

JOURNAL OF THE HOUSE.

Monday, June 9, 2008.

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

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

Prayer.

God, Our Creator and the Lord of History, we try to begin each day with the intention of opening our minds and hearts to You and of recognizing and utilizing Your daily gifts and blessings. In responding to our personal responsibilities, help us to remain faithful to our own high ideals, our personal, material and spiritual goals and to our traditional principles. Teach us to be open to and welcoming to the suggestions as well as to the constructive criticism of constituents and colleagues. Inspire us to continue to build confidence, trust and hope in our traditional institutions, our constitutional principles and in the goodwill of all people. May we face the future of the Commonwealth with enthusiasm, a creative spirit and a continued concern for the dignity and rights of each individual.

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.

Messages from the Governor.

Springfield, financial stability.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to further providing for the financial stability of the city of Springfield (House, No. 4824) was filed in the office of the Clerk on Thursday, June 5.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Department of Telecommunications and Cable.

A message from His Excellency the Governor recommending legislation relative to the Department of Telecommunications and Cable (House, No. 4816) was filed in the office of the Clerk on Wednesday, June 4.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Telecommunications, Utilities and Energy. Sent to the Senate for concurrence.

Resolutions.

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

Glen A. Anderson.

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Glen A. Anderson on the occasion of his retirement;

Resolutions (filed by Mr. Barrows of Mansfield) congratulating James Robert Kominsky on receiving the Eagle Award of the Boy Scouts of America;

James Robert Kominsky.

Resolutions (filed by Messrs. Calter of Kingston and deMacedo of Plymouth) congratulating Johnathan M. Balutis-Brown on receiving the Eagle Award of the Boy Scouts of America;

Johnathan Balutis-Brown.

Resolutions (filed by Ms. Fox of Boston and other members of the House) congratulating Princess Barbara J. Devaughn, International Grand Princess Commandress for her many years of dedication and devoted service to the Prince Hall Masonic Family;

Barbara J. Devaughn.

Resolutions (filed by Ms. Fox of Boston and other members of the House) congratulating Most Eminent Grand Master, Jefferson A. Lofton, Jr. for his many years of dedication and devoted service to the Prince Hall Free and Accepted Masons;

Jefferson A. Lofton.

Resolutions (filed by Ms. Fox of Boston and other members of the House) congratulating Sir Knight Gregory Waller, International Grand Royal Advisor for his many years of dedication and devoted service to the Prince Hall Masonic Family;

Gregory Waller.

Resolutions (filed by Mrs. Haddad of Somerset and other members of the House) congratulating Russell G. James on the occasion of his retirement;

Russell G. James.

Resolutions (filed by Ms. Polito of Shrewsbury) recognizing Shrewsbury Fire Chief Gerald F. LaFlamme on the occasion of his retirement;

Gerald F. LaFlamme.

Resolutions (filed by Mr. Ross of Wrentham) congratulating William Stewart Donald upon his elevation to the rank of Eagle Scout;

William Stewart Donald.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Thomas Mark Taricano of Medfield upon his elevation to the rank of Eagle Scout; and

Thomas Mark Taricano.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Jason Michael Thole of Medfield upon his elevation to the rank of Eagle Scout;

Jason Michael Thole.

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. Rush of Boston, 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 following order (having been reported by the committees on Rules of the two branches, acting concurrently) came from the Senate with the endorsement that it had been adopted by said branch:

Ordered. That notwithstanding the provisions of Joint Rule 10, the committee on Bonding, Capital Expenditures and State Assets be granted until June 12, 2008 within which time to make its final report on current Senate documents numbered 34, 36, 50, 51, 57, 1874, 1896, 2219, 2411, 2550 and 2674, relative to bonding, capital expenditures and state assets.

Bonding, Capital Expenditures and State Assets, extension of time for reporting.

Under suspension of the rules, on motion of Mr. Speliotis of Danvers, the order was considered forthwith; and it was adopted, in concurrence.

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

Petition (accompanied by bill, Senate, No. 2738) of Robert A. O'Leary and Matthew C. Patrick for legislation to authorize the Mashpee Water District to hold elections for Board of Water Commissioners concurrent with the elections for the town of Mashpee. To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, Senate, No. 2739) of Richard T. Moore, Harriette L. Chandler, Paul Kujawski, George N. Peterson, Jr., and other members of the General Court for legislation to promote business continuity and recovery after a disaster. To the committee on Public Safety and Homeland Security.

The following notice was received from the Clerk of the Senate, to wit:—

June 6, 2008.

Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356 State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Therese Murray, President of the Senate, has announced her appointment of Senator Marc R. Pacheco to the Special Commission established (pursuant to Chapter 2 of the Resolves of 2008) to make an investigation and study of the establishment of a cranberry heritage area.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of 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. To the committee on Judiciary.

Petition (accompanied by bill) of Jeffrey Sanchez relative to the effective date of the tax exemption for certain real property assessing at full and fair cash valuation. To the committee on Revenue.

Mashpee
Water
District,
elections.

Business
recovery,
disaster.

Cranberry
heritage area
commission,
Senate
appointment.

Boston,
firearms.

Property taxes,
exemption.

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

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning junior operators, parking and vehicle operations (House, No. 4616) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3512) of Kevin G. Honan relative to the use of traffic control signal violation monitoring system devices as a means of promoting traffic safety in the cities of the Commonwealth,— and recommending that the same be recommitted to the committee on Transportation. Under Rule 42, the report was considered forthwith; and it was accepted.

Report of the committee on Health Care Financing, that the House Bill to prevent prescription fraud (House, No. 2173) ought NOT to pass (under Joint Rule 10).

Under suspension of the Rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith.

The question: "Shall this bill be rejected?" was negated. The bill then was recommitted to the committee on Health Care Financing, on motion of Mrs. Walrath of Stow.

By Mr. Walsh of Lynn, for the committee on Community Development and Small Business, on Senate, Nos. 137 and 157 and House, Nos. 151, 163, 177 and 2351, a Bill relative to community preservation (House, No. 4820).

By Mr. Dempsey of Haverhill, for the committee on Telecommunications, Utilities and Energy, on House, No. 4364, a Bill furthering the biofuels clean energy sector (House, No. 4821).

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

By Mr. Scaccia of Boston, for the committee on Rules, that the Resolve establishing a commission relative to an index of creative and innovative education in the Commonwealth (House, No. 393) ought to pass. 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 recommitted Bill increasing coverage of nonprescription enteral formulas (House, No. 925) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling the question, being on passing the bill to be engrossed.

By Ms. Coakley-Rivera of Springfield, for the committee on Children, Families and Persons with Disabilities, that the recommitted Bill relative to the disclosure of information held by the Disabled Persons Protection Commission pursuant to General Laws Chapter 19C (House, No. 937) ought to pass; and

Traffic
safety.

Prescription,
fraud.

Community
preservation.

Biofuels.

Innovative
education,
study.

Enteral
formulas.

Disabled
Commission,
disclosures.

Secure voting.
Independent
voters.

Medway.

By Mr. Bradley of Hingham, for the committee on Election Laws, that the following bills ought to pass:
Bill to ensure secure voting equipment (House, No. 670); and
Bill relative to independent voters (House, No. 682, changed);
Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Belmont.

By Mr. Bradley of Hingham, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill validating a certain election in the town of Medway (printed in House, No. 4545).

Boston.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Belmont to place a certain question relative to the granting of a club license for the sale of alcoholic beverages in the town of Belmont (House, No. 4757) [Local Approval Received].

Wayland.

By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill relative to certain affordable housing in the city of Boston (House, No. 4710) [Local Approval Received].

Lincoln.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a joint petition, a Bill authorizing the town of Wayland to establish a department of public works (House, No. 4759).

Anthony F.
Zanette,
sick leave.

By the same member, for the same committee, on a joint petition, a Bill relative to the historical commission of the town of Lincoln (House, No. 4760) [Local Approval Received].

Matthew
Dicicco,
sick leave.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Anthony F. Zanette, an employee of the University of Massachusetts Medical School (House, No. 4808).

Richard K.
Ward III,
sick leave.

By the same member, for the same committee, on a joint petition, a Bill establishing a sick leave bank for Matthew Dicicco, an employee of the Department of Corrections (House, No. 4815).

By the same member, for the same committee, on a joint petition, a Bill to establish a sick leave bank for Richard K. Ward III (House, No. 4819).

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

Emergency Measures.

Kimberly
Chuckran,
sick leave
bank.

The engrossed Bill establishing a Sick Leave Bank for Kimberly Chuckran, an employee of the Department of Correction (see House, No. 2513, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Bill
enacted.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Samuel
Pill,

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill establishing a sick leave bank for Samuel Pill, an employee of the Trial Court (see House, No. 4722), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

sick leave.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 5 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill establishing a sick leave bank for Carol A. Wall, an employee of the Department of Mental Retardation (see House, No. 4912), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Carol A.
Wall,
sick leave.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

Engrossed bills
Permitting the reinstatement of Roger B. Cataldo to the police department of the town of Southwick (see Senate, No. 1529, amended);

Bills
enacted.

Authorizing the city of Northampton to convert 5 seasonal licenses for the sale of all alcoholic beverages to be drunk on the premises to annual licenses for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 2594);

(Which severally originated in the Senate);

Establishing the Caleb Chase trust fund revenue account in the town of Dennis (see House, No. 3153);

Relative to the special police officers in the city known as the town of West Springfield (see House, No. 4080, amended);

Relative to the homeowners' residential tax exemption in the city of Boston (see House, No. 4104);

Exempting the position of chief of police in the city known as the town of Methuen from the civil service law (see House, No. 4461); and

Exempting the position of deputy chief of police in the town of Dartmouth from the civil service law (see House, No. 4464);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third
reading
bill.

The Senate Bill regulating the provision of health insurance to surviving spouses of certain employees of the town of Wareham (Senate, No. 2157), 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
bills.

House bills

Establishing a sick leave bank for William Ryan, an employee of the Department of Correction (House, No. 4285) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the town of Concord to establish a post retirement group health insurance trust fund (House, No. 4421); and

Establishing a sick leave bank for David Catanzaro, an employee of the Trial Court (House, No. 4771);

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.

At seventeen minutes before twelve o'clock noon, on motion of Mr. Lepper of Attleboro (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.