

JOURNAL OF THE HOUSE.

Monday, April 10, 2006.

Met according to adjournment, at eleven o'clock A.M., 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:

Prayer.

Eternal God, the Lord of History, we pray to You for guidance and to reflect on spiritual realities and values at the beginning of today's legislative session. This week many Christians and the Jewish Community throughout the world are observing and celebrating significant religious historical events. Christians during this week of holy observances and preparing for Easter, the feast of the Resurrection. The Jewish Community is about to observe Passover, the exodus from slavery to freedom. May the religious spirit which both observances stir up in our hearts and minds remain with us always.

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

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

Constables, payments.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill modifying the schedule for deposits of revenue for the service of civil process by constables [see House, No. 3576] (for message, see House, No. 4845) was filed in the office of the Clerk on Friday, April 7.

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. Jones of North Reading, to the committee on Bills in the Third Reading.

Statement of Representative DeLeo of Winthrop.

A statement of Mr. DeLeo of Winthrop was spread upon the records of the House, as follows:

Statement of Representative DeLeo of Winthrop.

MR. SPEAKER: I would like to call to the attention of the House the fact that during the sitting of Tuesday last, April 4, I was present in the House Chamber during the taking of Yea and Nay No. 367. However, I now find that I was inexplicably not recorded on that quorum roll call.

Statement Concerning Representative Owens-Hicks of Boston.

A statement of Mr. Rushing of Boston concerning Mrs. Owens-Hicks 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 Owens-Hicks of Boston will not be present in the House Chamber for today's sitting due to a family obligation out of state. Any roll calls that she may miss today is due entirely to the reason stated.

Statement concerning Representative Owens-Hicks of Boston.

Statement of Representative Parente of Milford.

A statement of Mrs. Parente of Milford 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 I will not be present in the House Chamber for the remainder of today's sitting due to a previously scheduled commitment to speak before a group of senior citizens at Brooksby Village in the city of Peabody. Any roll calls that I may miss today will be due entirely to the reason stated.

Statement of Representative Parente of Milford.

Statement Concerning Representative Petersen of Marblehead.

A statement of Mr. Rushing of Boston concerning Mr. Petersen of Marblehead 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 Petersen of Marblehead will not be present in the House Chamber for today's sitting due to an unexpected family matter out of state. Any roll calls that he may miss today is due entirely to the reason stated.

Statement concerning Representative Petersen of Marblehead.

Resolutions.

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

Resolutions (filed by Messrs. Atsalis of Barnstable and Canessa of New Bedford) congratulating Roger H. Desrosiers on the occasion of his retirement;

Roger H. Desrosiers.

Resolutions (filed by Ms. Khan of Newton) congratulating Max Resnick on receiving the Eagle Award of the Boy Scouts of America; and

Max Resnick.

Resolutions (filed by Ms. Khan of Newton) congratulating Joshua Sowalsky on receiving the Eagle Award of the Boy Scouts of America;

Joshua Sowalsky.

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. Spellane of Worcester, 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 further regulating the Cherry Valley and Rochdale Water District (House, No. 1290) (its title having been changed by

Cherry Valley/Rochdale Water District.

the House committee on Bills in the Third Reading) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 8, striking out the word “, individual”.

Under suspension of Rule 35, on motion of Mr. Binienda of Worcester, the amendment (reported by said committee to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Bills

Authorizing private road betterment borrowing by the town of Brewster (Senate, No. 1198) (on a petition) [Local Approval Received];

Further regulating drag racing in the city of Taunton (Senate, No. 2084) (on a petition) [Local Approval Received];

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.

A petition of Susan C. Fargo for legislation to authorize arbitration of the termination of Stephen Scanlon by the Sheriff of Suffolk County, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2488) was referred, in concurrence, to the committee on Public Service.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the Bristol County Jail, Ash Street Facility, in the city of New Bedford, was spread upon the records of the House; and returned to the Senate.

Reports of Committees.

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

Of the Bill to make provisional employees in the labor service permanent employees (House, No. 339);

Of the Bill allowing the release of police reports to school administrators (House, No. 1916); and

Of the Bill relative to records open to public inspection (House, No. 3484);

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.

By Mrs. Owens-Hicks of Boston, for the committee on Children and Families, on House, Nos. 1120, 2828, 2868, 3862 and 3867, an Order relative to authorizing the committee on Children and Families to make an investigation and study of certain House documents concerning the CHINS system and other related matters (House, No. 4846).

By Mr. Correia of Fall River, for the committee on Elder Affairs, on Senate, Nos. 375 and 427 and House, Nos. 2896, 2943 and 3882, an Order relative to authorizing the committee on Elder Affairs to make an investigation and study of certain House documents concerning elder affairs (House, No. 4847).

By Ms. Balsler of Newton, for the committee on Mental Health and Substance Abuse, on House, Nos. 1615, 2942 and 3447, an Order relative to authorizing the committee on Mental Health and Substance Abuse to make an investigation and study of certain House documents concerning mental health issues (House, No. 4848).

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on Senate, No. 2138 and House, Nos. 1626, 1627, 3563, 3596 and 4239, an Order relative to authorizing the committee on Municipalities and Regional Government be authorized to make an investigation and study of certain Senate and House documents concerning municipal issues (House, No. 4849).

By Mr. Koutoujian of Waltham, for the committee on Public Health, on House, Nos. 2572, 2711 and 4680, an Order relative to authorizing the committee on Public Health to make an investigation and study of certain House documents concerning public health in the Commonwealth (House, No. 4851).

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 said 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.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on House No. 2, reported, in part, a Bill making appropriations for the fiscal year 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4900).

[Direct Appropriations: \$23,920,275,463.00; Retained Revenue: \$1,350,740,710.00; Total: \$25,271,016,173.00]. 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; and, under the provisions of House order, No. 4844, amended, it was placed in the Orders of the Day for Monday, April 24, 2006, for a second reading.

By Mr. Koutoujian of Waltham, for the committee on Public Health, on Senate, No. 1254 and on House, Nos. 2701 and 3952, a Bill relative to shaken baby syndrome (House, No. 4855). Read; and referred, under Joint Rule 1E, to the committee on Healthcare Financing.

Elder Affairs,
study.

Mental Health
and Substance
Abuse,
study.

Municipalities
and Regional
Government,
study.

Public Health,
study.

General
Appropriation
Bill.

Shaken baby
syndrome.

Brewster,
private roads.

Taunton,
drag racing.

Stephen
Scanlon,
arbitration.

Bristol County
Jail,
inspection.

Labor service.

Schools,
police reports.

Public
records.

Children
and
Families,
study.

*Emergency Measure.*Stoughton,
land
conveyance.

The engrossed Bill requiring the Division of Capital Asset Management and Maintenance to convey certain land to the town of Stoughton (see House, No. 2798), 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 7 to 0. Sent to the Senate for concurrence.

*Engrossed Bill.*Bill
enacted.

The engrossed Bill establishing a board of registrars in the town of Swampscott (see Senate, No. 2270) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

House bills

Second
reading
bills.

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

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

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

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

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

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

Amending the charter of the city of Somerville to provide for an operations manager of waterworks and a 311 director (House, No. 4643); and

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

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

House
report.

The House report of the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 66) of Ellen Story and others for legislation to provide for an "instant runoff voting" system for the ranking of candidates by preference in elections for Constitutional officers of the Commonwealth, was accepted.

Recess.

Recess.

At thirteen minutes after eleven o'clock A.M., on motion of Mr. O'Brien of Kingston (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of twelve o'clock noon; and at twenty minutes after twelve o'clock the House was called to order with Mr. Petrolati in the Chair.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the town of Mashpee to grant a certain easement (see House, No. 4111, amended) (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.

Mashpee,
easement.

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

Bill enacted
(land taking),
yea and nay
No. 380.**[See Yea and Nay No. 380 in Supplement.]**

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

Orders.

An Order (filed by Mr. Scaccia of Boston) relative to the procedures for consideration of the General Appropriation Bill for fiscal year 2007 (House, No. 4844), having been reported from the committee on Rules, under the provisions of House Rules 7B and 7C, was considered.

Budget,
procedures.

Pending the question on adoption of the order, Mr. Jones of North Reading and other members of the House moved that it be amended by adding at the end thereof the following paragraph:

Ordered. That notwithstanding any provision of this Order or the rules of the House to the contrary, no consolidated amendment to the General Appropriation Act offered by the committee on ways and means shall be considered by the House until the expiration of at least thirty minutes after the consolidated amendment shall have been first filed with the Clerk and made available to the members."

The amendment was adopted.

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; and on the roll call 127 members voted in the affirmative and 22 in the negative.

Order
adopted,
yea and nay
No. 381.**[See Yea and Nay No. 381 in Supplement.]**

Therefore the order (House, No. 4844, printed as amended) was adopted.

On motion of Mr. DiMasi of Boston,—

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

Next
sitting.

Mr. Tobin of Quincy then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at a quarter before one o'clock P.M. (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.