

# JOURNAL OF THE HOUSE.

Tuesday, January 6, 2009.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Ms. Forry 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:

Prayer.

Gracious God, the Ultimate Source of Our Trust and Hope, Your guidance and assistance enables us to respond to our legislative and personal daily obligations in a conscientious and faithful manner. As elected leaders, we have goals and priorities for our own districts, but we all have a common responsibility for addressing the total needs of the Commonwealth and the people. In Your goodness, help us to be successful in these efforts. With vast amounts of information and accurate data available to us, inspire us to be open to the suggestions and experiences of constituents and associates in our common legislative efforts. Teach us to encourage all people, especially our students, to recognize and to utilize their intellectual and human talents and gifts in a productive manner in this competitive world. As the closing minutes of this General Court approach, we can say that we have tried to make our society and communities peaceful, safe, stable and with equal opportunities for all.

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 (Ms. Forry), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

## Communications.

### Communications

Executive Office for Administration and Finance.  
Protection of children.

From the Executive Office for Administration and Finance (under the provisions of Section 3B Chapter 7 of the General Laws) submitting proposed amendments to 801 CMR 4.02 and 801 CMR 4.08;

From the Administrative Office of the Trial Court (under the provisions of Chapter 205 of the Acts of 2008) submitting a report relative to the further protection of children;

Auto body labor rates.

From the Office of Consumer Affairs and Business Regulation (under the provisions of Section 108 of Chapter 182 of the Acts of 2008) relative to auto body labor rates;

Office of the Comptroller.

From the Comptroller of the Commonwealth (under the provisions of Section 12 of Chapter 7A of the General Laws) submitting the Statutory Basis Financial Report for the fiscal year ending June 30, 2008;

Department of Public Health.

From the Executive Office of Health and Human Resources (under the provisions of Section 3B of Chapter 7 of the General Laws) relative to the boards of registration within the Department of Public Health, Division of Health Professions Licensure;

From the Human Resources Division of the Executive Office for Administration and Finance (under the provisions Section 25 of Chapter 31) submitting civil service public safety police promotional lists that have been revoked;

Police promotional lists.

From the Commissioner of Insurance (under the provisions of Section 39 of Chapter 305 of the Acts of 2008) relative to medical malpractice insurance;

Medical malpractice insurance.

From Plainridge Racecourse (under the provisions of Section 2 of Chapter 128C of the General Laws) submitting copies of contracts for the simulcasting of certain races;

Plainridge Racecourse.

From the Executive Office of Transportation (under the provisions of Chapters 86, 182, 303 of 2008) and submitting copies of various reports;

Executive Office of Transportation.

From the University of Massachusetts (under the provisions of Section 31 of Chapter 305 of the Acts of 2008) relative to the expansion of medical student enrollment.

University of Massachusetts.

Severally placed on file.

## Annual and Special Reports.

### Annual reports

Of MassDevelopment (under Section 29A of Chapter 23G of the General Laws) concerning the Brownsfields Redevelopment Fund;

Brownsfield Redevelopment Fund.  
Human Resources Division.

Of the Massachusetts Technology Development Corporation (under Section 6 of Chapter 40G of the General Laws) submitting a report for the fiscal year ending June 30, 2008;

Of the Merrimack Valley Regional Transit Authority (under the provisions of Chapter 161B of the General Laws) submitting a report for the fiscal year 2008;

Merrimack Valley.

Of the University of Massachusetts Building Authority (under Chapter 773 of the Acts of 1960) submitting a report for the fiscal year 2008;

UMass Building Authority.

A monthly report of the Division of Unemployment Assistance (under the provisions of Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for October and November 2008; and

Unemployment Insurance Trust Fund.

A Quarterly report of the Department of Higher Education on the Massachusetts, Science, Technology & Engineering Grant Fund (the STEM Pipeline Fund);

Department of Higher Education.

### Reports

Of the Dukes County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Technological Fund;

Dukes County Registry of Deeds.

Of the Executive Office of Energy and Environmental Affairs (under the provisions of Chapter 21I of the Toxics Use Reduction Act (TURA)) submitting its progress report on toxics use reduction in Massachusetts;

Energy and Environmental Affairs.

Of the University Counsel of Northeastern University (under the provisions of Section 2 of Chapter 645 of the Acts of 1986) relative to a summer boating program and a scholarship program established

Northeastern, boating program.

by said university under the terms of a lease of a certain parcel of land in the city of Boston; and

Of the special commission (under the provisions of Chapter 1 of the Resolves of 2008) relative to the hidden wounds of war on Massachusetts service members;

Severally were placed on file.

*Recess.*

At eight minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Ms. Forry of Boston being in the Chair), the House recessed until the hour of twelve o'clock noon; and at twenty-five minutes after twelve o'clock the House was called to order with Ms. Forry in the Chair.

*Resolutions.*

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

Resolutions (filed by Mr. Galvin of Canton) congratulating Brendan A. Kennedy of the Old Colony Council Boy Scout Troop 77 on earning the Eagle Scout Award; and

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Roger Wade on the occasion of his retirement from the Natick Department of Public Health;

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

*Reports of Committees.*

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing criminal penalties for assault and battery on a family or household member (Senate, No. 62) ought to pass. 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 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.

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.

Said committee reported recommending that the bill be consolidated with the House Bill to reduce domestic violence in the Commonwealth (House, No. 1768), likewise referred to said committee; and the report was accepted.

Pending the question on passing the bill (Senate, No. 62) to be engrossed, in concurrence, Mr. Walsh of Lynn moved to amend it in

line 3 by striking out the words "Whoever commits" and inserting in place thereof the words "Whoever is convicted of a second or subsequent".

The amendment was adopted; and the bill (Senate, No. 62, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to the creditable service of Ray Silva (House, No. 2673) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5202). 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 Rule 7A, on motion of Mr. Brownsberger of Belmont, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. St. Fleur of Boston, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. The bill (House, No. 5202) then was sent to the Senate for concurrence.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to the Massachusetts Water Resources Authority retirement system (Senate, No. 2864) ought to pass. 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 Rule 7A, on motion of Ms. Balsler of Newton, 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. 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. Sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing a post employment health insurance liability fund in the town of Ipswich (Senate, No. 2886) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Khan of Newton, 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. Jones of North Reading, the bill (having been reported by the com-

Hidden  
wounds  
of war.

Recess.

Brendan A.  
Kennedy.

Roger  
Wade.

Domestic  
abusers,  
penalize.

Ray  
Silva,  
creditable  
service.

MWRA,  
retirement.

Ipswich,  
liability  
fund.

mittee 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.

Arlington,  
age waiver.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill allowing firemen and policemen in the town of Arlington to be hired regardless of age (House, No. 5185) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, on motion of Mr. Garballey of Arlington, the bill was read a second time forthwith; and it 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; and it was passed to be engrossed. Sent to the Senate for concurrence.

Pandemic  
response.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, asking to be discharged from further consideration of the Bill relative to pandemic and disaster preparation and response in the Commonwealth (Senate, No. 2775),— and recommending that the same be referred to the committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Scaccia of Boston, for the committee on Rules, then reported recommending that the foregoing bill ought to pass. 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 Rule 7A, on motion of Mr. Brownsberger of Belmont, the bill was read a second time forthwith; and it was ordered to a third reading.

Naturopath,  
board of  
registration.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing a board of registration in naturopathy (Senate, No. 2820) ought to pass. 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 Rule 7A, on motion of Mr. Peterson of Grafton, the bill was read a second time forthwith; and it was ordered to a third reading.

#### *Emergency Measure.*

Germaine  
Mayers,  
sick leave.

The engrossed Bill establishing a sick leave bank for Germaine Mayers, an employee of the Middlesex Superior Court Probation Department (see House, No. 5173, 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 16 to 0. Sent to the Senate for concurrence.

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

Bill  
enacted.

#### *Engrossed Bills and Resolves.*

The engrossed Bill validating the actions taken at an annual town meeting and special town meeting of the town of Rockland (see House bill printed in House, No. 5153) (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 (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

#### *Engrossed bills*

Relative to the retirement allowance for certain teachers (see Senate, No. 1557, amended);

Bills  
enacted.

Establishing collaborative drug therapy management (see Senate, No. 2706, amended);

(Which severally originated in the Senate);

Relative to the operation of low-speed motor vehicles (see House, No. 5113, amended);

Relative to the municipal government of the city of Chicopee (see House, No. 5128); and

Relative to the minimum years of service required to be eligible for civil service promotions to the position of fire captain in the town of Chelmsford (see House, No. 5149);

(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.

The engrossed Resolve providing for an investigation and study by a special commission relative to designating 1,000 great places in the Commonwealth (see House, No. 5181) (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.

#### *Recess.*

At twenty minutes before two o'clock P.M., on motion of Mr. Cabral of New Bedford (Ms. Forry of Boston being in the Chair), the House recessed until half past two o'clock; and at five minutes after three o'clock the House was called to order with Ms. Forry in the Chair.

Recess.

*Papers from the Senate.*

Small  
business,  
tax exemption.

The Senate Bill relative to renewal communities and smart growth zoning (Senate, No. 2370, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5166 with a further amendment striking out all after the enacting clause (inserted by amendment by the House) and inserting in place thereof the following:

“SECTION 1. Notwithstanding any general or special law to the contrary, in a city designated by the United States Department of Housing and Urban Development as a renewal community pursuant to the Community Renewal Tax relief Act of 2000, Public Law 106-554, an eligible location pursuant to chapter 40R of the General Laws may include areas with 1 or more underlying zoning districts where the city has previously incorporated smart growth principles, whether by the superimposing of an overlay district or otherwise in such renewal communities.

SECTION 2. A city designated by the United States Department of Housing and Urban Development as a renewal community which has a zoning ordinance or by-law that includes an overlay district enacted after January 1, 2002, for the purpose of incorporating smart growth principles may calculate units of new construction based on units in the underlying zoning district without regard to the overlay district in order to avoid any punitive effect upon the financial incentive to which the renewal community may be entitled under section 9 of chapter 40R of the General Laws.

SECTION 3. An application to chapter 40R of the General Laws to the department of housing and community development by a city designated as a renewal community shall provide verifying documentation of such designation.”

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

Bellingham,  
revolving  
funds.

The House Bill authorizing the town of Bellingham to establish certain revolving funds (House, No. 4173) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1 (as printed), in line 8, by inserting after the word “fund.” the following three sentences: “Monies in the Nextel Revolving Fund may be spent without further appropriation by the town administrator. Monies in the Bank of America Lease Revolving Fund may be spent without further appropriation by the town common trustees committee. Monies in the Historical Commission Revolving Fund may be spent without further appropriation by the historical commission.”

Under suspension of Rule 35, on motion of Ms. Callahan of Sutton, 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.

The House Bill authorizing 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises in the town of West Bridgewater (House, No. 5088) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in lines 6 to 10, inclusive, striking out the sentence contained therein and inserting in place thereof the following sentence: “The 5 additional licenses authorized in this act shall be granted only to businesses located in the development known as The Villages at West Bridgewater.”; and striking out the paragraph contained in lines 11 to 15, inclusive, and inserting in place thereof the following paragraph:

West  
Bridgewater,  
liquor  
license.

“Notwithstanding any general or special law to the contrary, the licensing authority of the town of West Bridgewater shall not approve the transfer of any of the licenses authorized in this act to any person, corporation or organization but, a license may be re-issued by the authority at another location within The Village at West Bridgewater if an applicant for the license files with the licensing authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.”

Under suspension of Rule 35, on motion of Ms. Polito of Shrewsbury, 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.

The House Bill relative to certain public nuisances (House, No. 5189, amended) came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in lines 4 to 11, inclusive, striking out the sentence contained therein and inserting in place thereof the following sentence: “Whoever knowingly resists or obstructs the commissioner, any local superintendent or employee or authorized agent of any of them, while any of those persons is engaged in suppressing or eradicating the Asian longhorned beetle, oak wilt or any public nuisance described in section 11, or whoever knowingly violates any rule, regulation, order or quarantine issued by the commissioner, in writing, relative to the suppression or eradication of public nuisances shall be subject to a civil penalty of not more than \$25,000 for each violation.”; and inserting before the enacting clause the following emergency preamble:

Law  
violations,  
penalties.

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith declare the Asian longhorn beetle and oak wilt public nuisances and to provide penalties for the knowing resistance or obstruction of efforts to suppress or eradicate said public nuisances, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

Under suspension of Rule 35, on motion of Mr. O’Day of West Boylston, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

*Reports of Committees.*Sign  
language,  
workforce.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to American sign language and hard of hearing workforce solutions (Senate, No. 2582) ought to pass. 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 Rule 7A, on motion of Mr. Rush of Boston, 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. Bosley of North Adams, 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.

*Emergency Measure.*Municipal  
trust  
funds.

The engrossed Bill providing for the establishment of other post employment benefits liability trust funds in municipalities and certain other governmental units (see House, No. 5148, 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 16 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 House) (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.

*Engrossed Bills.*Bill  
re-enacted.

The engrossed Bill relative to caregiver education and health care authorization (see House, No. 4718, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bills  
enacted.

Engrossed bills  
Relative to food allergy awareness in restaurants (see Senate, No. 2701, amended) (which originated in the Senate);  
Relative to group life insurance (see House, No. 1094);  
Authorizing the expansion of the Adams Fire District (see House, No. 4845, amended);

Further regulating the installation of automatic sprinklers (see House, No. 4969, amended);

Authorizing the issuance of certain bonds by the town of Northborough (see House, No. 5090, changed);

Relative to elevator regulations (see House, No. 5175);

Authorizing the board of selectmen of the town of Weston to grant a license for the sale of all alcoholic beverages to be drunk on the premises of the Josiah Smith Tavern and Bar (see House, No. 5190); and

Relative to the registration and inspection of street rods and custom vehicles (see House, No. 5194);

(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.*

The Senate Bill further regulating the rights of adopted children (Senate, No. 1234, amended), 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 previously adopted by the House.

Third  
reading  
bill.

The Senate Bill relative to the appointment of the chief of the fire department in the town of Marblehead (Senate, No. 2842), 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.

H.

*House bills*

Designating a certain bridge in the town of Newbury as the William L. Plante Bridge (House, No. 5129); and

Relative to designating a certain area in the city of Worcester as a place of peace healing garden (House, No. 5183);

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.

Third  
reading  
bills.*Recess.*

At eighteen minutes before four o'clock P.M., on motion of Mr. Walsh of Lynn (Ms. Forry of Boston being in the Chair), the House recessed until half past four o'clock; and at eighteen minutes before five o'clock the House was called to order with Ms. Forry in the Chair.

Recess.

*Papers from the Senate.*

The House Bill relative to abandoned vessels (House, No. 4187) came from the Senate passed to be engrossed, in concurrence, with amendments in section 2 striking out the definition of "Department" and inserting in place thereof the following definition:

Abandoned  
vessels.

Abandoned  
vessels.

“‘Department’, the department of conservation and recreation acting through the division of waterways”; and striking out the definition of “Abandoned” and inserting in place thereof the following definition:

“‘Abandoned’, any wrecked, sunken, unoccupied, deserted or forsaken vessel, or other shipwrecked property, on any of the shores or waters of the commonwealth and not in the custody of the owner or his agent or of any other person lawfully authorized to take possession of such vessel or property and deemed by the department to be an obstruction to the safe and convenient navigation or other lawful use of such waters”.

Under suspension of Rule 35, on motion of Mr. Cabral of New Bedford, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

Pending the question on adoption of the amendments, in concurrence, the same member moved to further amend the bill by adding at the end thereof the following section:

“SECTION 6. There shall be within the executive office of public safety and security a special commission on the licensing of docking pilots. The commission shall consist of the secretary of public safety and security or his designee, who shall be the chair of the commission, the director of environmental police or his designee and 5 persons to be appointed by the chair, 1 of whom shall be a member of the Boston Harbor Docking Pilots, 1 of whom shall be a harbor pilot commissioned pursuant to chapter 103 of the General Laws, 1 of whom shall be a commissioner of pilots for district one and 2 of whom shall represent the interests of persons operating ships that utilize the services of docking pilots in district one. Of the 2 members representing the interests of persons operating ships that utilize the services of docking pilots, 1 shall be selected from a list of 3 names submitted to the chair by the Boston Marine Society and the other shall be selected from a list of 3 names submitted to the chair by the Boston Harbor Docking Pilots; provided, however, that the lists shall be provided to the secretary not later than 15 days after a request therefor is made by the secretary.

The commission shall conduct an investigation and study relative to the potential benefits of the licensing and oversight of individuals engaged as docking pilots. For the purposes of this resolve, a ‘docking pilot’ shall be an individual who facilitates the docking, undocking and maneuvering of ocean-going ships through the direction and control of the ship being docked or undocked by the use of a tugboat or other assisting vessel. In conducting its investigation and study, the commission shall take into account both the type and level of United States Coast Guard licensing or certification of those pilots and the type and amount of experience necessary for such licensing or certification. The commission shall examine the need for providing an exemption from licensing requirements for pilots currently docking and undocking ocean-going ships in district one, subject to such other regulations as it deems appropriate.

The commission shall file a report of the results of its investigation and its recommendations, if any, together with drafts of legislation necessary to carry those recommendations into effect by filing

the same with the senate and house chairs of the joint committee on public safety and homeland security, the senate and house chairs of the joint committee on state administration and regulatory oversight and the clerks of the senate and house of representatives not later than May 1, 2009.”.

The further amendment was adopted.

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

The House Bill relative to the protection of children (House, No. 5109, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out sections 75 and 76 (as added by amendment by the House).

Children,  
protection.

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

The House then non-concurred with the Senate in its amendment; and the bill was returned to that branch endorsed accordingly.

The Senate Bill further regulating rates of pilotage and pilot requirements (Senate, No. 515, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5036 with a further amendment striking out section 1 (contained in said text) and inserting in place thereof the following section:

Pilotage  
rates.

“SECTION 1. Section 3 of chapter 103 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding any regulation to the contrary, in determining the eligibility of applicants for consideration for appointment to any status as pilot candidate or for a warrant or full branch pilot commission, the pilot commission shall adopt regulations providing for preference to veterans as defined in clause Forty-third of section 7 of chapter 4 of the General Laws and those who were honorably discharged from or currently serving in the Armed Forces of the United States, including the Army, Navy, Air Force, Marine Corps and Coast Guard and the National Oceanic and Atmospheric Administration Officer Corps. If an active duty member or veteran applicant has a valid United States Coast Guard-issued Unlimited Master’s License or First Class Federal Pilotage endorsement for any part of Boston Harbor, he shall be eligible for preference for appointment as a state-commissioned pilot apprentice. No person’s status as a veteran or as a military reservist, and no person’s susceptibility to recall to military active duty, shall affect that person’s eligibility for selection for pilot candidate training or for warrant or full branch pilot commission.”.

Under suspension of the rules, on motion of Ms. Grant of Beverly, the further amendment was considered forthwith; and it was adopted, in concurrence.

Springfield,  
financial  
stability.

The House Bill providing for the financial stability of the city of Springfield (House, No. 5192, amended) came from the Senate with the endorsement that said branch had non-concurred with the House in its amendment (inserting a section 7A).

On motion of Mr. Swan of Springfield, the House then receded from its amendment.

Unpaid  
municipal  
fines.

The House Bill relative to unpaid municipal fines (House, No. 4883, amended) came from the Senate passed to be engrossed, in concurrence, with amendments in section 5 (as printed) by inserting after line 9 the following paragraph:

“(b) An owner, lessor, occupant or other person in charge of real property or an agent thereof who, in good faith, removes or attempts to remove snow or ice from a sidewalk abutting his property shall not be liable for personal injuries allegedly caused by the snowy or icy condition of the sidewalk resulting from his act or omission unless the alleged act or omission constitutes gross negligence.”; and in section 12 (as printed), at the end of the third sentence, by striking out the words “and does not live at the property that is the subject of the notice of violation” (inserted by amendment by the House).

Under suspension of Rule 35, on motion of Mr. Scibak of South Hadley, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Shrewsbury,  
land  
preservation.

The House Bill relative to land preservation in the town of Shrewsbury (House, No. 5032) came from the Senate passed to be engrossed, in concurrence, with an amendment, striking out section 1 and inserting in place thereof the following section:—

“SECTION 1. Notwithstanding section 40F of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance shall transfer, without consideration, the care and custody of the parcels of land described in section 2 which are currently under the care, custody and control of the department of developmental disabilities to the department of agricultural resources. The exact boundaries of the parcels to be transferred may be determined by the division of capital asset management and maintenance. The parcels shall be dedicated to the public forever for the purposes and uses of agriculture, forest and open space protection, management and conservation and shall be held solely for these purposes and uses, subject to the limitations of, and to protect the rights of the public under Article XCVII of the amendments to the constitution. The department of agricultural resources may promulgate rules and promulgate regulations for the appropriate conduct and manner of public access to those parcels consistent with this act.”.

Under suspension of Rule 35, on motion of Ms. Polito of Shrewsbury, 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.

Oral  
health.

The Senate Bill to improve, promote and protect the oral health of the Commonwealth (Senate, No. 2819, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5180, amended) with a further amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2901.

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

Donations,  
tax  
credits.

The House Bill relative to authorizing tax credits for qualified donations of certain land to a public or private conservation agency (House, No. 5080) came from the Senate with the endorsement that said branch had concurred with the House in its amendments with a further amendment in section 4 (as printed) by striking out the date “January 1, 2010” and inserting in place thereof the date “January 1, 2011”.

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

Salem,  
liquor  
license.

The House Bill authorizing the city of Salem an additional liquor license to Arcari Restaurant Group (House, No. 5089) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 5, striking out the words “Arcari Restaurant Group” and inserting in place thereof the following: “JMRS Restaurant, Inc.”.

Under suspension of Rule 35, on motion of Mr. Keenan of Salem, 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.

Sharon,  
liquor  
licenses.

The House Bill authorizing the town of Sharon to grant licenses for the sale of wine and malt beverages not to be drunk on the premises (House, No. 5191) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in the first paragraph, in the first sentence, by striking out the word “section” and inserting in place thereof the following: “section 11 and”.

Under suspension of Rule 35, on motion of Mr. Kafka of Stoughton, 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 Committees.*

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to improving quality in early education and care by family child care providers (Senate, No. 2286, amended)

Child  
care  
providers.

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 5207. 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 Rule 7A, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill, as amended, was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Scibak of South Hadley, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. The bill (Senate, No. 2286, amended) then was sent to the Senate for concurrence in the amendment.

Non-public  
school.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to nonpublic school deferred compensation (Senate, No. 2853, 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 5208. 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 Rule 7A, on motion of Ms. Walz of Boston, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill, as amended, was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Scibak of South Hadley, 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 in the amendment.

Sprinkler  
systems.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill providing for the regulation of landscape sprinkler systems (Senate, No. 2742) ought to pass. 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 Rule 7A, on motion of Ms. Grant of Beverly, 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. Cabral of New Bedford, 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.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to home service contracts (House, No. 3737) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5198). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Home  
service  
contracts.

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

Under suspension of Rule 7A, on motion of Mrs. Harkins of Needham, the bill was read a second time forthwith.

Pending the question on adoption of the amendment recommended by the committee on Ways and Means, Messrs. Jones of North Reading and Peterson of Grafton moved to amend it in section 2 by striking out the penultimate paragraph and inserting in place thereof the following:

“Section 149N. The following shall be exempt from sections 149M to 149W, inclusive:—

(a) warranties, service or maintenance agreements provided by entities regulated by the department of telecommunications and cable or the federal communications commission, or an affiliate of such entity, covering customer wiring, transmission devices serviced by such entity, or warranting services provided by such entity or its affiliate;

(b) mechanical breakdown insurance policies offered by insurers otherwise licensed and regulated under the insurance laws and regulations of this state; and

(c) warranties, service contracts or other agreements regarding automobiles.”

The further amendment was adopted.

The amendment recommended by the committee on Ways and Means, as amended, then also was adopted; and the substitute bill was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Bosley of North Adams, the bill was read a third time.

The committee on Bills in the Third reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

The bill (House, No. 5198, amended) then was passed to be engrossed. The Senate having ended its session, the bill was not sent to the Senate.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the Board of Water Commissioners of the Mashpee Water District to approve certain abatements (Senate, No. 1178) be scheduled for consideration by the House.

Mashpee,  
water  
district.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to the interest rate on

Wareham,  
Weweantic  
sewer project.

certain betterment assessments in the town of Wareham (Senate, No. 2155) be scheduled for consideration by the House.

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

Wareham,  
liquor  
licenses.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the town of Wareham to grant 8 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2741, amended) be scheduled for consideration by the House.

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

Sandwich,  
visitor  
board.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the town of Sandwich visitor services board (House, No. 5091) be scheduled for consideration by the House.

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

#### *Orders of the Day.*

##### Senate bills

Providing for bicycle safety (Senate, No. 2573, amended); and Relative to public health regionalization (Senate, No. 2784);

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.

Third  
reading  
bills.

##### House bills

Establishing a Raynham development revolving fund (House, No. 4849); and

To provide incentives for productive workers compensation audits (House, No. 5027);

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.

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MBTA,  
Science  
Park  
Station.

The House Bill renaming a certain Massachusetts Bay Transportation Authority station (House, No. 3692) (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.

Pending the question on passing the bill to be engrossed, Ms. Walz of Boston moved to amend it in line 7 by inserting after the word "Station" (the second time it appears) the words "and shall rename the 'Science Park Station', so-called, the 'Science Park/West End Station'. As part of the handicap accessibility project at each station, the Authority shall replace all existing interior and exterior station name signage with signage that includes the expanded station name. The Authority shall update maps and other printed material

with the expanded station names in the ordinary course of business."

The amendment was adopted; and the bill (House, No. 3692, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the town of Sandwich and the lease of property at the Sandwich High School (House, No. 4942) was read a second time; and it was ordered to a third reading.

Sandwich,  
property  
lease.

#### *Emergency Measures.*

The engrossed Bill establishing criminal penalties for assault and battery on a family or household member (see Senate, No. 62, 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.

Domestic  
abusers,  
penalize.

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

Bill  
enacted.

The engrossed Bill relative to the Massachusetts Water Resources Authority retirement system (see Senate, No. 2864), 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.

MWRA,  
retirement.

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

Bill  
enacted.

The engrossed Bill relative to the purchase of flags (see House, No. 5026), 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.

Flags,  
purchase.

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 12 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.

Shrewsbury,  
land  
preservation.

The engrossed Bill relative to land preservation in the town of Shrewsbury (see House, No. 5032, 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 8 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.

Land  
donations,  
tax credits.

The engrossed Bill relative to authorizing tax credits for qualified donations of certain land to a public or private conservation agency (see House, No. 5080), 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 8 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 House) (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.

Law  
violations,  
penalties.

The engrossed Bill relative to certain public nuisances (see House, No. 5189, 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 16 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.

#### *Engrossed Bills and Resolve.*

Bill  
re-enacted.

The engrossed Bill authorizing the city of Lowell to pay funeral and burial expenses of employees killed in the performance of their duties (see House, No. 5126, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to the charter of the town of Greenfield (see House bill printed in House, No. 5171) (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 (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

#### Engrossed bills

Further regulating rates of pilotage and pilot requirements (see Senate, No. 515, amended);

Bills  
enacted.

Further regulating the rights of adopted children (see Senate, No. 1234, amended);

Providing for bicycle safety (see Senate, No. 2573, amended);  
Relative to American sign language and hard of hearing work-force solutions (see Senate, No. 2582);

Providing for the regulation of landscape sprinkler systems (see Senate, No. 2742);

Relative to public health regionalization (see Senate, No. 2784, amended);

To improve, promote and protect the oral health of the Commonwealth (see Senate, No. 2819, amended);

Relative to the appointment of the chief of the fire department in the town of Marblehead (see Senate, No. 2842);

Relative to nonpublic school deferred compensation (see Senate, No. 2853, amended);

Establishing a post employment health insurance liability fund in the town of Ipswich (see Senate, No. 2886);

(Which severally originated in the Senate);

Relative to the safe operation of trains and certain other common carriers (see House, No. 3498, changed);

Authorizing the town of Bellingham to establish certain revolving funds (see House, No. 4173, amended);

Relative to the city of Everett (see House, No. 4762);

Relative to the Department of Telecommunications and Cable (see House bill printed in House, No. 4816, amended);

Authorizing the town of Hull to designate a check off on its tax bills (see House, No. 4842);

Relative to unpaid municipal fines (see House, No. 4883, amended);

Authorizing the appointment of alternate members of the town of Canton historical commission (see House, No. 4931);

Authorizing 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises in the town of West Bridgewater (see House, No. 5088, amended);

Authorizing the city of Salem to grant an additional license to for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5089, amended);

Designating Riverdale Park in the town of Dedham as the Honorable Marie-Louise Kehoe Park (see House, No. 5112, changed);

Authorizing the town of Sharon to grant licenses for the sale of wine and malt beverages not to be drunk on the premises (see House, No. 5191, amended); and

Further providing for the financial stability of the city of Springfield (see House, No. 5192, amended);

(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.

Resolve  
passed.

The engrossed Resolve providing for the establishment of a special commission to study innovative methods for funding the conservation of forested wildlands and woodlands in the Commonwealth (see Senate, No. 2874, amended) (which originated in the Senate), 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.

*Message from the Governor — Veto.*

Arlington,  
affordable  
housing.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill authorizing affordable housing covenants in the town of Arlington [see House, No. 4938, amended] (for message, see House, No. 5209) was filed this day in the Office of the Clerk.

The message was read; and, on motion of Mr. Garballey of Arlington, it was placed on file.

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At ten minutes after ten o'clock P.M., on motion of Mr. DiMasi of Boston (Ms. Forry of Boston being in the Chair), the House adjourned.

[Under the provisions of Article X of the Amendments to the Constitution, the 2008 session of the General Court was dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the Governor.]

Attest:

STEVEN T. JAMES,  
*Clerk.*