

## JOURNAL OF THE HOUSE.

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Thursday, May 8, 2008.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Rush 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:

Gracious God, we place our trust and hope in You, Our Creator. We are grateful for the many blessings which You bestow upon us daily and we often fail to acknowledge in our prayers and thoughts. As elected leaders, we look to You for guidance as we work together in resolving the complex issues of the day and times. Teach us to listen intently to the suggestions of all constituents, to reason together in making decisions and to respect together the rights of all in our communities to disagree on public policy and legislative matters. But may we continue to build trust in each other, in our basic institutions, in our common goals and in the common good.

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

At the request of the Chair (Mr. Rush), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### *Appointment to a House Standing Committee.*

The Speaker announced the appointment (effective May 5, 2008) of Representative Walz of Boston to the second position on the House committee on Ethics, to fill the existing vacancy.

### *Resolutions.*

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

Resolutions (filed by Ms. Balsler of Newton and other members of the House) commemorating the sixtieth anniversary of the founding of the modern state of Israel;

Resolutions (filed by Mr. Calter of Kingston) congratulating Brian W. Mullen on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Hall of Westford) honoring Robert M. Welch, Jr., upon his retirement as Chief of Police in the town of Westford;

Resolutions (filed by Mr. Kujawski of Webster) congratulating Benjamin Lyons on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Kujawski of Webster) congratulating Robert Smith on receiving the Eagle Award of the Boy Scouts of America;

Joseph Ryan Seering. Resolutions (filed by Mr. Linsky of Natick) congratulating Joseph Ryan Seering on receiving the Eagle Award of the Boy Scouts of America;

Gene Sabourin. Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Fire Chief Gene Sabourin on the occasion of his retirement from the Natick Fire Department;

Mark Russell Sperling. Resolutions (filed by Mr. Linsky of Natick) congratulating Mark Russell Sperling on receiving the Eagle Award of the Boy Scouts of America;

Community Resources for Justice. Resolutions (filed by Mr. Speliotis of Danvers) congratulating the Community Resources for Justice on their one hundred and thirtieth anniversary; and

Bradford J. Giunta. Resolutions (filed by Mrs. Walrath of Stow) congratulating Bradford J. Giunta on receiving the Eagle Award of the Boy Scouts of America;

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. Turner of Dennis (Mr. Donato of Medford being in the Chair), the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

#### *Petitions.*

Reading, ballot question. Mr. Jones of North Reading presented a petition (accompanied by bill, House, No. 4737) of Bradley H. Jones, Jr., and others (by vote of the town) that the town of Reading be authorized to place a question on the annual town election ballot relative to seating capacity for restaurant liquor licenses; and the same was referred to the committee on Election Laws. Sent to the Senate for concurrence.

James Coveney, sick leave. Mr. Walsh of Boston presented a petition (subject to Joint Rule 12) of Martin J. Walsh for legislation to establish a sick leave bank for James Coveney, an employee of the Trial Court; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Judiciary. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Homeowners insurance market. By Mr. Bradley of Hingham, petition (subject to Joint Rule 12) of Garrett J. Bradley for legislation to establish a special commission (including members of the General Court) to study the homeowners' insurance market.

Teachers, dismissal. By the same member, petition (subject to Joint Rule 12) of Garrett J. Bradley relative to information concerning dismissed teachers and applicants for teaching positions.

Medal of

By the same member, petition (subject to Joint Rule 12) of Garrett J. Bradley for legislation to establish the medal of liberty to be awarded to families of certain armed forces personal killed as a result of enemy terrorism.

By Mr. Costello of Newburyport (by request), petition (subject to Joint Rule 12) of John Lynch relative to fees charged for transcripts of court stenographers.

By Mr. Fennell of Lynn, petition (subject to Joint Rule 12) of Robert F. Fennell relative to the zoning of certain vacant lots.

By Mr. Frost of Auburn, petition (subject to Joint Rule 12) of Paul K. Frost and others for legislation to provide a temporary suspension of the excise tax on motor vehicle fuels.

By Mr. Hall of Westford, petition (subject to Joint Rule 12) of Geoffrey D. Hall and Susan C. Fargo for legislation to establish a sick leave bank for Anthony F. Zanette, an employee of the University of Massachusetts Medical School.

By Mr. Hynes of Marshfield, petition (subject to Joint Rule 12) of Frank M. Hynes and Robert L. Hedlund for legislation to designate a certain bridge in the towns of Marshfield and Scituate as the Francis R. Powers Memorial Bridge.

By Ms. Kaprielian of Watertown, petition (subject to Joint Rule 12) of Rachel Kaprielian for legislation to require the Department of Public Health to prepare educational information relative to the risks and health care needs of premature infants.

By Ms. Peisch of Wellesley, petition (subject to Joint Rule 12) of Alice Hanlon Peisch and others relative to affordable housing units in condominiums.

By Mr. Rushing of Boston, petition (subject to Joint Rule 12) of Byron Rushing and Martha M. Walz relative to certain projects undertaken by the Massachusetts Convention Center Authority at the Hynes Convention Center in the city of Boston.

By Mr. Speliotis of Danvers, petition (subject to Joint Rule 12) of Theodore C. Speliotis relative to the computation of retirement allowance for Stephen W. Heald, Jr., an employee of the Department of Youth Services. the city of Boston.

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

#### *Papers from the Senate.*

##### *Bills*

Releasing certain land in Dudley from the operation of an agricultural preservation restriction (Senate, No. 46, amended in section 2, in line 37, by striking out the words "a non-profit agricultural land preservation organization, approved by the Department" and inserting in place thereof the words "the Department of Agriculture Mitigation Expendable Trust") (on a petition); and

Further regulating hoisting (Senate, No. 1356, amended in line 4, by inserting after the word "property" the words "which is not ordinarily open to the general public") (on a petition);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Liberty.

Transcript fees.

Vacant lot zoning.

Gasoline excise, suspension.

Anthony F. Zanette, sick leave.

Francis R. Powers Memorial Bridge.

Premature infants, information.

Affordable housing units.

Hynes Convention Center.

Stephen W. Health, Jr., retirement.

Dudley, land.

Hoisting law.

Southwick, Roger B.

Cataldo.

A Bill permitting the reinstatement of Roger B. Cataldo to the police department of the town of Southwick (Senate, No. 1529, amended by adding at the end thereof the following paragraph:

“Upon reinstatement under this act, Roger B. Cataldo shall be subject to section 91 of chapter 32 relative to the number of hours he shall be authorized to work and the maximum salary he shall be paid.”) (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.

Sandwich, charter.

A petition (accompanied by bill, Senate, No. 2680) of Therese Murray and Jeffrey D. Perry (by vote of the town) for legislation to amend the town charter of Sandwich, was referred, in concurrence, to the committee on Municipalities and Regional Government.

*Reports of Committees.*

Pets, renting.

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 joint petition of Paul K. Frost and Edward M. Augustus, Jr., for legislation to prohibit the leasing or renting of dogs and cats. Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Senior citizen centers, study.

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on House, No. 620, an Order relative to authorizing the committee on Bonding, Capital Expenditures and State Assets to make an investigation and study of a certain House document concerning senior citizen centers (House, No. 4723).

Regenerative medicine, study.

By Mr. Bosley of North Adams, for the committee on Economic Development and Emerging Technologies, on Senate, No. 250, an Order relative to authorizing the committee on Economic Development to make an investigation and study of a certain Senate document concerning regenerative medicine (House, No. 4724).

School building assistance, study.

By Mrs. Haddad of Somerset, for the committee on Education, on House, No. 4921, an Order relative to authorizing the committee on Education to make an investigation and study of House document numbered 4921, concerning school building assistance (House, No. 4725).

Workplace monitoring, study.

By Mr. Torrisi of North Andover, for the committee on Labor and Workforce Development, on House, Nos. 1819 and 1853, an Order relative to authorizing the committee on Labor Workforce and Development to make an investigation and study of certain House documents numbered 1819 and 1853, concerning electronic monitoring in the workplace (House, No. 4726).

Tax, study.

By Mr. Binienda of Worcester, for the committee on Revenue, on House, Nos. 3632, 3749 (as relates to sections 1, 2, 20, 22 to 29, inclusive, 31, 32 and 33), 4644 and 4925, an Order relative to authorizing the committee on Revenue to make an investigation and study of certain House documents concerning local property tax, state sales tax and income tax (House, No. 4728).

Construction bidding laws,

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on House, No. 38, an Order relative to authorizing the committee on State Administration and Regulatory Oversight to make an investigation and study of House document numbered 38, concerning the micropurchasing threshold under public construction bidding laws (House, No. 4727).

study.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 3682, 3691 and 4305, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning truck inspections, the Massachusetts Bay Transportation Authority and distinctive registration plates (House, No. 4729).

Transportation, study.

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.

North Adams, land conveyance.

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on a petition, a Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the city of North Adams (House, No. 4585). Read; and referred, under Rule 33, to the committee on Ways and Means.

Nursing homes, spousal income.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill to correct income calculation for spouses of nursing home residents (House, No. 601) ought to pass [Estimated Cost: \$500,000.00].

Fire fighters.

By the same member, for the same committee, on House, Nos. 2104 and 2232, that the Bill relative to firefighters (House, No. 2232) ought to pass [Estimated Cost: \$960,000.00].

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

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

Needlestick injuries.

Bill relative to needlestick injury prevention in public health facilities and settings (House, No. 2056); and

Health facilities, defibrillators.

Bill requiring automatic external defibrillators in health and wellness facilities (House, No. 3888);

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Plumbing products, standards.

By Mr. Rodrigues of Westport, for the committee on Consumer Protection and Professional Licensure, on a joint petition, a Bill relative to plumbing regulations (House, No. 244) [Senator Morrissey dissenting].

Contractors.

By the same member, for the same committee, on a petition, a Bill relative to independent contractors (House, No. 311).

Fall River, Truesdale Clinic.

Samuel  
Pill,  
sick leave.

Child  
labor.

Workplace,  
language  
restrictions.

Non-  
discrimination  
training.

Construction  
contracts,  
fairness.

Plainville,  
water and  
sewer.

Cambridge,  
Gore Limited  
Partnership.

Truro,  
affordable  
housing.

Trademarks,  
registration.

Human  
services,  
executives.

Fire fighters,  
second jobs.

Westborough,  
Zara Cisco  
Brough.

By the same member, for the same committee, on a petition, a Bill relative to the Truesdale Clinic in the city of Fall River (House, No. 3993).

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Samuel Pill, an employee of the Trial Court (House, No. 4722).

By Mr. Torrisi of North Andover, for the committee on Labor and Workforce Development, on a petition, a Bill relative to child labor law (House, No. 1791) [Senator Jehlen dissenting].

By the same member, for the same committee, on House, Nos. 1808 and 1845, a Bill opposing unnecessary language restrictions in the workplace (House, No. 1808).

By the same member, for the same committee, on a petition, a Bill relative to non discrimination training in the workplace (House, No. 1837).

By the same member, for the same committee, on House, No. 1789, a Bill promoting fairness in private construction contracts (House, No. 4730).

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a petition, a Bill establishing a board of water and sewer commissioners in the town of Plainville (House, No. 4685) [Local Approval Received].

By Mr. Binienda of Worcester, for the committee on Revenue, on a recommended petition, a Bill authorizing the city of Cambridge to abate fiscal year 2003 real property taxes in the amount of 61,463.24 on 62 Gore Street, Cambridge, which parcel was purchased on August 12, 2002 by a charitable organization (House, No. 4081) [Local Approval Received].

By the same member, for the same committee, on a recommended petition, a Bill relative to property tax exemptions for rental properties in the town of Truro restricted as affordable housing (House, No. 4381) [Local Approval Received].

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on Senate, No. 1914 and House, No. 3183, a Bill relative to state trademarks (House, No. 3183).

By the same member, for the same committee, on a petition, a Bill to ensure transparency in executive compensation at private sector human service agencies (House, No. 3191, changed by adding at the end thereof the following sentence: "Organizations providing social, rehabilitative, health, or special education services yearly shall report to the commissioner and the attorney general of the commonwealth the following information regarding the five highest paid employees of the organization:— yearly salary, payments by the employer to retirement and/or pension plans, travel and or car allowance, housing allowance, and all other compensation for said employees; such reports shall also include the percentage of said employee's compensation package that is derived from: state contract dollars, municipal contract dollars, federal contract dollars, investments income and charitable donations to the organization.").

By the same member, for the same committee, on a petition, a Bill concerning conflict of interest (House, No. 3212).

By the same member, for the same committee, on a petition, a Bill designating the new Department of Youth Services facility in the town of Westboro as the Zara Cisco Brough Princess White Flower Facility (House, No. 3231).

By the same member, for the same committee, on a petition, a Bill permitting the consolidation of certain public hearings (House, No. 3234).

By the same member, for the same committee, on a petition, a Bill to designate Mitochondrial Disease Awareness Week (House, No. 3246).

By the same member, for the same committee, on a petition, a Bill amending the public records law (House, No. 3259, changed by striking out line 4 and inserting in place thereof the following:

"(k) attorney-work product and attorney-client privileged materials where disclosure would have a detrimental effect on the bargaining or litigation position of the government agency, but for no longer than seven years after the resolution of the legal matter.").

By the same member, for the same committee, on a petition, a Bill regarding vacancies in the Beacon Hill Architectural Commission (House, No. 3269) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to public records (House, No. 3912).

By the same member, for the same committee, on a petition, a Bill establishing "Moby Dick" as the official book of the Commonwealth (House, No. 3964, changed in section 1, in line 2, by striking out the words "official book" and inserting in place thereof the words "epic novel").

By the same member, for the same committee, on a petition, a Bill authorizing the Springfield water and sewer commission to convey a certain parcel of land in the town of Blandford (House, No. 4062).

By the same member, for the same committee, on House, No. 3209, a Bill recognizing the profession if interior designers to bid on state contracts (House, No. 4731).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

### *Engrossed Bills.*

#### *Engrossed bills*

Authorizing the town of Rockland to establish a school building capital trust fund (see Senate, No. 2264, amended) (which originated in the Senate); and

Authorizing the appointment of Brian Santarlaschi as a police officer in the city of Haverhill notwithstanding the maximum age requirement (see House, No. 4462) (which 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.

Public  
hearings,  
consolidation.

Mitochondrial dis-  
ease week.

Attorneys, priv-  
ileged  
material.

Beacon Hill  
Architectural  
Commission.

Public  
records.

Moby Dick,  
state book.

Springfield,  
water and  
sewer.

Interior  
designers.

Bills  
enacted.

Third

reading  
bill.

*Orders of the Day.*

The House Bill establishing a waterway dredge and maintenance program receipts reserved capital improvements fund in the town of Dennis (House, No. 4108) (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; and it was passed to be engrossed. Sent to the Senate for concurrence.

Next  
sitting.

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.

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At ten minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.