

JOURNAL OF THE HOUSE.

Wednesday, January 25, 2006.

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

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

God, Our Creator, the Ultimate Source of Forgiveness and Truth, we believe that You are with us and watch over us at all times. As legislators, we look to You for guidance and direction in addressing the items, often complex and emotional, on the day's calendar. In these stressful times, teach us to keep our energy and attention directed and focused on the current legislative concerns of the people: employment, personal and family security, education and the dignity of each person. Inspire us to work together in building communities in which people of good will are united in spirit and intention in seeking prosperity, peace and the common good.

Grant Your blessings to the Speaker, the members and 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.

Message from the Governor — Budget Recommendations.

A message from His Excellency the Governor submitting the annual budget of the Commonwealth for the fiscal year beginning July 1, 2006 (House, No. 2) was filed this day in the office of the Clerk.

The message was read; and it was referred, under Rule 30, with the accompanying schedules, to the committee on Ways and Means.

Statement Concerning Representative Correia of Fall River.

A statement of Mr. Rushing of Boston concerning Mr. Correia of Fall River 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 Correia of Fall River was not be present in the House Chamber for today's sitting due to a previously scheduled family commitment. Had he been able to be present for the taking of the yeas and nays on ordering the House Bill relative to charities in Massachusetts (printed as Senate, No. 1074), he would have voted in the negative. Any roll calls that he missed today was be due entirely to the reason stated.

Statement Concerning Representative DiMasi of Boston.

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

Statement concerning Representative DiMasi of Boston.

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

Statement Concerning Representative Kennedy of Brockton.

A statement of Mr. Rushing of Boston concerning Mr. Kennedy of Brockton was spread upon the records of the House, as follows:

Statement concerning Representative Kennedy of Brockton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kennedy of Brockton will not be present in the House Chamber for today's sitting due to his continued hospitalization. Had he been able to be present for the taking of the yeas and nays on ordering the House Bill relative to charities in Massachusetts (printed as Senate, No. 1074), he would have voted in the negative. Any roll calls that he missed today was be due entirely to the reason stated.

Statement Concerning Representative Fresolo of Worcester.

A statement of Mr. Binienda of Worcester concerning Mr. Fresolo of Worcester was spread upon the records of the House, as follows:

Statement concerning Representative Fresolo of Worcester.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Fresolo of Worcester will not be present in the House Chamber for today's sitting due to his continued recovery from a recent surgery. Any roll calls that he may miss today or for the next several days will be due entirely to the reason stated.

Statement Concerning Representative Kocot of Northampton.

A statement of Mr. Rushing of Boston concerning Mr. Kocot of Northampton was spread upon the records of the House, as follows:

Statement concerning Representative Kocot of Northampton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kocot of Northampton will not be present in the House Chamber for today's sitting due to a death in his family. Any roll calls that he may miss today will be due entirely to the reason stated.

Resolutions.

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

Kenneth R. Rezendes.

Resolutions (filed by Mr. Correia of Fall River) congratulating Kenneth R. Rezendes;

Daniel Joseph Helfer.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Daniel Joseph Helfer on receiving the Eagle Award of the Boy Scouts of America;

Vinay Dushant Shah.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Vinay Dushant Shah on receiving the Eagle Award of the Boy Scouts of America;

Geoffrey Alexander Smith.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Geoffrey Alexander Smith on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mr. Rush of Boston) congratulating the Boston-Strasbourg Sister City Association for twenty-three years of promoting friendship, unity and cultural exchange with Strasbourg;

Boston-Strasbourg Sister City exchange.

Mr. Petrolati of Ludlow, 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 Mrs. Teahan of Whitman, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

The House Bill establishing a sick leave bank for Barry Conway, an employee of the Department of Correction (House, No. 4475) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2333.

Barry Conway, sick leave bank.

Under suspension of Rule 35, on motion of Mr. Kane of Holyoke, 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.

A Bill designating "Taj Mahalas" as the official blues artist of the Commonwealth (Senate, No. 2262) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Blues artist, designate.

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 Ms. Rogeness of Longmeadow, the bill was read a second time forthwith; and it was ordered to a third reading.

A Bill changing the term of office of the moderator for the town of Milton (Senate, No. 2095) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Milton, town moderator.

The following notice was received from the Clerk of the Senate, to wit:

January 23, 2006.

Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356, State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Robert E. Travaglini, President of the Senate, has announced the appointment Senators Thomas M. McGee, Brian P. Lees, Stephen M. Brewer, Steven C. Panagiotakos and Robert A. O'Leary to the Special

Veterans, tuition and fee waiver program study.

Veterans,
tuition and
fee waiver
program
study.

Commission established (pursuant to Section 19 of Chapter 15A of the General Laws and Section 137 of Chapter 33 of the Acts of 2005) to make an investigation and study to review the tuition and fee waiver program for veterans.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Walter F. Timilty and Linda Dorcena Forry for legislation to establish a sick leave bank for Marie Cantave-Kenney, an employee of the Municipal Court of the City of Boston. To the committee on the Judiciary.

Petition (accompanied by bill) of William C. Galvin and Brian A. Joyce for legislation to designate a certain bridge on High Street in the town of Canton as the Samuel "Sam" Swardlick Bridge. To the committee on Transportation.

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

Orders of the Day.

House reports

Of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 1995) of Michael F. Kane for legislation to regulate the operation of sound amplification systems by operators of motor vehicles;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2066) of J. James Marzilli, Jr., and Alice Hanlon Peisch for legislation to require the Turnpike Authority to contract with the Highway Department for maintenance services; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2137) of Deborah D. Blumer and others for legislation to establish a plan for noise abatement adjacent to the Massachusetts Turnpike;

Severally were accepted.

Recess.

At ten minutes after eleven o'clock A.M., on motion of Mr. Linsky of Natick (Mr. Petrolati of Ludlow being in the Chair), the House recessed until half past twelve o'clock noon; and at five minutes after one o'clock P.M. the House was called to order with Mr. Petrolati in the Chair.

Marie
Cantave-
Kenney,
sick leave
bank.

Canton,
Sam
Swardlick
Bridge.

House
reports.

Recess.

Quorum.

Mr. Rogers of Norwood thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 143 members were recorded as being in attendance.

[See Yea and Nay No. 343 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

The House Bill relative to charities in Massachusetts (printed as Senate, No. 1074) was read a second time.

After debate on the question on ordering the bill to a third reading (Mr. Tobin of Quincy being in the Chair), Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Tobin), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 148 members were recorded as being in attendance.

[See Yea and Nay No. 344 in Supplement.]

Therefore a quorum was present.

After further debate on the question on ordering the bill to a third reading (Mr. Petrolati of Ludlow being in the Chair), Mrs. Teahan of Whitman asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 146 members were recorded as being in attendance.

[See Yea and Nay No. 345 in Supplement.]

Therefore a quorum was present.

Ms. Peisch of Wellesley and other members of the House then moved that the bill be amended by substitution, in part, of an Order relative to requiring the opinions of the Supreme Judicial Court on certain questions of law in relation to the House Bill relative to charities in Massachusetts.

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 Mrs. Teahan of Whitman; and on the roll call 44 members voted in the affirmative and 107 in the negative.

[See Yea and Nay No. 346 in Supplement.]

Therefore the amendment was rejected.

After debate on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of

Quorum.

Quorum,
yea and nay
No. 343.

Massachusetts
charities.

Quorum.

Quorum,
yea and nay
No. 344.

Quorum.

Quorum,
yea and nay
No. 345.

Amendment
rejected,
yea and nay
No. 346.

Bill
rejected,
yea and nay
No. 347.

Massachusetts
charities.

Mr. Jones of North Reading; and on the roll call 3 members voted in the affirmative and 147 in the negative.

[See Yea and Nay No. 347 in Supplement.]

Therefore the House refused to order the bill to a third reading.

Mr. Travis of Rehoboth then moved that this voted be reconsidered, and the motion to reconsider was considered forthwith; and it was negatived.

Order.

On motion of Mr. Rogers of Norwood,—

Next
sitting.

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

Mr. Rodrigues of Westport then moved that as a mark of respect to the memory of Wilfred C. Driscoll, a member of the House from Fall River from 1965 to 1972, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty-five minutes after four o'clock P.M., without further consideration of the remaining matters in the Orders of the Day, on motion of Mr. Kane of Holyoke (Mr. Petrolati of Ludlow being in the Chair), the House adjourned to meet tomorrow at eleven o'clock A.M., in an Informal Session.