

JOURNAL OF THE HOUSE.

Tuesday, May 23, 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, we begin each day with the intention and the hope of serving You and constituents faithfully and conscientiously. Your assistance enables us to cope with the day's new realities and technological advances in many areas of our daily living. Often, as a society, we do not view all legislative issues and public policies in the same manner. We, therefore, depend upon Your help in pursuing the truth and in seeking the right and best answers to contemporary societal and community issues. As elected leaders, inspire us to promote stability, security and employment in our communities and to defend the personal dignity, as well as the human and religious rights of all people to live in peace.

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.

Statement of Representative Story of Amherst.

A statement of Ms. Story of Amherst was spread upon the records of the House, as follows:

Statement of Representative Story of Amherst.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of today's sitting due to a prior commitment to serve jury duty. Any roll calls that I may have missed was due entirely to the reason stated.

Guests of the House.

Boston Police Officers Ben Sealy and Al Young.

During the session, the Chair (Mr. Rushing of Boston) declared a brief recess and introduced Boston Police Officers Ben Sealy and Al Young, who were accompanied by Boston Police Commissioner Kathleen O'Toole. Commissioner O'Toole then addressed the House briefly, citing the recent heroic actions of Officers Sealy and Young, which earned them the TOP COPS Award from the National Association of Police Organizations (NAPO). Ms. Forry of Boston then took the Chair, addressed the House briefly and presented a citation to Officer Sealy. Mrs. Owens-Hicks of Boston then took the Chair, addressed the House briefly and presented a citation of Officer Young. Commissioner O'Toole and Officers Sealy and Young were the guests of Representatives Forry of Boston, Owens-Hicks of Boston, Rushing of Boston and the entire Boston delegation.

Resolutions.

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

Resolutions (filed by Messrs. Jones of North Reading and Natale of Woburn) congratulating Pack 702 on the occasion of reaching their ninetieth anniversary; Pack 702.

Resolutions (filed by Ms. Flanagan of Leominster) congratulating Andrew S. Paul on receiving the Eagle Award of the Boy Scouts of America; Andrew S. Paul.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Max Abugov on receiving the Eagle Award of the Boy Scouts of America; Max Abugov.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Doug Flutie on the occasion of his retirement from the National Football League; Doug Flutie.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Clark Freeman on receiving the Eagle Award of the Boy Scouts of America; Clark Freeman.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Chris Plugis on receiving the Eagle Award of the Boy Scouts of America; Chris Plugis.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Sean Farrell on receiving the Eagle Award of the Boy Scouts of America; Sean Farrell.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Brian Greenhalg on receiving the Eagle Award of the Boy Scouts of America; Brian Greenhalg.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Alex Rucki on receiving the Eagle Award of the Boy Scouts of America; and Alex Rucki.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Andrew Venooker on receiving the Eagle Award of the Boy Scouts of America; Andrew Venooker.

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. Linsky, 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 authorizing the town of Canton to grant certain easements (House, No. 4948) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in the first paragraph, in the first sentence, inserting after the following: "Page 495" the words ", this land having been purchased by the town of Canton in the town of Stoughton for water supply purposes" and in said paragraph adding the following sentence: "Any such temporary access easement shall terminate on June 1, 2008."; and in section 2 (as printed) adding the following sentence: "These mitigation measures shall consist of performing \$65,000 of work on the property of the Canton conservation commission, including, but not limited to, cleaning trash from the property, repairing a trail system, Canton, affordable housing.

Canton,
affordable
housing.

building 2 bridges, blocking vehicle access to the property and restoring the gravel pit.”.

Under suspension of Rule 35, on motion of Mr. Galvin of Canton, 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.

Reports

Correctional
facilities,
inspection
reports.

Of the Department of Public Health (under the provisions of Section 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities in the Commonwealth, as follows:

Of the M.C.I. Shirley Medium Security Facility, in the town of Shirley; and

Of the Western Massachusetts Correctional Alcohol Center, in the city of Springfield;

Severally were spread upon the records of the House; and returned to the Senate.

Northborough
liquor
licenses.

A petition (accompanied by bill, Senate, No. 2557) of Harriette L. Chandler, Pamela P. Resor, Harold P. Naughton, Jr., and Karyn E. Polito (by vote of the town) for legislation to authorize the licensing authority of the town of Northborough to issue five additional licenses for the sale of all alcoholic beverages to be drunk on the premises, was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.

Reports of Committees.

Beverage
licensing
boards,
training.

Report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4648) of Vincent A. Pedone that members of beverage licensing boards in cities and towns be required to participate in training sessions conducted by the Alcoholic Beverages Control Commission.

Under suspension of the rules, on motion of Mr. Pedone of Worcester, the report was considered forthwith.

Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

EOTC,
Alewife
area
study.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill requiring a study by the Executive Office of Transportation of the Alewife area (Senate, No. 1909) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4979.

Superior
Court,
clerk's
duties.

By the same member, for the same committee, that the Bill relative to the duties of the clerk of the Superior Court (House, No. 765) ought to pass with an amendment in line 8, by striking out the word “ten” and inserting in place thereof the word “five”.

By the same member, for the same committee, that the Bill relating to professional engineers and land surveyors (House, No. 4808) ought to pass with an amendment by adding at the end thereof the following three sections:

Engineers
and
surveyors.

“SECTION 2. Section 45 of chapter 13 of the General Laws, as appearing in the 2004 Official Edition, is hereby further amended in line 4 by striking out the words ‘one registered land surveyor’ and inserting in place thereof the following:— 3 registered land surveyors.

SECTION 3. Said section 45, as so appearing, is further amended in line 10 by striking out the words ‘registered land surveyor’ and inserting in place thereof the following:— 3 registered land surveyors.

SECTION 4. Said section 45, as so appearing, is further amended in lines 12 and 13 by striking out the word ‘the’ each time that it appears and inserting in place thereof on each such occasion the following:— any.”.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendments pending.

Orders of the Day.

Senate bills

Authorizing the town of Bellingham to establish a group insurance liability fund (Senate, No. 2260);

Further regulating college student meningococcal disease immunization (Senate, No. 2290, amended);

Further regulating the consignment of fine art (Senate, No. 2461); and

Authorizing the appointment of Lori Moniz as a reserve police officer for the city of Taunton (Senate, No. 2486);

House bills

To streamline the physician credentialing process (House, No. 3061);

To provide licensing for genetic counselors (House, No. 4326);

Relative to the department of public works in the town of Hopkinton (printed in House, No. 4747);

Designating a state highway in the town of Harwich as Route 28-Head of the Bay Road (House, No. 4751, changed);

Relative to sewer betterment assessments in the town of Richmond (House, No. 4753);

Establishing the Sherwood Greens Road Improvement and Maintenance District in the town of Becket (House, No. 4811);

Designating a custom parcel of land in the city of Boston as the Frank Jordan memorial rose garden (House, No. 4815);

Relative to dredge spoil disposal in Buzzards Bay (House, No. 4884);

Further regulating the sale of fruits and vegetables (House, No. 4891); and

Relative to lodging houses (House, No. 4893);

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

The Senate Bill allowing creditable service for certain state contract employees (Senate, No. 2462) was read a second time.

Second reading
bill amended.

The amendment previously recommended by the committee of Ways and Means was adopted.

The bill (Senate, No. 2462, amended) then was ordered to a third reading.

Second reading
bill amended.

The House Bill pertaining to hazardous materials mitigation (House, No. 1315) was read a second time.

The amendment previously recommended by the committee on Ways and Means was adopted.

The bill (House, No. 1315, amended) then was ordered to a third reading.

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The House Bill designating Natick as the home of champions (House, No. 3489) was read a second time.

The amendment previously recommended by the committee on State Administration and Regulatory Oversight,— that the bill be amended by substitution of a Bill designating Natick as the home of champions and Brockton as the city of champions (House, No. 4958),— was adopted.

The substituted bill then was ordered to a third reading.

House reports

House
reports.

Of the committee on Financial Services, ought NOT to pass, on a message from His Excellency the Governor recommending legislation relative to to expanding the availability of health insurance (accompanied by bill, House, No. 2923); and

Of the same committee, ought NOT to pass, on a message from His Excellency the Governor recommending legislation relative to establishing the commonwealth care health insurance exchange corporation (accompanied by bill, House, No. 2924);

Severally were accepted. Severally sent to the Senate for concurrence.

House reports

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Of the committee on Financial Services, ought NOT to pass, on the petition (accompanied by bill, House, No. 1555) of Ronald Mariano relative to reinsurance agreements;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2945) of Kevin J. Murphy and others for legislation to establish the office of Commissioner of Insurance as an elected position;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2973) of Daniel F. Keenan relative to the issuance of information to employees concerning pre-paid health insurance fees;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2974) of Daniel F. Keenan for legislation to further regulate certain notices to patients by licensed insurance carriers of health insurance;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2977) of Daniel F. Keenan relative to determinations of medical necessity by health insurance providers;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3057) of Ronald Mariano relative to dwelling and personal liability coverages under the Massachusetts Property Insurance Underwriting Association;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3065) of Ronald Mariano relative to specified disease insurance purchased as a supplement to a health insurance policy;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3068) of Peter J. Larkin and John W. Scibak relative to notices to insured persons of the disenrollment of primary care physicians and participating providers;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3093) of Bruce J. Ayers that banking and lending institutions be required to issue certain information on monthly statements to mortgage loan customers; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3095) of Geoffrey D. Hall and others for legislation to regulate the sale or transfer of mortgages under the law providing for the issuance of mortgage guaranty insurance;

Severally were accepted.

At twenty minutes after eleven o'clock A.M., on motion of Mr. Donato of Medford (Mr. Petrolati of Ludlow being in the Chair), the House recessed until two o'clock P.M.; and at six minutes after two o'clock the House was called to order with Mr. Petrolati in the Chair.

Recesses.

The House thereupon took a further recess, on motion of Mr. Nangle of Lowell, until half past two o'clock; and at that time the House was called to order with Mr. Rushing of Boston in the Chair.

The engrossed Bill further regulating the Cherry Valley and Rochdale Water Water District (see House, No. 1290, amended) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) (for message, see House, No. 4928), was considered in the following form (as approved by the committee on Bills in the Third Reading):

Cherry Valley
and Rochdale
Water District.

By striking out all after the enacting clause and inserting in place thereof the following:

“Chapter 105 of the acts of 1996 is hereby amended by inserting after section 3 the following section:—

Section 3A. The district, acting by and through its board of water commissioners, may enter into agreements with any municipality, district, governmental unit or any other form of governmental body under section 4A of chapter 40 of the General Laws or utility company for any purpose that is consistent with the purposes for which the district was originally constituted, and which would further the interests of the inhabitants of the district. All agreements must be

Cherry Valley
and Rochdale
Water District.

approved by a majority vote of the voters of the district present and voting at a district meeting; provided, that the division of local services within the department of revenue must approve any actions taken by the district according to this section.”.

The House then refused to amend the bill. Sent to the Senate for its action.

Westborough,
liquor
license.

The engrossed Bill authorizing the town of Westborough to grant an additional license for the sale of wine and malt beverages not to be drunk on the premises (see House, No. 4559), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4717), was considered.

Quorum.

Pending the question on passing the bill, notwithstanding the objections of the Governor, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Rushing of Boston), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,
yea and nay
No. 429.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 149 members were recorded as being in attendance.

[See Yea and Nay No. 429 in Supplement.]

Therefore a quorum was present.

Bill passed
over veto,
yea and nay
No. 430.

On the question on passing the bill, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 430 in Supplement.]

Therefore the bill was passed, notwithstanding the objections of His Excellency the Governor (more than two thirds of the members having agreed to pass the same). Sent to the Senate for its action.

Engrossed Bill.

Seat
belts.

The engrossed Bill further regulating the use of seat belts (see House, No. 229, 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, at the request on Mr. Peterson of Grafton.

Quorum.

After debate on the question on passing the bill to be enacted, Mr. Bosley of North Adams asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Rushing of Boston), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,
yea and nay
No. 431.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (Mr. Petrolati of Ludlow being in the Chair) 151 members were recorded as being in attendance.

[See Yea and Nay No. 431 in Supplement.]

Therefore a quorum was present.

After further debate on the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Fagan of Taunton; and on the roll call 76 members voted in the affirmative and 80 in the negative.

[See Yea and Nay No. 432 in Supplement.]

Therefore the House refused to pass the bill to be enacted.

Mr. Fagan of Taunton then moved that this vote be reconsidered; and (Mrs. Harkins of Needham being in the Chair) the motion to reconsider was considered forthwith; and it was negatived.

Bill rejected,
yea and nay
No. 432.

Recess.

At twenty minutes after four o'clock P.M., on motion of Mr. Peterson of Grafton (Mrs. Harkins of Needham being in the Chair), the House recessed until half past four o'clock; and at twenty-seven minutes before five o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recess.

Orders of the Day.

The engrossed Bill amending the law establishing the Northern Berkshire Industrial Park and Development Corporation (see House, No. 4376), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4960), was considered.

Northern
Berkshire
Industrial
Park.

On the question on passing the bill, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 134 members voted in the affirmative and 21 in the negative.

Bill passed
over veto,
yea and nay
No. 433.

[See Yea and Nay No. 433 in Supplement.]

Therefore the bill was passed, notwithstanding the objections of His Excellency the Governor (more than two thirds of the members having agreed to pass the same). Sent to the Senate for its action.

The House Bill relative to patient safety (House, No. 4965) was read a second time.

Nurses,
staffing.

Pending the question on ordering the bill to a third reading, Mr. Donato of Medford asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 151 members were recorded as being in attendance.

Quorum,
yea and nay
No. 434.

[See Yea and Nay No. 434 in Supplement.]

Therefore a quorum was present.

After debate on the question on ordering the bill to a third reading, at seven minutes after five o'clock, on motion of Mr. Tobin of Quincy (Mr. Petrolati of Ludlow being in the Chair), the House recessed until tomorrow at the hour of one o'clock P.M.; and at that time, the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recess.

Wednesday, May 24, 2006 (at 1:00 o'clock P.M.).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God, Our Creator, Source of Goodness and Truth, we take a moment for personal reflection and to think about You and spiritual realities. This pause enables us to put our personal goals, priorities and values in clear perspective as we begin today's session. On this and every day, grant us the patience to listen closely to the concerns, experiences and insights of constituents and to look carefully at the data and bits of information which daily cross our desks. Teach us, as individuals and as a society, to be aware of the needs of all people in our various communities and to consider the common good in our decision-making process. May we work together to make the Commonwealth an excellent place to live, work and to educate our children.

Bestow Your blessings on 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.

Statement Concerning Representative Connolly of Everett.

A statement of Mr. Rushing of Boston concerning Mr. Connolly of Everett was spread upon the records of the House, as follows:

Statement concerning Representative Connolly of Everett.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Connolly of Everett, in unable to be present in the House Chamber for today's sitting due to his hospitalization. If he was able to be present for the debate on House bill No. 4965, relative to patient safety, he would vote in favor of setting safe limits on the number of patients a nurse is assigned at one time.

Statement of Representative Falzone of Saugus.

A statement of Mr. Falzone of Saugus was spread upon the records of the House, as follows:

Statement of Representative Falzone of Saugus.

MR. SPEAKER: I would like to call to the attention of the House the fact that during the taking of quorum roll call No. 435, at yesterday's session, I was on official business in another part of the State House and was not notified that a quorum vote was in progress. The roll calls that I missed yesterday was due entirely to the reason stated.

Statement of Representative Provost of Somerville.

A statement of Ms. Provost of Somerville was spread upon the records of the House, as follows:

Statement of Representative Provost of Somerville.

MR. SPEAKER: I would like to call to the attention of the House the fact that I will be unable to be present in the House Chamber for the remainder of today's sitting due to a previously scheduled family commitment. If I were able to be present for the roll call on passing to be engrossed the Bill relative to patient safety (House, No. 4988),

I would vote in the affirmative. Any roll calls that I may miss today will be due entirely to the reason stated.

Statement Concerning Representative Sullivan of Fall River.

A statement of Mr. Rogers of Norwood concerning Mr. Sullivan of Fall River was spread upon the records of the House, as follows:

Statement concerning Representative Sullivan of Fall River.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Sullivan of Fall River, will not be present in the House Chamber for today's sitting due to his being called to serve on jury duty at the New Bedford Superior Court. Any roll calls that he may miss today will be due entirely to the reason stated.

Orders.

An Order (filed by Mr. Scaccia of Boston) relative to special procedures for consideration of the House Bill further regulating driver education and junior operator's licenses (House, No. 4826), having been reported from the committee on Rules, under the provisions of House Rules 7B and 7C (House, No. 4987), was adopted.

Driver education, procedures.

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:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture be granted until Friday, June 30, 2006, the time within which to report on current House document numbered 4914.

Environment, Natural Resources and Agriculture 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 Mr. Smizik, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Hill of Ipswich, petition (accompanied by bill, House, No. 4983) of Bruce E. Tarr (by vote of the town) that the town of Ipswich be authorized to grant a license of the sale of alcoholic beverages to be drunk on the premises to the Hellenic Center; and

Ipswich, Hellenic Center.

By Mr. Travis of Rehoboth, petition (accompanied by bill, House, No. 4984) of Philip Travis and James E. Timilty (by vote of the town) that the town of Rehoboth be authorized to issue a license for the sale of alcoholic beverages to Ferrini Enterprises, Inc., doing business as The Grapevine;

Rehoboth, Grape Vine.

Severally to the committee on Consumer Protection and Professional Licensure.

By Mr. Sciortino of Somerville, petition (accompanied by bill, House, No. 4985) of Carl M. Sciortino, Jr. (with the approval of the mayor and city council) for legislation to authorize the city of Pittsfield to sell, convey or lease certain park land located in said city. To the committee on Municipalities and Regional Government.

Pittsfield, park land.

Ipswich, Appellate Tax Board.

By Mr. Hill of Ipswich, petition (accompanied by bill, House, No. 4986) of Bradford Hill (by vote of the town) for legislation to authorize the town of Ipswich to make an appeal to the Appellate Tax Board relative to state-owned land within said town. To the committee on Revenue.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Motor vehicles, excise tax.

By Mr. Bradley of Hingham, petition (subject to Joint Rule 12) of Garrett J. Bradley for legislation to regulate the excise taxes imposed on owners of motor vehicles.

High schools, diplomas.

By Mr. Cabral of New Bedford, petition (subject to Joint Rule 12) of Antonio F. D. Cabral and others for legislation to regulate the awarding of high school diplomas.

Ethanol 85, gasoline.

By Mr. Kafka of Sharon, petition (subject to Joint Rule 12) of Louis L. Kafka and others for an investigation and study relative to ethanol and the feasibility of assisting gas station owners in the installation of ethanol "85" gasoline pumps.

Edward Jedrey, sick leave.

By Mr. LeDuc of Marlborough, petition (subject to Joint Rule 12) of Stephen P. LeDuc and Pamela P. Resor for legislation to establish a sick leave bank for Edward Jedrey, an employee of the Westborough State Hospital.

Children, care and protection.

By Mrs. Parente of Milford, petition (subject to Joint Rule 12) of Marie J. Parente and Stanley C. Rosenberg relative to the care and protection of children within the jurisdiction of the Department of Social Services.

Sight-seeing vehicles, definition.

By Mr. Vallee of Franklin, petition (subject to Joint Rule 12) of James E. Vallee for legislation to define sight-seeing vehicles licensed by the Department of Telecommunications and Energy.

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

Papers from the Senate.

Municipalities and Regional Government, time for reporting.

The House Order relative to extending until Monday, July 31, 2006, the time within which the committee on Municipalities and Regional Government is authorized to report on current Senate documents numbered 2415, 2445 and 2446, 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, July 31" and inserting in place thereof the date: "Wednesday, June 14".

Under suspension of the Rule 35, on motion of Ms. Kaprielian of Watertown, the amendment was considered forthwith; and it was adopted, in concurrence.

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The House Order relative to extending until Wednesday, May 17, 2006, the time within which the committee on Municipalities and Regional Government is authorized to report on certain Senate and House documents, came from the Senate with the endorsement that it had been adopted, in concurrence, by said branch, with an amendment striking out the date: "May 17" and inserting in place thereof the date: "May 24".

Under suspension of the Rule 35, on motion of Ms. Kaprielian of Watertown, the amendment was considered forthwith; and it was adopted, in concurrence.

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 petition of Jennifer M. Callahan for legislation to establish a sick leave bank for Karen Kilroy, an employee of the Department of Correction. Under suspension of the rules, on motion of Ms. Callahan of Sutton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Karen Kilroy, sick leave.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to the sale of food products (House, No. 4892),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Food products, sale.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, asking to be discharged from further consideration

Of the Bill to add public health goals to the mission of the transportation projects in the Commonwealth (House, No. 2087);

Of the Bill relative to amblyopia and strabismus (House, No. 2671);

Of the residue of the Bill to establish retiree healthcare liability funds for the Commonwealth and municipalities (House, No. 4655); and

Of the Bill relative to healthy schools and public buildings (House, No. 4766);

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. Severally sent to the Senate for concurrence in the discharge of the committee.

Transportation projects, health.

Amblyopia and strabismus.

Retirees, healthcare funds.

Schools and public buildings.

By Ms. Balsler of Newton, for the committee on Mental Health and Substance Abuse, on a petition, a Bill establishing teen mental health drop-in centers (House, No. 4772).

Teens, mental health centers.

By the same member, for the same committee, on House, No. 3126, a Bill relative to the Youth Alcohol Education Program to reduce underage drinking and promote healthy choices (House, No. 4980).

Youth Alcohol Program.

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, that the Bill to establish a commission on health literacy (House, No. 2631) ought to pass with amendments in line 15, by inserting after the word "Education;" the words "and the following members appointed by the Governor" and in line 53, by striking out the date: "January 1, 2006" and inserting in place thereof the date: "May 1, 2008". Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently, with the amendments pending.

Health literacy.

Child
suicide.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Resolve providing for an investigation and study by a special commission relative to the incidence of child suicide (House, No. 4702) ought to pass. Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Physicians,
interpreters.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill providing medical interpreter services in physician offices (House, No. 2638) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4981) [Cost: \$2,511,900.00].

Home and
community
services

By the same member, for the same committee, that the Bill establishing a new department of home and community-based services (House, No. 4889) ought to pass with an amendment substituting therefore a Bill establishing interagency agreements to provide home and community-based services (House, No. 4982) [Cost: \$1,000,000.00].

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

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

Nursing
homes,
reserve beds.

Bill relative to reserving beds in nursing homes for residents during certain leaves of absence (House, No. 1494) [Cost: \$9,559,339.00]; and

Mental
health
services.

Bill relative to mental health services (House, No. 1613) [Cost: \$1,300,000.00].

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

Easton,
veterans
benefits.

By Mr. Verga of Gloucester, for the committee on Veterans and Federal Affairs, on a petition, a Bill authorizing reimbursement to the town of Easton for veterans' benefits expended in past years (House, No. 4917). Read; and referred, under Rule 33, to the committee on Ways and Means.

Assisted
living
facilities.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, to whom was referred the Bill relative to services offered in assisted living facilities (House, No. 4895) and the Bill relative to assisted living residences (House, No. 4896), reports, recommending that the bill (House, No. 4895) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Long-term
care.

Relative to the voluntary closure of long-term care facilities (House, No. 2675);

Midwives.

Relative to the collaboration of nurse-midwives and physicians (House, No. 2679);

Nursing
facilities.

Relative to hearings of the Division of Medical Assistance (House, No. 2681, changed);

Relative to Bridgewater State Hospital (House, No. 2853);
To create the Massachusetts Internet prescription consumer protection act (House, No. 3651); and
Relative to assisted living (House, No. 4494);
Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Bridgewater
State Hospital.
Internet
prescriptions.
Assisted
living.

Engrossed Bill.

The engrossed Bill increasing the speed limit for boating within the narrows in Glen Echo Lake in the town of Charlton (see Senate, No. 2238, changed) (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.

Bill
enacted.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the town of Canton to grant certain easements (see House, No. 4948, 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.

Canton,
affordable
housing.

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

Bill enacted
(land taking),
yea and nay
No. 435.

[See Ye and Nay No. 435 in Supplement.]

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

Orders of the Day.

The House Bill relative to patient safety (House, No. 4965) was considered.

Nurses,
staffing.

Pending the question on ordering the bill to a third reading, Ms. Khan of Newton and other members of the House moved that it be amended by substitution of a Bill ensuring patient safety (House, No. 4988), which was read.

After remarks on the question on adoption of the amendment, Mr. Koutoujian of Waltham moved that the proposed substitute bill be amended by striking out all after the enacting clause and inserting in place thereof a new text.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 123 members voted in the affirmative and 29 in the negative.

Further
amendment
adopted,
yea and nay
No. 436.

[See Ye and Nay No. 436 in Supplement.]

Therefore the further amendment was adopted, precluding a vote on the pending amendment.

The substituted bill (House, No. 4988, amended) then was ordered to a third reading.

Recesses.

At seventeen minutes after two o'clock P.M. (Wednesday, May 24), on motion of Mr. Festa of Melrose (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of three o'clock P.M.; and at eight minutes after three o'clock the House was called to order with Mr. Petrolati in the Chair.

The House thereupon took a further recess, on motion of Mr. Rogers of Norwood until half past three o'clock; and at seven minutes before four o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Quorum.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum, yea and nay No. 437.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 153 members were recorded as being in attendance.

[See Yea and Nay No. 437 in Supplement.]

Therefore a quorum was present.

Under suspension of the rules, on motion of Mr. Koutoujian of Waltham, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act relative to patient safety."

Pending the question on passing the bill to be engrossed, Mr. Jones of North Reading and other members of the House moved that it be amended by inserting after section 12 the following section:

"SECTION 12A.

1599-xxxx For a reserve to meet the fiscal year 2006 and 2007 costs of implementing this act 6,773,809."

Amendment rejected, yea and nay No. 438.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 31 members voted in the affirmative and 124 in the negative.

[See Yea and Nay No. 438 in Supplement.]

Therefore the amendment was rejected.

Mr. Walsh of Boston then moved that the bill be amended in section 6, in subsection 225, in paragraph (e), by striking out the following: "244 CMR 9.03 (15)"; and the amendment was adopted.

Ms. Wolf of Cambridge then moved that the bill be amended in section 6, in subsection 222, in paragraph (g), by adding the following sentence: "These standards and limits shall not interfere with the licensing standards of the Department of Mental Health." The amendment was adopted.

Quorum.

After debate on the question on passing the bill, as amended, to be engrossed, Mrs. Harkins of Needham asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 151 members were recorded as being in attendance.

Quorum, yea and nay No. 439.

[See Yea and Nay No. 439 in Supplement.]

Therefore a quorum was present.

After remarks on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Walsh of Boston; and on the roll call (Mrs. Harkins of Needham being in the Chair) 133 members voted in the affirmative and 20 in the negative.

Bill passed to be engrossed, yea and nay No. 440.

[See Yea and Nay No. 440 in Supplement.]

Therefore the bill (House, No. 4988, printed as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

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

Next sitting.

Paper from the Senate.

Mr. Golden of Lowell being in the Chair,— the Senate Order relative to establishing a special committee relative to rain storm and flood recovery in the Commonwealth after the Spring, 2006 flood (Senate, No. 2561), came from the Senate with endorsement that it had been adopted by said branch.

Spring floods, recovery.

Under suspension of the rules, on motion of Mr. Miceli of Wilmington, the order was considered forthwith.

Pending the question on adoption of the order, in concurrence, Mr. Speranzo of Pittsfield moved that it be amended by inserting after paragraph (4) the following paragraph:

"5. The special joint committee shall also perform a comprehensive evaluation of any and all mechanisms for securing, administering, distributing and maximizing funding and other resources from the federal government on behalf of the commonwealth, its political subdivisions, residents and businesses, relative to any flooding in Massachusetts that has been designated by the Governor as a state of emergency."

The amendment was adopted.

The order (Senate, No. 2561, amended) then also was adopted, in concurrence. Sent to the Senate for concurrence in the amendment.

Mr. Nangle of Lowell 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 five minutes after six o'clock P.M. (Wednesday, May 24) (Mr. Golden of Lowell being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.