

JOURNAL OF THE HOUSE.

Tuesday, April 22, 2008.

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:

God of Goodness and Truth, in prayer we open our hearts and minds to You and Your guidance as we prepare to take up the matters on today's legislative and administrative agenda. Inspire us to make fair, rational and thoughtful decisions. Today, people around the world are considering and discussing the beauty, purpose and complexity of our earth and the importance of our rich, but limited, natural resources. Inspire us to develop programs, not empty slogans, which will protect our resources and our earth for the present time and for the future well-being of our children.

Grant Your blessings to the Speaker, the members and employees of the House and their families. Amen.

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.

Resolutions.

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

Resolutions (filed by Mr. Brownsberger of Belmont) congratulating Henry L. Hall on the occasion of his retirement as Belmont Town Moderator;

Resolutions (filed by Mr. Brownsberger of Belmont) congratulating Peter B. Holland on the occasion of his retirement as superintendent of the Belmont Public Schools;

Resolutions (filed by Mr. Brownsberger of Belmont) congratulating Dr. Paul Solomon on the occasion of his retirement from the Belmont Board of Selectmen;

Resolutions (filed by Representatives Callahan of Sutton and Kujawski of Webster) congratulating Superintendent Lawrence E. Bombara on the occasion of his retirement from the Uxbridge Department of Public Works;

Resolutions (filed by Mr. Costello of Newburyport) congratulating the Belleville Congregational Church on the occasion of its two hundredth anniversary celebration;

Resolutions (filed by Representatives L'Italien of Andover and Finegold of Andover) commending Veryl D. Anderson on thirty-five years of service and leadership at the Professional Center for Child Development;

Resolutions (filed by Mr. Nyman of Hanover) congratulating Sister Magdalena Paul on the occasion of her retirement from the Cardinal Cushing Centers; and

Sister Clarinda Zech.

Resolutions (filed by Mr. Nyman of Hanover) congratulating Sister Clarinda Zech on the occasion of her retirement from the Cardinal Cushing Centers;

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 Fagan of Taunton, 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 Mr. Honan of Boston) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Housing committee, extension of time for reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Housing be granted until Thursday, May 15, 2008, to make its final report on current the Senate documents numbered 759, 770, 772, 774, 782, 2152 and 2192 and current House documents numbered 1276, 1284, 1289, 1295, 3950, 4051 and 4433, relative to governmentally involved housing in the Commonwealth including home rule petitions for Quincy, Lowell, Salem, Boston, New Bedford and Lawrence.

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. Lepper of Attleboro, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

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

Environment, Natural Resources and Agriculture committee, extension of time for reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture be granted until May 15, 2008, the time with which to report on current House document numbered 4541.

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. Finegold of Andover, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Papers from the Senate.

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

Labor and Workforce Development, extension of time for reporting.

Ordered, That Notwithstanding the provisions of Joint Rule 10, the committee on Labor and Workforce Development be granted until May 19, 2008, the time within which to report on Senate document numbered 1055, relative to apprentice training and Senate document numbered 2476 relative high school plumbing projects.

Under suspension of the rules, on motion of Mr. Linsky of Natick, the order (having been approved by the committees on Rules of the two branches, acting concurrently), was considered forthwith; and it was adopted, in concurrence.

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

Petition (accompanied by bill, Senate, No. 2662) of Dianne Wilkerson, Patricia D. Jehlen, Edward M. Augustus, Jr., Marc R. Pacheco and other members of the General Court for legislation to require judicial foreclosure;

Judicial foreclosure.

Petition (accompanied by bill, Senate, No. 2663) of Dianne Wilkerson, Patricia D. Jehlen, Edward M. Augustus, Jr., Marc R. Pacheco and other members of the General Court for legislation Relative to a temporary moratorium on foreclosures; and

Foreclosures, temporary moratorium.

Petition (accompanied by bill, Senate, No. 2664) of Dianne Wilkerson, Patricia D. Jehlen, Edward M. Augustus, Jr., Marc R. Pacheco and other members of the General Court for legislation to require just cause for eviction and foreclosed properties;

Eviction, foreclosed properties.

Severally to the committee on Judiciary.

Petition (accompanied by bill, Senate, No. 2661) of Mark C. Montigny, Joan M. Menard, Michael J. Rodrigues, Robert M. Koczera and other members of the General Court for legislation to authorize the state retirement board to grant creditable service to Joan Casey-Amaral. To the committee on Public Service.

Joan Casey-Amaral, retirement.

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 Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of William Lantigua and others for legislation to establish a moratorium on foreclosures of certain property and providing for judicial review of all such mortgage foreclosures in the Commonwealth;

Foreclosures, moratorium.

Petition (accompanied by bill) of Elizabeth A. Malia and others for legislation to further regulate the eviction of tenants or occupants of foreclosed properties;

Foreclosures, evictions.

Petition (accompanied by bill) of Frank I. Smizik and others for legislation to require judicial review of foreclosures on residential mortgages; and

Foreclosures, judicial review.

Petition (accompanied by bill) of Anthony J. Verga for legislation to establish a sick leave bank for David Catanzaro, an employee of the Trial Court of the Commonwealth;

David Catanzaro, sick leave.

Severally to the committee on Judiciary.

Joint petition (accompanied by bill) of Kevin Aguiar and others for legislation to establish a sick leave bank for Manuel M. Affonso, Jr., an employee of the Department of Correction. To the committee on Public Service.

Manuel Affonso, sick leave.

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

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, asking to be discharged from further consideration of the Order relative to authorizing the committee on Municipalities and Regional Government to make an investigation

Municipal contracts.

Municipal contracts. and study of certain House documents concerning contracts for assessors, treasurers and collectors and other related matters (House, No. 4050),— and recommending that the same be recommitted to the committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

Medford, liquor licenses. By Mr. Rodrigues of Westport, for the committee on Consumer Protection and Professional Licensure, on House, No. 4648, a Bill increasing the number of licenses for the sale of wines and malt beverages in the city of Medford from fifteen to twenty five (House, No. 4697) [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. Hynes of Marshfield, the bill was read a second time forthwith; and it was ordered to a third reading.

Housing projects, smart growth. By Mr. Walsh of Lynn, for the committee on Community Development and Small Business, on a petition, a Bill establishing a special task force to study smart growth housing projects (House, No. 162).

Job creation, study. By Mr. Torrisi of North Andover, for the committee on Labor and Workforce Development, on a joint petition, a Resolve supporting economic opportunities in the Commonwealth (House, No. 1870).

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

South Shore Development Corporation. By Mr. Walsh of Lynn, for the committee on Community Development and Small Business, on a petition, a Bill amending and restating in its entirety Chapter 301 of the Acts of 1998 authorizing the establishment of the South Shore Tri-Town Development Corporation (House, No. 4586).

Professional licensure. By Mr. Rodrigues of Westport, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill relative to professional licensure in the Commonwealth (House, No. 419).

Boston Edison Company, employee insurance. By Mr. Torrisi of North Andover, for the committee on Labor and Workforce Development, on a petition, a Bill relative to the medical insurance of certain employees of the Boston Edison Company (House, No. 1780).

Workforce training. Children. By the same member, for the same committee, on a petition, a Bill relative to the workforce training fund (House, No. 1800).

Unemployment insurance fraud. By the same member, for the same committee, on Senate, No. 1107 and House, No. 1809, a Bill relative to displaced workers (House, No. 1809).

By the same member, for the same committee, on a petition, a Bill relative to uninsured unemployment fraud (House, No. 1836, changed by striking out lines 1 and 2 and inserting in place thereof the following:

“SECTION 1. Chapter 151A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after Section 69D the following section:”).

Open meetings,

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on Senate, Nos. 1854, 1888 and 1900 and House, Nos. 3171, 3205 and 3260, a Bill regulating open meetings of state, local, and regional public bodies (House, No. 4696).

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill authorizing the Department of Highways and the town of Kingston to exchange a certain parcel of land (House, No. 4913) [Local Approval Received].

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

By Mr. Mariano of Quincy, for the committee on Financial Services, that the recommitted Bill to prevent the sharing of prescription data (House, No. 1005) ought to pass with certain amendments in section 2, in line 3, by striking out the word “insurer” and inserting in place thereof the words “medical service corporation”; in section 3, in line 3, by striking out the word “insurer” and inserting in place thereof the words “hospital service corporation”; and in section 5, in line 1, by striking out the figure: “176” and inserting in place thereof the figure: “176I”. Referred, under Joint Rule 1E, to the committee on Health Care Financing with the amendments pending.

By Mr. Bosley of North Adams, for the committee on Economic Development and Emerging Technologies, on Senate, No. 254, a Bill relative to biomedical research (House, No. 4695).

By Ms. Reinstein of Revere, for the committee on Elder Affairs, on Senate, No. 416 and House, No. 607, a Bill relative to reserving beds in nursing homes for residents during certain leaves of absence (House, No. 607).

By the same member, for the same committee, on Senate, No. 400 and House, No. 608, a Bill establishing a nursing facility conversion pilot program (House, No. 608).

By the same member, for the same committee, on a petition, a Bill establishing a hardship waiver for Medicaid beneficiaries (House, No. 614).

By the same member, for the same committee, on Senate, No. 389 and House, No. 618, a Bill relative to nursing home audit disallowances (House, No. 618).

By Mr. Mariano of Quincy, for the committee on Financial Services, on a petition, a Bill to insure consumer choice of nurse practitioner services (House, No. 921, changed in line 3 by striking out the following: “176Q” and inserting in place thereof the following: “176R” and in lines 13, 14 and 15 the following “a contributory group general or blanket insurance for persons in services of counties, cities, towns and districts and their dependents under chapter 32B;”).

By the same member, for the same committee, on a petition, a Bill relative to health insurance payments for nursing home workers (House, No. 984).

By the same member, for the same committee, on House, Nos. 985 and 1009, a Bill relative to patient care access (House, No. 985).

regulate.

Kingston,
Route 3
ramp.

Prescription data.

Biomedical
research.

Nursing
homes.

ii

ii

ii

Nurse
practitioner.

Nursing
home
workers.

Patient
care.

Optometrist mal-
practice.

Medical malpractice.

By the same member, for the same committee, on a petition, a Bill requiring insurers to report malpractice claims or actions for optometrists (House, No. 986).

Health care claims.

By the same member, for the same committee, on a petition, a Bill relating to medical malpractice liability of health professionals in emergency response (House, No. 1013).

Medical examinations.

By the same member, for the same committee, on Senate, No. 610 and House, No. 1019, a Bill related to insurance accountability (House, No. 1019).

Group health insurance.

By the same member, for the same committee, on a petition, a Bill relative to medical examinations (House, No. 1048).

Stress, insurance coverage.

By the same member, for the same committee, on a petition, a Bill relative to group health insurance (House, No. 1093, changed in section 6, in line 4, by striking out the word "retired" and inserting in place thereof the word "former").

Vision screening, children.

By the same member, for the same committee, on a petition, a Bill relative to post traumatic stress disorder (House, No. 1121).

Health insurance, claims.

By the same member, for the same committee, on a petition, a Bill providing for insurance coverage for vision screening for children (House, No. 3931).

Health insurance premiums.

By the same member, for the same committee, on a petition, a Bill to limit retroactive denials of health insurance claims (House, No. 3932).

Supplemental insurance coverage.

By the same member, for the same committee, on House, No. 935, a Bill relative to health insurance premiums (House, No. 4689).

Insurance company rebates.

By the same member, for the same committee, on House, No. 1025, a Bill relative to promoting supplemental insurance coverage (House, No. 4690).

Health plans, licensure.

By the same member, for the same committee, on House, No. 1031, a Bill relating to insurance company rebates (House, No. 4691).

Insurance, quality measures.

By the same member, for the same committee, on House, No. 3933, a Bill relative to the licensure of health plans (House, No. 4692).

Guardians, real estate sale.

By the same member, for the same committee, on House, No. 4174, a Bill relative to insurance companies and quality measures (House, No. 4693).

Mental Health.

By Mr. O'Flaherty of Chelsea, for the committee on Judiciary, on a petition, a Bill removing the requirement to provide notice to the Department of Mental Health of a license granted to a guardian to sell real estate (House, No. 312).

Youth Alcohol Program.

By Ms. Balsler of Newton, for the committee on Mental Health and Substance Abuse, on a petition, a Bill relative to creating a difficult to manage unit within the Department of Mental Health (House, No. 1883).

Substance abuse.

By the same member, for the same committee, on a petition, a Bill relative to the Youth Alcohol Education Program to reduce underage drinking and promote healthy choices (House, No. 1884, changed by striking out the sentence contained in lines 37, 38 and 39).

Mental Health.

By the same member, for the same committee, on a petition, a Bill relative to substance abuse awareness (House, No. 1885).

Mental illness services.

By the same member, for the same committee, on a petition, a Bill relative to inpatient admissions to psychiatric hospitals and facilities licensed by the Department of Mental Health (House, No. 1886).

By the same member, for the same committee, on a petition, a Bill relative to services for persons with mental illness who are living with older family members or primary caretakers (House, No. 1901, changed in line 7, by striking out the following: "reaches the age of 65, or" and inserting in place thereof the word "has", in line 8, by inserting after the word "circumstances" the word "which").

Bridgewater State Hospital.

By the same member, for the same committee, on a petition, a Bill relative to Bridgewater State Hospital (House, No. 2144).

Beds, publicly funded.

By the same member, for the same committee, on a petition, a Bill relative to publicly funded beds (House, No. 2150).

Insurers, adverse determinations.

By the same member, for the same committee, on a petition, a Bill to further define adverse determinations by insurers (House, No. 3534).

Protective custody.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to protective custody (House, No. 2304).

National Guard.

By Mr. Verga of Gloucester, for the committee on Veterans and Federal Affairs, on House, No. 3713, a Bill relative to exposures to hazardous materials by certain members of the National Guard (House, No. 4694).

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

Engrossed Bills.

Bills enacted.

Engrossed bills

Authorizing bilingual ballots in municipal elections in the city of Worcester (see Senate, No. 2362) (which originated in the Senate);

Relative to the appointment of retired police officers in the town of Westford (see House, No. 4463); and

Placing a certain question on the ballot of the November 2008 state election in the town of Palmer (see House, No. 4558);

(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.

Next sitting.

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.

At twenty-two minutes after eleven o'clock A.M., on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.