

Thursday, February 15, 2007.

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:

Prayer.

Eternal God, in Whom we place our trust and hope, we believe that You watch over us at all times and have a personal concern in and for each of us. For this reality and for Your personal support, we are grateful. This weekend we, as a nation, will observe and celebrate Presidents Day, a national holiday. We express our gratitude to Presidents George Washington and Abraham Lincoln for their leadership, wisdom, personal sacrifices and commitment to high ideals. May the generous spirit and great wisdom that motivated both presidents remain in our hearts, minds and prayers. In these difficult times, we pray for the patience to work together with enthusiasm and good sense to meet the needs of the Commonwealth today and in future years.

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

*Silent Prayer.*

*Our Lady of Grace crew.*

At the request of Messrs. Cabral of New Bedford, Koczera of New Bedford, Quinn of Dartmouth, Canessa of New Bedford and Straus of Mattapoisett, the members, guests and employees stood for a moment of silent prayer in memory of Antonio Barroqueiro, Joao DaSilva, Mario Farinhas and Rogerio Ventura, the crew of the *Our Lady of Grace* fishing vessel from New Bedford. On January 27, 2007, these four brave fishermen and their dragger, the *Our Lady of Grace*, were reported missing and lost at sea. Antonio, Joao, Mario and Rogerio were lifelong fishermen who dedicated their lives to the sea and to their families.

*Statement Concerning Representative Canavan of Brockton.*

A statement of Mr. Rogers of Norwood concerning Ms. Canavan of Brockton was spread upon the records of the House, as follows:

Statement concerning Representative Canavan of Brockton.

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

*Statement Concerning Representative Forry of Boston.*

A statement of Mr. Rushing of Boston concerning Ms. Forry of Boston 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 Forry of Boston, will not be present in the House Chamber for today's sitting due to the recent arrival of her new baby son, Conor Joseph Forry (younger brother to John Patrick Forry), on Sunday, February 11, 2007. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement concerning Representative Forry of Boston.

*Statement Concerning Representative Kennedy of Brockton.*

During the session, a statement of Mr. Rogers of Norwood concerning Mr. Kennedy of Brockton 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, Mr. Kennedy of Brockton, will not be present in the House Chamber for today's sitting due his hospitalization. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement concerning Representative Kennedy of Brockton.

*Statement Concerning Representative Khan of Newton.*

A statement of Mr. Rogers of Norwood concerning Ms. Khan of Newton 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 Khan of Newton, will not be present in the House Chamber for today's sitting due to a prior family commitment. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement concerning Representative Khan of Newton.

*Statement Concerning Representative Marzilli of Arlington.*

A statement of Mr. Rogers of Norwood concerning Mr. Marzilli of Arlington 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 Marzilli of Arlington, will not be present in the House Chamber for today's sitting due to official business outside the Commonwealth. Any roll calls he may miss today will be due entirely to the reason stated.

Statement concerning Representative Marzilli of Arlington.

*Statement Concerning Representative St. Fleur of Boston.*

A statement of Mr. Rushing of Boston concerning Ms. St. Fleur of Boston 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 St. Fleur of Boston, will not be present in the House Chamber for today's sitting due to illness. If she could be present for the roll call on adoption of permanent Joint Rules, she would vote in the affirmative. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement concerning Representative St. Fleur of Boston.

*Recesses.*

Recesses.

At twenty-seven minutes before twelve o'clock noon, on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after twelve o'clock; and at half past twelve o'clock the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. Jones of North Reading, until one o'clock P.M.; and at twenty-eight minutes before two o'clock the House was called to order with Mrs. Harkins of Needham in the Chair.

*Order.*

Joint Rules.

Before the noon recesses, — an Order (filed by Speaker DiMasi of Boston) relative to the adoption of permanent Joint Rules for the 2007 and 2008 General Court (House, No. 3746), was referred to the committees on Rules of the two branches, acting concurrently.

Mr. Scaccia of Boston, for said committees, then reported, under the provisions of Joint Rule 1 and 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. Kujawski of Webster, until a quarter after twelve o'clock noon.

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

Quorum.

Pending the question on adoption of the order (Mrs. Harkins of Needham being in the Chair), Mr. Donato of Medford asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins), 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. 15.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 144 members were recorded as being in attendance.

**[See Yea and Nay No. 15 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 1 by striking out the words "Public Safety and Homeland Security" and inserting in place thereof the words "Public Safety and Security"; and, in said proposed rule by striking out the words "Telecommunications, Utilities and Energy" and inserting in place thereof the words "Telecommunications, Utilities and Cable".

After debate the amendments were rejected.

Mr. Jones and other members then moved to amend the order in proposed Rule 4, in the second paragraph, by adding at the end thereof the following sentence: "Such roll call votes shall be posted on the Legislative Web Page by the Clerks of the two branches."

Amendment  
rejected,—  
yea and nay  
No. 16.

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 20 members voted in the affirmative and 127 in the negative.

**[See Yea and Nay No. 16 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 10, in line 2, after the word “than”, by inserting the following: “the third Wednesday in October of the first annual session of the General Court on all matters referred to them which were filed under the first paragraph of Joint Rule 12, and not later than”; and in said proposed rule, in line 3, after the word “all”, by inserting the word “other”.

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. Peterson of Grafton; and on the roll call 19 members voted in the affirmative and 126 in the negative.

Amendments  
rejected,—  
yea and nay  
No. 17.

**[See Yea and Nay No. 17 in Supplement.]**

Therefore the amendments were rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by inserting after proposed Rule 11B the following rule:

“11C. Reports of a committee on conference to whom matters of difference in respect to bills other than appropriation bills shall be accompanied by a list of the particular matters of difference so referred and other matters in disagreement between the two branches, the position of each branch with respect thereto, and shall state said committee’s recommendations with respect to the matters so referred. Matters on which there exists no disagreement between the branches shall not be disturbed by the committee on conference.”

After debate the amendment was rejected.

Mr. Jones and other members of the House then moved to amend the order in proposed Rule 1D, at the end of the second paragraph, by adding the following two sentences: “Included in such notice shall be a designated period of time, not to exceed one-half hour, during which time testimony from legislators shall be heard on matters listed on the hearing agenda. Legislators wishing to be heard, either prior to, or subsequent to the designated period shall follow the guidelines set forth under the rules designated by each committee for the receipt of the testimony by members of the public.”

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 128 in the negative.

Amendment  
rejected,—  
yea and nay  
No. 18.

**[See Yea and Nay No. 18 in Supplement.]**

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by inserting after proposed Rule 35 the following rule:

“36. No appropriation shall be made from the Commonwealth Stabilization Fund, as set forth in section 2H of chapter 29 of the general laws, as appearing in the 2004 official edition, unless approved by two-thirds of the members in both branches voting thereon. This rule shall not be suspended except by unanimous consent.”

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 126 in the negative.

Amendment  
rejected,—  
yea and nay  
No. 19.

**[See Yea and Nay No. 19 in Supplement.]**

Therefore the amendment was rejected.

Joint  
Rules.

Mr. Jones of North Reading and other members of the House then moved to amend the order by inserting after proposed rule 11B the following new rule:

“11C. Committee of Conference on the General Appropriation Bill for each fiscal year shall make final report not later than the second Wednesday of June. This rule shall not be rescinded, amended or suspended except by a concurrent vote of two-thirds of each branch present and voting thereon. Notwithstanding the provisions of this rule or Joint Rule 30, this rule shall not be rescinded, suspended or amended more than once, except by unanimous consent.” The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by inserting after proposed Rule 35 the following rule:

“36. No later than March 15th of each year the house and senate shall approve a joint resolution declaring the minimum amount of aid to be distributed to the cities and towns of the commonwealth in the upcoming fiscal year. Said resolution shall declare the minimum amount of chapter 70 aid, additional assistance, and expected lottery disbursements to be received by each city, town or school district.”

Amendment  
rejected,—  
yea and nay  
No. 20.

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. Hill of Ipswich; and on the roll call 20 members voted in the affirmative and 123 in the negative.

**[See Yea and Nay No. 20 in Supplement.]**

Therefore the amendment was rejected.

Mr. Jones and other members of the House then moved to amend the order in proposed Rule 1, at the end of the fourth paragraph, after the words “General Court”, and also in said proposed rule, in the thirteenth paragraph, at the end of the second sentence, after the word “public”, by inserting the words “and whenever feasible shall be conspicuously published on the internet”.

The amendments were adopted.

Order  
adopted,—  
yea and nay  
No. 21.

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. Jones of North Reading; and on the roll call 125 members voted in the affirmative and 19 in the negative.

**[See Yea and Nay No. 21 in Supplement.]**

Therefore the order (House, No. 3746, amended) was adopted. Sent to the Senate for concurrence.

*Motion to Discharge a Certain Matter in the Orders of the Day.*

Amherst,—  
agricultural  
preservation.

Ms. Story of Amherst moved that the Senate Bill releasing certain land in the town of Amherst from the operation of an agricultural preservation restriction (Senate, No. 16), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time; and it was passed to be engrossed in concurrence.

*Emergency Measure.*

The engrossed Bill releasing certain land in the town of Amherst from the operation of an agricultural preservation restriction (see Senate, No. 16), 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.

Amherst,—  
agricultural  
preservation.

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 35 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 put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 144 members voted in the affirmative and 0 in the negative.

Bill enacted  
(land taking),—  
yea and nay  
No. 22.

**[See Yea and Nay No. 22 in Supplement.]**

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

*Recess.*

At five minutes before five o'clock P.M., the Chair (Ms. Harkins of Needham) declared a recess subject to the call of the Chair; and at eighteen minutes before seven o'clock P.M. the House was called to order with Ms. Harkins in the Chair.

Recess.

*Paper from the Senate.*

The Order relative to the adoption of permanent joint rules for the years 2007-2008 (House, No. 3746, amended) came from the Senate adopted, in concurrence, with amendments in proposed rule 1E, inserting after the second sentence, the following four sentences: "Any matter reported favorably by such joint standing committee shall be referred to the joint committee on Health Care Financing, provided, however, that notwithstanding the provisions of any rule to the contrary, any such matter so reported shall not be read a first time in the branch in which the report was received. The next favorable report on any such matter, if made by a joint committee, may be made to either branch. Such next favorable report shall be considered the first reading. The branch of origin for any such bill so reported shall be the branch receiving such favorable report."; and in proposed rule 4, in the third sentence, inserting after the word "committee" (the third time it appears), the words ", except for the committee on Health Care Financing,".

Joint  
Rules.

Under suspension of the rules, on motion of Mr. Scaccia of Boston, the amendments were considered forthwith; and they were adopted, in concurrence.

*Order.*

On motion of Mr. DiMasi of Boston,—

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

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Next  
sitting.

Mr. DeLeo of Winthrop then moved that the House adjourn; and the motion prevailed. Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at a quarter before seven o'clock P.M. (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet on Tuesday next at eleven o'clock A.M., in an Informal Session.