

## JOURNAL OF THE HOUSE.

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Monday, June 16, 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:

God, Our Creator, we begin this new workweek with a prayer in which we seek Your direction and assistance as we carry out our daily personal and legislative responsibilities. In Your goodness, help us to keep our minds focused on our personal goals and values. Inspire us, during the course of this day, to take a moment, on occasion, to reflect on the correctness of our priorities and the purpose of our own existence. Grant us the wisdom and the confidence to make decisions and choices which are objective, ethical, right and serve the common good. As we celebrate Bunker Hill Day tomorrow, inspire us to remember in our prayers the sacrifices, the courage, the vision, the basic values and patriotism of our founders. Teach us to open our minds to our nation's history and past leader's goals and thoughtful creativity.

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

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

### *Appointments of the Speaker.*

The Speaker announced the appointment of Mr. Falzone of Saugus as the Delegate from the House of Representatives to the Streamlined Sales and Use Tax Agreement established (under Section 82 of Chapter 4 of the Acts of 2003) for the purpose of advising the Department of Revenue of the compliance to said agreement;

The Speaker also announced the appointment of Representatives Verga of Gloucester (co-chairman), Balsler of Newton, Murphy of Burlington, Campbell of Methuen and Naughton of Clinton to the special commission established (under Chapter 1 of the Resolves of 2008) to make an investigation and study relative to the mental health effects of war on those citizens of the Commonwealth returning from active duty and establishing a mandatory mental health treatment program for such citizens and other relative matters; and

The Speaker also announced the appointment of Mr. Turkington of Falmouth to the special commission established (under Chapter 2 of the Resolves of 2008) for the purpose of studying the historic, cultural and natural resources of the cranberry industry to provide education of and inspiration for the cranberry industry for present and future generations.

*Guests of the House.*

Weymouth,  
Murphy  
School  
students.

During the session, Mr. Murphy of Weymouth briefly took the Chair, declared a brief recess; and introduced the third grade class from the Frederick C. Murphy School in Weymouth, who were seated in the Chamber. Representative Murphy then read citations of the House of Representatives to be presented to the students, commemorating their visit to the State House.

*Resolutions.*

Colby  
Alves.

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

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

Canton,  
Fire  
Department  
Engine Six.  
Michael  
O'Brien.

Resolutions (filed by Mr. Galvin of Canton) congratulating members of Engine Six of the Canton Fire Department for service above and beyond the call of duty;

Resolutions (filed by Mr. Galvin of Canton) congratulating officer Michael O'Brien on receiving the Public Safety Award of the Knights of Columbus, Father John J. Flatley Council 2095 of Canton, Massachusetts;

Timothy  
Higgins.

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Colonel Timothy Higgins on the occasion of his retirement from the United States Army and Army Reserves; and

Casimir  
Pulaski.

Resolutions (filed by Mr. Scibak of South Hadley and other members of the House) memorializing the Congress of the United States to approve Joint Resolution 39 awarding honorary posthumous citizenship to Casimir Pulaski;

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. Smizik of Brookline, 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.**Bills*

Community  
Hospital  
Capital  
Reserve  
Fund.

To create a community hospital capital reserve fund (Senate, No. 2368, amended by adding at the end of section 1 the following 6 paragraphs:

“(vii) Notwithstanding an provision of this act to the contrary, no loan shall be made to a nonprofit community hospital by the authority from proceeds of bonds secured by a Community Hospital Capital Reserve Fund established in this paragraph unless: (a) the project to be financed by the loan has been approved by the secretary of health and human services; and (b) the loan and the issuance and terms of the related bonds have been approved by the secretary of administration and finance. In connection with any loan to a nonprofit community hospital pursuant to this paragraph, the secretary of health and human services and the secretary of administration and finance may enter into an agreement with the authority and the non-

profit hospital to: (a) require that the nonprofit community hospital provide financial statements or other information relevant to the financial condition of the nonprofit community hospital and its compliance with the terms of the loan; (b) require that the nonprofit community hospital reimburse the commonwealth for any amounts the commonwealth transfers to the Community Hospital Capital Reserve Fund under subparagraph (iii) to replenish the fund as a result of a loan payment default by the nonprofit community hospital; and (c) require compliance by the nonprofit community hospital or the authority with any other terms and conditions the secretaries may consider appropriate in connection with the loan.

(viii) When the authority notifies the secretary of administration and finance in writing that an institution eligible to use the authority under this paragraph is in default as to the payment of principal or interest on any bonds issued by the authority on behalf of the institution or that the authority has reasonable grounds to foresee that the institution will not be able to make a full payment when that payment is due, the secretary of administration and finance shall direct the comptroller to withhold any funds in the comptroller's custody that are due or payable to the institution until the amount of the principal and interest due or anticipated to be due has been paid to the authority or the trustee for the bondholders or until the authority notifies the secretary of administration and finance that satisfactory arrangements have been made for the payment of the principal and interest. Funds subject to withholding under this subparagraph shall include, but not be limited to, federal and state grants, contracts, allocations or appropriations.

(ix) If the authority further notifies the secretary of administration and finance in writing that no other arrangements are satisfactory, the secretary shall direct the comptroller to make available to the authority without further appropriation any funds withheld from the institution under subparagraph (viii). The authority shall apply the funds to the costs incurred by the institution. The costs shall include: (a) payments required to be made to the authority or trustee for any bondholders of debt serve on any bonds issued by the authority for the institution; or (b) payments required by any other law or contract to be paid to the holders or owners of bonds issued on behalf of the institution upon failure or default or upon the reasonable expectation of failure or default of the institution to pay the principal or interest on its bonds when due.

(x) Concurrent with any notice from the authority to the secretary of administration and finance under this paragraph, the authority may notify any other agency, department or authority of the commonwealth that exercises regulatory, supervisory or statutory control over the operations of the institution. Upon notification, the agency, department or authority shall immediately undertake reviews to determine what action, if any, should undertake to assist in the payment by the institution of the money due or steps that agencies other than the comptroller or the authority should take to assure the continued prudent operation of the institution or provision of services to the people served by the institution.

Hospital  
Capital  
Reserve  
Fund.

(xi) Notwithstanding any general or special law to the contrary, in the event that a nonprofit community hospital fails to reimburse the commonwealth for any transfers made by the commonwealth to the authority to replenish the Community Hospital Capital Reserve Fund in accordance with subparagraph (iii) within 6 months after such transfer and as otherwise provided in accordance with the terms of the agreement among the nonprofit community hospital, the authority and the commonwealth authorized under subparagraph (vii), the secretary of administration and finance may, in her sole discretion, direct the comptroller to withhold any funds in the comptroller's custody that are due or payable to the nonprofit community hospital; provided, however, that the amount withheld may be equal to all or a portion of the amount the nonprofit community hospital has failed to pay to the commonwealth to reimburse the commonwealth for any such transfers. All contracts issued by the group insurance commissioner, the health insurance connector authority and MassHealth to third party to provide health care insurance paid for by the commonwealth shall provide that, at the direction of the secretary of administration and finance, the third party shall withhold payments to a nonprofit community hospital which fails to reimburse the commonwealth in accordance with the agreement authorized under subparagraph (vii) and shall transfer the amount withheld to the commonwealth. Such withheld amounts shall be considered to have been paid to the nonprofit community hospital for all other purposes of law, and the nonprofit community hospital shall be considered to have reimbursed the commonwealth for all or a portion of any such transfers to the Community Hospital Capital Reserve Fund for purposes of the agreement authorized under subparagraph (vii).

(xii) For purposes of this paragraph, a community hospital shall not include a hospital where the ratio of the number of physician residents-in-training to the number of inpatient beds exceeds 0.25.") (on Senate, No. 688 and House, No. 1124);

Relative to renewal communities and smart growth zoning (Senate, No. 2370) (on Senate bill No. 156);

Relative to the use of a certain building in the town of Whitman (Senate, No. 2474) (on a petition);

Relative to the Kasabuski Rink in the town of Saugus (Senate, No. 2625) (on a petition) [Local Approval Received];

Establishing a sick leave bank for Mark Stanton, an employee of the Department of Public Health (Senate, No. 2677) (on a petition);

Establishing a sick leave bank for Lois Tobin, an employee of the Department of Mental Retardation (Senate, No. 2678) (on a petition);

Relative to the leasing of a certain parcel of land in the town of Gardner (Senate, No. 2696, amended in section 4, in line 30, by striking out the word "co-insured" and inserting in place thereof the words "additional insured"; and in section 7, in line 54, by striking out the word "twelve" and inserting in place thereof the figures "12") (on Senate, No. 2361);

Relative to equitable coverage for annuity policies (Senate, No. 2729) (on Senate, No. 622) [Representative Spellane of Worcester, of the committee on Financial Services, dissenting];

Smart growth  
zoning.

Whitman,  
building use.

Saugus,  
Kasabuski  
Rink.

Mark Stanton,  
sick leave  
bank.

Lois Tobin,  
sick leave  
bank.

Gardner,  
land.

Annuity  
policies.

Landscape

Providing for the regulation of landscape sprinkler systems (Senate, No. 2742) (on Senate bill No. 1853);

Relative to the preservation of dairy farms (Senate, No. 2743, amended in section 3 (as printed), in line 64, by inserting after the word "years." the following sentence: "The commissioner shall make the initial appointments within 6 months of the effective date of this act.") (on Senate bill, No. 2576); and

Relative to the State Library (Senate, No. 2748) (on Senate bill No. 1996);

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

A Bill relative to educational expenditures in the town of Milton (Senate, No. 2486) (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.

A communication from the Hampshire Sheriff's Office relative to corrective measures taken pursuant to a Department of Public Health inspection of the Hampshire County Jail and House of Correction on April 20, 2008, was spread upon the records of the House; and returned to the Senate.

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

Of the Berkshire County Jail and House of Correction, in the city of Pittsfield;

Of the Bristol County Jail, Ash Street Facility, in the town of Dartmouth;

Of the Essex County Correctional Facility, in the town of Middleton;

Of the Hampden County Sheriff's Department and Correctional Center, in the town of Ludlow; and

Of MCI Concord, in the town of Concord;

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

#### *Reports of Committees.*

Mr. Scaccia of Boston, for the committee on Rules, on the House Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning consumer pricing, registration plates and liquor licenses (House, No. 4827) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3926) of James B. Eldridge and others relative to the licensing of providers of prepaid legal services plans,— and recommending that the same be recommitted to the committee on Financial Services. Under Rule 42, the report was considered forthwith; and it was accepted.

sprinklers.

Dairy  
farms.

State  
Library.

Milton,  
educational  
expenditures.

Hampshire  
County Jail.

Correctional facil-  
ities, inspection  
reports.

Consumer,  
study.

Supplemental  
appropriations.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on House No. 4786, reported, in part, a Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4851) [Cost: \$115,730,288.00].

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

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Lepper of Attleboro, the bill was read a second and (having been reported by the committee on Bills in the Third Reading be to correctly drawn) a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

Lincoln, health insurance.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a joint petition, a Bill authorizing the town of Lincoln to establish a post employment health insurance trust fund (House, No. 4775) [Local Approval Received]. Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Housing bonds, terms.

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 production and preservation of housing for low and moderate income residents and certain other bonds and notes to be issued by the Commonwealth (printed in House, No. 4813).

Capital facility repairs.

By the same member, for the same committee, on House, No. 4455, a Bill providing capital facility repairs and improvements for the Commonwealth (House, No. 4852) [General Obligation Bond Authorizations: \$3,000,505,000.00].

Westborough, land.

By the same member, for the same committee, on House, No. 4732, a Bill relative to the disposition of property in the town of Westborough (House, No. 4853).

Norwood, police officers.

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

By Mr. Kaufman of Lexington, for the committee on Public Service, on a joint petition, a Bill authorizing the appointment of retired police officers as special police officers in the town of Norwood (House, No. 4763) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Tewksbury, teachers.

*Emergency Measures.*

The engrossed Bill relative to the school department of the town of Tewksbury (see House, No. 4117, changed), 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.

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 3 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.

Jesse Goguen, sick leave.

The engrossed Bill establishing a sick leave bank for Jesse Goguen, an employee of the Department of Correction (see House, No. 4736), 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.

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 3 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.*

Bills enacted.

Engrossed bills

Relative to elections in the city of Everett (see House, No. 4097);

Relative to the conservation commission of the town of West Stockbridge (see House, No. 4100);

Relative to preliminary elections in the city of Newton (see House, No. 4397);

Authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4504);

Authorizing the city of Worcester to provide certain retirement and medical benefits to firefighter Mark S. Stomski (see House, No. 4711); and

Relative to the retirement and health insurance of certain elected officials in the town of Tyringham (see House, No. 4755);

(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.

Recess.

*Recess.*

At twelve o'clock noon, on motion of Mr. Fresolo of Worcester (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at seven minutes after two o'clock P.M. the House was called to order with Mr. Donato in the Chair.

*Emergency Measure.*

Supplemental appropriations. Supplemental appropriations.

The engrossed Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for

certain other activities and projects (see House, No. 4851), 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 3 to 0. Sent to the Senate for concurrence.

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.

Next  
sitting.

*Order.*

On motion of Mr. DiMasi of Boston,—

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

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At twenty-six minutes after two o'clock P.M., on motion of Mr. Lepper of Attleboro (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.