

JOURNAL OF THE HOUSE.

Monday, May 1, 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:

Gracious God, we pray for Your gift of wisdom as we address new and current legislative items on this first day of a new month. As elected leaders in whom the electorate depends for thoughtful decisions, inspire us to seek fairness and truth in dealing with this day's complex issues and policies. Teach us to be good listeners, logical thinkers, objective decision makers and compassionate legislators who are aware of people's needs. Help us to remain faithful to our principles, our values and our goals for seeking a safe, peaceful and prosperous society.

Grant Your blessings to the Speaker, the members and employees of this 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.

Silent Prayer.

At the request of Ms. Wolf of Cambridge, members, guests and employees stood in a moment of silent prayer in memory of John Kenneth Galbraith, who died Saturday, April 29, at Mount Auburn Hospital. Doctor Galbraith will be remembered as a legendary social scientist who brought flair and an outsized personality to a long career of service in politics and academia.

Resolutions.

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

Resolutions (filed by Representatives Lepper of Attleboro, Poirier of North Attleborough, Coppola of Foxborough and Travis of Rehoboth) recognizing Leo Yelle's one hundredth birthday;

Resolutions (filed by Ms. Blumer of Framingham and other members of the House) commending Temple Beth Am of Framingham on the occasion of its fiftieth anniversary;

Resolutions (filed by Mr. Quinn of Dartmouth) congratulating St. Mary's Parish and Church on the occasion of its seventy-fifth anniversary;

Resolutions (filed by Mr. Rice of Gardner) commending Ronald Reed on his twenty-eight years of outstanding service to the town of Ashburnham;

Resolutions (filed by Mr. Vallee of Franklin) congratulating Dennis J. Corrigan on being honored as District Deputy of the Knights of Columbus; and

Prayer.

Pledge of
allegiance.

John
Kenneth
Galbraith.

Leo
Yelle.

Temple
Beth Am.

Dartmouth,
St. Mary's
Church.

Ronald
Reed.

Dennis J.
Corrigan.

Rachel K.
Booth.

Resolutions (filed by Mrs. Walrath of Stow) congratulating Rachel K. Booth on receiving the Gold Award of the Girl Scouts of America;

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 Ms. Wolf of Cambridge, 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.

Milford,
land.

The House Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the town of Milford (House, No. 1420) came from the Senate passed to be engrossed, in concurrence, with the following amendments

In section 1, in lines 12 and 13, striking out the following: "422, was conveyed from Edmund M. Warren and Otis H. Perry to the commonwealth" and inserting in place thereof the figures: "423", and adding at the end thereof the following sentence: "The exact boundaries of said parcel shall be determined by the commissioner in consultation with the military division after completion of a survey."; and in section 2, in line 2, striking out the word "appraisal".

Under suspension of Rule 35, on motion of Mrs. Parente of Milford, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Environment,
Natural
Resources and
Agriculture,
time for
reporting.

The House Order relative to extending until Monday, April 24, 2006, the time within which the committee on Environment, Natural Resources and Agriculture is authorized to report on current House document numbered 1357, came from the Senate with the endorsement that it had been adopted, in concurrence, by said branch with an amendment striking out the date: "Monday, April 24, 2006" and inserting in place thereof the following date: "Friday, May 5, 2006".

Under suspension of Rule 35, on motion of Mr. Smizik of Brookline, the amendment was considered forthwith; and it was adopted, in concurrence.

Leominster
Museum,
tax abatement.

A Bill authorizing the late filing of a tax abatement application for the National Plastics Center and Museum in Leominster (Senate, No. 2386) (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.

Petitions were referred, in concurrence, as follows:

Marlborough
2010
Corporation.

Petition (accompanied by bill, Senate, No. 2502) of Pamela P. Resor and Stephen P. LeDuc (with approval the of mayor and city council) for legislation to establish the Marlborough 2010 Corporation. To the committee on Economic Development and Emerging Technologies.

Lincoln,
liquor
license.

Petition (accompanied by bill, Senate, No. 2503) of Susan C. Fargo (by vote of the town) for legislation to authorize the town of

Lincoln to issue a single license for the sale of wine and malt beverages. To the committee on Election Laws.

Petition (accompanied by bill, Senate, No. 2501) of Stephen M. Brewer and Christopher J. Donelan (by vote of the town) for legislation to further regulate the appointment of a police lieutenant in the town of Athol. To the committee on Public Service.

Athol,
police
appointment.

Reports of Committees.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain Senate and House documents concerning active and retired public employees (House, No. 4723) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 592) of Geoffrey D. Hall and others for legislation to provide pension benefits to surviving spouses of public employees retired on disability,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

Public
employees,
surviving
spouses.

Mr. Scaccia of Boston, for the committee on Rules, on the 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. 4830) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2663) of Christine E. Canavan and others for legislation to ensure quality care for patients and adequate staffing of registered nurses,— and recommending that the same be recommitted to the committee on Public Health. Under Rule 42, the report was considered forthwith; and it was accepted.

Nurses,
staffing.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration

Of the Bill relative to creating a commission to regulate commercialism in the public schools (House, No. 1126);

Public
schools.

Of the Resolve providing for a special commission to make an investigation relative to protecting the archaeological, geologic and fossil resources of the Commonwealth (House, No. 1271, changed); and

Fossil
resources.

Of the Resolve establishing a special committee to study the oversight and responsibility for responding to statewide emergencies (House, No. 1918);

Statewide
emergencies.

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, asking to be discharged from further consideration of the Bill establishing a campus rape and sexual assault advisory council (Senate, No. 2460),— and recommending that the same be

Campus rape
prevention
council.

recommitted to the committee on Higher Education. Under Rule 42, the report was considered forthwith; and it was accepted.

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

Tow exemption.

Of the Bill repealing tow exemption (House, No. 7);

Trash exemption.

Of the Bill repealing trash exemption (House, No. 8);

Volunteer fire fighters.

Of the Bill to protect volunteer firefighters from unreasonable discharge from employment (House, No. 590);

Helmets, skiing.

Of the Bill relative to the use of safety helmets for persons sixteen years of age and under while operating alpine skis and snowboards (House, No. 1408);

Low-income seniors.

Of the Bill to create an exemption for low-income seniors from Proposition 2½ overrides (House, No. 2341);

Liquor liability insurance.

Of the Bill relative to liquor legal liability insurance (House, No. 3033);

Municipal government.

Of the Bill to clarify the scope and authority of ordinances and by-laws adopted by municipalities (House, No. 3571, changed);

Vicious dogs.

Of the Bill relative to vicious dogs (House, No. 3591);

District financing.

Of the Bill clarifying district improvement financing (House, No. 3601);

Independent voters.

Of the Bill relative to independent voters (House, No. 3885, changed);

Uniform procurement.

Of the Bill relative to vendors and services under the Uniform Procurement Act (House, No. 4341);

Manufacturing.

Of the Bill concerning manufacturing operations in the Commonwealth (House, No. 4794);

Vicious dogs.

Of the Bill to protect the public from condemned, vicious dogs (House, No. 4795);

Mobile phones.

Of the Bill prohibiting the use of certain communication devices while operating a motor vehicle (House, No. 4819);

Motor vehicle inspections.

Of the Bill relative to motor vehicle inspections (House, No. 4820); and

Middle school, physical education.

Of the Resolutions relative to physical education and nutrition improvements for middle school students (House, No. 1460, changed);

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.

Natural historic resources, protect.

Report of the committees on Rules of the two branches, acting concurrently, that the Senate Bill protecting the natural and historic resources of the Commonwealth (Senate, No. 2360) ought NOT to pass (under Joint Rule 10).

Under suspension of the rules, on motion of Mr. Hynes of Marshfield, the bill was considered forthwith.

Pending the question on rejection of the bill, it was referred to the House committee on Rules, on motion of Mr. Scaccia of Boston.

Medical records, retention.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill regarding medical record reten-

tion requirements (Senate, No. 1292) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Natale of Woburn, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mrs. Haddad of Somerset, for the committee on Education, on a petition, a Bill relative to the financial conditions in the Pentucket Regional School District (House, No. 4883, changed by striking out section 9). Read; and referred, under Rule 33, to the committee on Ways and Means.

Pentucket School District.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick bank for a certain employee of the Trial Court (House, No. 4834). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Michael Abdow, sick leave.

Reports of a Committee on Proposals for Legislative Amendments to the Constitution.

Under the provisions of Joint Rule 23, the following proposals were placed on file, the time within which the said committee was required to report having expired:—

Of the committee on the Judiciary, ought NOT to pass (under Joint Rule 23):

On the Initiative petition Raymond L. Flynn, Sr., and others for an Initiative amendment to the Constitution to define marriage (accompanied by proposal, House, No. 4617); and

Marriage, define.

On the petition (accompanied by proposal, House, No. 4604) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution prohibiting eminent domain takings for the purpose of economic development.

Eminent domain, private property.

Recess.

At twenty-seven minutes after eleven o'clock A.M., on motion of Mr. Petruccelli of Boston (Mr. Donato of Medford being in the Chair), the House recessed until half past twelve o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Recess.

Orders of the Day.

The Senate Bill establishing a task force within the Board of Registration in Medicine to study medical spas (Senate, No. 2191, amended), 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.

Third reading bill.

The Senate Bill relative to the licensure of massage therapists (Senate, No. 2258) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Massage therapists.

Pending the question on passing the bill to be engrossed, in concurrence, Ms. Wolf of Cambridge moved that it be amended in section 3 (as printed), in lines 69 and 70, by striking out the words "to the" and inserting in place thereof the words "to, the"; and, in line 74, by inserting after the word "Gong" the words "; Tui Na".

The amendments were adopted; and the bill (Senate, No. 2258, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments adopted by the House.

Order.

On motion of Mr. DiMasi of Boston,—

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

Next
sitting.

At sixteen minutes before one o'clock P.M., on motion of Mr. Kafka of Sharon (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.