

JOURNAL OF THE HOUSE.

Monday, June 23, 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:

Eternal God, we begin this and every day with the firm intention to serve You, our families and our constituents faithfully and generously. As we face our daily crowded and busy schedules, we pray for Your assistance which we believe will help us to achieve success in our efforts. As elected leaders in this era of worldwide political unrest and violence against the innocent, teach us, as a society, to continue our traditional constitutional respect for the dignity of each individual person. As we struggle to improve the quality of life for all the people in our communities, inspire us to be guided by principles, human and spiritual values and goals which follow Your precepts and sound reason.

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.

Message from the Acting Governor -- Bill Returned with Recommendation of Amendment.

A message from His Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment section 8 contained in 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] (for message, see House, No. 4856) was filed in the office of the Clerk on Wednesday, June 18.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, said section 8 was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by the Acting Governor, the section (printed as House bill, No. 4857) was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Message from the Governor.

A message from His Excellency the Governor submitting recommendations for making certain appropriations for fiscal year 2009 before final action on the General Appropriation Bill (House, No. 4863) was filed this day in the office of the Clerk.

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.

Mr. DeLeo of Winthrop, for said committee, then reported on the foregoing message, a Bill making certain appropriations for fiscal year 2009 before final action on the General Appropriation

UNCORRECTED PROOF

Bill (printed in House, No. 4863). 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. deMacedo of Plymouth, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, 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. Sent to the Senate for concurrence.

Resolutions.

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

Resolutions (filed by Mrs. Canavan of Brockton) congratulating Timothy David Choate on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mr. deMacedo of Plymouth) celebrating the fortieth anniversary of the ordination of the Reverend Professor Peter J. Gomes;

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

Biennial Report.

The first biennial report of the Advisory Board on Compensation of Officials (under Section 5 of Chapter 140 of the Acts of 2007) regarding the adequacy of compensation of certain public officials, was sent to the Senate for its information.

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, as follows:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Labor and Workforce Development be granted until Thursday, June 19, 2008, within which to make its final report on current Senate document numbered 2476, relative to allowing students in vocational technical high schools to be involved in plumbing projects.

Under suspension of the rules, on motion of Mr. deMacedo of Plymouth, the order was considered forthwith.

Pending the question on adoption of the order, in concurrence, Mr. Torrisi of North Andover moved to amend it by striking out the date "Thursday, June 19" and inserting in place thereof the date "Monday, June 30".

UNCORRECTED PROOF

The amendment was adopted.

The order, as amended, then also was adopted. Sent to the Senate for concurrence in the amendment.

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 Public Safety and Homeland Security be granted until Friday, June 27, 2008 within which time to make its final report on a certain current Senate document numbered 1349 relative to port security.

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

A Bill establishing a sick leave bank for David S. Vitale, an employee of the Trial Court (Senate, No. 2710, amended by adding the following paragraph:

"Whenever David S. Vitale terminates employment with the trial court or requests to dissolve the sick leave bank, any remaining time of sick leave bank shall be transferred to the trial court paid leave bank. Sick leave bank days may not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court.") (on a petition), 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 directing the Registrar of Motor Vehicles to transfer a certain distinctive registration plate (Senate, No. 2757) (on Senate Bill No. 2164), 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 (accompanied by bill, Senate, No. 2758) of Thomas M. McGee and Lori A. Ehrlich (by vote of the town) relative to the Office of the Chief of the Marblehead Fire Department, was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

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 district improvement financing (printed as Senate, No. 131),- - and recommending that the same be referred to the committee on Housing. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the reference.

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 Homestead Act (House, No. 1675),- - 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.

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 kayak safety (House, No. 2382),- - and recommending that the same be recommitted to the committee on Public Safety and Homeland Security. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill to establish collaborative drug therapy management to improve pharmaceutical care for patients in Massachusetts (House, No. 4688),- - and recommending that the same be referred to the committee on Ways and Means, with the

UNCORRECTED PROOF

amendment previously recommended by the committee on Health Care Financing (House, No. 4768) pending. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the Department of Fish and Game to acquire a conservation restriction on land of the town of Hanson (House, No. 4740) ought to pass. 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 Rule 7A, on motion of Mr. Jones of North Reading, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. deMacedo of Plymouth, 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. Sent to the Senate for concurrence.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to the Kasabuski Rink in the town of Saugus (Senate, No. 2625) ought to pass. 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 Rule 7A, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing and funding the Massachusetts broadband institute (House, No. 4715) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4864). 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, with the amendment recommended by the committee on Ways and Means pending.

Under suspension of Rule 7A, on motion of Ms. Wolf of Cambridge, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill furthering the biofuels clean energy sector (House, No. 4821) ought to pass. 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 Rule 7A, on motion of Ms. Wolf of Cambridge, the bill was read a second time forthwith; and it was ordered to a third reading.

A report of the committee on Public Health, that the recommitted House Bill relative to the cremation of bodies of certain deceased persons (House, No. 4927) ought NOT to pass (under Joint Rule 10), was considered forthwith, under suspension of the rules, on motion of Mr. Koutoujian of Newton, the question being on rejection.

The question "Shall this bill be rejected?" then was negatived; and the bill was recommitted, on further motion of the same member, to the committee on Public Health.

A report of the committee on Public Health, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4744) of Thomas J. Calter and others for legislation to

UNCORRECTED PROOF

further regulate the practice of psychotherapy, was considered forthwith, under suspension of the rules, on motion of Mr. Koutoujian of Waltham.

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

Engrossed Bills.

Engrossed Bills

Authorizing the town of Arlington to establish a special account for the maintenance of its bodies of water (see House bill printed in House, No. 4471);

Establishing a voting precinct in the town of Hingham (see House, No. 4591); and

Validating the acts and proceedings of the 2007 spring annual town meeting and 2007 fall annual town meeting in the town of Natick (see House bill printed in House, No. 4623);

(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 (more than two-thirds of the members having agreed to pass the same); and they were signed by the acting Speaker and sent to the Senate.

Engrossed bills

Relative to certain sewer connections in the town of Essex (see Senate, No. 1201) (which originated in the Senate); and

Designating a certain bridge in the town of Sheffield as the Sheffield Veterans Memorial Bridge (see House, No. 4703) (which 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 House 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), 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. 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.

At eight minutes before one o'clock P.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.