

JOURNAL OF THE HOUSE.

Wednesday, June 21, 2006.

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.

Eternal God, we thank You for our countless daily material and spiritual blessings. Our personal daily responsibilities, obligations and distractions often prevent us from reflecting on these gifts. Today, we are grateful for this first day of the summer season, a time for vacations and relaxation for families and individuals. The beginning of a new season reminds us of the complexity, the vastness and the mysteriousness of our universe. As men and women dedicate their talents, time and energy in seeking new knowledge and understanding of our universe, we are grateful for their discoveries. Teach us to appreciate and use wisely these gifts which You, Our Creator, have given to us.

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.

Recesses.

Recesses.

At five minutes after eleven o'clock A.M., on motion of Mr. Murphy of Lowell (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at seventeen minutes after twelve o'clock noon the House was called to order with Mr. Donato in the Chair.

At twelve minutes before one o'clock P.M., Mr. Petrolati of Ludlow took the Chair and, on motion of Mr. Vallee of Franklin, the House recessed until a quarter after one o'clock. At twenty-six minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

Message from the Governor.

Interim appropriations.

A message from His Excellency the Governor submitting requests for making certain appropriations for the fiscal year ending June 30, 2007, prior to final action on the General Appropriation Bill for said fiscal year (House, No. 5068) was filed in the office of the Clerk on Monday, June 19.

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.

Guests of the House.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced Hermano Mota, the former mayor of Ribeira Grande, St. Michael, Azores. Accompanied by his wife, Margarita Mota and his daughter, Madalena Mota-Cynbron, they were the guests of Representatives Cabral of New Bedford.

Hermano, Margarita and Madalena Mota.

Resolutions.

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

Resolutions (filed by Ms. Candaras of Wilbraham) recognizing Sydney "Chet" Chernick's contributions to the Commonwealth on the occasion of his ninety-second birthday;

Sydney Chernick.

Resolutions (filed by Mr. Casey of Winchester) honoring Joseph N. Perritano on his forty-one years of service to the Winchester Police Department;

Joseph N. Perritano.

Resolutions (filed by Ms. Khan of Newton) congratulating Chrissy Dobies on receiving the Gold Award of the Girl Scouts of America;

Chrissy Dobies.

Resolutions (filed by Mrs. Paulsen of Belmont) congratulating Matthew Keithley on receiving the Eagle Award of the Boy Scouts of America; and

Matthew Keithley.

Resolutions (filed by Representatives Poirier of North Attleborough, Coppola of Foxborough and Kafka of Stoughton) congratulating and recognizing Father George Bellenoit's ten years of dedicated service to the parishioners of St. Mary's Parish in Mansfield;

George Bellenoit.

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. Travis of Rehoboth, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mrs. Paulsen of Belmont, petition (accompanied by bill, House, No. 5074) of Anne M. Paulsen and Steven A. Tolman (by vote of the town) that the town of Belmont be authorized to place on the ballot a question relative to the granting of licenses for the sale of all alcoholic beverages not to be drunk on the premises;

Belmont, alcoholic beverages.

By the same member, petition (accompanied by bill, House, No. 5075) of Anne M. Paulsen and Steven A. Tolman (by vote of the town) for legislation to authorize the town of Belmont to place a certain question on the ballot relative to the sale of wines and malt beverages not to be drunk on the premises;

Belmont, wines and malt beverages.

By the same member, petition (accompanied by bill, House, No. 5076) of Anne M. Paulsen and Steven A. Tolman (by vote of the town) that the town of Belmont be authorized to establish a post-employment benefits trust fund for former employees of said town; and

Belmont, post-employment fund.

Belmont,
special
liquor
licenses.

By the same member, petition (accompanied by bill, House, No. 5077) of Anne M. Paulsen and Steven A. Tolman (by vote of the town) relative to the granting of special one-day licenses for the sale of alcoholic beverages in the town of Belmont;

Severally to the committee on Consumer Protection and Professional Licensure.

Carver,
conservation
commission.

By Ms. Gifford of Wareham, petition (accompanied by bill, House, No. 5078) of Susan Williams Gifford (by vote of the town) for legislation to authorize the town of Carver to appoint alternate voting members to the conservation commission of said town; and

Wayland,
park land.

By Mrs. Pope of Wayland, petition (accompanied by bill, House, No. 5079) of Susan W. Pope and Scott P. Brown (by vote of the town) that the park and recreation commission of the town of Wayland be authorized to transfer the care and control of certain park land to the board of selectmen of said town;

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Civics,
high school
curriculum.

By Mrs. Coppola of Foxborough, petition (subject to Joint Rule 12) of Elizabeth A. Poirier and others that the Department of Education be directed to include a course in civics as a requirement for students to graduate from high school.

Braintree
and Quincy,
Fore River.

By Mr. Mariano of Quincy, petition (subject to Joint Rules 12 and 9) of Ronald Mariano relative to the boundaries of a certain parcel of land on the Fore River and located in the city of Quincy and in the town of Braintree.

Retirement,
beneficiaries.

By Mr. Murphy of Lowell, petition (subject to Joint Rule 12) of Kevin J. Murphy for legislation to permit certain retired and divorced public employees to change beneficiaries.

Sprinkler
regulations,
appeals.

By Mr. Naughton of Clinton, petition (subject to Joint Rule 12) of Harold P. Naughton, Jr., relative to appeals of decisions by local building officials or heads of fire departments concerning sprinkler systems.

Leo Shea,
sick leave.

By Mr. O'Brien of Kingston, petition (subject to Joint Rule 12) of Thomas J. O'Brien and others for legislation to establish a sick leave bank for Leo D. Shea, an employee of the Department of the Trial Court.

Sex offenders,
regulating.

By Ms. Polito of Shrewsbury, petition (subject to Joint Rule 12) of Karyn E. Polito and others for legislation to further regulate the registration of sex offenders and increasing the penalties for certain criminal acts involving children.

Swansea
Water
District.

By Mr. Travis of Rehoboth, petition (subject to Joint Rule 12) of Philip Travis and others for legislation to increase the amount of money the Swansea Water District may borrow for the operation of said district.

Solicitors,
registration.

By Mr. Turner of Dennis, petition (subject to Joint Rule 12) of Cleon H. Turner and others for legislation to regulate unsolicited sales visits to homes of consumers and providing for the registration of "solicitors" in the cities and towns of the Commonwealth.

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

Papers from the Senate.

The House Order relative to extending until Monday, June 19, 2006, the time within which the committee on Education 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 "Monday, June 19" and inserting in place thereof the date "Friday, June 23".

Under suspension of the Rule 35, on motion of Mrs. Haddad of Somerset, the amendment was considered forthwith; and it was adopted, in concurrence.

A Bill providing capital facility repairs, grants, and improvements for the Commonwealth (Senate, No. 2385, amended in section 2, in item 1790-2015, by striking out the words "inspector general for review and approval. The inspector general" and inserting in place thereof the words "auditor for review and approval. The auditor") (on House No. 3842), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A Bill relative to the compensation and expenses of members of the Board of Registration in Medicine (Senate, No. 1288, amended in section 1, by inserting after the word "mile" the words "in addition") (on a petition) 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 petition of John A. Hart, Jr. for legislation to authorize the University of Massachusetts to convey a certain parcel of land in the city of Boston to the United States of America acting by and through the National Archives and Records Administration, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Higher Education.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2597) was referred, in concurrence, to the committee on Higher Education.

Reports of Committees.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill authorizing the Massachusetts Water Resources Authority to supply sewer services to certain property in the town of Hingham (House, No. 5010) [Local Approval Received]. 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. Bradley of Hingham, the bill was read a second time forthwith; and it was ordered to a third reading.

Education
committee,
time for
reporting.

Capital
repairs and
improvements.

Board of
Registration
in Medicine.

UMASS
Boston,
land.

Hingham,
sewer
services.

Methuen,
Sean W.
Richards.

Report of the committee on Public Service, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4768) of Arthur Broadhurst and Steven A. Baddour (with the approval of the mayor and city council) for legislation to exempt Sean W. Richards from the maximum age requirements for applying for civil service appointment as a police officer in the city of Methuen.

Under suspension of the rules, on motion of Mr. Kaufman of Lexington, the report was considered forthwith.

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

North
Reading,
Robert W.
Noseworthy.

Report of the committee on Public Service, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4841) of Bradley H. Jones, Jr., and Bruce E. Tarr for legislation to grant certain retirement credit of Robert W. Noseworthy for services rendered to the town of North Reading.

Under suspension of the rules, on motion of Mr. Jones of North Reading, the report was considered forthwith.

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

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 licensure of animal control officers (Senate, No. 2518); and

Of the Bill relative to the reduction of medical errors (House, No. 3129);

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.

Animal
control.

Medical
errors,
reduction.

Department
of Mental
Retardation

By Mrs. Owens-Hicks of Boston, for the committee on Children and Families, on House, No. 2870, a Bill to change the title of the Department of Mental Retardation (House, No. 5073). Read; and referred, under Joint Rule 1E, to the committee on Health Care Financing.

Medical
malpractice.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, to whom were referred the Bill relating to medical malpractice liability of health professionals in emergency response (House, No. 4963) and the message from His Excellency the Governor (House, No. 4689), reports recommending that the bill (House, No. 4963) ought to pass with an amendment substituting therefor a Bill making appropriations for the fiscal year 2006 to provide for funding to support pandemic preparation and response in the Commonwealth (House, No. 5069). [Cost: \$36,500,000.00]

Teens,
mental health
centers.

By the same member, for the same committee, that the Bill establishing teen mental health drop-in centers (House, No. 4772) ought

to pass with an amendment in line 1, by striking out the figure: "10" and inserting in place thereof the figure: "5". [Cost: \$750,000.00]

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 Bill relative to the Youth Alcohol Education Program to reduce underage drinking and promote healthy choices (House, No. 4980) [Cost: \$115,000.00] ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Youth
Alcohol
Program.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the recommitted Bill to provide educational materials to veterans regarding Hepatitis C (House, No. 2665) ought to pass.

Veterans,
Hepatitis C.

By the same member, for the same committee, to whom were referred the Bill relative to access to the electronic delivery of health plan documents (House, No. 2978) and the Bill to access to the electronic delivery of health plan documents (House, No. 3076) reports recommending that the bill (House, No. 3076) ought to pass.

Health plan
documents,
electronic
delivery.

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

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill celebrating racial harmony, diversity and tolerance (House, No. 4971, changed in line 1, by striking out the words "state route 28" and inserting in place thereof the words "that portion of state highway route 28 from Franklin Street in the town of Reading to the North Reading town line", and in line 2, by striking out the word "Glory" and inserting in place thereof the word "Tolerance").

Route 28,
Glory Road .

By the same member, for the same committee, on a petition, a Bill designating the new Route 140 bridge, West Central Street, Franklin as the Lance Corporal Shayne Cabino Bridge (House, No. 4997).

Franklin,
Corporal
Cabino
Bridge.

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

Engrossed Bills.

Engrossed bills

Relative to the financing and construction of a public parking garage and other improvements in the city of Worcester (see Senate, No. 2172, amended) (which originated in the Senate);

Bills
enacted.

Allowing unsigned circulars and posters (see House, No. 126);

Regulating tax deferral agreements in the town of Princeton (see House, No. 4297);

Relative to the charter of the town of Westborough (see House, No. 4392); and

Extending the term of agreement between the town of Shrewsbury and the town of Westborough for the Westborough Treatment Plant (see House, No. 4565);

(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.

The Senate Bill relative to the authority of conservation commissions to impose consultant fees (Senate, No. 1167) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

The House Bill relative to the Sherwood Greens Road Improvement and Maintenance District in the town of Becket (House, No. 4811) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Senate bills

Transferring employees of the Berkshire regional planning commission to the state retirement system (Senate, No. 1570, amended); and

Authorizing the Division of Capital Asset Management and Maintenance to grant certain easements to the town of Princeton over lands held for conservation recreation purposes (Senate, No. 2355); and

House bills

Relative to the interstate insurance compact (House, No. 1515);
Relative to the Massachusetts Commission on End of Life Care (House, No. 3641);

Relative to the disposition of land owned by the Department of Conservation and Recreation in the town of Rowley in exchange for certain other land located in the town of Rowley (House, No. 4661); and

Relative to services offered in assisted living facilities (House, No. 4895); and

The House Resolve in favor of Burton W. Gerrig, Esquire (House, No. 4048);

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

The Senate Bill changing the retirement classification of emergency medical services employees in the town of Billerica (Senate, No. 2093) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by adding at the end thereof the following sentence: “All additional costs and any increase in liability to the retirement system from this act shall be borne solely by the town of Billerica.”,— was adopted.

The bill (Senate, No. 2093, amended) then was ordered to a third reading.

The House Bill relative to the leasing of publicly owned land for agricultural purposes (House, No. 4658) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in line 13, and also in line 17, by striking out the word “lessor” and inserting in place thereof, in each instance, the word “lessee”,— was adopted.

The bill (House, No. 4658, amended) then was ordered to a third reading.

Second reading
bill amended.

The Senate Bill requiring the inspecting and securing of unsafe or abandoned buildings (Senate, No. 1370) was read a second time.

Pending the question on ordering the bill to a third reading, it was referred, on motion of Mr. O’Flaherty of Chelsea, to the committee on the Judiciary. Sent to the Senate for concurrence.

Abandoned
buildings,
inspect.

Recess.

At twenty-eight minutes after two o’clock P.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until the hour of three o’clock; and at twelve minutes after three o’clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recess.

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.

Mr. Scaccia of Boston 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 thirteen minutes after three o’clock P.M. (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet tomorrow at eleven o’clock A.M., in an Informal Session.

Third
reading
bill.

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Second reading
bills and
resolve.

Second reading
bill amended.