

Tuesday, January 23, 2007.

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

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

Holy Spirit of God, You are available at all times and to all of us who seek Your guidance and direction as we face and address the day's legislative and our personal agenda items. Let our hearts and minds be filled with enthusiasm and happiness in accepting the opportunities and in resolving the challenges which we face in this changing world and culture. Teach us to be open to the views of others, to seek truth and knowledge in our discussions and to be fair and objective in making our decisions. Inspire us to remain faithful to our ideals, goals and traditional principles as we plan for the best interests of our communities today and for future generations.

Prayer.

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

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

Pledge of allegiance.

*Silent Prayer.*

At the request of Representatives O'Flaherty of Chelsea and Reinstein of Revere, the members, guests and employees stood for a moment of silent prayer in memory of Captain Thomas Lassiter, President of the Chelsea Fire Department, Local 937.

Captain Thomas Lassiter.

*Statement of Representative Golden of Lowell.*

A statement of Mr. Golden of Lowell was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's sitting due to official business in my district. Any roll calls that I may miss today will be due entirely to the reason stated.

Statement of Representative Golden of Lowell.

*Statement Concerning Representative Linsky of Natick.*

A statement of Mr. Rogers of Norwood concerning Mr. Linsky of Natick was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Linsky of Natick, will not present in the House Chamber for today's sitting due to illness. Any roll calls that he may miss today is due entirely to the reason stated.

Statement concerning Representative Linsky of Natick.

*Statement Concerning Representative Reinstein of Revere.*

A statement of Mrs. Harkins of Needham concerning Representative Reinstein of Revere was spread upon the records of the House, as follows:

Statement concerning Representative Reinstein of Revere.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Reinstein of Revere, is unable to be present in the House Chamber for today's sitting because she is attending the funeral services of Captain Tom Lassiter, President of the Chelsea Fire Department, Local 937. Any roll calls that she may miss today is due entirely to the reason stated.

*Guests of the House.*

Kerry Lemerise and "Cal".

During the session, the Chair (Mr. Petrolati of Ludlow), declared a brief recess and introduced Representative Atkins of Concord, who, accompanied by an assistance dog "Cal", took the podium and introduced Kerry Lemerise, volunteer coordinator for the National Education for Assistance Dogs Service (NEADS). Representative Atkins then addressed the House briefly regarding the important role assistance dogs play in providing a better quality of life for citizens in need of assistance services.

*Resolutions.*

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

Kevin Cutting.

Resolutions (filed by Messrs. deMacedo of Plymouth and Calter of Kingston) congratulating Kevin Cutting on receiving the Eagle Award of the Boy Scouts of America; and

Joseph Finocchio.

Resolutions (filed by Mr. Speliotis of Danvers) congratulating Mr. Joseph Finocchio on the occasion of his one hundredth birthday;

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

*Recess.*

Recess.

At ten minutes after eleven o'clock A.M., on motion of Mr. Donato of Medford (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order with Mr. Petrolati in the Chair.

*Order.*

House Rules.

Prior to the noon recess, an Order (filed by Speaker DiMasi of Boston) relative to the adoption of permanent rules of the House of Representatives for the years 2007 and 2008 (House, No. 2007), was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for said committee, then reported, under the provisions of House Rule 7C, that the order ought to be adopted.

Pending the question on adoption of the order, further consideration thereof was postponed, on motion of Mr. Donato of Medford, until the hour of one o'clock P.M.

Subsequently, the noon recess having terminated, the order was considered further.

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

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 152 members were recorded as being in attendance. Quorum,—  
yea and nay  
No. 1.

**[See Yea and Nay No. 1 in Supplement.]**

Therefore a quorum was present.

After remarks on the question on adoption of the order, Mr. Jones of North Reading and other members of the House moved to amend it in proposed Rule 28 by striking out paragraph (7) and inserting in place thereof the following paragraph:

“(7) For the purpose of this rule, matters not appearing on the Calendar which are not before any committee shall be deemed to be before the Rules committee. Notwithstanding the previous sentence, a bill which has been engrossed by the House and Senate, shall be placed before the House for enactment. Any member may request that a matter, engrossed in the House and Senate, be placed before the House for enactment. The Speaker shall, in response to such a request of a member, put the matter before the House at the conclusion of the matter then pending.”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 19 members voted in the affirmative and 135 in the negative. Amendment  
rejected,—  
yea and nay  
No. 2.

**[See Yea and Nay No. 2 in Supplement.]**

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 28, in paragraph (7), at the end of the third sentence, by inserting after the word “enactment” the following: “; provided, the Committee on Bills in the Third Reading shall review and release a bill so engrossed within 24 hours of its return for final passage from the engrossing division”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 19 members voted in the affirmative and 135 in the negative. Amendment  
rejected,—  
yea and nay  
No. 3.

**[See Yea and Nay No. 3 in Supplement.]**

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House moved to amend the order in proposed Rule 1A by striking out the first sentence and inserting in place thereof the following sentence: “The House shall not be called to order before the hour of ten o'clock A.M. or the hour to which the House was last ordered to stand adjourned,

whichever is later; nor shall the House meet beyond the hour of nine o'clock P.M.". The amendment was rejected.

Mr. Jones of North Reading and other members of the House moved to amend the order in proposed Rule 1A, in the second sentence, by striking out the word "majority" and inserting in place thereof the words "not less than two-thirds".

Amendment  
rejected,—  
yea and nay  
No. 4.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 19 members voted in the affirmative and 135 in the negative.

**[See Yea and Nay No. 4 in Supplement.]**

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 7A, in the third paragraph, in the first sentence, by inserting after the word "scheduling" the words "; provided, that petitions filed or approved by the voters of a city or town, or the mayor and city council, or other legislative body of a city, or the town meeting of a town, with respect to a law relating to that city or town shall not be so referred".

Amendment  
rejected,—  
yea and nay  
No. 5.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 19 members voted in the affirmative and 135 in the negative.

**[See Yea and Nay No. 5 in Supplement.]**

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 7B, in the first paragraph, in the fourth sentence, by striking out the words "two-thirds" and inserting in place thereof the word "majority"; and in said paragraph, in the fifth sentence, by striking out the words "be limited to thirty minutes" and inserting in place thereof the words "not commence until such time as the proposed order has been printed and made available to the members for at least one hour".

Amendments  
rejected,—  
yea and nay  
No. 6.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 19 members voted in the affirmative and 135 in the negative.

**[See Yea and Nay No. 6 in Supplement.]**

Therefore the amendment was rejected.

Mrs. Harkins of Needham being in the Chair,—

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 7B, after the fifth sentence, by inserting the following sentence: "The Speaker shall allow 15 minutes for members advocating for the amendment and 15 minutes for those members who are opposed."

Amendment  
rejected,—  
yea and nay  
No. 7.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 19 members voted in the affirmative and 135 in the negative.

**[See Yea and Nay No. 7 in Supplement.]**

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 9, in the second sentence, by striking out the words “a monitor” and inserting in place thereof the words “each member”; and the amendment was rejected.

After remarks on the question on adoption of the order, Mr. Jones of North Reading and other members of the House moved to amend it in proposed Rule 17, in the last sentence, by striking out the words “, insofar as practicable” and inserting in place thereof the following: “unless the chair of the committee submits to the Clerk a written description of the emergency, as defined by Rule 17A, that necessitates such a scheduling and the Clerk makes said description available to the members.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Rogeness of Longmeadow; and on the roll call 19 members voted in the affirmative and 135 in the negative.

Amendment  
rejected,—  
yea and nay  
No. 8.

**[See Yea and Nay No. 8 in Supplement.]**

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 17A, in proviso (4), after the fifth paragraph, by inserting the following paragraph:

“No matter reported to the House from an executive session or by the Rules committee in any session shall be taken up for consideration until twenty-four hours, not including Saturdays, Sundays and legal holidays, shall have elapsed from the time of its reporting, except in cases of emergency, in which cases the provisions of this paragraph may be suspended by a two-thirds vote of the members present and voting.”; and the amendment was rejected.

Mr. Jones and other members of the House then moved to amend the order in proposed Rule 17A, in proviso (4), in the third paragraph, after the first sentence, by inserting the following sentence: “No bill shall be taken up for consideration by the committee unless it is included in such notice.”; and the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 17A, in proviso (4), in the third paragraph, in the last sentence, by inserting after the word “public.” the following sentence: “The provisions of this paragraph shall not be suspended except by the unanimous consent of the members appointed to the committee present and voting.”; and the amendment was rejected.

Mr. Jones and other members of the House then moved to amend the order in proposed Rule 20A, in the first paragraph, in the last sentence, by inserting after the words “House which is” the words “not less than four days”; and the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 28, in paragraph (6), in the first sentence, by inserting after the word “petition” the words “or letter”; and the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 33A, in the first sentence, by inserting after the word “bills” the words “and reports”; and the amendment was rejected.

House  
Rules.

Mr. Jones and other members of the House then moved to amend the order in proposed Rule 73, after the first sentence, by inserting the following three sentence: "Amendments to bills or resolutions shall be germane to the subject matter of the bill or resolution they seek to amend. The principal test of whether an amendment is germane shall be whether it has a relevant and appropriate relationship to the subject matter of the bill or resolution as a totality, rather than to the wording of the title thereof. An amendment may entirely change the effect of or be in conflict with the spirit of the bill or resolution and still be germane."; and the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 52, in the first paragraph, in the second sentence, by striking out the figure "2" and inserting in place thereof the figure "4".

Amendment  
rejected,—  
yea and nay  
No. 9.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 19 members voted in the affirmative and 134 in the negative.

**[See Yea and Nay No. 9 in Supplement.]**

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 52, in the third paragraph, in the first sentence, by striking out the words "provided, however, that a member, who was in the State House on a previous roll call, may be recorded by reporting to the Clerk within five minutes after such vote is closed, unless objection is made thereto and it is seconded" and inserting in place thereof the words "provided, however, that a member, who was in the State House on a previous roll call, may be recorded by reporting to the Clerk within ten minutes after such vote is closed"; and the amendment was rejected.

Mr. Jones and other members of the House then moved to amend the order in proposed Rule 52, in the second sentence, by inserting after the word "voted" the words "; provided, that if at any time during said voting period any standing, joint or conference committee is meeting in public or executive session, the Speaker shall leave the electronic voting machine open for not less than ten minutes"; and the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 52, in the first paragraph, in the second sentence, by striking out the words "twenty-two" and inserting in place thereof the word "fifteen"; and the amendment was rejected.

Mr. Jones and other members of the House then moved to amend the order in proposed Rule 85A, after the first sentence, by inserting the following two sentences: "For the purpose of such audits, the independent auditing entity shall have access to the financial records of the House and each of its committees. Such audit shall be conducted in accordance with the standards for audits of governmental organizations, programs, activities and functions published by the Comptroller General of the United States."

Amendment  
rejected,—

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of

Grafton; and on the roll call 19 members voted in the affirmative and 135 in the negative. yea and nay  
No. 10.

**[See Yea and Nay No. 10 in Supplement.]**

Therefore the amendment was rejected.

Mr. Jones and other members of the House then moved to amend the order by inserting after proposed Rule 20B the following rule:

“20C. The House shall consider a Resolution no later than March 15 in each year, defining the minimum financial contribution the Commonwealth will make to cities and towns for the lottery distribution, chapter 70 aid, so called, and additional assistance for the following fiscal year.”

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Hill of Ipswich; and on the roll call 19 members voted in the affirmative and 132 in the negative. Amendment  
rejected,—  
yea and nay  
No. 11.

**[See Yea and Nay No. 11 in Supplement.]**

Therefore the amendment was rejected.

Mr. Jones and other members of the House then moved to amend the order by inserting after proposed Rule 33D the following rule:

“33E. No bill, resolve or order resulting in an increase in the taxation of persons in the Commonwealth shall be finally acted upon by the House of Representatives except by a call of the yeas and nays; nor shall any such bill, resolve or order be considered for final passage after a date thirty days preceding the last date set by law for filing nomination papers with the local election authority for election to the General Court at the next biennial state election. This rule shall not be suspended except by a four-fifths vote of the members present and voting.”

Pending the question on adoption of the amendment, Mr. Jones of North Reading and other members of the House moved to amend the amendment by inserting after the words “except by a” (the first time it appears) the words “vote of two-thirds of the members present and voting thereon by a”.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call (Mr. Petrolati of Ludlow being in the Chair), 19 members voted in the affirmative and 132 in the negative. Further  
amendment  
rejected,—  
yea and nay  
No. 12.

**[See Yea and Nay No. 12 in Supplement.]**

Therefore the amendment was rejected.

On the recurring question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 19 members voted in the affirmative and 133 in the negative. Amendment  
rejected,—  
yea and nay  
No. 13.

**[See Yea and Nay No. 13 in Supplement.]**

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House moved to amend the order in proposed Rule 33A, in the second paragraph, in the first sentence, by inserting after the word “Clerk” the words “and the Minority Leader”; and the amendment was rejected.

Mr. Scaccia of Boston then moved to amend the order in proposed Rule 80, in the seventh paragraph, by inserting before the word "House" the words "floor of the"; and the amendment was adopted.

The same member then moved to amend the order by striking out proposed Rule 17G; and the amendment was adopted.

After remarks on the question on adoption of the order, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 133 members voted in the affirmative and 19 in the negative.

**[See Yea and Nay No. 14 in Supplement.]**

Therefore the order (House, No. 2007, printed as amended) was adopted.

*Order.*

On motion of Mr. DiMasi of Boston,—

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

Order  
adopted,—  
yea and nay  
No. 14.

Next  
sitting.

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At nine minutes after five o'clock P.M., on motion of Ms. Coakley-Rivera of Springfield (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.