

JOURNAL OF THE HOUSE.

Thursday, July 28, 2005.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Petrolati of Ludlow 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, we begin each day with the intention of loving our families and of serving You and constituents in an honorable, courageous and thoughtful manner. In proposing and evaluating legislation, help us to sift through all relevant information and data in our search for the right answers and truth. Teach us to be good and patient listeners, open to new knowledge, civil in discussing controversial issues and committed to the common good of all. In our search for personal happiness and meaning inspire us to seek and follow Your values and Your ways on each day's journey through life.

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. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

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

St. Mary's golf team.

Resolutions (filed by Messrs. Fennell of Lynn, Falzone of Saugus, Petersen of Marblehead and Walsh of Lynn) honoring the St. Mary's golf team;

Voting Rights Act.

Resolutions (filed by Mrs. Owens-Hicks of Boston and other members of the House) memorializing the Congress of the United States to reauthorize the Voting Rights Act of 1965;

Michael McNally.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Michael McNally on receiving the Eagle Award of the Boy Scouts of America;

Daniel Smith.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Daniel Smith on receiving the Eagle Award of the Boy Scouts of America; and

Saint George Greek Church.

Resolutions (filed by Messrs. Walsh of Lynn, Falzone of Saugus, Fennell of Lynn and Petersen of Marblehead) celebrating the one hundredth anniversary of the Saint George Greek Orthodox Church in Lynn;

Mrs. Parente of Milford, 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. O'Flaherty of Chelsea, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

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From Plainridge Racecourse (under Section 2 of Chapter 128C of the General Laws) submitting copies of contracts for the simulcasting of dog races;

Simulcasting.

From the Mental Health Commission for Children (under the provisions of Section 77 of Chapter 177 of the Acts of 2001) submitting a final report containing certain recommendations to provide services to children with mental illness; and

Children, mental health.

From the Department of Telecommunications and Energy (under the provisions of Section 69I of Chapter 164 of the General Laws) submitting a report of the reliability and diversity of electricity and natural gas in the Commonwealth;

Utilities, reliability.

Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Straus of Mattapoisett, petition (accompanied by bill, House, No. 4293) of William M. Straus and others (by vote of the town) that the town of Fairhaven be authorized to issue a license for the sale of wine and malt beverages to Jevon K. Malcolm and Lisa M. Malcolm doing business as Jevon Enterprises. To the committee on Consumer Protection and Professional Licensure.

Fairhaven, Jevon Enterprises.

By Mr. Nyman of Hanover, petition (accompanied by bill, House, No. 4294) of Robert J. Nyman and Robert S. Creedon, Jr. (by vote of the town) for legislation to provide for the appointment of two associate members to the planning board of the town of Hanover;

Hanover, planning board.

By Ms. Peisch of Wellesley, petition (accompanied by bill, House, No. 4295) of Alice Hanlon Peisch and Scott P. Brown (by vote of the town) that the town of Wellesley be authorized to establish a department of financial services; and

Wellesley, financial services.

By Mr. Quinn of Dartmouth, petition (accompanied by bill, House, No. 4296) of John F. Quinn and Stephen R. Canessa (by vote of the town) that the town of Lakeville be authorized to appoint a superintendent of streets for said town;

Lakeville, street superintendent.

Severally to the committee on Municipalities and Regional Government.

By Mr. Evangelidis of Holden, petition (accompanied by bill, House, No. 4297) of Lewis G. Evangelidis (by vote of the town) relative to the interest on tax deferral agreements in the town of Princeton. To the committee on Revenue.

Princeton, tax deferrals.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Ms. Jehlen of Somerville, petition (subject to Joint Rule 12) of Patricia D. Jehlen and others for legislation to regulate the manufacture, sale and possession of machetes and providing a penalty for such violations.

Machetes, prohibiting.

By Mr. Jones of North Reading, petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., and others for legislation to prohibit eminent domain takings for the purpose of economic development.

Eminent domain.

Eminent domain.

By the same member, petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution prohibiting eminent domain takings for the purpose of economic development.

Mattapoisett River Valley Water District.

By Mr. Straus of Mattapoisett, petition (subject to Joint Rule 12) of William M. Straus and others for legislation to authorize the towns of Fairhaven, Marion, Mattapoisett and Rochester to convey certain land to the Mattapoisett River Valley Water District.

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

Paper from the Senate.

Hatfield Economic Development Corporation.

A Bill establishing the Hatfield Economic Development Corporation (Senate, No. 2153) (on Senate, No. 24), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

Zenaida Correia, sick leave bank.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing a sick leave bank for Zenaida Correia, an employee of the Trial Court (Senate, No. 2071) 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 the rules, on motion of Mr. O'Flaherty of Chelsea, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed, in concurrence.

Medicare and Medicaid program.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on House, No. 4285, a Bill relative to certain persons dually eligible for the Medicare and Medicaid program (House, No. 4298). 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. O'Flaherty of Chelsea, 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 Ms. Harkins of Needham, 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.

Mental health services.

By Ms. Balsler of Newton, for the committee on Mental Health and Substance Abuse, on a petition, a Bill relative to mental health services (House, No. 1613) [Cost: \$1,300,000.00].

Mental health care.

By the same member, for the same committee, on a petition, a Bill relative to mental health (House, No. 1616, changed in section 2, in lines 7 and 8, by striking out the words "joint committee on human services and elderly affairs and the mental health caucus"

and inserting in place thereof the words "joint committee on health care financing and the joint committee on mental health and substance abuse"; and in section 4, in lines 7 and 8, by striking out the words "joint committee on human services and elderly affairs and the mental health caucus" and by inserting in place thereof the words "joint committee on health care financing and the joint committee on mental health and substance abuse").

By the same member, for the same committee, on a petition, a Bill to review the delivery of behavioral health services in the Commonwealth (House, No. 1617, changed in line 3 by striking out the words "Division of Medical Assistance's" and by inserting in place thereof the words "Department of Mental Health's"; in line 7 by striking out the words "Division of Medical Assistance," and in line 27 by striking out the words "Division of Medical Assistance" and inserting in place thereof the words "Department of Mental Health"; in line 38 by striking out the word "and"; and in line 39 by inserting after the word "Representatives" the words ", and the committee on Mental Health and Substance Abuse".).

Behavioral health services.

By the same member, for the same committee, on a petition, a Bill increasing public safety by ensuring access to substance abuse treatment (House, No. 3127, changed in lines 11 to 14, inclusive, by striking out the words "; provided, however, that the income eligibility standards shall be less than two hundred percent of the non-farm income poverty guidelines defined by the United States Office of Management and Budget".).

Substance abuse treatment, access.

By the same member, for the same committee, on a petition, a Bill relative to the establishment of an alcohol commission (House, No. 3945, changed in line 33 by inserting after the word "Association," the words "The Recovery Homes Collaborative,;" and in line 40 by striking out the words "health care" and inserting in place thereof the words "mental health and substance abuse".).

Alcohol commission, establish.

Severally read; and referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill relative to treating veterans equally under the pension laws (House, No. 3977).

Veterans, retirement.

By Mr. Dempsey of Haverhill, for the committee on Telecommunications, Utilities and Energy, on a petition, a Bill further regulating the provision of electricity and other services in the Commonwealth (House, No. 4031).

Rental property, utilities.

By the same member, for the same committee, on Senate, No. 1821 and House, Nos. 3274 and 3328, a Bill establishing a minimum energy-efficiency standard for certain products (House, No. 4299).

Product efficiency standards.

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

Engrossed Bills.

Engrossed bills
Designating the Massachusetts National Guard way in the city of Westfield (see Senate, No. 1915) (which originated in the Senate); and

Bills enacted.

Relative to the water commissioners of the town of Spencer (see House, No. 3229) (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.

Third
reading
bill.

The Senate Bill relative to the water and sewer commission in the town of Charlton (Senate, No. 1163) (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.

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The House Bill authorizing the town of Mashpee to grant a certain easement (House, No. 4111), 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.

Recess.

Recess.

At twelve minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Petrolati of Ludlow being in the Chair) the House recessed until one o'clock P.M.; and at four minutes after one o'clock P.M. the House was called to order with Mr. Petrolati in the Chair.

Paper from the Senate.

Pittsfield,
liquor
licenses.

A Bill authorizing the city of Pittsfield to grant 5 additional licenses for the sale of all alcoholic beverages and 4 additional licenses for the sale of wines and malt beverages to be drunk on the premises (Senate, No. 2160) (on Senate, No. 2020), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling [Local Approval Received].

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. Pignatelli of Lenox, the bill was read a second time forthwith; and it was ordered to a third reading.

Emergency Measure.

Zenaida
Correia,
sick leave
bank.

The engrossed Bill establishing a sick leave bank for Zenaida Correia, an employee of the Trial Court (see Senate, No. 2071), 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 2 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 Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed Bill.

The engrossed Bill relative to the water and sewer commission in the town of Charlton (see Senate, No. 1163) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Recess.

At seventeen minutes after one o'clock P.M., on motion of Mr. deMacedo of Plymouth (Mr. Petrolati of Ludlow being in the Chair), the House recessed until half past two o'clock P.M.; and at twenty minutes before three o'clock the House was called to order by Mr. Petrolati.

Recess.

Paper from the Senate.

The House Bill providing counsel to indigent persons (House, No. 4287, amended) came from the Senate passed to be engrossed, in concurrence, with amendments in section 3 (as printed), in line 00, by striking out the words "or more vehicle registration" and inserting in place thereof the words "or motor vehicle registration for any vehicle subsequently purchased by such person"; by inserting after section 3 (as printed) the following section:

Indigent
persons,
public
counsel.

"SECTION 1A. Section 2A of said chapter 211D, as so appearing, is hereby amended by striking out the words 'need not be appointed', in line 3, and inserting in place thereof the words:—, on motion of the commonwealth, the defendant, or on the court's own motion, shall not be appointed."; in section 4 (as printed), in lines 00 to 00, inclusive, by striking out the three sentences contained therein and inserting in place thereof the following two sentences: "Notwithstanding any special or general law to the contrary, there shall be in each district, as established under section 13 of chapter 12 of the General Laws, a pilot program providing adjunct staffing within the public defender division of the committee for public counsel services for which the committee shall hire 10 attorneys, 1 investigator and 2 support staff and provide such attorneys and staff with sufficient office space and office resources. The chief counsel of the committee shall assign the attorneys throughout the various district court divisions of each district in a manner that, in his determination, will likely result in the most effective and efficient representation of persons claiming indigency within each district."; in section 6 (as printed), in line 00, by striking out the words "in Springfield, Lowell, Worcester, Salem, New Bedford and Brockton"; in section 7 (as printed), in line 00, by striking out the words "court may in its discretion treat" and inserting in place thereof the words "court may, unless the commonwealth objects, in writing, stating the reasons for such objection, treat" and, in line 00,

by inserting after the word “incarceration.” the following sentence: “The commonwealth shall maintain a copy of all objections filed under this section and shall report the number of such objections, delineated by divisions of the district court, every 6 months to the house and senate committees on ways and means.”; and by adding at the end of the bill the following section:

“SECTION 9. Section 2 shall take effect as of July 1, 2005.”.

Under suspension of the rules, on motion of Mr. Donato of Medford, the amendments were considered forthwith; and they were adopted, in concurrence.

Emergency Measure.

Indigent
persons,
public
counsel.

Mr. Donato of Medford being in the Chair,— the engrossed Bill providing counsel to indigent persons (see House, No. 4287, 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.

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.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

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

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