

JOURNAL OF THE HOUSE.

Thursday, August 16, 2007.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Gracious God, we pause for a moment of personal reflection and prayer as we focus our attention and thoughts on You. We believe that Your ways, precepts and spiritual values enable us to achieve personal happiness, fulfillment and satisfaction. As elected leaders, teach us to be aware of and alert to the variety of needs of people, our neighborhoods and communities. Inspire us to plan successfully in our efforts to make our communities peaceful, our families stable and our Commonwealth prosperous. Let our hearts and minds be filled with confidence and hope as we address each day's challenges and opportunities.

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

Pledge of allegiance.

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

Resolutions.

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

Alexander Trumpolt.

Resolutions (filed by Ms. Flanagan of Leominster) congratulating Alexander Trumpolt on receiving the Eagle Award of the Boy Scouts of America;

Dudley, girls softball.

Resolutions (filed by Mr. Kujawski of Webster) congratulating the Dudley Senior League girls softball team on winning the 2007 Massachusetts League State Championship;

Joseph J. and Mary Louise Fortini.
Lauren Gandillot.

Resolutions (filed by Ms. Peisch of Wellesley) honoring the sixtieth anniversary of Joseph J. and Mary Louise Fortini;

Resolutions (filed by Ms. Peisch of Wellesley) honoring Lauren Gandillot on receiving the Gold Award of the Girl Scouts of the USA;

Lauren Olaksen.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Lauren Olaksen on receiving the Gold Award of the Girl Scouts of the USA;

Jon Robert Pellat II.

Resolutions (filed by Mr. Stanley of Waltham) congratulating Jon Robert Pellat II on receiving the Eagle Award of the Boy Scouts of America; and

James T. Brown.

Resolutions (filed by Mr. Vallee of Franklin and other members of the House) honoring James T. Brown of Salisbury for his years of service in defense of the United States and in support of the veterans of the Commonwealth;

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

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Keenan of Salem, petition (accompanied by bill, House, No. 4215) of John D. Keenan (with the approval of the mayor and city council) that the city of Salem be authorized to issue a license for the sale of alcoholic beverages to be drunk on the premises to New Boston Ventures, LLC. To the committee on Consumer Protection and Professional Licensure.

Salem, New Boston Ventures

By Mr. DiNatale of Fitchburg, petition (accompanied by bill, House, No. 4216) of Stephen L. DiNatale (with the approval of the mayor and city council) that the city of Fitchburg be authorized to convey certain land to Dawn M. Tully in exchange of certain other land to be used by said city for watershed protection purposes; and

Fitchburg Dawn M. Tully.

By Mr. Scibak of South Hadley, petition (accompanied by bill, House, No. 4217) of John W. Scibak (by vote of the town) that the town of Hadley be authorized to establish a sewer system capital improvement fund;

Hadley sewer fund.

Severally to the committee on Municipalities and Regional Government.

By Mr. Bradley of Hingham, joint petition (accompanied by bill, House, No. 4218) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) for legislation to prohibit certain elected public officials in the town of Hull from receiving retirement and health benefits;

Hull, elected officials

By the same member, joint petition (accompanied by bill, House, No. 4219) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that positions in the public works department of the town of Hull be exempt from the civil service law; and

Hull, public department

By Mr. Torrisi of North Andover, petition (accompanied by bill, House, No. 4212) of David M. Torrisi and others (by vote of the town) that the positions of police chief and fire chief in the town of North Andover be exempt from the civil service law;

North Andover fire and chiefs.

Severally to the committee on Public Service.
Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Binienda of Worcester, petition (subject to Joint Rule 12) of John J. Binienda and others relative to the disposition of the unclaimed remains of certain cremated persons.

Worcester, cremated persons

By Mr. Cabral of New Bedford, joint petition (subject to Joint Rule 12) of Antonio F. D. Cabral and others for legislation to regulate the investment of public pension funds in certain companies doing business in the countries of Iran and South Africa.

Iran, pension funds.

Flags, state

purchases.

Legislative
committees,
videotaping.Metham-
phetamines,
trafficking.Trucks,
fire
extinguishers.Karen Rice,
sick leave.Pension
funds,
investments.Motorboats,
numbering.Motorboats,
registration.Accountants,
registration
and oversight.Pesticides,
sales tax.Child care,
sex offense.Tidelands,
licensing require-
ments.

By Mrs. Haddad of Somerset, joint petition (subject to Joint Rule 12) of Patricia A. Haddad and others for legislation to regulate the purchase of flags by public agencies in the Commonwealth.

By Mr. Hill of Ipswich, petition (subject to Joint Rule 12) of Bradford Hill relative to videotaping legislative committee hearings.

By Mr. Kafka of Stoughton, petition (subject to Joint Rule 12) of Louis L. Kafka and others relative to the definition of "trafficking" of methamphetamines under the controlled substances law.

By Mr. Kujawski of Webster, petition (subject to Joint Rule 12) of Paul Kujawski for legislation to require commercial trucks, vans and sport utility vehicles to be equipped with portable fire extinguishes.

By Ms. Malia of Boston, petition (subject to Joint Rule 12) of Elizabeth A. Malia for legislation to establish a sick leave bank for Karen Rice, and employee of the teachers' retirement system.

By Mr. Murphy of Lowell, petition (subject to Joint Rule 12) of Kevin J. Murphy and others for legislation to regulate investments of public employee pension funds in certain companies conducting business in the countries of Iran, North Korea, Sudan and Syria.

By Mr. Pedone of Worcester, petition (subject to Joint Rule 12) of Vincent A. Pedone relative to the numbering of non-resident motorboats operating on the waters of the Commonwealth.

By the same member, petition (subject to Joint Rule 12) of Vincent A. Pedone for legislation to further regulate the registration of motorboats.

By Mr. Rodrigues of Westport, petition (subject to Joint Rule 12) of Michael J. Rodrigues and others relative to the Board of Public Accountancy and regulating the registration of certified public accountants.

By Mr. Smizik of Brookline, joint petition (subject to Joint Rule 12) of Frank I. Smizik and Pamela P. Resor for legislation to regulate the tax imposed on the sale of certain pesticides in the Commonwealth.

By Mr. Vallee of Franklin, petition (subject to Joint Rule 12) of James E. Vallee that certain convicted sex offenders be prohibited from employment in the supervision or care of minor children.

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

Papers from the Senate.

The House Bill relative to the licensing requirements for certain tidelands (House, No. 4184) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2309; inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would defeat its purpose, which is to authorize a regulatory exemption for certain landlocked tidelands from license requirements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and striking out the title and inserting in place thereof the following title: "An Act regarding the licensing requirements for landlocked filled tidelands."

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the amendments were considered forthwith.

The House then non-concurred with the Senate in its amendments; and, on further motion of Mr. Smizik, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Smizik, DeLeo of Winthrop and deMacedo of Plymouth then were appointed as the committee on the part of the House. Sent to the Senate to be joined.

Subsequently the bill came from the Senate with the endorsement that said branch had insisted on its amendments, concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Resor, Baddour and Tarr had been joined as the committee on the part of the Senate.

The engrossed Bill establishing a sick leave bank for John J. Bish, an employee of the Trial Court [see Senate, No. 2285, amended], which had been returned to the Senate by His Excellency the Governor with recommendation of amendment (for message, see Senate, No. 2312), came from said branch with the endorsement that it had amended said bill in the last sentence by striking out the words "extended illness leave bank" and inserting in place thereof the words "trial court paid leave bank".

Under suspension of the rules, on motion of Mr. Lepper of Attleboro, the amendment was considered forthwith; and it was adopted, in concurrence.

A Bill establishing a sick leave bank for Rosemary Rozak, an employee of the Department of Revenue (Senate, No. 2302) (on a petition), 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. Hill of Ipswich, the bill was read a second time forthwith; and it was ordered to a third reading.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2320) of Robert L. Hedlund, and Robert J. Nyman (by vote of the town) for legislation for the establishment and administration of rent regulations and the control of evictions in mobile home park accommodations in the town of Norwell. To the committee on Housing.

Petition (accompanied by bill, Senate, No. 2318) of Stephen M. Brewer and Anne M. Gobi (by vote of the town) for legislation to authorize the town of Templeton to exchange a parcel of conservation land for a larger parcel to be held for conservation purposes; and

Petition (accompanied by bill, Senate, No. 2321) of Richard T. Moore and John V. Fernandes (by vote of the town) for legislation to authorize the town of Hopedale to acquire certain property for municipal purposes;

Committee of
conference.

H

John J.
Bish,
sick leave.Rosemary
Rozak,
sick leave
bank.Norwell,
rent
regulations.Templeton,
land conveyance.Hopedale,
municipal
purposes.

Norwell,
tax
exemption.

Severally to the committee on Municipalities and Regional Government; and

Petition (accompanied by bill, Senate, No. 2319) of Robert L. Hedlund and Robert J. Nyman (by vote of town) for legislation to provide a property tax exemption in the town of Norwell. To the committee on Revenue.

Veterans,
retirement.

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 petition of John P. Fresolo that certain retired veterans be entitled to additional benefits under the public employees non-contributory disability retirement law. Under suspension of the rules, on motion of Mr. Speranzo of Pittsfield, 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.

Home
energy
assistance.

By Ms. Coakley-Rivera of Springfield, for the committee on Children, Families and Persons with Disabilities, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3813) of Vincent A. Pedone for legislation to establish a home energy assistance fund for families within the Department of Community Affairs,— and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Melrose,
Neil
Sullivan.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to the disability retirement of Neil Sullivan, a firefighter for the city of Melrose (Senate, No. 2241, amended) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Pignatelli of Lenox, 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 Ms. Rogeness of Longmeadow, 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.

Todd J.
Martinson, sick
leave.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing a sick leave bank for Todd J. Martinson, an employee of the Monson Developmental Center in the Department of Mental Retardation (Senate, No. 1457) be scheduled for consideration by the House.

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

Ipswich,
alcoholic
beverages.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the town of Ipswich to grant 1 additional license for the sale of all alcoholic beverages to

be drunk on the premises (Senate, No. 2269) 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.

Lecminster,
Thomas
Kamataris.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to certain disability retirement for Thomas Kamataris (House, No. 4077) be scheduled for consideration by the House.

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

Colleen
Hannon,
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 Colleen Hannon, an employee of the Middlesex Juvenile Court (House, No. 4183) 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.

Southampton,
town election.

By Mr. Bradley of Hingham, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill validating the actions taken at the annual town election held in the town of Southampton (printed in House, No. 4149). 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. Speranzo of Pittsfield, 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. Hill of Ipswich, 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.

Medfield State
Hospital,
Iard.

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on House, No. 1235, a Bill providing for the disposition of certain property at Medfield State Hospital (House, No. 4214). Read; and referred, under Rule 33, to the committee on Ways and Means.

Auburn High
School,
trust fund.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Auburn to establish an Auburn High School gymnasium health and recreation trust fund (printed as Senate, No. 2263) [Local Approval Received].

Duxbury,
Iard
conveyance.

By the same member, for the same committee, on a petition, a Bill relative to the town of Duxbury (House, No. 4098) [Local Approval Received].

Nantucket,
sewer systems.

By the same member, for the same committee, on Senate, No. 2249, a Bill establishing the Nantucket sewer act (House, No. 4213) [Local Approval Received].

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Mary Hardiman an employee of the Department of Public Health (House, No. 4210).

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

Engrossed Bill.

The engrossed Bill establishing a sick leave bank for Savina J. Whitney, an employee of the Department of Social Services (see House, No. 4192) (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.

Orders of the Day.

The engrossed Bill authorizing the town of Belmont to establish another postemployment benefits trust fund (see House, No. 1441), which had been returned to the House by His Excellency the Governor with recommendation of amendments (for message, see House, No. 4211), was considered.

The amendments recommended by His Excellency the Governor then were adopted in the following form (as approved by the committee on Bills in the Third Reading):

In section 2, in paragraph (b), by striking out the fourth sentence and inserting in place thereof the following sentence: "Subject in each instance to the approval of the town's contributory retirement board, the town treasurer shall invest and reinvest the amounts in the OPEB Trust Fund not needed for current disbursement consistent with the prudent investor rule; but no funds shall be invested directly in mortgages or in collateral loans"; and by striking out the title and inserting in place thereof the following title: "An Act authorizing the town of Belmont to establish an other postemployment benefits trust fund."

Sent to the Senate for concurrence.

The engrossed Bill relative to the procedures of town meeting in the town of Burlington (see House, No. 2014), which had been returned to the House by His Excellency the Governor with recommendation of amendment (for message, see House, No. 2035), was considered.

The amendment recommended by the Governor then was adopted in the following form (as approved by the committee on Bills in the Third Reading):

In the fourth paragraph by striking out the last sentence contained therein and inserting in place thereof the following sentence: "The questions so submitted shall be determined by a majority vote of the registered voters of the town voting thereon, but not action of the

representative town meeting shall be reversed unless 20 per cent of the registered voters of the town shall vote to reverse the vote of the representative town meeting."

Sent to the Senate for concurrence.

The Senate Bill further regulating the placement of certain children (Senate, No. 75), 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.

The House Bill designating a certain bridge in the town of Free-town as the Joseph F. Simmons, Jr. bridge (House, No. 3643, changed), 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.

The Senate Bill further regulating access to birth certificates (Senate, No. 63, amended) (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time.

Said committee reported recommending that the bill be amended by striking out sections 2, 3 and 4 (as printed) and inserting in place thereof the following section:

"SECTION 2. Paragraph (1b) of section 13 of said chapter 46, as so appearing in the 2006 Official Edition, is hereby amended by striking out the eleventh sentence and inserting in place thereof the following 2 sentences:— If the original records has been amended following adoption in accordance with this section, the clerk or state registrar shall issue information contained in the original record only upon receipt of an order of the probate court for the county in which said adoption was granted or in accordance with section 2B, or in the case of an adoption granted outside the commonwealth, upon order of the probate court for the county in which said birth occurred or in accordance with said section 2B, instructing said clerk or state registrar to release the information contained in such original record. Evidence contained in the adoption record of a parent's willingness to provide information about her identity to the adopted person shall, except in extraordinary circumstances, be considered sufficient evidence to warrant the granting of an order for release of the information contained in the birth certificate registered prior to adoption."

The report was accepted.

The amendment was adopted; and the bill, as amended, was passed to be engrossed, in concurrence. The bill (Senate, No. 63, amended) then was sent to the Senate for concurrence in the amendment.

Recess.

At ten minutes after twelve o'clock noon, on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House recessed until a quarter before one o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Mary Hardiman, sick leave.

Bill enacted.

Belmont, trust fund.

Burlington, town meeting.

John J. Bish,
sick leave
bank.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for John J. Bish, an employee of the Trial Court (see Senate, No. 2285, 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 2 to 0. Sent to the Senate for concurrence.

Bill
re-enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) (which had been returned by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed Bill.

The engrossed Bill relative to the disability retirement of Neil Sullivan, a firefighter for the city of Melrose (see Senate, No. 2241, amended) (which originated in the Senate), 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.

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.

At seven minutes after one o'clock P.M., on motion of Ms. Roggeness 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.