the Senate with the endorsement that said branch had insisted on its amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2772 (in which the House had non-concurred).

Animal fighting, penalties.

On motion of Mr. Kafka of Stoughton, the House then receded from its non-concurrence with the Senate in its amendment; and concurred therein.

The House Bill relating to the Reggie Lewis Track at Roxbury Community College (House, No. 4366) 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 2777.

Reggie Lewis Track.

Under suspension of Rule 35, on motion of Ms. St. Fleur of Boston, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

A Bill amending the conveyance of a certain parcel of land in the town of Grafton (Senate, No. 2779) (on Senate bill No. 2726), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Grafton, land conveyance.

Subsequently Mr. DeLeo of Winthrop, for said committee, reported that the Bill ought to pass with amendments in section 3, in line 8, and also in line 29, by striking out, in each instance, the words "used as a state police museum and learning center". 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. Peterson of Grafton, the bill was read a second time forthwith.

The amendments recommended by the committee on Ways and Means then were adopted; and the bill (Senate, No. 2779, amended) was ordered to a third reading.

Reports of Committees.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to MBTA fare evasion (Senate, No. 2756) be scheduled for consideration by the House.

MBTA, fare evasion.

Under suspension of Rule 7A, on motion of Mr. Jones of North Reading, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Mr. Wagner of Chicopee moved that it be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4503.

The amendment was adopted; and the bill (Senate, No. 2756, amended) was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Ayers 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; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Sandwich, charter.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill amending the charter of the town of Sandwich (Senate, No. 2741) be scheduled for consideration by the House.

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

Domestic violence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling that the Bill relative to enhanced protection for victims of domestic violence (printed in House, No. 30) be scheduled for consideration by the House, with amendments previously recommended by the committee on Ways and Means pending.

Under suspension of Rule 7A, on motion of Ms. Rogeness of Longmeadow, the bill was read a second time forthwith.

The amendments recommended by the committee on Ways and Means,— that the bill be amended in line 1 by inserting after the following: "209A" the words "of the General Laws" , in line 8, by inserting after the word "section," the words "after conviction, as an alternative to incarceration and"; and by adding at the end thereof the following section:

"SECTION 2. The provisions of section 1 shall not be implemented unless and until the Commissioner of Probation submits, in a report to the Joint Committee on the Judiciary and the House and Senate Committees on Ways and Means, a determination that the necessary resources and technology currently exist and are optional within the Department of Probation to conduct the program."— then were considered.

Pending the question on adoption of the amendments recommended by the committee on Ways and Means, Messrs. Jones of North Reading and DeLeo of Winthrop moved that they be amended by striking out the proposed section 2 and inserting in place thereof the following:

"SECTION 2. The commissioner of probation shall submit reports to the joint committee on the judiciary and the House and Senate committees on ways and means every six months following the passage of this act, which reports shall detail the feasibility of conducting the program set forth in section 1 based on the resources and technology in existence and operational within the department of probation. The provisions of section 1 shall not be implemented unless and until said

commissioner submits such a report with a determination that the necessary resources and technology exist and are operational within the department of probation to conduct the program; provided, that following such a determination by the commissioner the reporting requirement of this section shall cease."

Domestic violence.

The further amendment was adopted.

The amendments recommended by the committee on Ways and Means, as amended, then also were adopted; and the bill (printed in House, No. 30, amended) was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Jones of North Reading, 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, its title having been changed by said committee to read: "An Act relative to protection for victims of domestic violence." Sent to the Senate for concurrence.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill further regulating the placement of certain children (Senate, No. 2776) ought to pass.

Children, placement.

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

Mr. Scaccia of Boston, for the committee on Rules, on House No. 4800, reported, in part, a Bill relative to health insurance premiums for retired employees of the town of Orleans (printed in House, No. 4567), which was read.

Orleans, retirees.

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

Engrossed Bills.

Engrossed bills

Increasing consumer access to licensed marriage and family therapists (see Senate, No. 136);

Bills enacted.

Relative to the charter of the city of Northampton (see Senate, No. 2739, amended);

(Which severally originated in the Senate);

Relative to penalties for animal fighting (see House, No. 1765, amended);

Relative to vehicle protection products (see House, No. 3062, amended);

Relating to the Reggie Lewis Track at Roxbury Community College (see House, No. 4366, amended);

Exempting the position of deputy police chief in the town of Hingham from the civil service laws (see House, No. 5036); and

Directing the State-Boston Retirement Board to retire James J. Cahill, a firefighter of the city of Boston (see House, No. 5366);

(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.

Emergency Measures.

Corrective changes.

The engrossed Bill making corrective changes in certain General and special laws (see Senate bill printed in Senate, No. 2775), 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 7 to 0. Sent to the Senate for concurrence.

Bill enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Group marketing plans.

The engrossed Bill relative to group marketing plans (see House, No. 4974), 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 10 to 0. Sent to the Senate for concurrence.

Bill enacted.

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.

Milford, land conveyance.

The engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the town of Milford (see House, No. 5174, 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 10 to 0. Sent to the Senate for concurrence.

Robert O'Haver, sick leave.

The engrossed Bill establishing a sick leave bank for Robert O'Haver, an employee of the Department of Correction (see House, No. 5355), 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 2 to 0. Sent to the Senate for concurrence.

Bill enacted.

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.

The engrossed Bill establishing a sick leave bank for William Lewis, an employee of the Trial Court (see House, No. 5360), 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.

William Lewis, sick leave.

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 2 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.

The engrossed Bill establishing a sick leave bank for Meridyth L. Reith, an employee of the state fire marshal (see House, No. 5361), 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.

Meridyth L. Reith, sick leave.

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.

Engrossed Resolve.

The engrossed Resolve in favor of Burton W. Gerrig, Esquire (see House, No. 4048) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed; and it was signed by the acting Speaker and sent to the Senate.

Resolve passed.

Orders of the Day.

House bills

Authorizing the town of Franklin to grant an additional license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 5309) (its title having been changed by the committee on Bills in the Third Reading); and

Third reading bills.

Establishing an office of finance in the town of Spencer (House, No. 5346);

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. Severally sent to the Senate for concurrence.

The House Bill authorizing creditable service for Richard Spicer (House, No. 5359) was read a third time.

Third reading bill amended.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a bill with the same title (House, No. 5380), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Westborough,
Zara Cisco
Brough.

The House Bill designating the new Department of Youth Services facility in Westboro as the Zara Cisco Brough-"Little White Flower" Facility (House, No. 5138), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Polito of Shrewsbury moved that it be amended in line 3, and also in the title, by striking out the word "Little" and inserting in place thereof, in each instance, the word "Princess".

The amendments were adopted; and the bill (House, No. 5138, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recesses.

Recesses.

At twenty-eight minutes before six o'clock P.M., on motion of Mr. Mariano of Quincy (Mr. Koutoujian of Newton being in the Chair), the House recessed until the hour of six o'clock; and at that time the House was called to order with Mr. Koutoujian in the Chair.

The Chair (Mr. Koutoujian) thereupon declared a further recess subject to the call of the Chair; and at a quarter after eight o'clock the House was called to order with Mr. Koutoujian in the Chair.

Emergency Measure.

MBTA,
fare
evasion.

The engrossed Bill relative to fare evasion on the Massachusetts Bay Transportation Authority (see Senate, No. 2756, 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 3 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bill.

Bill
enacted.

The engrossed Bill relative to group marketing plans (see House, No. 4974) (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.

Motion to Suspend Rule 1A.

Suspension
of Rule 1A.

The Chair (Mr. Koutoujian of Waltham) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.; and, there being no objection, Rule 1A was suspended.

Orders of the Day.

The Senate Bill extending the time for certain capital gains tax remedies (Senate, No. 2228), 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.

The House Bill authorizing the commissioner of capital asset management and maintenance to convey certain land in Foxborough (House, No. 5319), 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. Sent to the Senate for concurrence. H

Order.

On motion of Mr. DiMasi of Boston,—
Ordered. That when the House adjourns today, it adjourn to meet on Tuesday next at eleven o'clock A.M. Next
sitting.

At eleven minutes before ten o'clock P.M., on motion of Ms. Rogeness of Longmeadow (Mr. Koutoujian of Waltham being in the Chair), the House adjourned, to meet on Tuesday next at eleven o'clock A.M., in an Informal Session.