

JOURNAL OF THE HOUSE.

Monday, July 14, 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.

Gracious God, at the beginning of this new workweek, with a variety of difficult legislative challenges, but also with new and exciting legislative opportunities on our agenda, we depend upon You for guidance in our decision-making actions. We pray for the enthusiasm, the creativity and courage to face the issues of the moment in a positive, constructive and direct manner. In these changing times, in our country and around the world, teach us to be open to the sound suggestions, experiences and insights of constituents and colleagues as we work together for the common good. May we continue to unite, not divide, people in our diverse communities, so that we have a civil, ethical, prosperous and caring society in which the rights of all individuals are recognized and respected.

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.

Message from the Governor — Disapprovals and Reductions in General Appropriation Bill.

General Appropriation Bill, vetoes and reductions.

A message from His Excellency the Governor returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements [see House, No. 4900] (for message, see House, No. 4956) was filed in the office of the Clerk on Sunday, July 13.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

Message from the Governor — General Appropriation Bill Returned with Recommendations of Amendments.

General Appropriation Bill, amendments.

A message from His Excellency the Governor returning with recommendations of amendments sections 8, 11 and 12, 94 and 107 contained in the engrossed Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain

permanent improvements [see House, No. 4900] (for message, see House, No. 4957 – Attachments C to F, inclusive) was filed in the office of the Clerk on Sunday, July 13.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the amendments severally were thereupon “before the General Court and subject to amendment and re-enactment”.

Pending the question on adoption of the amendments recommended by the Governor, the subject-matters (printed as House, Nos. 4958 to 4961, inclusive) were referred, in each instance, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Papers from the Senate.

The House Bill financing improvements to the Commonwealth’s transportation system (House, No. 4846) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2800.

Transportation board.

Under suspension of the rules, on motion of Ms. Provost of Somerville, the amendment was considered forthwith.

The House then non-concurred with the Senate in its amendment; and, on motion of Mr. Wagner of Chicopee, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Wagner, DeLeo of Winthrop and Poirier of North Attleborough were appointed as the committee on the part of the House. Sent to the Senate to be joined.

Committee of conference.

Subsequently the bill came from the Senate with the endorsement that said branch had insisted on its amendment, concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Baddour, Brewer and Hedlund had been joined as the committee on the part of the Senate.

ii

A Bill establishing a sick leave bank for Alice Eldridge, an employee of the Department of Revenue (Senate, No. 2745, amended by adding at the end thereof the following sentence: “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 department.”; and by inserting before the enacting clause the following emergency preamble:

Alice Eldridge, sick leave bank.

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to establish a sick leave bank for a certain employee of the department of revenue, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”) (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.

Bills

Relative to the Martha’s Vineyard land bank (Senate, No. 1180) (on a petition);

Martha’s Vineyard, land bank.

Automobile insurance investigators. Providing automobile insurance special investigators with access to the Registry of Motor Vehicle photographs (Senate, No. 2120, amended in lines 33 to 43, inclusive, by striking out subsection (c)) (on a petition);

Nonprofit Awareness Day. Providing for the annual observance of Massachusetts Nonprofit Awareness Day (Senate, No. 2679) (on a petition); and

Black males, status. Establishing a permanent commission on the social status of black males (Senate, No. 2795) (on Senate bill No. 2182);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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:

Public Safety and Homeland Security, extension of time for reporting. *Ordered*, That notwithstanding the provisions of Joint Rule 10, the joint committee on Public Safety and Homeland Security be granted until Friday, July 18, 2008 within which time to make its final report on a certain current Senate document numbered 2739, to promote business continuity and recovery after a disaster.

Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the order was considered forthwith; and it was adopted, in concurrence.

Walpole, Economic Development.

A petition of James E. Timilty, John H. Rogers, Louis L. Kafka and Richard J. Ross (by vote of the town) for legislation to establish the Walpole Economic Development and Industrial Corporation (Senate, No. 2786), having been transmitted by the Senate to the State Secretary under the provisions of Section 5 of Chapter 3 of the General Laws, which had been returned by the Secretary with memoranda relative thereto, was referred, in concurrence, to the committee on Economic Development and Emerging Technologies.

Reports of Committees.

Westwood, group insurance.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill establishing a group insurance liability fund in the town of Westwood (House, No. 4840) [Local Approval Received]. Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Hudson, police captain.

By Mr. Kaufman of Lexington, for the committee on Public Service, on the recommitment joint petition, a Bill exempting the position of police captain in the town of Hudson from the provisions of the civil service law (House, No. 4777) [Local Approval Received].

Hingham, Michael P. Hickey.

By the same member, for the same committee, on a petition, a Bill authorizing the appointment of Michael P. Hickey as a police officer in the town of Hingham (House, No. 4837) [Local Approval Received].

Revere, reserve firemen.

By the same member, for the same committee, on a petition, a Bill authorizing the mayor of the city of Revere to appoint an additional eight members to the reserve force of firemen of the city of Revere fire department (House, No. 4838) [Local Approval Received].

Westwood,

By the same member, for the same committee, on a petition, a Bill exempting Richard Corcoran and Kazimierz R. Piorkowski, Jr. from the maximum age requirement for appointment as a firefighter in the town of Westwood (House, No. 4839) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill to permit the appointment of Darryl Sencabaugh for the position of fire fighter in the town of Wilmington pending the civil service exam (House, No. 4841) [Local Approval Received].

By the same member, for the same committee, on the joint petition, a Bill to authorize the removal of the deputy chief of police of the town of Acton from the civil service laws (House, No. 4870) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing certain persons to take the civil service examination for appointment as a firefighter in the town of Arlington notwithstanding age (House, No. 4871) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing certain persons to take the civil service examination for appointment as a police officer in the town of Arlington notwithstanding age (House, No. 4872) [Local Approval Received].

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

By Mr. Kaufman of Lexington, for the committee on Public Service, on House, Nos. 4776 and 4854, an Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4963).

By Mr. Binienda of Worcester, for the committee on Revenue, on House, Nos. 4842, 4849 and 4862, an Order relative to authorizing the committee on Revenue to make an investigation and study of certain House documents concerning various tax formulas (House, No. 4964).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing the Massachusetts creative economy council (House, No. 4309) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4965).

By the same member, for the same committee, that the Bill relative to clear and conspicuous price disclosure (House, No. 4858) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4966).

fire fighters.

Wilmington, Darryl Sencabaugh.

Acton, deputy police chief.

Arlington, fire fighters.

Arlington, police officers.

Public employees, study.

Revenue, study.

Economy council, establish.

Price disclosure.

School district.

accountability. By the same member, for the same committee, that the Bill relative to school district accountability (House, No. 4859) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4967).

Bridge improvement program. By the same member, for the same committee, that the Bill financing an accelerated structurally-deficient bridge improvement program (House, No. 4935) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4968). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendments pending.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

Health facilities, defibrillators. By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill requiring automatic external defibrillators in health and wellness facilities (House, No. 3888) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading, with amendments previously recommended by the committee on Public Health pending.

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

Senate bills

Disabled students. Bill too maintain transition age requirements for students with disabilities (Senate, No. 286);

Fitchburg, Wallace Civic Center. Bill authorizing the city of Fitchburg to lease certain park land to the Wallace Civic Center and Planetarium (Senate, No. 2589);

Karen Fowles, sick leave bank. Bill establishing a sick leave for Karen Fowles, an employee of the Massachusetts Rehabilitation Commission (Senate, No. 2730, amended); and

Human service programs, rates. Bill relative to rates for human and social service programs (Senate, No. 2764, amended); and

Motion picture industry. The House Bill relative to the motion picture industry (House, No. 4784);

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

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

House bills

Voting. To ensure secure voting equipment (House, No. 670);
Duxbury. Relative to the town of Duxbury (House, No. 4380);
Amesbury. To limit use of eminent domain in the city of Amesbury (House,

No. 4583);

Telecommunications and Cable. Regarding the Department of Telecommunications and Cable (printed in House, No. 4816);

Designating Rolling Rock as the official glacial rock of the Commonwealth (House, No. 4823);

Rolling Rock.

Relative to the post retirement liability fund in the town of Needham (House, No. 4826);

Needham.

Authorizing certain appropriations from the town of Bridgewater's capital projects fund (House, No. 4848);

Bridgewater.

Authorizing the State Secretary to place the office of selectman on the state election ballot in the town of Topsfield (printed in House, No. 4884); and

Topsfield.

Validating the action taken at the special town election held in the town of Oak Bluffs (printed in House, No. 4932);

Oak Bluffs.

Severally placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills.

Engrossed bills

Relative to real property tax deferrals in the town of Lexington (see House, No. 4262);

Bills enacted.

Authorizing the town of Chatham to grant 2 additional licenses for the sale of all alcoholic beverages to be drunk of the premises (see House, No. 4522); and

Establishing a board of water and sewer commissioners in the town of Plainville (see House, No. 4685);

(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.

Motion to Reconsider.

Mr. Bosley of North Adams moved that the vote be reconsidered by which the House, on Wednesday, July 9, passed to be engrossed the House Bill relative to eminent domain takings (House, No. 1770, amended).

Eminent domain takings.

Under Rule 54, the motion to reconsider was placed in the Orders of the Day for the next sitting.

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. Sánchez of Boston then moved that as a mark of respect to the memory of Timothy J. McInerney, a member of the House of Representatives from Boston in 1945 and 1946 and also from 1949 to 1952, inclusive, the House adjourn; and the motion prevailed.
Accordingly, at twenty-eight minutes before twelve o'clock noon, on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House adjourned to meet tomorrow at eleven o'clock A.M.