

## JOURNAL OF THE HOUSE.

Thursday, July 19, 2007.

Met according to adjournment, at eleven o'clock A.M., 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:

Ever-present God, we are grateful to You for our many daily material and spiritual blessings. We are thankful too, for Your spiritual gifts which enable us to carry out our daily personal legislative and family responsibilities and to cope with the stress of each day. As elected leaders facing current and future needs of people and the Commonwealth, we pray for the vision to comprehend issues in a clear, objective and realistic manner. Grant us the wisdom and the prudence to select the legislative choices and options which increase the confidence of constituents in our long-standing basic institutions and values. Inspire us to work together in building peaceful and civil communities.

Prayer.

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.

Pledge of  
allegiance.

### *Appointment to Special Commission.*

The Minority Leader announced the appointment of Representative Gifford of Wareham as his designee to the special commission established (under Section 84 of Chapter 61 of the Acts of 2007) to review the current state of the homeowners' insurance market.

Homeowners  
Insurance.

### *Resolutions.*

Resolutions (filed with the Clerk by Ms. Khan of Newton and other members of the House) honoring Kathleen M. Dennelly for thirty-one years of service in the Department of Correction, were referred, under Rule 85, to the committee on Rules.

Kathleen M. Den-  
nelly.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Hynes of Marshfield, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### *Communications.*

#### *Communications*

From the Executive Office of Labor and Workforce Development relative to the delayed submission of the annual performance report of the Workforce Standards and Performance Accountability Task Force.

Workforce  
Standards  
Task Force.

Medford, municipal partnerships.  
Lancaster, municipal partnerships.  
Randolph, sewer rates.  
Randolph, cable TV.

Wilmington, M/R 2A membership.

From the city council of the City of Medford submitting resolutions approved by said council supporting the municipal partnership legislation currently pending before the General Court;  
From the board of selectmen of the town of Lancaster submitting resolutions approved by said board supporting the municipal partnership legislation currently pending before the General Court;  
From the town of Randolph transmitting resolutions of said town relative to the sewer rate relief fund;  
From the town of Randolph transmitting resolutions of said town relative to the municipal consent process for competitive providers of cable television service; and  
From the Water Resources Commission (under Section 8C of Chapter 21 of the General Laws and 313 CMR 4.06(3)) relative to the approval of an Interbasin Transfer Act request from the town of Wilmington to become a member of the Massachusetts Water Resources Authority water works system;  
Severally placed on file.

*Petitions.*

Petitions severally were presented and referred as follows:

Westford, Land transfer.  
Georgetown, selectmen.

Boston, garages.

Boston, ordinance violations.

Bellingham, revolving funds.

By Mr. Hall of Westford, joint petition (accompanied by bill, House, No. 4165) of Geoffrey D. Hall and Steven C. Panagiotakos (by vote of the town) for legislation to authorize the transfer of a portion of conservation land in the town of Westford to the council on aging for expansion of the Cameron Senior Center of said town;  
By Ms. L'Italien of Andover, petition (accompanied by bill, House, No. 4166) of Barbara A. L'Italien and others (by vote of the town) for legislation to increase the membership of the board of selectmen of the town of Georgetown;  
By Mr. Rush of Boston, petition (accompanied by bill, House, No. 4167) of Michael F. Rush (with the approval of the mayor and city council) relative to the issuance of permits for the erection of garages in the first fire zone, so-called, in the city of Boston;  
By the same member, petition (accompanied by bill, House, No. 4168) of Michael F. Rush (with the approval of the mayor and city council) relative to increasing to one thousand dollars the maximum amount that may be imposed by fines for violation or ordinances in the city of Boston; and  
By Ms. Callahan of Sutton, joint petition (accompanied by bill, House, No. 4173) of Jennifer M. Callahan (by vote of the town) that the town of Bellingham be authorized to establish certain revolving funds;  
Severally to the committee on Municipalities and Regional Government.  
Severally sent to the Senate for concurrence.

Military, income taxes.

Petitions severally were presented and referred as follows:  
By Mr. Ayers of Quincy, petition (subject to Joint Rule 12) of Bruce J. Ayers that residents of the Commonwealth serving in the military be exempt from payment of state income taxes.

By Mr. Bosley of North Adams, petition (subject to Joint Rule 12) of Daniel E. Bosley that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land located in the city of North Adams to said city.  
By Ms. Campbell of Methuen, petition (subject to Joint Rule 12) of Linda Dean Cambell that the Registrar of Motor Vehicles be directed to issue a distinctive registration plate inscribed with "Support Our Troops" commemorating service in the armed forces.  
By Mr. Fresolo of Worcester, petition (subject to Joint Rule 12) of John P. Fresolo for legislation to provide tuition waivers for higher education for children of disabled veterans.  
By Ms. Gifford of Wareham, joint petition (subject to Joint Rule 12) of Susan Williams Gifford and Marc R. Pacheco for legislation to establish the North Carver Water District in the town of Carver.  
By Ms. Kaprielian of Watertown, petition (subject to Joint Rule 12) of Rachel Kaprielian that Mary M. Dyer of the town of Watertown be credited with certain service with the state teachers' retirement system.

By Mr. Kocot of Northampton, petition (subject to Joint Rule 12) of Peter V. Kocot for legislation to establish a sick leave bank for Joseph Rohan, an employee of the Franklin/Hampshire Division of the Juvenile Court Department of the Trial Court.  
By Mr. Linsky of Natick, petition (subject to Joint Rule 12) of David Paul Linsky and others that the Division of Capital Asset Management and Maintenance be authorized to lease to the town of Natick a portion of property of the National Guard Army located in said town.

By Mr. Pedone of Worcester, petition (subject to Joint Rule 12) of Vincent A. Pedone that certain investigators of the Alcoholic Beverages Control Commission be placed in Group 4 of the public employees retirement law.  
By Ms. Richardson of Frammingham, petition (subject to Joint Rule 12) of Pam Richardson relative to the liability of cities and towns for injuries sustained by persons traveling on unsafe roadways under the jurisdiction of such municipalities.

By Mr. Sebak of South Hadley, petition (subject to Joint Rule 12) of John W. Sebak relative to the appointment of a first assistant clerk for the Juvenile Court of Franklin and Hampshire counties.  
By Mr. Smola of Palmer, petition (subject to Joint Rule 12) of Todd M. Smola for legislation to prohibit certain children from riding as passengers on motorcycles.  
By Mr. Toomey of Cambridge, petition (subject to Joint Rule 12) of Denise Provost and Timothy J. Toomey, Jr., for legislation to establish a sick leave bank for Savina J. Whitney, an employee of the Department of Social Services.

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

By Mr. Toomey of Cambridge, petition (subject to Joint Rule 12) of Denise Provost and Timothy J. Toomey, Jr., for legislation to establish a sick leave bank for Savina J. Whitney, an employee of the Department of Social Services.

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

By Mr. Toomey of Cambridge, petition (subject to Joint Rule 12) of Denise Provost and Timothy J. Toomey, Jr., for legislation to establish a sick leave bank for Savina J. Whitney, an employee of the Department of Social Services.

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

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*Papers from the Senate.*

The House Bill relative to certain written majority authorization evidence of collective bargaining results (House, No. 2465, amended) (its title having been changed by the Senate committee on Bills in

North Adams  
Land  
conveyance.

Support Our  
Troops  
License  
plates.

Disabled  
veterans,  
tuition  
waivers.

North Carver  
Water District.

Mary M.  
Dyer,  
service  
credits.

Joseph  
Rohan,  
sick leave.

Natick,  
National  
Guard  
Army.

Beverage  
investigators  
Group 4.

Unsafe  
roads,  
liability.

Franklin/  
Hampshire  
Juvenile Court.

Motorcycles,  
children.

Savina  
Whitney,  
sick leave.

Collective  
bargaining.

Collective  
bargaining.

the Third Reading) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 4 (as printed) adding at the end thereof the following sentence: "As used in this paragraph, the term 'employer' shall not include a health care facility, a non-profit institution or a vendor who contracts with or receives funds from the commonwealth or a political subdivision thereof to provide social, protective, legal, medical, custodial, rehabilitative, respite, nutritional, employment, educational, training or other similar services to the commonwealth or a political subdivision thereof."

Under suspension of Rule 35, on motion of Mr. DeLeo of Winthrop, 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.

Juror  
service.

A Bill to improve juror service (Senate, No. 2261, amended by inserting before the enacting clause the following emergency preamble:

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to improve juror service, therefore, it is hereby declared to emergency law, necessary for the immediate preservation of the public convenience.") (on House, No. 4090), passed to be engrossed by the Senate, was read; and it was 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. Timilty of Milton, 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 Mr. O'Flaherty of Chelsea, 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, its title having been changed by said committee to read: "An Act improving juror service."

A Bill authorizing the town of Middleborough to deposit certain tax payments received into its land acquisition fund (Senate, No. 1187) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Food allergy,  
restaurants.

A report of the committee on Community Development and Small Business, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 136) of Cynthia S. Creem, Lida E. Harkins, Christine E. Canavan, Ruth B. Balsler and other members of the General Court for legislation relative to food allergy awareness in restaurants, and recommending that the same be referred to the committee on Public Health,—accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

The following order came from the Senate with the endorsement that it had been adopted by said branch:

"*Ordered*, That a joint session of the two branches be held on Thursday, July 19, 2007 at one o'clock P.M., in the House Chamber for the purpose of honoring Nobel Prize Winner Doctor Craig Melillo of the University of Massachusetts Medical Center in Worcester and to attend to any remarks that he may wish to relate."

The order then was adopted, in concurrence.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2293) of Susan C. Tucker and Barry R. Finegold for legislation relative to antique barometers. To the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, Senate, No. 2294) of Michael R. Knapik and Rosemary Sandlin for legislation to authorize the Department of Capital Asset Management and Maintenance to grant certain easements in the towns of Russell and Montgomery over lands held for conservation and recreation purposes. 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:

Joint petition (accompanied by bill) of Barry R. Finegold and Susan C. Tucker for legislation to establish a sick leave bank for Colleen Hannon, an employee of the Middlesex County Division of the Juvenile Court. To the committee on the Judiciary.

Petition (accompanied by bill) of Brian P. Wallace for legislation to establish a sick leave bank for Karen Byrnes, an employee of the Department of Conservation and Recreation. To the committee on Public Service.

Petition (accompanied by resolutions) of David Paul Linsky and others for adoption of resolutions by the General Court memorializing the Congress and the President of the United States to end the war in Iraq. To the committee on Veterans and Federal Affairs.

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill making provision for the management and operation of the Wallace Civic Center and Planetarium in the city of Fitchburg (Senate, No. 2209) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4171. 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 the amendment pending.

Joint session,  
Dr. Craig  
Melillo.

Antique  
barometers

Russell,  
Montgomery,  
land  
conveyance.

Colleen  
Hannon,  
sick leave.  
Karen  
Byrnes,  
sick leave.  
Iraq War,  
with-  
drawal.

Wallace Civic  
Center and  
Planetarium,  
operation.

Wallace Civic  
Center and  
Planetarium,  
plantation.

Under suspension of Rule 1A, on motion of Mr. DiNatale of Fitchburg, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2209, amended) was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act relative to the Wallace Civic Center and Planetarium in the city of Fitchburg."

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. DiNatale moved to amend it by inserting before the enacting clause the following emergency preamble:

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the management and operation of the civil center and planetarium in the city of Fitchburg, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (Senate, No. 2209, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments.

Sandwich,  
liquor  
license.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill authorizing the town of Sandwich to grant an additional liquor license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2268)—and recommending that the same be recommitted to the committee on Consumer Protection and Professional Licensure. Under Rule 42, the report was considered forthwith; and it was accepted.

By Ms. Balser of Newton, for the committee on Mental Health and Substance Abuse, on a petition, a Bill relative to mental health services in Massachusetts correctional institutions, houses of correction and jails (House, No. 1887).

By the same member, for the same committee, on a petition, a Bill relative to the treatment of prisoners (House, No. 1896, changed in line 16 by striking out the word "insure" and inserting in place thereof the word "ensure" and in line 22 by striking out the words "licensed psychiatrist" and inserting in place thereof the words "physician board certified in psychiatry or a licensed psychologist"). Severally referred; under Joint Rule 1E, to the committee on Health Care Financing.

Abandoned  
vessels.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to abandoned vessels (House, No. 726).

State  
buildings,  
recycling

By the same member, for the same committee, on a petition, a Bill to require recycling in public buildings (House, No. 853).

By the same member, for the same committee, on a petition, a Bill relative to abandoned vessels (House, No. 3781).

By the same member, for the same committee, on House, No. 822, a Bill to direct the Secretary of Environmental Affairs to implement a voluntary "green dot" recycled content labeling program (House, No. 4169).

By Mr. Torrisi of North Andover, for the committee on Labor and Workforce Development, on House No. 1862, reported, in part, a Bill relative to worker's compensation (House, No. 4170).

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill relative to National Guard pay (House, No. 2777).

By Mr. Binienda of Worcester, for the committee on Revenue, on a petition, a Bill providing for a certain exemption from the sales tax (House, No. 2876).

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to pension divestment (Senate, No. 2255, amended) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4172. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

By Mr. Bradley of Hingham, for the committee on Election Laws, on a petition, a Bill providing for the election of city councilors and school committee persons within the city of Springfield (House, No. 4071) [Local Approval Received].

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 738 and 3780, a Bill to increase recycling by landlords and tenants (House, No. 738).

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill relative to the appointment of Mark Walsh to the position of police officer in the town of Stoneham (House, No. 2435).

By the same member, for the same committee, on House, Nos. 2531 and 2801, a Bill relative to labor relations (House, No. 2531).

By the same member, for the same committee, on a petition, a Bill relative to the appointment of firefighters and police officers (House, No. 2696).

By the same member, for the same committee, on a petition, a Bill relative to certain members of the Cambridge retirement system (House, No. 4024) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Linda M. Superior, an employee of the Department of Revenue (House, No. 4163).

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

Abandoned  
vessels.

Green Dot  
Labeling  
program.

Worker's  
compensation.

National guard,  
income tax.

Personal  
property,  
sales tax.

Pension  
divestment.

Springfield,  
election.

Recycling.

Stoneham,  
Mark  
Walsh.

Labor  
relations.

Fire fighters  
and police,  
appointment.

Cambridge retire-  
ment board.

Linda  
Superior,  
sick leave.

Recess.

Recess.

At twenty-nine minutes after eleven o'clock A.M., on motion of Mr. DiNatale of Fitchburg (Mr. Donato of Medford being in the Chair), the House recessed until half past twelve o'clock noon; and at that time the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Emergency Measure.

Juror service.

The engrossed Bill improving juror service (see Senate, No. 2261, 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 34 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Bills enacted.

Engrossed bills Relative to the Newton Community Development Authority and the Newton Housing Authority (see Senate, No. 1162) (which originated in the Senate);

Relative to the investment of trust funds for the city of Newton (see House, No. 3951);

Authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages not to drunk on the premises (see House, No. 4049);

Changing the name of the Massachusetts College of Art to the Massachusetts College of Art and Design (see House, No. 4088); and Relative to the at-large preliminary election in the city of Boston in 2007 (see House, No. 4162);

(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.

Real estate tax. Bill enacted, year and day, No. 120.

The engrossed Bill relative to municipal real estate tax notices (see Senate, No. 1691) (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.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Binienda of Worcester; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 120 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Municipal health insurance.

The engrossed Bill to reduce the reliance on property taxes through municipal health care (see House, No. 4110, amended) (which originated in the House), having been certified by the Clerk

to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Ms. Kaprielian of Watertown; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 121 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Pension Investment

The engrossed Bill to reduce the stress on local property taxes through enhanced pension fund investment (see House, No. 4125, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Binienda of Worcester; and on the roll call 140 members voted in the affirmative and 14 in the negative.

[See Ye and Nay No. 122 in Supplement.]

[Mr. Bradley of Hingham answered "Present" in response to his name.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted, year and day, No. 122

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the town of Wellesley to convey a certain parcel of land (see House, No. 3954, 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 put upon its final passage.

On the question on passing the bill to be re-enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 123 in Supplement.]

Therefore the bill was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Joint Session.

A Joint Session was convened at two o'clock P.M. for the purpose of honoring Nobel Prize Winner Dr. Craig Melillo of the University of Massachusetts. For Joint Session, see Journal of the Senate.

Dr. Craig Melillo.

Orders of the Day.

The Senate Bill relative to property owned by the Boys and Girls Club of Brockton, Inc. (Senate, No. 2175), 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.

Third reading

Bill

The House Bill relative to licensing board salaries in the city of Boston (House, No. 2012) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time, and it was passed to be engrossed. Sent to the Senate for concurrence.

Second reading bills

Senate bills

To prohibit internet hunting (Senate, No. 860, amended);  
Establishing the Taunton economic development fund (Senate, No. 1192);

Authorizing the town of Rehoboth to grant a license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2270); and

Authorizing the town of Ashburnham to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2271); and

House bills

Designating a certain parcel of land in the town of Canton as the Clyde S. Pushard Field (House, No. 750);

Relative to the Massachusetts State Employees Credit Union (House, No. 1015);

To simplify the transfer of title to condominium units (House, No. 1246);

Relative to the confidentiality of loan applications (House, No. 4146);

Authorizing the town of Foxborough to grant 12 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4147); and

Relative to additional liquor license in the city of Salem (House, No. 4148);

Several were read a second time; and they were ordered to a third reading.

*Order.*

Next sitting

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.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-one minutes after two o'clock P.M., on motion of Mr. Golden of Lowell (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.

## JOURNAL OF THE HOUSE.

Tuesday, April 10, 2007.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow 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, at the opening of today's formal legislative session we pause for a moment of personal reflection and prayer. We pray for Your spiritual gift of wisdom which enables us to make the right and prudent legislative decisions and choices as we go through the calendar. Help us to offer You our best effort in addressing the many needs of constituents, our communities and the Commonwealth. Inspire us to propose and formulate legislation and programs which serve the current and future best interests of the people. Teach us to be guided in our decision making process by traditional principles and values, human and spiritual, which strengthen our neighborhoods and families.

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. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### Silent Prayers.

Sergeant  
Adam  
Kennedy.

During the session, at the request of the Mr. Ross of Wrentham, the members, guests and employees stood for a moment of silent prayer in memory of Sergeant Adam Kennedy, United States Army, of Norfolk. Sergeant Kennedy, age 25, was a graduate of Xavierian Brothers High School in Westwood and Norwich University. He enlisted in the Army in 2004, served in a 4th Brigade Infantry Division and began his first tour of duty in Iraq last fall. He died on Sunday, April 8, 2007, in Kalsu, Iraq, from wounds sustained from an improvised explosive device.

Jack  
Leary.

During the session, at the request of the Messrs. Wallace of Boston, Walsh of Boston, Honan of Boston and Rush of Boston, the members, guests and employees stood for a moment of silent prayer in memory of Jack Leary, Assistant Chief Probation Officer of the South Boston District Court and founder of the first drug court in Massachusetts. Mr. Leary passed away on Saturday.

### Papers from the Senate.

The House Bill relative to the Swansea Water District (House, No. 2031) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following 2 sections:

Swansea  
Water  
District.

"SECTION 2. The vote of the Swansea Water District taken pursuant to Article 15 at the May 8, 2006 annual district meeting authorizing a borrowing of \$11,600,000 pursuant to chapter 137 of the acts of 1949, as amended, is hereby ratified, validated and confirmed.

SECTION 3. This act shall become effective upon its passage."

Under suspension of Rule 35, on motion of Mr. D'Amico of Seekonk, 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.

### Reports

Of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration.

Of the petition (accompanied by bill, Senate, No. 2173) of James E. Timilty, John H. Rogers, Richard J. Ross and Louis L. Kafka for legislation to authorize the Massachusetts Water Resources Authority to provide certain services between the town of Walpole and the town of Sharon; and

Walpole/  
Sharon,  
M.W.R.A.

Of the petition (accompanied by bill, Senate, No. 2174) of James E. Timilty, John H. Rogers, Stanley C. Rosenberg and Louis L. Kafka for legislation to authorize the Massachusetts Water Resources Authority to provide certain services between the town of Walpole and the town of Foxborough;

And recommending that the same severally be referred to the committee on Municipalities and Regional Government.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2183) of Dianne Wilkerson for legislation to create a license to practice natural hair cultivation. To the committee on Consumer Protection and Professional Licensure.

Natural hair  
cultivation.

Petition (accompanied by bill, Senate, No. 2182) of Dianne Wilkerson for legislation to establish a permanent commission on the social status of black males. To the committee on Children, Families and Persons with Disabilities.

Social status  
of black  
males.

Petition (accompanied by bill, Senate, No. 2184) of Dianne Wilkerson for legislation to create environmental justice. To the committee on Environment, Natural Resources and Agriculture.

Environment/  
justice.

Petition (accompanied by bill, Senate, No. 2185) of Dianne Wilkerson for legislation relative to coverage for asthma education and training;

Asthma.

Petition (accompanied by bill, Senate, No. 2186) of Dianne Wilkerson for legislation to create wealth within low and moderate income households of the Commonwealth;

Household  
income.

Petition (accompanied by bill, Senate, No. 2187) of Dianne Wilkerson for legislation to establish community reinvestment obligations for certain mortgage lenders; and

Mortgage  
lenders,  
obligations.



Insurance policies discrimination.

Petition (accompanied by bill, Senate, No. 2188) of Dianne Wilkerson for legislation to prohibit discrimination in insurance policies;

Severally to the committee on Financial Services.

Prostate cancer exams.

Petition (accompanied by bill, Senate, No. 2189) of Dianne Wilkerson for legislation to provide for greater insurance coverage of prostate cancer exams. To the committee on Health Care Financing.

Messart.

Petition (accompanied by bill, Senate, No. 2190) of Dianne Wilkerson for legislation to make permanent the special status of Messart. To the committee on Higher Education.

Subsidized housing.

Petition (accompanied by bill, Senate, No. 2191) of Dianne Wilkerson for legislation to exclude payments for foster care in computing rent and determining eligibility for subsidized housing; and

Low and moderate income tenants.

Petition (accompanied by bill, Senate, No. 2192) of Dianne Wilkerson for legislation to authorize municipalities to protect low and moderate income tenants and units of governmentally involved housing/expiring use properties;

Severally to the committee on Housing.

Criminal offender record.

Petition (accompanied by bill, Senate, No. 2193) of Dianne Wilkerson for legislation relative to distribution and use of criminal offender record;

It

Petition (accompanied by bill, Senate, No. 2194) of Dianne Wilkerson for legislation to accelerate the sealing of non-conviction criminal offender record information;

Juvenile records.

Petition (accompanied by bill, Senate, No. 2195) of Dianne Wilkerson for legislation to permit the purging of juvenile records;

Drug treatment.

Petition (accompanied by bill, Senate, No. 2196) of Dianne Wilkerson for legislation to provide proceeds of drug case confiscations to drug treatment;

It

Petition (accompanied by bill, Senate, No. 2197) of Dianne Wilkerson for legislation to expand the scope of the commonwealth's drug treatment program to allow for the diversion of low-level offenders under court supervision;

Jury system.

Petition (accompanied by bill, Senate, No. 2198) of Dianne Wilkerson for legislation to improve the jury system of the commonwealth;

Oral rights.

Petition (accompanied by bill, Senate, No. 2199) of Dianne Wilkerson for legislation to further protect civil rights; and

Foreclosure.

Petition (accompanied by bill, Senate, No. 2200) of Dianne Wilkerson for legislation to protect homeowners facing foreclosure;

Asthma.

Severally to the committee on the Judiciary.  
Petition (accompanied by bill, Senate, No. 2201) of Dianne Wilkerson for legislation to reduce asthma rates and their associated costs;

Environmental illness registry.

Petition (accompanied by bill, Senate, No. 2202) of Dianne Wilkerson for legislation to establish a statewide environmental illness incidence registry;

Oral health care.

Petition (accompanied by bill, Senate, No. 2203) of Dianne Wilkerson for legislation to increase access to oral health care; and

Asthma.

Petition (accompanied by bill, Senate, No. 2204) of Dianne Wilkerson for legislation to reduce asthma and other health threats from cleaning products used in schools, hospitals and public housing;

Severally to the committee on Public Health.

Petition (accompanied by bill, Senate, No. 2205) of Dianne Wilkerson for legislation to enhance emergency responses in public buildings and facilities. To the committee on Public Safety and Homeland Security.

Public buildings, emergency responses.

Petition (accompanied by bill, Senate, No. 2206) of Dianne Wilkerson for legislation to authorize certain public defenders creditable retirement service time for service as an employee of Roxbury Defenders; and

Roxbury buildings, emergency responses.

Petition (accompanied by bill, Senate, No. 2207) of Dianne Wilkerson for legislation to authorize the chief of police to the Massachusetts Bay Transportation Authority Police Department to appoint police cadets under certain circumstances to the police department of said authority summary;

M.B.T.A. police cadets.

Severally to the committee on Public Service.

*Reports of Committees.*

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill establishing the Marlborough 2010 Corporation (House, No. 2029) be scheduled for consideration by the House.

Marlborough, 2010 Corporation.

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

Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on a message from His Excellency the Governor, a Bill providing the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 3966).

Bonds, terms.

By Mr. Kaufman of Lexington, for the committee on Public Service, on Senate, No. 1620 and House, No. 2465, a Bill relative to written majority authorization cards, petitions and other written evidence of collective bargaining results (House, No. 2465).

Collective bargaining.

By the same member, for the same committee, on House, Nos. 2433, 2599 and 2604, a Bill relative to the minimum pension for retirees (House, No. 2604, changed by inserting after the figure "15,000"; the second time it appears, the words "provided, however, that the retirement allowance shall not exceed the salary currently being paid for the position from which said person retired, or if the position no longer exists, a similar position").  
Severally read; and referred, under Rule 33, to the committee on Ways and Means.

*Engrossed Bills.*

The engrossed Bill establishing a sick leave bank for Antoinette Rome, an employee of the Department of Transitional Assistance (see House, No. 3941, changed) (which originated in the House), 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.

Bill attached.

The engrossed Bill authorizing the town of South Hadley to grant an additional alcoholic beverage license (see House, No. 3752,

It



changed and amended) (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.

*Recess.*

At five minutes after eleven o'clock A.M., on motion of Mr. Donato of Medford (Mr. Petrolati of Ludlow being in the Chair), the House recessed until twelve o'clock noon; and at eight minutes after twelve o'clock the House was called to order with Mr. Petrolati in the Chair.

*Orders of the Day.*

The House Bill establishing a sick leave bank for Dennis McNamara, an employee of the Department of Fish and Game (House, No. 3940) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Third reading Bill

The House Bill relative to civil service examinations for appointment as police officers (House, No. 2666) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be consolidated with the House Bill relative to the minimum age for appointment as a police officer (House, No. 2641), likewise referred to said committee; and the report was accepted.

Pending the question on passing the bill (House, No. 2666) to be engrossed, Mr. Lepper of Attleboro moved that it be amended by inserting before the enacting clause the following emergency preamble:

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to lower the minimum age for appointment as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (House, No. 2666, amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Orders.*

An Order (filed by Mr. Scaccia of Boston) relative to the procedures for consideration of the General Appropriation Bill for fiscal year 2008 (House, No. 3999), having been reported from the committee on Rules, under the provisions of House Rules 7B and 7C, was considered.

Pending the question on adoption of the order, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 145 members were recorded as being in attendance.

[See **Yea and Nay No. 40 in Supplement.**]

Therefore a quorum was present.

After remarks on the question on adoption of the order, Mr. Jones of North Reading and other members of the House moved to amend it in the third paragraph by striking out the words "provided however, that any such amendment appropriating, earmarking, or otherwise segregating revenue shall not be in order".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 18 members voted in the affirmative and 135 in the negative.

[See **Yea and Nay No. 41 in Supplement.**]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by striking out the fourth paragraph.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Webster of Hanson; and on the roll call 23 members voted in the affirmative and 131 in the negative.

[See **Yea and Nay No. 42 in Supplement.**]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by striking out the fifth paragraph.

After debate on the question on adoption of the amendment, Mr. Scaccia of Boston moved that Rule 7B be suspended in order that the House be authorized to continue debate beyond the thirty minutes allowed under said rule; and the motion prevailed.

After further debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call (Mr. Donato of Medford being in the Chair) 19 members voted in the affirmative and 132 in the negative.

[See **Yea and Nay No. 43 in Supplement.**]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by adding at the end thereof the following paragraph:

"*Ordered*, That notwithstanding any provision of this Order or the rules of the House to the contrary, no consolidated amendment to the General Appropriation Act offered by the committee on ways and means shall be considered by the House until the expiration of at least thirty minutes after the consolidated amendment shall have been first filed with the Clerk and made available to the members."

After debate the amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the order by adding at the end thereof the following: "and be it further

*Ordered*, That, the rules of the House be amended, in Rule 7B, by adding at the end thereof the following paragraph:—

No order relative to special procedures for the consideration of the General Appropriation Bill shall be considered or acted upon by the House until the calendar day following during which said report shall have been in print and available to the public and to the members of the General Court. The committee on rules shall file its report recommending that such an order be adopted no later than eight o'clock P.M.

Quorum, Yes and Nay No. 40.

Quorum.

Budget, procedures.

Police officers, civil service examinations.

Third reading Bill

The House Bill relative to civil service examinations for appointment as police officers (House, No. 2666) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be consolidated with the House Bill relative to the minimum age for appointment as a police officer (House, No. 2641), likewise referred to said committee; and the report was accepted.

Pending the question on passing the bill (House, No. 2666) to be engrossed, Mr. Lepper of Attleboro moved that it be amended by inserting before the enacting clause the following emergency preamble:

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to lower the minimum age for appointment as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (House, No. 2666, amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Orders.*

An Order (filed by Mr. Scaccia of Boston) relative to the procedures for consideration of the General Appropriation Bill for fiscal year 2008 (House, No. 3999), having been reported from the committee on Rules, under the provisions of House Rules 7B and 7C, was considered.

Pending the question on adoption of the order, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 145 members were recorded as being in attendance.

[See **Yea and Nay No. 40 in Supplement.**]

Therefore a quorum was present.

Amendment rejected Yeas and Nays No. 41.

Amendment rejected Yeas and Nays No. 42.

Amendment rejected Yeas and Nays No. 43.

Amendment  
rejected,  
yea and nay  
No. 44.

on the day preceding its consideration and the House shall not consider said report before one o'clock P.M. on the following day." After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 18 members voted in the affirmative and 133 in the negative.

**[See Yea and Nay No. 44 in Supplement.]**

Therefore the amendment was rejected.

Order  
adopted,  
yea and nay  
No. 45.

After debate on the question on adoption of the order, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Scaccia of Boston; and on the roll call 133 members voted in the affirmative and 20 in the negative.

**[See Yea and Nay No. 45 in Supplement.]**

Therefore the order (House, No. 3999, printed as amended) was adopted.

*Order.*

On motion of Mr. DiMasi of Boston,—

*Ordered,* That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

Next  
sitting.

Mr. Toomey of Cambridge then moved that as a mark of respect to the memory of George W. Spartichino, a member of the House from Cambridge from 1957 to 1966, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at five minutes after 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 Thursday next at eleven o'clock A.M., in an Informal Session.

JOURNAL OF THE HOUSE.

Tuesday, May 8, 2007.

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

Gracious God, we begin today's legislative session by prayerfully directing our attention and thoughts to You, Our Creator and Ultimate Destiny. Consequently we believe that You inspire us to make decisions and choices which give meaning to and provide definite goals for our daily being. Your assistance also helps us to select those options which enables us to comprehend more clearly the issues of the moment. As a society we look for excellence on all levels of daily life. Help us achieve excellence in following faithfully Your ways, values and principles.

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. Rushing), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Petitions.

Petitions severally were presented and referred as follows:

Coltraine, Merrill, elections.

By Mr. Guyer of Dalton, petition (accompanied by bill, House, No. 4013) of Denis E. Guyer (by vote of the town) for legislation to provide for the recall of elected public officials of the town of Coltraine. To the committee on Election Laws.

Cohasset, Walker, beaviloss.

By Mr. Bradley of Hingham, petition (accompanied by bill, House, No. 4014) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the town of Cohasset be authorized to provide water services to certain cities, towns and water companies; and

Provincetown, easement.

By Ms. Peake of Provincetown, petition (accompanied by bill, House, No. 4015) of Sarah K. Peake (by vote of the town) that the town of Provincetown be authorized to grant a certain easement on Rear Bradford Street in said town; Severally to the committee on Municipalities and Regional Government.

Boston, police, sp.

By Mr. Wallace of Boston, petition (accompanied by bill, House, No. 4016) of Brian P. Wallace (with the approval of the mayor and city council) relative to the appointment of police officers in the city of Boston, notwithstanding the maximum age requirements. To the committee on Public Service. Severally sent to the Senate for concurrence.

Papers from the Senate.

Reports

Of the committee on Public Health, asking to be discharged from further consideration Of the petition (accompanied by bill, Senate, No. 1227) of Robert A. Havern for legislation relative to amyotrophic lateral sclerosis (ALS),— and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities.

Amyotrophic lateral sclerosis.

Of the petition (accompanied by bill, Senate, No. 1282) of Richard T. Moore for legislation to establish a reinsurance program to protect consumers of small group health insurance,— and recommending that the same be referred to the committee on Health Care Financing. Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

Health insurance.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2224) of Robert O'Leary and Eric Turkington (by vote of the town of Nantucket) for legislation to approve the conveyance of property by the county of Nantucket; and

Nantucket, land conveyance.

Petition (accompanied by bill, Senate, No. 2225) of Robert O'Leary and Eric Turkington (by vote of the town of Nantucket) for legislation to approve the town of Nantucket to use, or to sell, convey or otherwise dispose of certain land situated in the town of Nantucket for any lawful purpose.

Nantucket, land, lawful purpose.

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, Senate, No. 2226) of Robert O'Leary and Eric Turkington (by vote of the town of Nantucket) for legislation to further clarify the Nantucket Islands Land Bank Act regarding real property interests subject to the land bank act's transfer fee. To the committee on Environment, Natural Resources and Agriculture.

Nantucket, Islands, Land Bank.

Petition (accompanied by bill, Senate, No. 2227) of Robert O'Leary and Eric Turkington (by vote of the town of Nantucket) for legislation to approve the Nantucket Islands land bank and the town of Nantucket to use, or to sell, convey or otherwise dispose of certain land situated in the town of Nantucket for any lawful. To the committee on Municipalities and Regional Government.

Nantucket, Island, Land bank conveyance.

Reports of Committees.

By Mr. Rodrigues of Westport, for the committee on Consumer Protection and Professional Licensure, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 229) of Christopher G. Fallon for legislation to establish a car buyer bill of rights,— and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy;

Car buyers, rights.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2230) of John F. Quinn to study the safety of political sign holders on public roadways,— and recommending that the same be referred to the committee on Election Laws; and

Politics, sign holders.