

## JOURNAL OF THE HOUSE.

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Monday, January 7, 2008.

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:

Gracious God, we pause for a moment of personal reflection and prayer to thank You, our Creator for our many daily blessings which we sometimes take for granted. We are especially grateful for our spiritual blessings and gifts which enable us to keep our priorities, goals and principles in clear focus. Your assistance also helps us to comprehend the issues of the day which we face as elected leaders. If and when we disagree on the resolution of legislative and administrative matters, inspire us to be open to the insights, experiences and thoughtful reasoning process of colleagues and constituents. Teach us to work together to inspire the quality of life for all and to make our communities family friendly, peaceful, safe and prosperous.

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

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

### *Message from the Governor — Bill Returned with Recommendation of Amendment.*

A message from His Excellency the Governor returning with recommendation of amendment section 4 contained in the engrossed Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 4447] (for message, see House, No. 4453) was filed in the office of the Clerk on Friday, January 4.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the section was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by the Governor, said section (printed as House, No. 4454) was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

### *Message from the Governor.*

A message from His Excellency the Governor recommending legislation relative to providing for capital facility repairs and improvements for the Commonwealth (House, No. 4455) was filed in the office of the Clerk on Friday, January 4.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Bonding, Capital Expenditures and State Assets. Sent to the Senate for concurrence.

*Special Recognition.*

William  
Petrigno.

The Chair (Mr. Donato of Medford) then requested that the court officers escort Assistant Chief Court Officer William Petrigno to the rostrum for a special presentation. Acting Speaker Donato then presented Mr. Petrigno with Citations of the House, offered by Mr. Donato and signed by Speaker DiMasi, congratulating Mr. Petrigno on the 50th Anniversary of the beginning of his distinguished service to the House of Representatives.

*Resolutions.*

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

Alpha Kappa  
Alpha.

Resolutions (filed by Mr. Donato of Medford) honoring Alpha Kappa Alpha Sorority;

Brian  
Patrick  
Sanborn, Jr.

Resolutions (filed by Representatives Haddad of Somerset and Fagan of Taunton) congratulating Brian Patrick Sanborn, Jr. on receiving the Eagle Award of the Boy Scouts of America; and

Jeremy M.  
Gath.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and D'Amico of Seekonk) congratulating Jeremy M. Gath on receiving the Eagle Scout Award of the Boy Scouts of America;

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. 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.

*Petitions.*

Petitions severally were presented and referred as follows:

Salem,  
liquor  
license.

By Representative Keenan of Salem and Senator Berry, joint petition (accompanied by bill, House, No. 4456) of John D. Keenan and Frederick E. Berry (with the approval of the mayor and city council) for legislation to authorize the city of Salem to issue an additional license for the sale of alcoholic beverages to be drunk on the premises to Buchhalter Ltd., doing business as Upper Crust in said city; and

It

By the same members, joint petition (accompanied by bill, House, No. 4457) of John D. Keenan and Frederick E. Berry (with the approval of the mayor and city council) that the city of Salem be authorized to issue an additional license for the sale of alcoholic beverages to be drunk on the premises to Gulu-Gulu Cafe;

Severally to the committee on Consumer Protection and Professional Licensure.

Braintree,  
town  
elections.

By Mr. Driscoll of Braintree, petition (accompanied by bill, House, No. 4458) of Joseph R. Driscoll and others (by vote of the town) relative to the number of nomination signatures for placement

of candidates on the ballot for certain offices in the town of Braintree; and

By the same member, petition (accompanied by bill, House, No. 4459) of Joseph R. Driscoll and others (by vote of the town) relative to the filling of vacancies in certain offices of the town of Braintree;

Braintree,  
vacancies.

Severally to the committee on Election Laws.

By Mr. Vallee of Franklin, petition (accompanied by bill, House, No. 4460) of James E. Vallee and others (by vote of the town) relative to the charter of the town of Medway. To the committee on Municipalities and Regional Government.

Medway,  
town  
charter.

By Ms. Campbell of Methuen, petition (accompanied by bill, House, No. 4461) of Linda Dean Campbell (with the approval of the mayor and city council) for legislation to exempt the position of chief of police in the city of Methuen from the civil service law;

Methuen,  
police  
chief.

By Mr. Dempsey of Haverhill, petition (accompanied by bill, House, No. 4462) of Brian S. Dempsey (with the approval of the mayor and city council) for legislation to authorize Brian Santarlaschi to take a civil service examination for the position of police officer in the city of Haverhill, notwithstanding the maximum age requirements;

Haverhill,  
Brian  
Santarlaschi.

By Representative Hall of Westford and Senator Panagiotakas, joint petition (accompanied by bill, House, No. 4463) of Geoffrey D. Hall and Steven C. Panagiotakas (by vote of the town) that the town of Westford be authorized to appoint retired police officers of said town for the purpose of performing special detail assignments;

Westford,  
special  
police.

By Representative Quinn of Dartmouth and Senator Montigny, joint petition (accompanied by bill, House, No. 4464) of John F. Quinn and Mark C. Montigny (by vote of the town) that the position of deputy chief of police in the town of Dartmouth be exempt from provisions of the civil service law; and

Dartmouth,  
deputy  
police chief.

By the same members, joint petition (accompanied by bill, House, No. 4465) of John F. Quinn and Mark C. Montigny (by vote of the town) relative to promotional examinations within the police department of the town of Dartmouth;

Dartmouth,  
police  
exams.

Severally to the committee on Public Service.

By Mr. Driscoll of Braintree, petition (accompanied by bill, House, No. 4466) of Joseph R. Driscoll and others (by vote of the town) for legislation to further regulate the room occupancy excise tax imposed on hotel and motel accommodations in the town of Braintree. To the committee on Revenue.

Braintree,  
excise  
tax.

Severally sent to the Senate for concurrence.

*Papers from the Senate.*

*Bills*

Authorizing the town of Templeton to exchange a parcel of conservation land for a larger parcel to be held for conservation purposes (Senate, No. 2318) (on a petition) [Local Approval Received];

Templeton,  
land  
conveyance.

Establishing a special fund in the town of Brimfield (Senate, No. 2328, changed in section 1, in line 6, by striking out the word "excluding" and inserting in place thereof the word "including" and, in line 13, by striking out the number "213" and inserting in place thereof the number "23") (on a petition) [Local Approval Received];

Brimfield,  
special  
fund.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Reports of Committees.*

John Sullivan, sick leave bank.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing a sick leave bank for John Sullivan, an employee of the Trial Court (Senate, No. 2395) be scheduled for consideration by the House.

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

Somerset, administrator.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the town of Somerset (House, No. 4402) [Local Approval Received] 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.

Matthew Charleson, 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 Matthew Charleson, an employee of the Department of Correction (House, No. 4436) be scheduled for consideration by the House.

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

Asperger syndrome.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, that the Bill establishing a pilot program for adults with Asperger syndrome and autism (House, No. 3838) ought to pass. Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Death certificates.

By Mr. Koutoujian of Waltham, for the committee on Public Health, on a petition, a Bill relative to the signing of death certificates (House, No. 2134, changed by striking out, in line 2, the figures: "1996" and inserting in place thereof the figures: "2006"). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Middlesex Canal Commission.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to the Middlesex Canal Commission (House, No. 813).

Charles River, water quality.

By the same member, for the same committee, on a petition, a Bill establishing a Charles River water quality commission (House, No. 897).

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill banning the use of methyl tertiary butyl ether in gasoline (House, No. 715).

Methyl tertiary butyl ether.

By the same member, for the same committee, on a petition, a Bill establishing the Massachusetts food policy council (House, No. 3853).

Food policy council.

By Mr. Koutoujian of Waltham, for the committee on Public Health, on a petition, a Bill relative to realistic allowable costs for funerals of indigents (House, No. 2260).

Indigents, funeral costs.

By the same member, for the same committee, on a petition, a Bill relative to funeral home expenses (House, No. 2261).

Funeral home expenses.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill relative to the teachers retirement system (House, No. 2452).

Virgin Island teaching, retirement.

By the same member, for the same committee, on the joint petition, a Bill to define further teacher for retirement purposes (House, No. 2647).

Teachers, retirement.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill relative to outdated cost estimates (House, No. 1778).

Awarding authorities.

By the same member, for the same committee, on a petition, a Bill concerning proprietary specifications in public construction (House, No. 3170).

Public construction.

By the same member, for the same committee, on a petition, a Bill facilitating the formation of statewide mutual aid agreements for public works agencies (House, No. 3180).

Public works, mutual aid.

By the same member, for the same committee, on a petition, a Bill relative to interest on retainage (House, No. 3181, changed in lines 5, 11, 13 and also in line 15 by inserting after the word "contractor", in each instance, the words "or subcontractor").

Contracts, retainage interest.

By the same member, for the same committee, on a petition, a Bill to protect tropical forests by restricting state purchases of certain wood products (House, No. 3238).

Wood products, environment.

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

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill exempting the city of Springfield from certain provisions of the General Laws (House, No. 4082) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Springfield, library and museum.

*Emergency Measure.*

The engrossed Bill establishing a sick leave bank for Patricia Hiersche, an employee of the Department of Mental Retardation (see House, No. 4418), 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.

Patricia Hiersche, sick leave.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 3 to 0. Sent to the Senate for concurrence.

*Engrossed Bill.*

Bill  
enacted.

The engrossed Bill relative to the charter of the town of Westborough (see House, No. 4101) (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.

*Order.*

Next  
sitting.

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.

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At twelve minutes after eleven o'clock A.M., on motion of Ms. Rogeness of Longmeadow (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.