

JOURNAL OF THE HOUSE.

Thursday, April 13, 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.

God, Our Creator, we turn our attention to You and ask for Your guidance and assistance as we address the issues and our responsibilities of this and every day. For the next few days, people in our country and around the world are and will be celebrating special religious events, services and moments. We pray that the unique spirit of Easter and Passover fill our hearts and minds and unite our families and us, as a people, in pursuing the common good in our communities. Inspire us to strengthen our commitment to You and our religious beliefs and principles.

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.

Message from the Governor — Veto.

Health care, access.

A message from His Excellency the Governor returning with his objections thereto in writing sections 5, 27, 29, 47, 112, 113, 134 and 137 contained in the engrossed Bill promoting access to affordable, quality, accountable health care [see House, No. 4479, amended] (for message, see House, No. 4857) was filed in the Office of the Clerk on Wednesday, April 12.

The message was read; and it was referred, under House Rule 30, to the committee on Ways and Means.

Resolutions.

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

J. Ernest Rousseau.

Resolutions (filed by Miss Garry of Dracut) congratulating J. Ernest Rousseau on the occasion of his one hundredth birthday;

Jeffrey J. Allie.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Jeffrey J. Allie on the occasion of his retirement after thirty-three years with the Dighton Fire Department;

Armenian Genocide.

Resolutions (filed by Ms. Kaprielian of Watertown and other members of the House) on the occasion of the Day of Remembrance of the Armenian Genocide of 1915 to 1923;

Perkins School for the Blind.

Resolutions (filed by Representatives Kaprielian of Watertown and Koutoujian of Waltham) honoring the Alumni Association of Perkins School for the Blind;

Resolutions (filed by Mr. Marzilli of Arlington) in honor of A. Lee Ellis and Barbara Miller;

A. Lee Ellis and Barbara Miller.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Mr. and Mrs. Albert Fuller on the occasion of their fiftieth wedding anniversary;

Albert and Rosemary Fuller.

Resolutions (filed by Mr. Scaccia of Boston) commending Diane M. English, M.D. on the occasion of twenty-seven years as a board certified orthopedic surgeon and thirty-four years as a medical doctor; and

Diane M. English.

Resolutions (filed by Mr. Walsh of Boston) congratulating Esther Lerman on the occasion of her one hundredth birthday;

Esther Lerman.

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

Orders.

The following order (filed by Mrs. Walrath of Stow) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Health Care Financing be granted until Thursday, June 1, 2006, within which to make its final report on current Senate documents numbered 101, 104, 110, 134, 137, 138, 258, 279, 373, 374, 379, 381, 382, 399, 400, 405, 406, 407, 411, 413, 420, 432, 437, 517, 694, 1148, 1149, 1217, 1218, 1220, 1225, 1236, 1239, 1244, 1248, 1249, 1251, 1256, 1257, 1258, 1259, 1263, 1267, 1269, 1273, 1274, 1276, 1278, 1280, 1282, 1283, 1286, 1290, 1292, 1296, 1297, 1302, 1311, 1316, 1318, 1382, 1535, 2363, 2395, 2418, 2433 and 2434, and House documents numbered 458, 878, 1030, 1037, 1494, 1495, 1497, 1498, 1499, 1608, 1610, 1612, 1613, 2087, 2619, 2649, 2650, 2652, 2660, 2662, 2664, 2678, 2679, 2690, 2692, 2693, 2730, 2731, 2739, 2749, 2753, 2853, 2861, 2864, 2902, 3633, 3634, 4250, 4363, 4481, 4572, 4591, 4622, 4623, 4654, 4689, 4702, 4703, 4704, 4705, 4706, 4728, 4729, 4737, 4756, 4757 and 4806.

Health Care Financing committee, extension of time for reporting.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mrs. Walrath, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Balsler of Newton) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Mental Health and Substance Abuse be granted until Friday, May 26, 2006, within which to make its final report on current House document numbered 4772.

Mental Health and Substance Abuse committee, extension of time for reporting.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on

motion of Ms. Balsler, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Wagner of Chicopee) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Friday, April 28, 2006, within which to make its final report on current Senate document numbered 2315 and House document numbered 2216.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Wagner, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Communications.

Communication from the Division of Energy Resources of the Office of Consumer Affairs and Business Regulation (under the provisions of section 12 of Chapter 25A of the General Laws submitting proposed amendments to Regulation 9 (225 CMR 9.00) relative to energy efficiency standards, testing and certification of certain appliances (House, No. 4856) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Communications

From the Massachusetts Bay Transportation Authority (under the provisions of section 11 of Chapter 161A of the General Laws) detailing the actual net operating investment per passenger mile ratio for fiscal years 2004 through 2008; and

From the Department of Youth Services (under the provisions of Section 16 of Chapter 123A of the General Laws) in lieu of a report on the commitment of sexually dangerous persons;

Severally were placed on file.

Annual and Special Reports.

Annual reports

Of the Massachusetts Bay Transportation Authority (under the provisions of Subsection 5(h) of Section 151 of Chapter 127 of the Acts of 1999) submitting a report of its operations for the calendar year 2005;

Of the Committee for Public Counsel Services (under the provisions of Chapter 211D of the General Laws) relative the department case responsibilities for fiscal year 2005; and

Of the State Lottery Charitable Gaming Division (under the provision of Section 38 of Chapter 10 of the General Laws) for the fiscal year 2005;

Quarterly report of the Massachusetts Turnpike Authority (under the provisions of Section 9 of Chapter 87 of the Acts of 2000) on the status of the Central Artery/Ted Williams Tunnel Projects; and

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 February, 2005;

Severally were placed on file.

Papers from the Senate.

An order came from the Senate with the endorsement that it had been adopted by said branch, as follows:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Thursday, May 4, 2006, within which time to make its final report on current Senate number 2399 and current Senate number 2400.

Under suspension of the rules, on motion of Mrs. Teahan of Whitman, the order was considered forthwith; and it was adopted, in concurrence.

A Bill increasing the speed limit for boating within the Narrows in Glen Echo Lake (Senate, No. 2238, changed in section 1, in line 5, by striking out the figures "160" and inserting in place thereof the figures "120") (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A report of the Massachusetts Capital Resource Company (under the provisions of Section 20 of Chapter 816 of the Acts of 1977) submitting its twenty-ninth annual report (Senate, No. 2456) was referred, in concurrence, to the committee on Revenue.

A petition (accompanied by bill, Senate, No. 2486) of Marc R. Pacheco, James H. Fagan, Patricia A. Haddad and Stephen R. Canessa (with approval of mayor and city council) for legislation to authorize the appointment of Lori Moniz as a reserve police officer for the city of Taunton, was referred, in concurrence, to the committee on Public Service.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2491) of Stephen M. Brewer and Lewis G. Evangelidis for legislation to amend the enclosure for public and semipublic outdoor inground swimming pools. To the committee on Public Safety and Homeland Security.

Petition (accompanied by bill, Senate, No. 2492) of Michael R. Knapik and John W. Scibak for legislation to provide for a partial release of certain land in Easthampton from the operation of an agricultural preservation restriction. To the committee on Bonding, Capital Expenditures and State Assets.

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

Unemployment
Insurance
Trust Fund.

Transportation
committee,
extension
of time for
reporting.

Transportation
committee,
extension
of time for
reporting.

Energy
efficiency
standards.

Glen Echo
Lake,
motorboats.

Operating
investment
per passenger.

Capital
Resource
Company.

Youth Services
Department.

Lori
Moniz,
Taunton
Police.

M.B.T.A.

Pools,
enclosures.

Public
Counsel
Services.

Easthampton,
land.

State
Lottery.

Central
Artery.

Lottery
funds,
distribution.

Lottery
funds,
distribution.

Joint Rule 12 be suspended on the petition of Bradley H. Jones, Jr., and others relative to increasing the distribution of State Lottery funds to the cities and towns of the Commonwealth. Under suspension of the rules, on motion of Mrs. Harkins of Needham, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Ways and Means. Sent to the Senate for concurrence in the suspension of Joint Rule 12.

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:

Pentucket
School
District.

Petition (accompanied by bill) of Harriett L. Stanley and others relative to the financial conditions in the Pentucket Regional School District. To the committee on Education.

Real
property,
valuation.

Petition (accompanied by bill) of Paul C. Casey relative to the valuation of real property in the cities and towns of the Commonwealth. To the committee on Revenue.

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

Supplemental
appropriations.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on House No. 4796, reported, in part, a Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4859) [Total Appropriations: \$32,240,642.00]. 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.

Under suspension of the rules, on motion of Mrs. Paulsen of Belmont, the bill was read a second time forthwith; and it was ordered to a third reading.

Under suspension of the rules, on motion of Mr. DeLeo of Winthrop, 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. Sent to the Senate for concurrence.

Denise
Gamache,
sick leave.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing a sick leave bank for Denise Gamache, an employee of the Department of Revenue (Senate, No. 2248, amended) ought to pass. 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 Rule 7A, on motion of Mrs. Harkins of Needham, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently the noon recess having terminated, 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.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the following bills ought to pass:

Bill relative to mental health (House, No. 1616, changed) [Cost: \$40,000,000.00.]; and

Bill relative to develop a program of public education about long-term care (House, No. 2917) [Cost: \$150,000.00.];

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

By Mr. Mariano of Quincy, for the committee on Financial Services, on House, No. 2983, a Bill providing for health care coverage for certain prosthetic devices (House, No. 4858).

By Mr. Koutoujian of Waltham, for the committee on Public Health, on a petition, a Bill establishing safe prescription practices (House, No. 2733).

By the same member, for the same committee, on a petition, a Bill relative to the authority of the Disabled Persons Protection Commission (House, No. 2847).

By the same member, for the same committee, on a petition, a Bill relative to the authority of the Disabled Persons Protection Commission (House, No. 2848).

By the same member, for the same committee, on a petition, a Bill relative to the disclosure of information held by the Disabled Persons Protection Commission (House, No. 2849).

By the same member, for the same committee, on a petition, a Bill regarding the definition of "disabled person" as used by the Disabled Persons Protection Commission (House, No. 2850).

By the same member, for the same committee, on a petition, a Bill providing for an investigation and study by a special commission to study the needs of the elderly blind and visually impaired citizens of the Commonwealth (House, No. 2851).

By the same member, for the same committee, on a petition, a Bill relative to the reduction of medical errors (House, No. 3129).

By the same member, for the same committee, on a petition, a Bill relative to the Massachusetts Commission on End of Life Care (House, No. 3641).

Severally read; and referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on House, Nos. 2882, 2890 and 2892, a Bill to increase the personal care allowance for residents of long-term care facilities (House, No. 2890) [Federal Matching Funds: \$5,000,000.00-Net State Cost: \$2,500,000.00].

By Mr. Kaufman of Lexington, for the committee on Public Service, on a recommitted petition, a Bill for a special law re: creditable service of certain employees of the city of Boston (House, No. 3232).

Veterans,
businesses.

By Mr. Verga of Gloucester, for the committee on Veterans and Federal Affairs, on a petition, a Bill relative to veteran-owned small businesses (House, No. 4743).

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

Engrossed Bills.

Bill
enacted.

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

Bills
enacted.

Engrossed bills
Relative to the Cherry Valley and Rochdale Water District (see House, No. 1290, amended); and
Designating a certain bridge in the towns of Scituate and Marshfield as the Sergeant Michael Jason Kelley Memorial Bridge (see House, No. 4742);
(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.

Recess.

Recess.

At twenty-four minutes before twelve o'clock noon, on motion of Mrs. Harkins of Needham (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at thirteen minutes before two o'clock the House was called to order with Mr. Donato in the Chair.

Emergency Measure.

Supplemental
appropriations.

The engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4859), 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 3 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.

Order.

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

At five minutes before two o'clock P.M., on motion of Mrs. Harkins of Needham (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Tuesday next at eleven o'clock A.M., in an Informal Session.