

# JOURNAL OF THE HOUSE.

Thursday, March 31, 2005.

Met at twenty minutes past eleven o'clock A.M.

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

Prayer.

Eternal God, the Ultimate Source of Compassion and Truth, we try each day to serve You, Our Creator, our family and constituents in a respectful and conscientious manner. To be effective and focused leaders in addressing each day's tasks and responsibilities, we depend upon Your always available assistance and direction. Your spiritual gift of wisdom enables us to make sound judgements and wise decisions as we evaluate the ethical content and consequence of the day's complex, often new, proposed legislation. In the process of forming public policy, may we be guided by our own philosophical, political and religious principles, beliefs and values. Help us to recognize and serve the many human and spiritual needs of people in today's changing world and changing communities.

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 Speaker, the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### Messages from the Governor.

Webster, validate acts.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken by the town of Webster open town meeting (House, No. 2608) was filed in the office of the Clerk on Wednesday, March 30.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Senior citizens, tax relief.

A message from His Excellency the Governor recommending legislation relative to senior citizen tax relief (House, No. 2609) was filed in the office of the Clerk on Wednesday, March 30.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Revenue. Sent to the Senate for concurrence.

### Statement Concerning Representative Walrath of Stow.

Statement concerning Representative Walrath of Stow.

During the session, a statement of Mr. Rogers of Norwood concerning Mrs. Walrath of Stow 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, Mrs. Walrath of Stow, will not be present in the House Chamber for today's sitting due official business outside of the State House. Any roll calls that she may miss today will be due entirely to the reason stated.

### Statement of Representative Kaufman of Lexington.

A statement of Mr. Kaufman of Lexington 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 I will not be present in the House Chamber for a portion of today's sitting due to official business outside of the State House. Any roll calls that I may miss today will be due entirely to the reason stated.

Statement of Representative Kaufman of Lexington.

### Resolutions.

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

Resolutions (filed by Mr. Peterson of Grafton) recognizing the Grafton Lions Club for fifty years of dedicated service to the town of Grafton;

Grafton Lions Club.

Resolutions (filed by Mr. Peterson of Grafton) congratulating the Whitinsville-Christian School "Crusaders" basketball team on winning the 2005 Division III state championship;

Whitinsville-Christian School.

Resolutions (filed by Mr. Driscoll of Braintree) congratulating Francis Edward Morrissey, Jr. on receiving the Eagle Award of the Boy Scouts of America;

Francis Edward Morrissey, Jr.

Resolutions (filed by Mr. Falzone of Saugus) congratulating Richard P. Field III on receiving the Eagle Award of the Boy Scouts of America;

Richard P. Field III.

Resolutions (filed by Mr. Falzone of Saugus) congratulating Keith L. Gagne on receiving the Eagle Award of the Boy Scouts of America;

Keith L. Gagne.

Resolutions (filed by Messrs. Kafka of Stoughton, Galvin of Canton and Kennedy of Brockton) congratulating Donald Goldberg on the occasion of his retirement;

Donald Goldberg.

Resolutions (filed by Mr. Koczera of New Bedford) congratulating Donald J. Dandurand on his retirement after serving forty-three years of public service as call member of the Acushnet Fire Department;

Donald J. Dandurand.

Resolutions (filed by Mr. Koczera of New Bedford) congratulating Leo Rodeillat of New Bedford during his decade of service as President of the Greater New Bedford Track Club;

Leo Rodeillat.

Resolutions (filed by Mr. Kujawski of Webster) congratulating the Bartlett Junior-Senior High School varsity cheerleading squad on their triumphant 2004-2005 cheerleading season;

Bartlett Junior-Senior High School.

Resolutions (filed by Mr. Vallee of Franklin) congratulating the Franklin Lions Club on its sixtieth anniversary; and

Franklin Lions Club.

Resolutions (filed by Mr. Walsh of Boston and other members of the House) congratulating Joseph W. Nigro, Jr., on the occasion of his retirement;

Joseph W. Nigro, Jr.

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

Communication.

Fee increases, notice.

A communication from the Executive Office for Administration and Finance (under the provisions of Section 3B of Chapter 7 of the General Laws) relative to proposed changes in fees for licenses, permits and services to be charged by certain state agencies, was placed on file.

Petition.

Michelle Sharac, sick leave bank.

Mr. Kocot of Northampton presented a petition (subject to Joint Rule 12) of Peter V. Kocot and Stanley C. Rosenberg for legislation to establish a sick leave bank for Michelle Sharac, an employee of the Trial Court of the Commonwealth; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Papers from the Senate.

Reports

Correctional facilities, inspection reports.

Of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities in the Commonwealth, severally were spread upon the records of the House, as follows:

Of the Essex County Correctional Facility, in the town of Middleton; and

Of the Middlesex County Jail, in the city of Cambridge;

Severally were spread upon the records of the House; and returned to the Senate.

Governor's message, Webster

A Bill relative to the placement of an office on the 2005 annual election ballot in the town of Webster (printed in Senate, No. 2030) (on a message from His Excellency the Governor), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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 Mr. Kujawski of Webster, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, the bill (having been 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, its title having been changed by said committee to read: "An Act validating the actions taken at a certain election held in the town of Webster."

A Bill promoting stem cell research (Senate, No. 2032) (on Senate bill No. 2028), passed to be engrossed by the Senate, was read.

Stem cell research.

Mr. Petrolati of Ludlow moved that the rules be suspended in order that the bill might be read a second time forthwith.

Pending the question on suspension of the rules, Mr. Jones of North Reading 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.

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.

Quorum, yea and nay No. 12.

[See Yea and Nay No. 12 in Supplement.]

Therefore a quorum was present.

After debate on the question on suspension of the rules, 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 129 members voted in the affirmative and 25 in the negative.

Rules suspended, yea and nay No. 13.

[See Yea and Nay No. 13 in Supplement.]

Therefore the rules were suspended.

The bill then was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Bosley of North Adams moved that it be amended by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2027, changed in section 2, in line 3, in section 3, in lines 7 and 8, in section 4, in lines 5 and 7, in section 17, in lines 5 and 7, and also in section 20, in line 8, by striking out the following: "111J" and inserting in place thereof, in each instance, the following: "111L"; in section 2, in line 22, by striking out the word "remuneration" and inserting in place thereof the words "valuable consideration", in line 76, by striking out the words "and use", and in lines 333 to 337, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"Section 9. The department shall enforce the provisions of this chapter and shall adopt regulations, with the advice of the biomedical research advisory council, relating to the administration and enforcement of this chapter."; by striking out the title and inserting in place thereof the following title: "An Act relative to biotechnology."; 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 to forthwith regulate biotechnology in the Commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience."

Pending the question on adoption of the amendments, Mr. Peterson of Grafton moved that further consideration thereof be postponed until Monday, May 2.

Motion to postpone negatived, yea and nay No. 14.

After debate on the motion to postpone, 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 24 members voted in the affirmative and 130 in the negative.

**[See Yea and Nay No. 14 in Supplement.]**

Therefore the motion to postpone was negatived.

Mr. Peterson of Grafton then moved that the bill be referred to the committee on Public Health.

Motion to refer to Public Health negatived, yea and nay No. 15.

After debate on the motion to refer the subject-matter to the committee on Public Health, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 26 members voted in the affirmative and 130 in the negative.

**[See Yea and Nay No. 15 in Supplement.]**

Therefore the motion to refer the bill to the committee on Public Health was negatived.

Mr. Loscocco of Holliston then moved that the amendments offered by Mr. Bosley be amended by striking out the proposed substitute text and inserting in place thereof a new text.

Further 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 the same member; and on the roll call 31 members voted in the affirmative and 125 in the negative.

**[See Yea and Nay No. 16 in Supplement.]**

Therefore the further amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved that the amendments be amended by striking out the proposed substitute text and inserting in place thereof a new text.

Further amendment rejected, yea and nay No. 17.

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 45 members voted in the affirmative and 111 in the negative.

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

Therefore the further amendment was rejected.

The amendments offered by Mr. Bosley of North Adams then were adopted; and the bill (Senate, No. 2032, amended) was ordered to a third reading.

*Reports of Committees.*

Westport, conservation land.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Westport to convey certain conservation land to the board of selectmen for the purpose of construction a public safety complex (House, No. 1726) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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 Mr. Rodrigues of Westport, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Honan of Boston, for the committee on Housing, on House, No. 1720, a Bill relative to financing the production of affordable housing (House, No. 2610) [Bond Issue: \$200,000,000.00]. Read; and referred, under Joint Rule 1F, to the committee on Bonding, Capital Expenditures and State Assets.

Affordable housing, financing.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill amending the representative town meeting act for the town of Belmont (House, No. 1725) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Belmont, town meeting.

*Engrossed Bills — Land Takings.*

The engrossed Bill authorizing the conservation commission of the town of Reading to grant certain easements (see House, No. 36) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Reading, easements.

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 154 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking), yea and nay No. 18.

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

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

*Engrossed Bill — Land Taking.*

The engrossed Bill authorizing the city of Waltham to construct a veterans memorial and community bandstand and to install certain plaques on open space land (see House, No. 1719) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Veterans memorial, Waltham.

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 154 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking), yea and nay No. 19.

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

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

*Recesses.*

At twenty-nine minutes after four o'clock P.M., on motion of Mr. Tobin of Quincy, the House recessed until a quarter after five o'clock; and at twenty-five minutes after five o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recesses.

The Chair thereupon declared a further recess until six o'clock; and at that time the House was called to order with Mr. Petrolati in the Chair.

The Chair thereupon declared a further recess until half past six o'clock; and at nineteen minutes before seven o'clock the House was called to order with the Speaker in the Chair.

*Orders of the Day.*

House bills

Authorizing Matthew Conlon to take a civil service examination for the position of police officer notwithstanding the maximum age requirement (House, No. 450);

Exempting Shawn McClusky from the age requirements of the civil service law for the town of Billerica (House, No. 1264); and

Exempting Anthony D. Fontana from the age requirements of the civil service law for the town of Billerica (House, No. 2600);

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

Second  
reading  
bills.

Biotechnology,  
stem cells.

The Senate Bill relative to biotechnology (Senate, No. 2032, amended) (its title having been changed by amendment by the House), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of the rules, on motion of Mr. Bosley of North Adams.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Ms. Fox of Boston and other members of the House moved that it be amended in lines 321 to 332, inclusive (as printed in Senate document numbered 2027), by striking out the two paragraphs contained therein and inserting in place thereof the following three paragraphs:

“(c) The council shall investigate the implementation of this chapter and the conduct of research, including but not limited to, issues relative to the age, race, ethnicity and insurance status of the donor. Said investigation shall also include an analysis of ways to encourage disproportionately impacted populations’ participation in, and benefit from, embryonic stem cell research, including requiring the IRB to develop methods for such participation.

(d) The council shall submit an annual report of its findings, conclusions, proposals, and recommendations as provided in subparts (b) and (c) of this section no later than the first day of January. Said report shall be submitted to the president of the senate, the speaker of the house, the house and senate chairs of the joint committee on economic development and emerging technologies, the clerk of the senate and the clerk of the house.

(e) Each member of the council shall serve without compensation for a term of three years, or until his successor is appointed. A chairman of the council shall be elected annually from the membership. The department shall provide administrative support to the council as requested.”

The amendment was adopted.

Representatives Fox and Story of Amherst then moved that the bill be amended in section 2, in line 315 (as printed in Senate document numbered 2027) by inserting after the word “development” the words “; provided, however, that the appointing authorities shall give due consideration to the ethnic and racial composition of the council”.

After remarks the amendment was adopted.

Ms. Wolf of Cambridge and other members of the House then moved that the bill be amended in section 2, in line 42 (as printed in Senate document numbered 2027), by adding after the word “time” (the second time it appears) the following sentence: “Any informed consent whether written or oral shall be understandable to the donor or patient and shall include all reasonably foreseeable risks, discomforts, or benefits of the procedure to the donor or patient.”. After remarks the amendment was adopted.

After debate, Ms. Jehlen of Somerville moved that the bill be amended in section 2, in line 42 (as printed in Senate document numbered 2027), by inserting after the word “time” (the second time it appears) the following: “; provided further, that information on drugs used shall include whether the drugs have been approved by the FDA”. After debate the amendment was adopted.

Ms. Jehlen of Somerville and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 23. Institutional Review Boards shall provide for five-year monitoring of the health of the donors of any oocytes used in research, through such means as yearly questionnaires. Such continued participation shall be voluntary for the donors. Each Board shall make yearly reports to the Department of Public Health, which shall report to the biomedical research advisory council and the food and drug administration on the results of all such monitoring.”.

After remarks the amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended in section 2, in lines 282 to 315 inclusive (as printed in Senate document numbered 2027), by striking out the paragraph contained therein (previously amended by the House) and inserting in place thereof the following paragraph:

“(a) There is hereby established a biomedical research advisory council. Said council shall consist of 15 members including 5 appointed by the governor; one of whom shall be the Secretary of Health and Human Services, or his designee; one of whom shall be the Commissioner of the Department of Public Health, or his designee; one of whom shall be a scientist affiliated with the University of Massachusetts Medical School who has experience in biomedical research in the fields of cell differentiation, nuclear programming, tissue formation and regeneration, stem cell biology, developmental biology, regenerative medicine, or a related fields; one of whom shall be a physician licensed to practice in the Commonwealth; and one of whom shall have expertise in medical ethics and is affiliated with the University of Massachusetts; 4 appointed by the President of the Senate, one of whom shall be a scientist with experience in biomedical research in the fields of cell differentiation, nuclear

Biotechnology,  
stem cells.

programming, tissue formation and regeneration, stem cell biology, developmental biology, regenerative medicine, or related fields; one of whom shall be a physician licensed to practice in the Commonwealth; one of whom shall have expertise in medical ethics; one of whom shall be a member of the Massachusetts bar with a background in legal issues related to biotechnology, stem cell research, in vitro fertilization, or health law; 1 appointed by the minority leader of the senate who shall be a member of the public; 4 appointed by the Speaker of the House, one of whom shall be a scientist with experience in biomedical research in the fields of cell differentiation, nuclear programming, tissue formation and regeneration, stem cell biology, developmental biology, regenerative medicine, or related fields; one of whom shall be a member of the Massachusetts bar with a background in legal issues related to biotechnology, stem cell research, in vitro fertilization, or health law; one of whom shall be a person with a background in economic development; one of whom shall be a representative of the Biotechnology Center of Excellence Corporation; and 1 appointed by the minority leader of the house who shall be a member of the public.”

After remarks the amendment was adopted.

Bill passed  
to be  
engrossed,  
yea and nay  
No. 20.

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. Bosley of North Adams; and on the roll call 117 members voted in the affirmative and 37 in the negative.

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

Therefore the bill, as amended (for amendments, see text, title and emergency preamble contained in House document numbered 2792), was passed to be engrossed, in concurrence. The same member then moved that this vote be reconsidered, and the motion to reconsider was considered forthwith; and it was negatived. The bill (Senate, No. 2032, amended) then was sent to the Senate for concurrence in the amendments.

*Order.*

On motion of Mr. Petrolati of Ludlow,—

Next  
sitting.

*Ordered,* That when the House adjourns today, it adjourn to meet tomorrow at twelve o'clock noon.

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Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-nine minutes after eight o'clock P.M., on motion of Mr. Bosley of North Adams (the Speaker being in the Chair), the House adjourned, to meet tomorrow at twelve o'clock noon, in an Informal Session.