

JOURNAL OF THE HOUSE.

Wednesday, May 28, 2008.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

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

Prayer.

God, Our Creator, we depend upon You and Your guidance as we examine and address the items on the day's calendar. Inspire us to pause during the course of the day to think about You, spiritual values and our own ideals and priorities. In these difficult and changing times, help us to keep our own goals in clear focus as we try to cope with the expectations and needs of constituents. As elected leaders, teach us to explain to voters the often complex issues which we face as a society and in our communities. May we continue to stress the importance and dignity of all members of our society from the youngest child to the most senior adult. Let our hearts and minds be filled with enthusiasm, joy and courage in facing each day's challenges and opportunities.

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

Pledge of allegiance.

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

Statement Concerning Representative Kennedy of Brockton.

A statement of Mr. Rogers of Norwood concerning Mr. Kennedy of Brockton, was spread upon the records of the House, as follows:

Statement concerning Representative Kennedy of Brockton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kennedy of Brockton, will not be present in the House Chamber for today's sitting due to his recent surgery. Any roll calls that he may miss today will be due entirely to the reason stated.

Resolutions.

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

Andrew F. Grube.

Resolutions (filed by Mr. Barrows of Mansfield) congratulating Andrew F. Grube on receiving the Eagle Award of the Boy Scouts of America;

Nathan A. McNeff.

Resolutions (filed by Mr. Barrows of Mansfield) congratulating Nathan A. McNeff on receiving the Eagle Award of the Boy Scouts of America; and

Howard Tinkham.

Resolutions (filed by Mr. Straus of Mattapoisett) honoring Howard Tinkham;

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. Hill of Ipswich, 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 orders were referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Order (filed by Mr. Walsh of Lynn), to wit:—

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Community Development and Small Business be granted until Friday, June 20, 2008, the time within which to report on current Senate documents numbered 135, 137, 141, 148, 149, 152, 154, 157 and 224 and House documents numbered 147, 151, 152, 157, 163, 165, 166, 167, 175, 177, 179, 184, 185, 186, 187, 193, 2351, 3840 and 4519.

Community Development and Small Business committee, extension of time for reporting.

Order (filed by Mr. Rodrigues of Westport), to wit:—

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Consumer Protection and Professional Licensure be granted until Monday, June 30, 2008 within which to make its final report on Senate document numbered 2256, and House documents 203, 328 and 341, relative to consumer protection related issues in the Commonwealth.

Consumer Protection and Professional Licensure committee, extension of time for reporting.

Order (filed by Mr. Bosley of North Adams), to wit:—

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Economic Development and Emerging Technologies be granted until Thursday, June 12, 2008 to make its final report on current Senate documents 248, 249, 251, 252, 253, 255, 257, 259, 261, 262, 263, 264, 265, 267 and 268 and current House documents 349, 350, 351, 352, 353, 359, 364, 365, 367, 368, 369, 370, 376, 381, 383, 3773, 3924 and 4222.

Economic Development and Emerging Technologies committee, extension of time for reporting.

Order (filed by Mr. Bradley of Hingham), to wit:—

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Election Laws be granted until Wednesday, June 18, 2008 within which to report on current House document numbered 705, relative to campaign finance.

Election Laws, extension of time for reporting.

Order (filed by Mr. Pedone of Worcester), to wit:—

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be granted until Tuesday, July 1, 2008 the time within which to report on current House documents numbered 4238 and 4482, relative to exempting certain properties in the town of Braintree from deleading laws and relative to private road maintenance.

Municipalities and Regional Government, extension of time for reporting.

Order (filed by Mr. Costello of Newburyport), to wit:—

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Safety and Homeland Security be granted until Monday, June 30, 2008, the time with which to make its final report on current House document numbered 4498.

Public Safety and Homeland Security committee, extension of time for reporting.

Order (filed by Mr. Dempsey of Haverhill), to wit:—

Telecommunica-
tions, Utilities
and Energy,
extension of
time for
reporting.

Ordered. That, notwithstanding the provisions of Joint Rule 10, the committee on Telecommunications, Utilities and Energy be granted until Thursday, July 3, 2008, the time within which to report on current House documents numbered 808, 1991, 3279, 3320, 3331, 3362 and 4364.

Order (filed by Mr. Verga of Gloucester), to wit:—

Veterans
and Federal
Affairs,
extension of
time for
reporting.

Ordered. That, notwithstanding the provisions of Joint Rule 10, the committee on Veterans and Federal Affairs be granted until Tuesday, July 1, 2008, within which time to make its report on current House number 4435.

Mr. Scaccia of Boston, for the committees on Rules, then reported, in each instance, that the orders ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Sullivan of Fall River, the orders were considered forthwith; and they were adopted. Severally sent to the Senate for concurrence.

Petitions.

Ashland,
town
charter.

Mr. Sannicandro of Ashland presented a petition (accompanied by bill, House, No. 4790) of Tom Sannicandro (by vote of the town) for legislation to make certain changes in the charter of the town of Ashland; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Children,
protection.

By Mr. DiMasi of Boston, petition (subject to Joint Rule 12) of Salvatore F. DiMasi and others for legislation to increase the penalties for defendants convicted of crimes committed against children.

Virginia
Wise,
retirement.

By Mr. Flynn of Bridgewater, petition (subject to Joint Rule 12) of David L. Flynn and Marc R. Pacheco that the State Retirement Board be directed to pay certain benefits to Virginia Wise, the surviving spouse of Raymond Wise, a former campus police officer at Bridgewater State College.

Southern
Berkshire
School
District.

By Mr. Pignatelli of Lenox, petition (subject to Joint Rule 12) of William Smitty Pignatelli that the Secretary of the Commonwealth be authorized to place on the ballot in the current year the names of candidates for election to the school committee of the Southern Berkshire Regional School District.

Disabled
veterans,
abatements.

By Mrs. Poirier of North Attleborough, petition (subject to Joint Rule 12) of Elizabeth A. Poirier and others for legislation to increase property tax abatements for certain disabled veterans.

Boston, firearm
possession.

By Mr. Rush of Boston petition (subject to Joint Rule 12) of Michael F. Rush (with the approval of the mayor and city council) for legislation to impose certain penalties for the illegal possession and use of firearms in the city of Boston.

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

Paper from the Senate.

Milton,
education center.

A petition of Brian A. Joyce, William C. Galvin and Marian Walsh for legislation to designate a certain education center on

Chickatawbut Hill in Milton as the Norman Smith Environmental Education Center at Chickatawbut Hill, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2720) was referred, in concurrence, to the committee on Municipalities and Regional Government.

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:

Online
advertising,
regulating.

Joint petition (accompanied by bill) of William M. Straus, Joan M. Menard and others for legislation to further regulate “online” advertising on the Internet. To the committee on Economic Development and Emerging Technologies.

Richard K.
Ward III,
sick leave.

Joint petition (accompanied by bill) of Robert L. Rice, Jr., and Stephen M. Brewer for legislation to establish a sick leave bank for Richard K. Ward III, an employee of the Department of Correction. To the committee on Public Service.

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

Harbormaster
training.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to harbormaster training certification (Senate, No. 509, changed and amended) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4791).

Vehicle
license
fees.

By the same member, for the same committee, that the Bill relative to vehicle license cost recovery fees (Senate, No. 2416) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4792).

Development dis-
abilities.

By the same member, for the same committee, that the Bill creating a means for tracking the unmet need of individuals with developmental disabilities in the Commonwealth of Massachusetts (House, No. 135) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4793).

Seafood
marketing,
study.

By the same member, for the same committee, that the Bill relative to a special commission on seafood marketing (House, No. 777, changed) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4794).

Rental and
replacement
vehicles.

By the same member, for the same committee, that the Bill relative to rental vehicle and replacement vehicle transactions and services (House, No. 933) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4795).

Granville,
county
highways.

By the same member, for the same committee, that the Bill relative to county highways in the town of Granville (House, No. 1990) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4796),

Colleges,
special state

police.
DSS employees, retirement benefits.
Cell phones, prepaid.
Middle education, commission.
Pension governance reform.
Tick borne illness.
Architect emeritus.
Sheet metal workers.
Marine vessels, discharge.
Natick, land lease.

By the same member, for the same committee, that the Bill to provide employees at state and community colleges holding special state police officer powers with line of duty death benefits (House, No. 2550) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4797).

By the same member, for the same committee, that the Bill relative to the retirement benefits of certain employees of DSS (House, No. 2798) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4798).

By the same member, for the same committee, that the Bill relative to the sale of prepaid cell phones (House, No. 3277) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4799).

By the same member, for the same committee, that the Resolve reviving and continuing the special commission on middle education in the Commonwealth (House, No. 3775) ought to pass with an amendment substituting therefor a resolve with the same title (House, No. 4800).

By the same member, for the same committee, that the Bill relative to pension governance reform (House, No. 4011) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4801).

By the same member, for the same committee, that the Resolve establishing a special commission relative to tick borne illness (House, No. 4201) ought to pass with an amendment substituting therefor a resolve with the same title (House, No. 4802).

By the same member, for the same committee, that the Bill designating architect emeritus status (House, No. 4229) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4803).

By the same member, for the same committee, that the Bill relative to the licensing of sheet metal workers and sheet metal contractors (House, No. 4231) ought to pass with an amendment substituting therefor a bill with the same title (house, No. 4804).

By the same member, for the same committee, that the Bill relative to discharging sewage from marine vessels into waters of the Commonwealth designated as no discharge areas (House, No. 4336) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4805).

By the same member, for the same committee, that the Bill authorizing the Commissioner of Capital Asset Management and Maintenance to lease certain property to the town of Natick (House, No. 4633) ought to pass with an amendment substituting therefor a bill with the same title (house, No. 4806).

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the following bills ought to pass:

Senate bills
Bill relative to District Court clerks (Senate, No. 1004); and

Court clerks, Bristol County Commission.

Bill establishing the Bristol County Commission on the status of women (Senate, No. 1172); and

The House Bill relative to the Information Technology Advisory Board (House, No. 348);

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

IT Board advisors.

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on a message from His Excellency the Governor, a Bill providing the terms of certain bonds to be issued by the Commonwealth to finance improvements to the Commonwealth's transportation system (printed in House, No. 4698). Read; and referred, under Rule 33, to the committee on Ways and Means.

Transportation bonds.

Orders of the Day.

House bills
Relative to the annual report of public charities (House, No. 274);
Relative to absentee ballots (House, No. 681, changed);
Promoting traditions and diversity of all citizens of the Commonwealth (House, No. 3398);
Establishing local tourism trust funds (House, No. 3407);
Authorizing the town of Bellingham to establish certain revolving funds (House, No. 4173);
Relative to the retirement and health benefits of certain elected officials of the town of Hull (House, No. 4218);
Relative to the form of government in Stoneham (House, No. 4246);
Authorizing the town of Concord to establish a post retirement group health insurance trust fund (House, No. 4421);
Relative to the board of library trustees of the town of Bridgewater (House, No. 4531);
Relative to the historic districts commission of the town of Concord (House, No. 4542, changed);
Relative to the terms of certain bonds of the city of Revere to be issued to finance the construction of the city of Revere new police headquarters and east fire station (House, No. 4555);
Validating the actions taken at a certain election held in the town of Great Barrington (printed in House, No. 4673);
Establishing a sick leave bank for an employee of the Department of Public Health (House, No. 4742);
Establishing a sick leave bank for David Catanzaro, an employee of the Trial Court (House, No. 4771); and
Designating a certain bridge in the town of Saugus (House, No. 4926);

Second reading bills.

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

The House report of the committee on Community Development and Small Business, ought NOT to pass, on the petition (accompanied by bill, House, No. 180) of Michael J. Rodrigues allowing retail stores and shops to open on Thanksgiving Day, was accepted.

House report.

Recess.

Recess.

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

Quorum.

Quorum.

Mr. Keenan of Salem thereupon 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,
yea and nay
No. 374.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 144 members were recorded as being in attendance.

[See Yea and Nay No. 374 in Supplement.]

Therefore a quorum was present.

Remarks of
Representative
Kaprielian of
Watertown.

Remarks of Representative Kaprielian of Watertown.

The Speaker then took the Chair, declared a brief recess and, there being no objection, recognized Ms. Kaprielian of Watertown for the purpose of addressing the House upon her impending resignation to become the Registrar of Motor Vehicles.

Recess.

Recess.

At two o'clock P.M., on motion of Mr. Petrolati of Ludlow (the Speaker being in the Chair), the House recessed until a quarter before three o'clock; and at ten minutes after three o'clock the House was called to order with Mr. Petrolati in the Chair.

Early
education
and care.

Report of Committees.

A report of the committees on Rules of the two branches, acting concurrently, ought NOT to pass (under Joint Rule 10), on the Bill relative to early education and care (House, No. 4706), was considered forthwith, under suspension of said rule, on motion of Mr. Rodrigues of Westport, the question being "Shall this bill be rejected?"

The House then refused to reject the bill; and it was read a second time.

After remarks on the question on ordering the bill to a third reading, Ms. Clark of Melrose moved to amend it in section 32, in line 9, by inserting after the word "applicable" the words "Child Development and Education, Inc.,". The amendment was adopted.

Mr. Turner of Dennis then moved to amend the bill by adding the following section:

"SECTION 98. Notwithstanding any general or special law to the contrary, no school district shall be required to comply with any new regulations, laws, or guidelines resulting from this legislation

unless said regulations, laws, or guidelines are fully funded by the commonwealth."

The amendment was rejected.

Ms. Wolf of Cambridge then moved to amend the bill by adding at the end of section 23 the following paragraph:

"(s) plan for and address the unique needs of families with infants and toddlers, including providing parent education, early literacy services and meaningful opportunities for families not enrolled in early education and care to support their children's development."

The amendment was adopted.

After remarks on the question on ordering the bill, as amended, to a third reading, the sense of the House was taken by yeas and nays, at the request of Mrs. Haddad of Somerset; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 375 in Supplement.]

Therefore the bill, as amended, was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mrs. Haddad, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. The bill (House, No. 4706, amended) then was sent to the Senate for concurrence.

Bill ordered
to a third
reading,
yea and nay
No. 375.

Recess.

Mr. Donato of Medford being in the Chair,—

At twenty-seven minutes before four o'clock P.M., on motion of Mrs. Harkins of Needham, the House recessed until a quarter before four o'clock; and at five minutes before four o'clock the House was called to order with Mr. Golden of Lowell in the Chair.

Recess.

Orders of the Day.

Senate bills

Relative to the conveyance of property by the county of Nantucket (Senate, No. 2224) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the town of Orleans to operate a sewer system (Senate, No. 2452);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

Third
reading
bills.

House bills

Relative to the Massachusetts Credit Union Share Insurance Corporation (House, No. 1090, changed);

Relative to antique cars (House, No. 2417);

Relative to the Massachusetts Business Corporation Act (House, No. 4301) (its title having been changed by the committee on Bills in the Third Reading);

Establishing a sick leave bank for Jesse Goguen, an employee of the Department of Correction (House, No. 4736) (its title having been changed by the committee on Bills in the Third Reading);

ii

Third
reading

~~hills.~~

Reducing the minimum seating capacity of certain restaurants in the town of Reading (House, No. 4737); and

Establishing a sick leave bank for James Coveney, an employee of the Trial Court (House, No. 4741, changed);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

~~Next sitting.~~

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.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at thirteen minutes after four o'clock P.M., on motion of Mr. Rogers of Norwood (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.