

# JOURNAL OF THE HOUSE.

Thursday, April 6, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Petrucci of Boston 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.

Gracious God, we thank You for our daily material and spiritual blessings and for the constitutional freedoms which we enjoy as citizens of this country. Our constitutions (state and federal) guarantee us the right to discuss and to disagree, hopefully in a respectful manner, on all issues and public policies. As elected leaders, in the changing world and culture, inspire us to be faithful to our high ideals, political and philosophical principles, religious beliefs and commitments and the common good of all. May we be thankful, too, for our great human and material resources.

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. Petrucci), 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:

Jessica Comeau.

Resolutions (filed by Mr. O'Brien of Kingston) congratulating Jessica Comeau on receiving the Girl Scout Gold Award from the Girl Scouts of the United States of America; and

George M. Hart.

Resolutions (filed by Mrs. Teahan of Whitman) congratulating George M. Hart for his outstanding service as Massachusetts District 33-S Governor of the Lions Club International;

Mrs. Harkins of Needham, 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. Donato of Medford, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### Petitions.

Petitions severally were presented and referred as follows:

Somerset, easements.

By Mrs. Haddad of Somerset, petition (accompanied by bill, House, No. 4842) of Joan M. Menard (by vote of the town) that the town of Somerset be authorized to lease and grant easements in certain land to Dominion Energy Brayton Point, LLC; and

Canton, land transfer.

By Mr. Galvin of Canton, petition (accompanied by bill, House, No. 4843) of William C. Galvin and Brian A. Joyce (by vote of the town) that the town of Canton be authorized to transfer the care,

custody and control of certain land to the board of selectmen of said town;

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Ms. Coakley-Rivera of Springfield, petition (subject to Joint Rule 12) of Cheryl Coakley-Rivera relative to the issuance of certificates by registers of probate for certain persons changing marriage names.

Marriage, name changes.

By Mr. Correia of Fall River, petition (subject to Joint Rule 12) of Robert Correia and others relative to criminal background record information checks of employees caring for elderly and disabled persons.

Criminal background checks.

By Mr. Donelan of Orange, petition (subject to Joint Rule 12) of Christopher J. Donelan for an appropriation of a certain sum of money for the Executive Office of Public Safety and Homeland Security to provide for an equipment grant program for fire departments in the Commonwealth.

Fire departments, grants.

By Mr. Driscoll of Braintree, petition (subject to Joint Rule 12) of Joseph R. Driscoll for legislation to regulate the procurement process for selection of architects, engineers and other professionals under the public procurement law of the Commonwealth.

Architects, selection.

By Mr. Fallon of Malden, petition (subject to Joint Rule 12) of Christopher G. Fallon for a legislative amendment to the Constitution relative to the retirement of judges.

Constitution, judges retirement.

By Mr. Finegold of Andover, petition (subject to Joint Rule 12) of Barry R. Finegold and others for legislation to expand the definition of "hate crimes" to include assault and battery upon homeless persons.

Homeless, hate crimes.

By Mr. Fresolo of Worcester, petition (subject to Joint Rule 12) of John P. Fresolo for legislation to establish a sick leave bank for Jamal Bonyani, an employee of the Highway Department of the Commonwealth.

Jamal Bonyani, sick leave.

By Mrs. Harkins of Needham, petition (subject to Joint Rule 12) of Lida E. Harkins and others for legislation to provide for the disposition of certain property at Medfield State Hospital.

Medfield Hospital, land disposition.

By Mr. Leary of Worcester, petition (subject to Joint Rule 12) of James B. Leary for legislation to establish a local library aid fund from the proceeds of a voluntary check-off donation on income tax returns.

Library aid fund, establishment.

By Mr. Murphy of Burlington (by request), petition (subject to Joint Rule 12) of James Mylett for legislation to require the placement of motor vehicle registration plates on the front and rear of such motor vehicles.

Motor vehicle plates.

By Mr. Pignatelli of Lenox, petition (subject to Joint Rule 12) of William Smitty Pignatelli for legislation to regulate the penalty for certain persons in possession of Class D controlled substances.

Controlled substances, violations.

By Mrs. Pope of Wayland, petition (subject to Joint Rule 12) of Susan W. Pope for legislation to regulate the cost of tuitions for students attending out of district schools.

School districts, tuition.

Turnpike  
steelworkers,  
Group 2.

By Mr. Walsh of Boston, petition (subject to Joint Rule 12) of John P. Fresolo and others for legislation to include certain steel workers employed by the Turnpike Authority in Group 2 of the public employees retirement law.

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

*Papers from the Senate.*

Mashpee,  
easement.

The House Bill authorizing the town of Mashpee to grant a certain easement (House, No. 4111) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. The town of Mashpee, acting by and through its board of selectmen, may grant an easement in, on, over and across a certain parcel of conservational agricultural land to the United States of America for the purpose of conducting environmental investigations and remediation activities with respect to a fuel spill. The parcel is shown as Tract No. 101E on a plan of land entitled ‘Easement Plan on Land in Mashpee, MA’, dated March 22, 2002 drawn by Norwood Engineering Company, Inc. The property shall be used solely for the purposes of conducting environmental investigations and remediation activities as described above. When the investigation and remediation have been completed, the easement shall be extinguished and the town of Mashpee shall use the property thereafter solely for conservation, agricultural and open space purposes.

SECTION 2. This act shall take effect upon its passage.”

Under suspension of Rule 35, on motion of Mr. Patrick of Falmouth, 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*

Alewife area,  
study.

Requiring a study by the Executive Office of Transportation of the Alewife area (Senate, No. 1909, amended in section 1, in line 6, by inserting after the word “Belmont.” the following sentence: “The department of highways shall bear the cost of the studies required by this section.”; and by striking out the following title: “An Act relative to a study by the Executive Office of Transportation and Construction.” and inserting in place thereof a new title (on a petition);

Modifying the retirement benefits of certain widows and surviving spouses (Senate, No. 2481) (on Senate bill, No. 1567);

Protecting the public water supply (Senate, No. 2482) (on Senate bill, No. 479);

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*

Community  
preservation.

Clarifying the community preservation act (Senate, No. 167) (on a petition);

Apprentice  
training.

Further regulating apprentice training (Senate, No. 1086) (on a petition);

Trash,  
removal.

Authorizing boards of health to regulate the hours of collection of certain trash (Senate, No. 1173) (on House, No. 2669);

Regarding medical record retention requirements (Senate, No. 1292) (on a petition);

Further regulating funeral processions (Senate, No. 2483) (on Senate bill, No. 2346);

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.

Medical  
records.

Funeral  
processions.

A report of the committee on Health Care Financing, asking to be discharged from further consideration of the Senate Bill requiring pharmacies to inform the Department of Public Health of medication dispensing errors (Senate, No. 2434), and recommending that the same be recommitted to the committee on Elder Affairs,— 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.

Medication  
errors,  
reporting.

*Reports of Committees.*

By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4839) of Robert J. Nyman relative to penalties for disturbing military funerals or memorial services,— and recommending that the same be referred to the committee on Veterans and Federal Affairs. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Military  
funerals,  
disturbance.

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 kindergarten registration (House, No. 1040);

Of the Bill relative to public safety. (House, No. 3969); and

Of the Bill to clarify the community preservation laws (House, No. 4021);

And recommending that the same severally be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Kindergarten.

Fire fighters.

Community  
preservation.

By Mr. Petrucci of Boston, for the committee on Election Laws, on House, Nos. 45, 55, 61, 62, 69, 70, 76, 78, 81, 83, 85, 86, 87, 88, 89, 90, 91, 95, 96, 100, 107, 113, 114, 116, 128, 129, 130, 131, 134, 136, 137, 3440, 3441 and 3886, an Order relative to authorizing the committee on Election Laws to make an investigation and study of certain House documents concerning campaign finance, voter registration and other related matters (House, No. 4837).

Election  
Laws,  
study.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on Senate, Nos. 1738, 1741, 1753, 1758, 1760, 1763, 1775 and 1784 and House, Nos. 1646, 1650, 1651, 1657, 1660, 3456, 3468, 3471, 3479, 3488, 3495, 3496, 3498, 3524, 3622, 4027 and 4029, an Order relative to authorizing the committee on State Administration and Regulatory Over-

Public  
construction,  
study.

Public  
construction,  
study.

sight to make an investigation and study of certain Senate and House documents concerning public construction issues (House, No. 4838).

Severally 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, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

House bills

Education,  
employees.

To clarify the rights of employees in education collaboratives (House, No. 1113);

Motor vehicle  
licenses.

Relative to the use of out-of-state motor vehicle licenses as valid identification (House, No. 2218);

Taxes.

Relative to payment agreements for local taxes (House, No. 2463);

Dumping.

Relative to illegal dumping in the city of Chelsea (House, No. 3184)

[Local Approval Received];

Somerville.

Placing the health inspector under the supervision of the division of inspectional services in the city of Somerville (House, No. 4641)

[Local Approval Received];

ri

Amending the charter of the city of Somerville (House, No. 4642)

[Local Approval Received];

ri

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]; and

Selectmen.

Further regulating the number of selectmen in towns (House, No. 4675);

Severally placed in the Orders of the Day for the next sitting for a second reading.

#### *Emergency Measure.*

Simulcasting,  
extend.

The engrossed Bill extending simulcasting of horse and greyhound racing (see House, No. 4804, 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 2 to 0. Sent to the Senate for concurrence.

Bill  
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

#### *Orders of the Day.*

Third  
reading  
bill.

The Senate Bill creating a board of registrars in the town of Swampscott (Senate, No. 2270), 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.

The House Bill relative to reduction in rank for members of the fire department of the town of Swampscott (House, No. 4184), 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. Sent to the Senate for concurrence.

Third  
reading  
bill.

#### *Order.*

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.

Next  
sitting.

---

At a quarter after eleven o'clock A.M., on motion of Mr. Donato of Medford (Mr. Petruccelli of Boston being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M.