

JOURNAL OF THE HOUSE.

Monday, March 6, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, 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 of Goodness and Truth, we look to You for guidance and direction as we take up the day's legislative and administrative matters. We pray for Your gift of wisdom in our quest to be sensitive, responsible and articulate leaders in addressing the complex, often emotional, issues of the day. As leaders in our districts, inspire us to be good and attentive listeners, to be open to the insights of others and to think through all legislative proposals. Bless our efforts to implement our goals of building a society and communities which are civil, peaceful, responsive and free of political polarization. May the common good of people and our society be the common concern of all people.

Prayer.

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.

Pledge of
allegiance.

Message from the Governor — Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill further regulating meetings of municipal boards [see House, No. 4489, amended] (for message, see House, No. 4716) was filed in the office of the Clerk on Thursday, March 2.

Municipal
boards,
meetings.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Finegold of Andover, to the committee on Bills in the Third Reading.

Message from the Governor — Veto.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill authorizing the town of Westborough to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises [see House, No. 4559] (for message, see House, No. 4717) was filed in the Office of the Clerk on Thursday, March 2.

Westborough,
liquor license.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting, the question being on passing the bill, notwithstanding the said objections.

Resolutions.

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

Resolutions (filed by Messrs. Jones of North Reading and Natale of Woburn) congratulating Paul Carson on the occasion of his retirement;

Resolutions (filed by Mr. Casey of Winchester) congratulating the Second Congregational Church on their one hundredth anniversary; and

Resolutions (filed by Mr. Hargraves of Groton) on the occasion of the one hundredth anniversary of the General Federation of Women's Clubs;

Mrs. Parente of Milford, 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 Marie Cantave-Kenney, an employee of the trial court (House, No. 4653) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following sentence: "Whenever Ms. Cantave-Kenney terminates employment with the trial court or requests to dissolve the sick leave bank, the remaining days in the sick leave bank shall be transferred to the trial court paid sick leave bank."

Under suspension of Rule 35, on motion of Mr. Timilty of Milton, 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.

Bills

Validating the proceedings of the annual town elections in the town of Royalston (Senate, No. 2188) (on a petition) [Local Approval Received];

Authorizing the issuance of certain bonds by the Manchester Essex Regional School District to finance the construction of a new district high school/middle school (Senate, No. 2383) (on Senate bill, No. 2321);

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.

Reports of Committees.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Lexington, municipal lighting plant.

of the Bill to simplify and facilitate the establishment of a municipal lighting plant by the town of Lexington (House, No. 4204),— and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the reference.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill alcoholic beverages licensing boards (House, No. 3410),— and recommending that the same be recommitted to the committee on Consumer Protection and Professional Licensure. Under Rule 42, the report was considered forthwith; and it was accepted.

Alcoholic beverages licensing boards.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to interest on retainage (House, No. 3493, changed),— and recommending that the same be recommitted to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Retainage, interest.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill regulating the election of write-in candidates in the town of Burlington (Senate, No. 2252),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Burlington, candidates.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to manufacturers coupons (House, No. 3743),— and recommending that the same be recommitted to the committee on Ways and Means with an amendment previously recommended by the committee on Health Care Financing (substituting House, No. 4471) pending. Under Rule 42, the report was considered forthwith; and it was accepted.

Manufacturers coupons.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill to protect employees from unscrupulous employers (House, No. 4343),— and recommending that the same be referred to the committee on Ways and Means with the amendment (previously recommended by the committee on Labor and Workforce Development House, No. 4663) pending. Under Rule 42, the report was considered forthwith; and it was accepted.

Employees, protections.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on Senate, Nos. 487, 491, 502, 513, 527, 528, 532, 533, 548 and 555 and House, Nos. 1313, 1321, 1322, 1323, 1353, 1366, 1369, 1372, 1375, 3547, 3711, 3718, 3721, 3887 and 3894, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of certain Senate and House documents concerning

Environment, study.

Environment, study. environmental issues (House, No. 4718). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

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.

Housing appeals, commission. By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, that the Resolve providing for an investigation and study by a special commission relative to housing appeals (House, No. 4646) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Disabled and seniors, unfair treatment. By Mr. Correia of Fall River, for the committee on Elder Affairs, on a petition, a Bill increasing the penalties for unfair and deceptive actions perpetrated against persons with disabilities and senior citizens (House, No. 2921).

Elder abuse. By the same member, for the same committee, on a petition, a Bill relative to establishing multi-disciplinary teams with district attorneys to investigate elder abuse (House, No. 2922).

Well drillers. By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 535 and House, No. 3890, a Bill relative to well drillers and pump installers (House, No. 3890).

Diesel emissions. By the same member, for the same committee, on House, No. 1314, a Bill reducing diesel emissions from non-road construction vehicles (House, No. 4719).

State buildings, recycling. By the same member, for the same committee, on House, No. 3240, a Bill requiring recycling in state buildings (House, No. 4720).

Employer, definition. By Mr. Rodrigues of Westport, for the committee on Labor and Workforce Development, on a petition, a Bill relative to the term "employer" under the minimum wage law (House, No. 3754).

Prevailing wage law. By the same member, for the same committee, on a petition, a Bill clarifying the prevailing wage law (House, No. 3806).

Social services. By Mr. Koutoujian of Waltham, for the committee on Public Health, on a petition, a Bill relative to the Department of Social Services (House, No. 2845).

Survivor allowance. By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill relative to survivor allowance (House, No. 183).

Public counsel committee, collective bargaining. By the same member, for the same committee, on a petition, a Bill providing that the employees of the Committee for Public Counsel Services shall have collective bargaining rights under Chapter 150E of the General Laws (House, No. 407).

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

Recycling. By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 1294 and 3239 reports recommending that the recommitted Bill to increase recycling (House, No. 3239) ought to pass with an amendment substi-

tuting therefor a bill with the same title (House, No. 4721). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

By Mr. Pedone of Worcester, for the committee on Consumer Protection and Professional Licensure, on House, No. 4535, a Bill authorizing the town of Milford to grant an additional license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 4722) [Local Approval Received].

By Mr. Correia of Fall River, for the committee on Elder Affairs, on a petition, a Bill extending the period that unsubstantiated elder abuse assessment reports must be maintained (House, No. 1490).

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to the Wayland wastewater management district commission (House, No. 4631) [Local Approval Received].

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Topsfield to establish a department of public works (House, No. 4223) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill placing the health inspector under the supervision of the division of inspectional services in the city of Somerville (House, No. 4641) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill amending the charter of the city of Somerville (House, No. 4642) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill amending the charter of the city of Somerville to provide for an operations manager of waterworks and a 311 director (House, No. 4643) [Local Approval Received].

By Ms. Rivera of Springfield, for the committee on Public Safety and Homeland Security, on a petition, a Bill allowing the release of police reports to school administrators (House, No. 1916).

By the same member, for the same committee, on a petition, a Bill relative to public safety (House, No. 3969).

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill pertaining to firefighters injuries (House, No. 303).

By the same member, for the same committee, on a petition, a Bill to make provisional employees in the labor service permanent employees (House, No. 339).

By the same member, for the same committee, on a petition, a Bill relative to employees of sheriff's departments (House, No. 426).

By the same member, for the same committee, on a petition, a Bill pertaining to the rights of firefighters and police officers (House, No. 487).

By the same member, for the same committee, on a petition, a Bill relative to certain members of the Cambridge retirement system (House, No. 4460) [Local Approval Received].

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

Milford, liquor license.

Elder abuse, records.

Wayland, wastewater management.

Topsfield, public works.

Somerville, inspectional services.

Somerville, charter.

Somerville, operations manager.

Schools, police reports.

Firefighters, minimum.

Firefighters, injury.

Labor service, provisional employees.

Employees, Sheriff's Departments.

Firefighters and police.

Cambridge retirement.

Emergency Measure.

Marie Cantave-
Kenney,
sick leave.

The engrossed Bill establishing a sick leave bank for Marie Cantave-Kenney, an employee of the Trial Court (see House, No. 4653, 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 4 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Bills
enacted.

Engrossed bills

Authorizing abatement of certain property tax assessments in the town of Williamsburg (see Senate, No. 1694) (which originated in the Senate);

Expanding the use of community preservation funds. (see House, No. 1680);

Relative to parole violations (see House, No. 1821);

Establishing a medical expenses trust fund in the town of Brookline for injured firefighters and police officers (see House, No. 4122); and

Establishing a town administrator in the town of Hanson (see House, No. 4524);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

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

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