

JOURNAL OF THE HOUSE.

Thursday, March 2, 2006.

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:

Prayer.

Eternal God, we both believe in You and place our trust in You, Your ways and values, human and spiritual. As we examine and analyze the many legislative, social and cultural matters which come before us, Your assistance helps us to select our best and most reasonable legislative options. In this age of vast amounts of information and data, grant us the ability to articulate clearly and fairly the day's legislative issues for the benefit of the people who depend upon our sound judgements. Your assistance and guidance enables us to continue our goal of building a stable and peaceful society in which the rights of all are recognized and respected.

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.

Resolutions.

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

Irish-American Heritage.

Resolutions (filed by Mr. Connolly of Everett) commemorating the "Irish-American Heritage" in the United States of America - 2006;

Sister Peggy Reavy.

Resolutions (filed by Mr. Connolly of Everett) recognizing the many years of service of Sister Peggy Reavy, CSJ to the citizens of Everett and students of Pope John XXIII High School in Everett;

Iranian-American community.

Resolutions (filed by Mr. Finegold of Andover) congratulating the Iranian-American community on the occasion of Nowruz;

Jacob Edward Vogenberg.

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Jacob Edward Vogenberg of Sharon on earning the rank of Eagle Scout;

Allan J. McCarthy.

Resolutions (filed by Representatives Kaufman of Lexington, Marzilli of Arlington and Paulsen of Belmont) congratulating Dr. Allan J. McCarthy on the occasion of his one hundredth birthday;

Rachel Susan Barba Mellone.

Resolutions (filed by Messrs. Kaufman of Lexington and Stanley of Waltham) congratulating Rachel Susan Barba Mellone of Lexington, Massachusetts on the occasion of her one hundredth birthday; and

Massasoit Community College.

Resolutions (filed by Representatives Travis of Rehoboth, Kafka of Stoughton, Galvin of Canton, Kennedy of Brockton, Creedon of Brockton and Canavan of Brockton) recognizing the fortieth anniversary of the founding of Massasoit Community College (1966-2006);

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

Communications.

Communications

From the Norfolk County Registry of Deeds (under Section KKK of Chapter 29 of the General Laws) submitting an initial plan for technological improvements at said registry (copies of said communication referred, as required under said law, to the committee on Ways and Means and the committee on Post Audit and Oversight); and

Norfolk County Registry of Deeds.

From the Plymouth County Registry of Deeds (under Section 2KKK of Chapter 4 of the Acts of 2003) submitting an initial plan of proposed technological improvements at said registry (copies of said communication forwarded, as required under said law, to the Committee on Ways and Means and the committee on Post Audit and Oversight;

Technological fund.

Severally placed on file.

Special Reports.

Special report of the Commonwealth Zoological Corporation d/b/a Zoo New England (under the provisions of item 2800-0200 contained in section 2 of Chapter 45 of the Acts of 2005) on funds received by said corporation;

Zoological Corporation, fund report.

A semi-annual report of the Insurance Fraud Bureau (under the provisions of Section 99 (k) of Chapter 398 of the Acts of 1991) on the disposition of matters referred to said bureau; and

Insurance Fraud Bureau.

A monthly report of the Division of Unemployment Assistance (under the provisions of Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for January, 2005;

Unemployment Insurance Trust Fund.

Severally were placed on file.

Petitions.

Mrs. Parente of Milford presented a petition (accompanied by bill, House, No. 4715) of Marie J. Parente and Richard T. Moore (by vote of the town) relative to the appointment of Antonio F. Dinis and Robert L. Tusino as police officers in the town of Milford, notwithstanding the maximum age requirements; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

Milford, police officers.

Petitions severally were presented and referred as follows:

By Mr. Casey of Winchester, petition (subject to Joint Rule 12) of Paul C. Casey relative to the valuation of real property in the cities and towns of the Commonwealth.

Real property, valuation.

Energy savings, contracts.

By Mr. Dempsey of Haverhill, petition (subject to Joint Rule 12) of Brian S. Dempsey and Michael W. Morrissey for legislation to require that energy savings contracts be in compliance with the prevailing wage law.

Teddy Giblin, sick leave.

By Mr. Eldridge of Acton, petition (subject to Joint Rule 12) of James B. Eldridge for legislation to establish a sick leave bank for Teddy Giblin, an employee of the Department of Correction.

Worcester, Blackstone River Parkway.

By Mr. Fresolo of Worcester, petition (subject to Joint Rule 12) of John P. Fresolo and others for legislation to designate a certain portion of Route 146 in the city of Worcester as the Blackstone River Parkway.

Physical assistants, services.

By Mr. Koutoujian of Waltham, petition (subject to Joint Rule 12) of Peter J. Koutoujian relative to the payment of benefits for services provided by registered physician assistants.

Drunken driving, prosecutions.

By Mr. Leary of Worcester, petition (subject to Joint Rule 12) of James B. Leary relative to the presumption of operating under the influence of alcoholic beverages in prosecutions for such motor vehicle violations.

Worcester, Levi Lincoln, Sr., Courthouse.

By the same member, petition (subject to Joint Rule 12) of James B. Leary and others for legislation to designate a certain courthouse on Main Street in the city of Worcester as the Levi Lincoln, Sr., Courthouse.

Boston, Chelsea Street.

By Mr. Petrucci of Boston, petition (subject to Joint Rule 12) of Eugene L. O'Flaherty that the Division of Capital Asset Management and Maintenance be authorized to transfer certain land of the Water Resources Authority located on Chelsea Street in the city of Boston to said city.

Daniel Condon, retirement.

By Mr. Murphy of Weymouth, petition (subject to Joint Rule 12) of James M. Murphy and Robert L. Hedlund that the State Retirement Board be directed to grant creditable service to Daniel Condon for certain employment in the Congress of the United States.

Chelsea, land to Boston.

By Mr. Petrucci of Boston, petition (subject to Joint Rule 12) of Eugene L. O'Flaherty for legislation to authorize the Division of Capital Asset Management and Maintenance to transfer certain land in the city of Chelsea and under the jurisdiction of the Department of Conservation and Recreation to the city of Boston.

Daniel and Martha Tawczynski, permit.

By Mr. Pignatelli of Lenox, petition (subject to Joint Rule 12) of William Smitty Pignatelli and Andrea F. Nuciforo, Jr., that the Department of Agricultural Resources be directed to grant a water supply permit to Daniel and Martha Tawczynski.

Fire fighters and police, appointment.

By Ms. Polito of Shrewsbury, petition (subject to Joint Rule 12) of Karyn E. Polito and others relative to the appointment of sons and daughters of certain military personnel as fire fighters and police officers.

Worcester, John J. Conte Courthouse.

By the same member, petition (subject to Joint Rule 12) of Karyn E. Polito and others for legislation to designate a certain courthouse on Main Street in the city of Worcester as the John J. Conte Courthouse.

Tobin Bridge and Turnpike, tolls.

By Miss Reinstein of Revere, petition (subject to Joint Rule 12) of Kathi-Anne Reinstein and Robert A. DeLeo relative to the payment of tolls for use of the Maurice J. Tobin Bridge and the Turnpike by certain official vehicles of cities and towns and other political subdivisions of the Commonwealth.

By Mr. Smizik of Brookline, petition (subject to Joint Rule 12) of Frank I. Smizik that the Teachers' Retirement Board be directed to pay certain retirement benefits to Charles Swartz, a former employee of the school department of the town of Lexington.

Lexington, Charles Swartz.

By the same member, petition (subject to Joint Rule 12) of Frank I. Smizik and Karen E. Spilka that the Board of Education be required to provide resources for the testing of students in science and technology under the Massachusetts Comprehensive Assessment System (MCAS).

MCAS, science and technology.

By Mr. Walsh of Boston, petition (subject to Joint Rule 12) of Martin J. Walsh that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land in the Dorchester section of the city of Boston to Expressway Motors LLC.

Boston, Expressway Motors LLC.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Bills

Authorizing the commonwealth to acquire conservation restrictions in and to lands of the city of Leominster (Senate, No. 31, amended in section 1, in lines 1, 2 and 3, by striking out the following: "department of environmental management, in consultation with the division of capital asset management and maintenance" and inserting in place thereof the following: "division of capital asset management and maintenance, in consultation with the department of conservation and recreation and pursuant to sections 40E to 40J, inclusive, of chapter 7 of the General Laws") (on a petition);

Leominster, land restrictions.

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Washington (Senate, No. 58, amended in section 1, in lines 2 and 3, by striking out the following: "subject to the provisions of sections 40E to 40J, inclusive" and inserting in place thereof the following: "notwithstanding sections 40E to 40G, inclusive, and 40I") (on a petition);

Washington, land conveyance.

Directing the State Retirement Board to retire Robert Emmet Fitzgerald (Senate, No. 1500, amended by striking out section 2 and inserting in place thereof the following section:

Robert Emmet Fitzgerald, retirement.

"SECTION 2. The pension set forth in this act shall operate prospectively and shall be funded as provided in section 383 of chapter 149 of the acts of 2004."; and by inserting before the enacting clause the following emergency preamble:—

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide a pension to Robert Emmet Fitzgerald, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.") (on Senate, No. 1500 and House, No. 289);

Transferring employees of the Berkshire regional planning commission to the state retirement system (Senate, No. 1570, amended in section 1, in line 3, in section 2, in line 3, and also in section 4, in line 5, by striking out the year "2005" and inserting in place thereof, in each instance, the year "2006"; and by adding after section 4 the following section:

Retirement system.

“SECTION 5. Employees of the Berkshire regional planning commission shall be eligible for membership in the state employees’ retirement system only if they meet the state board of retirement’s membership requirements. Members of the Berkshire regional planning commission shall conform to the state board of retirement’s payroll reporting requirements.”) (on a petition);

Renewable
energy
portfolio.

Relative to the renewable energy portfolio (Senate, No. 2122, amended in section 1, in line 8, by inserting after the word “electricity” the words “is delivered”) (on a petition);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Hazardous
material
sites.

Authorizing municipalities to petition for public involvement plans in cases of hazardous material sites (Senate, No. 518) (on a petition);

School buses,
speed.

Regulating the speed of school buses on limited access highways (Senate, No. 1918) (on a petition);

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.

Manchester
Essex
School
District.

A report of the committee on Bonding, Capital Expenditures and State Assets, asking to be discharged from further consideration of the Senate Bill relating to the term of certain bonds of the Manchester Essex Regional School District to be issued to finance the construction of a new district high school/middle school (Senate, No. 2383), and recommending that the same be referred to the Senate committee on Senate Ethics and Rules,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the discharge of the committee.

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:

Winthrop,
land
conveyance.

Petition (accompanied by bill) of Robert A. DeLeo that the Division of Capital Asset Management and Maintenance be directed to convey a certain parcel of land located in the town of Winthrop to Forty-Five Grovers Avenue LLC for open space purposes. To the committee on Bonding, Capital Expenditures and State Assets.

Emergency
medical
technicians,
fees.

Petition (accompanied by bill) of Daniel E. Bosley relative to ambulance staffing requirements and the certification and renewal fees for emergency medical technicians; and

Schools,
air quality.

Petition (accompanied by bill) of Anne M. Paulsen and others relative to air quality in schools and public buildings;

Severally to the committee on Public Health.

Scituate,
Sgt. Kelley
Bridge.

Petition (accompanied by bill) of Frank M. Hynes and others for legislation to designate the bridge on Route 3A over the North River connecting the towns of Scituate and Marshfield as the Sergeant Michael Jason Kelley Memorial Bridge. To the committee on Transportation.

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

By Mr. Koutoujian of Waltham, for the committee on Public Health, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2739) of Stephen P. LeDuc that the Department of Public Health be directed to provide for an annual assessment on the impact of the public welfare system on children in the Commonwealth,— and recommending that the same be referred to the committee on Children and Families;

Children,
well-being.

Of the petition (accompanied by resolve, House, No. 3447) of Marie J. Parente and others for and investigation by a special commission (including members of the General Court) relative to the prescribing of psychotropic drugs for children under the care and protection of the Department of Social Services,— and recommending that the same be referred to the committee on Mental Health and Substance Abuse; and

Social
services,
psychotropic
drugs.

Of the petition (accompanied by bill, House, No. 2669) of J. James Marzilli, Jr., and others for legislation to regulate trash collection hours in business, commercial and industrial areas,— and recommending that the same be referred to the committee on Municipalities and Regional Government.

Trash
collection,
hours.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Kaufman of Lexington, for the committee on Public Service, on Senate, Nos. 319, 1246, 1397, 1426, 1427, 1447, 1452, 1454, 1468, 1475, 1480, 1481, 1483, 1484, 1485, 1486, 1506, 1509, 1510, 1517, 1518, 1521, 1523, 1524, 1536, 1538, 1542, 1549, 1558, 1561, 1571, 1579, 1589, 1600, 1603, 1605 and 1609 and House, Nos. 146, 150, 151, 153, 156, 163, 164, 166, 173, 175, 176, 179, 190, 191, 196, 199, 212, 216, 218, 219, 230, 232, 237, 242, 251, 256, 269, 287, 288, 297, 306, 312, 322, 323, 324, 327, 335, 338, 343, 344, 345, 346, 347, 349, 351, 352, 356, 357, 359, 365, 369, 374, 377, 380, 382, 384, 390, 396, 397, 404, 405, 412, 417, 420, 423, 430, 434, 436, 444, 445, 449, 452, 474, 502, 504, 505, 506, 512, 513, 515, 536, 541, 542, 545, 552, 559, 574, 586, 587, 594, 599, 2233, 3614, 3990, 3998, 4087, 4142, 4190, 4261 and 4442, an Order relative to authorizing the committee on Public Service to make an investigation and study of certain Senate and House documents concerning group classification (House, No. 4711). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Group
classification,
study.

Subsequently Mr. Scaccia of Boston, for said committees, reported, asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

Dissection choice.	By Mrs. Haddad of Somerset, for the committee on Education, on a petition, a Bill relative to dissection choice (House, No. 1051, changed in line 1, by striking out the figures: "2002" and inserting in place thereof the figures: "2004", in line 2, by striking out the following: "1M" and inserting in place thereof the following: "1N", in line 4, by striking out the following: "1N" and inserting in place thereof the following: "1O", and by inserting after the word "method." in line 9, the following sentence: "Said request must be submitted in writing by the parent or guardian of any student who wished to participate in an alternative method.").	By the same member, for the same committee, on a petition, a Bill providing for a statement relative to veteran status on ballots for city of Brockton elections (House, No. 4388) [Local Approval Received].	Brockton, veterans on ballots.
Third party payments.	By the same member, for the same committee, on Senate, No. 335 and House, Nos. 1114, 1136 and 3879, a Bill relative to third party payments (House, No. 1114).	By the same member, for the same committee, on a petition, a Bill establishing in the town of Lee representative town government by limited town meetings (House, No. 4536) [Local Approval Received].	Lee, voting districts.
Financial program.	By the same member, for the same committee, on House, Nos. 1197 and 1208, a Bill authorizing the Department of Education to assist in the implementation of programs on teaching personal financial literacy (House, No. 1197).	By the same member, for the same committee, on a petition, a Bill relative to preliminary elections in the city of Holyoke (House, No. 4579) [Local Approval Received].	Holyoke, elections.
High schools, cardiopulmonary resuscitation.	By the same member, for the same committee, on House, Nos. 1099, 1116, 1141 and 1215, a Bill requiring instruction in cardiopulmonary resuscitation and the use of automatic external defibrillators for high school graduation (House, No. 1215).	By the same member, for the same committee, on a message from His Excellency the Governor, a Bill validating the actions taken at the special town election held by the town of New Salem (printed in House, No. 4608).	New Salem, validate actions.
Foster care, school.	By the same member, for the same committee, on House, Nos. 1020 and 1096, a Bill relative to tuition payments for children in foster care or attending school outside their home district (House, No. 4708).	By Mr. Honan of Boston, for the committee on Housing, on a message from His Excellency the Governor, a Bill relative to certain housing in the town of Westborough (printed in House, No. 4609).	Westborough, housing.
Employment opportunities, posting.	By Mr. Rodrigues of Westport, for the committee on Labor and Workforce Development, on Senate, No. 1120 and House, No. 3812, a Bill relative to posting employment opportunities (House, No. 4709).	By Mr. Rodrigues of Westport, for the committee on Labor and Workforce Development, on a petition, a Bill clarifying the timely payment of wages (House, No. 3939).	Wages, timely payment.
Public retirees.	By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill relative to indemnification of public retirees (House, No. 274).	By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the sale of certain properties by the city of Gloucester (House, No. 4202) [Local Approval Received].	Gloucester, sale of properties.
Widows, retirement.	By the same member, for the same committee, on a petition, a Bill relative to retirement allowance for certain widows (House, No. 292). Severally read; and referred, under Rule 33, to the committee on Ways and Means.	By the same member, for the same committee, on a petition, a Bill authorizing the city of New Bedford to regulate motorized bicycles and motorized scooters (House, No. 4354) [Local Approval Received].	New Bedford, motorized bicycles.
African American history.	By Mrs. Haddad of Somerset, for the committee on Education, on a petition, a Bill relative to the teaching of African-American history in public schools (House, No. 1035).	By the same member, for the same committee, on a message from His Excellency the Governor, a Bill validating the actions taken at a certain town meeting in the town of Wareham (printed in House, No. 4538).	Wareham, validate acts.
Disabled students, graduation.	By the same member, for the same committee, on House, No. 1118, a Bill to ensure that students with disabilities have the opportunity to participate in high school graduation ceremonies with their nondisabled peers (House, No. 4710).	By the same member, for the same committee, on a petition, a Bill validating certain orders passed by the Barnstable town council (House, No. 4627). [Local Approval Received].	Barnstable, validation of acts.
Chelsea, districts.	By Mr. Petrucci of Boston, for the committee on Election Laws, on a petition, a Bill relative to the districts of the city of Chelsea (House, No. 2120) [Local Approval Received].	By the same member, for the same committee, on a petition, a Bill amending Ch. 317 of the Acts of 1974 relative to the powers of the transportation board of the town of Brookline (House, No. 4632) [Local Approval Received].	Brookline, transportation board.
Littleton, recall elections.	By the same member, for the same committee, on a petition, a Bill providing for recall elections in the town of Littleton (House, No. 4072) [Local Approval Received].	By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill relative to the civil service status of executive positions in the city of Worcester (House, No. 4348) [Local Approval Received].	Worcester, civil service.
Canton, recall elections.	By the same member, for the same committee, on a petition, a Bill providing for an improved method of recall of elected officials in the town of Canton (House, No. 4387) [Local Approval Received].	By the same member, for the same committee, on a message from His Excellency the Governor, a Bill relative to certain insurance benefits for part time elected officials of the town of Norwell (printed in House, No. 4386).	Norwell, elected officials.
		By the same member, for the same committee, on a petition, a Bill exempting the position of deputy chief of the fire department of the city of Easthampton from the provisions of the civil service law (House, No. 4537) [Local Approval Received].	Easthampton, deputy fire chief.
		Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.	

*Engrossed Resolve.*Resolve
passed.

The engrossed Resolve providing for an investigation and study by a special commission relative to liquified natural gas siting and use (see House, No. 4449, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed; and it was signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*Third
reading
bill

The Senate Bill authorizing abatement of certain property tax assessments in the town of Williamsburg (Senate, No. 1694), 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.

*Order.*Next
sitting.

On motion of Mr. DiMasi of Boston,—
Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At thirteen minutes after eleven o'clock A.M., on motion of Mr. Smizik of Brookline (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.