

JOURNAL OF THE HOUSE.

Wednesday, February 6, 2008.

Met according to adjournment, at eleven o'clock A.M., 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 at the opening of today's formal legislative session for a moment of personal reflection and for a prayer of petition in which we ask for Your guidance. Each day we try to organize our own priorities, goals and agenda in a productive, responsible and a responsive manner. As representatives of the people, constituents look to us for leadership, creativity, hope and openness to the insights and opinions of all people. On this Ash Wednesday, many Christians around the world are observing a new religious season. Inspire us to continue our worldwide leadership in the civil, human and religious rights of all. Help us to make our communities stable, peaceful, family-friendly and civil.

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.

Silent Prayers.

At the request of the Speaker, the members, guests and employees stood in a moment of silent prayer in memory of Kevin P. Fagan, who died suddenly this past Sunday. Kevin was the son of Representative James H. Fagan and his wife, Christine. He is also survived by his five brothers — Michael, Patrick, Daniel, Matthew and James.

At the request of Representatives Reinstein of Revere and DeLeo of Winthrop, the members, guests and employees stood in a moment of silent prayer in memory of Revere Police Sergeant Peter Papasodora, who passed away unexpectedly on January 25 in Revere. Sergeant Papasodora served for over 20 years on the Revere Police Department and was a devoted husband to Denise and a doting father of Taylor, John and Joseph Papasodora. He was a mentor to thousands of Revere youth, a good friend, loving husband, father, son and friend.

Statement Concerning Representative Coakley-Rivera of Springfield.

A statement of Mr. Rogers of Norwood concerning Ms. Coakley-Rivera of Springfield was spread upon the records of the House, as follows:

Statement concerning Representative Coakley-Rivera of Springfield.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Coakley-Rivera of Springfield, will not be present in the House Chamber for today's sitting due to personal business. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement Concerning Representative Fagan of Taunton.

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

Statement concerning Representative Fagan of Taunton.

MR. SPEAKER: I regret to call to the attention of the House the fact that one of our colleagues, Representative Fagan of Taunton, will not be present in the House Chamber for today's sitting due to the tragic death of his beloved son, Kevin. Any roll calls that he may miss today will be due entirely to the reason stated.

Distinguished Guest of the House.

Consul General Maria de Jesus Mascarenhas.

During the session, the Speaker declared a brief recess and introduced Maria de Jesus Mascarenhas, Consul General of Cape Verde. Consul General Mascarenhas then addressed the House briefly. She was accompanied by former Representative and former Senator Bill Owens, and was the guest of Representatives Cabral of New Bedford, deMacedo of Plymouth, Rodrigues of Westport and St. Fleur of Boston.

Resolutions.

William J. Marchant.

Resolutions (filed with the Clerk by Mr. Rogers of Norwood) congratulating William J. Marchant on his dedication to the Commonwealth and all future endeavors, were referred, under Rule 85, to the committee on Rules.

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

Report.

Sudan divestment, restricted securities.

The first report of the Pension Reserves Investment Management Board (under sections 2 and 4 of Chapter 151 of the Acts of 2007) submitting a preliminary list identifying all scrutinized companies in which the public fund has or may have direct or indirect holdings in the Sudan, was placed on file.

Petition.

The following petition (having been deposited in the office of the Clerk previously to five o'clock in the afternoon on Wednesday, January 10, 2007) was presented and it was referred, under Rule 24, as follows:

Hingham Shipyard.

By Mr. Bradley of Hingham, petition (accompanied by bill, House, No. 4519) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) relative to establishing the Hingham Shipyard

improvement district in the town of Hingham. To the committee on Community Development and Small Business. Sent to the Senate for concurrence.

Reports of Committees.

By Mr. Koutoujian of Waltham, for the committee on Public Health, on House, Nos. 538 and 2216, a Bill establishing a student athlete sports injury commission (House, No. 538).

Students, sports injuries.

By the same member, for the same committee, on a petition, a Bill relative to the treatment of Hemophilia (House, No. 2155).

Blood disorders, treatment.

By the same member, for the same committee, on House, No. 2170, a Bill relative to health care in the Commonwealth (House, No. 4520).

Health care.

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on House, No. 2378, a Bill relative to the enhancement of fire and explosion prevention in buildings and structures (House, No. 4521).

Fire and explosion prevention.

By Mr. Verga of Gloucester, for the committee on Veterans and Federal Affairs, on House, Nos. 885, 3696, 3698 and 3700, a Bill relative to inland fisheries and game licenses (House, No. 3696).

Inland fisheries and game licenses.

By the same member, for the same committee, on House, Nos. 3714 and 3732, a Bill establishing the Massachusetts GI bill for veterans (House, No. 3732, changed in section 1, in lines 2, 3 and 4 by striking out the following: "striking out the third paragraph, inserted by Section 2A of Chapter 130 of the acts of 2005, and inserting in place thereof the following" and inserting in place thereof the following: "inserting after the third paragraph the following new" by striking out, in lines 5 and 6 and also in lines 9 and 10, the words "Massachusetts National Guard members and", and in section 2, by striking out the figure: "2007" and inserting in place thereof the figure: "2008").

National Guard, educational benefits.

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

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill relative to nursing home transfers and discharges (House, No. 2141) ought to pass. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Nursing home residents.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to illegal parking in bus stops (House, No. 4314) ought to pass with an amendment substituting therefor a Bill with the same title (House, No. 4524). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

Bus stops, illegal parking

By Mr. Rodrigues of Westport, for the committee on Consumer Protection and Professional Licensure, on a joint petition, a Bill reducing the minimum seating capacity of a restaurant that is authorized to apply to the licensing authority of the town of Arlington for

Arlington, alcoholic beverages.

permission to serve all alcoholic beverages in the town of Arlington (House, No. 4124) [Local Approval Received].

Chatham,
alcoholic
beverages
licenses.

By the same member, for the same committee, on House, No. 3943, a Bill authorizing the town of Chatham to issue 2 additional licenses for all alcoholic beverages to be drunk on the premises (House, No. 4522) [Local Approval Received].

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

Emergency Measure.

Thomas
D Intinosanto,
sick leave
bank.

The engrossed Bill establishing a sick leave bank for Thomas D'Intinosanto, an employee of the Department of Mental Retardation (see Senate, No. 2349, 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.

Engrossed Bill.

Bill
enacted.

The engrossed Bill transferring the city of Marlborough to the Metrowest Regional Transit Authority (see House, No. 4289) (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 Speaker and sent to the Senate.

Recess.

Recess.

At twenty-seven minutes before twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at twenty-two minutes before two o'clock the House was called to order with the Speaker in the Chair.

Quorum.

Quorum.

Mr. Smizik of Brookline thereupon asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,
yea and nay
No. 249.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 151 members were recorded as being in attendance.

[See Yea and Nay No. 249 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

Third
reading
bill.

The Senate Bill abolishing the North East Solid Waste Committee (Senate, No. 549, 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.

The Senate Bill designating the month of November as Lung Cancer Awareness Month (Senate, No. 1871), 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.

Third
reading
bill.

House bills

Authorizing the town of Cohasset water department to provide water services to other cities, towns, and water companies (House, No. 4014);

Third
reading
bills.

Requiring continuing education of construction supervisors (House, No. 4344);

Designating a certain ice rink in the town of Franklin as the Sergeant Robert Pirelli Veterans Memorial Rink (House, No. 4354);

Relative to the charter of the town of Braintree (House, No. 4398); and

Authorizing a land conveyance in the town of Westford (House, No. 4431) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Senate bills

Establishing the nursing and allied health trust fund (Senate, No. 674); and

Second
reading
bills.

Authorizing cities, towns and districts to send certain information to registered voters (Senate, No. 2409); and

House bills

Punishing interference with the safe operation of trains and certain other common carriers (House, No. 3498, changed);

Further regulating parking for handicapped persons (House, No. 3499, changed);

Relative to the conservation commission of the town of West Stockbridge (House, No. 4100);

Extending the funding schedule required to reduce the town of Arlington's actuarial liability calculated to fully fund its retirement obligation and to divert funds into its other post employment benefits trust fund (House, No. 4140);

Relative to the retirement and health insurance of certain elected officials in the town of Tyringham (House, No. 4287);

Relative to a parcel of land in the town of Tewksbury (House, No. 4399);

Authorizing the appointment of retired police officers as special police officers in the town of Natick (House, No. 4401);

Relative to town meeting members in the town of Framingham (House, No. 4432);

Validating the actions taken at the May 4, 2005 annual town meeting held by the town of Phillipston (printed in House, No. 4438);

Relative to the charter of the town of Medway (House, No. 4460); and

Conveying land from the town of Plainfield to the Plainfield Congregational Church (House, No. 4474);

Severally were read a second time; and they were ordered to a third reading.

Norman
Rockwell.

The House Bill designating Norman Rockwell as the official artist of the Commonwealth (House, No. 4228) (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.

After remarks the bill was passed to be engrossed. Sent to the Senate for concurrence.

Persons
with
disabilities.

The House Bill to establish self determination for persons with disabilities (House, No. 1898) 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.

Pending the question on passing the bill to be engrossed, Mr. Sannacandro of Ashland moved to amend it by substitution of a Bill establishing self determination for persons with disabilities (House, No. 4525), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Malden,
councillor.

The House Bill providing that the person elected city councillor from Ward Seven in the city of Malden assume said office upon certificate of the votes (House, No. 4414) was read a second time.

Pending the question on ordering the bill to a third reading, it was referred, on motion of Mr. Fallon of Malden, to the committee on Rules.

Reorganization
Plan No. 1
of 2008.

The Reorganization Plan No. 1 of 2008 (submitted by the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) relative to reorganizing certain education agencies (see House, No. 4488), was considered.

After debate on the question on approval of the reorganization plan, the sense of the House was taken by yeas and nays, at the request of Mr. Cabral of New Bedford; and on the roll call 135 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 250 in Supplement.]

Therefore the House approved Reorganization Plan No. 1 of 2008.

Seniors,
bank fees.

The House Bill exempting certain bank fees (House, No. 975) (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.

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Hynes of Marshfield; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 251 in Supplement.]

Therefore the bill was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed
to be
engrossed
yea and nay
No. 251.

Reports of Committees.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill regulating the distribution of household cleansing products containing phosphorous (Senate, No. 536, changed) 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 4523. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

Phosphorous
distribution.

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. Linsky of Natick, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 536, amended) was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Smizik of Brookline, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act regulating the distribution and sale of household cleaning products containing phosphorous."

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 154 members voted in the affirmative and 0 in the negative.

Bill passed
to be
engrossed,
yea and nay
No. 252.

[See Yea and Nay No. 252 in Supplement.]

Therefore the bill (Senate, No. 536, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Order.

On motion of Mr. Smizik of Brookline,—
Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next
sitting.

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