

JOURNAL OF THE HOUSE.

Monday, August 1, 2005.

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:

Gracious God, the Ultimate Sources of Goodness and Truth, we turn to You for guidance and direction as we address each day's legislative and public policy issues. In our search for fair and objective answers to the current needs of people and our communities, we pray for Your gift of wisdom. Your gift enables us to comprehend more clearly both the issues and consequences of our choices and decisions. As citizens of this Commonwealth with a diverse population, teach us to plan together, to work together and to hope together for a bright and happy future for our children.

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 — Veto.

A message from the Lieutenant-Governor, Acting Governor returning with her objections thereto in writing the engrossed Bill relative to car rental transactions in the city of Revere [see House, No. 4180] (for message, see House, No. 4300) was filed in the Office of the Clerk on Friday, July 29.

The message was read; under House Rule 12, placed in the Orders of the Day for the next sitting.

Appointment to a Special Commission.

The Speaker announced the appointment of Leonard I. Zon, M.D.; George J. Annas, J.D., M.P.H.; Harlyn O. Halvorson, Ph.D.; and Alison Taunton-Rigby, Ph.D., O.B.E. to the Biomedical Research Advisory Council (established under Section 9 of Chapter 111L of the General Laws as inserted by Chapter 27 of the Acts of 2005).

Statement of Representative Miceli of Wilmington.

A statement of Mr. Miceli of Wilmington was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the taking of roll call number 172, on Thursday, July 21, on the question of passing to be enacted the engrossed Bill providing timely access to emergency contraception (see Senate, No. 2073), I voted in the negative, but now find that I was inexplicably recorded as having voted in the affirmative.

Resolutions.

Pasquale and Angelyn Leone.

Resolutions (filed with the Clerk by Mr. Connolly of Everett) congratulating Pasquale and Angelyn Leone on their fiftieth wedding anniversary, September 11, 2005, were referred, under Rule 85, to the committee on Rules.

Mr. Petrolati of Ludlow, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, 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.

Petitions.

The following petitions (having been deposited in the office of the Clerk previously to five o'clock in the afternoon on Wednesday, December 1, 2004) severally were presented and they were referred, under Rule 24 and Joint Rule 13, as follows:

Hull, street superintendent.

By Mr. Bradley of Hingham, petition (accompanied by bill, House, No. 4309) of Robert L. Hedlund (by vote of the town) relative to exempting the position of superintendent of streets of the town of Hull from the civil service law.

Sharon Grady-McKay, retirement.

By Mr. Driscoll of Braintree, petition (accompanied by bill, House, No. 4311) of Joseph R. Driscoll (by vote of the town) for legislation to grant creditable service to Sharon Grady-McKay, an employee of the public schools in the town of Hingham. Severally to the committee on Public Service. Severally sent to the Senate for concurrence.

The following petitions (having been deposited in the office of the Clerk previously to five o'clock in the afternoon on Wednesday, December 1, 2004) severally were presented and they were referred, as follows:

Dennis, Louis Cataldo.

By Mr. Atsalis of Barnstable, petition (subject to Joint Rule 7A) of Demetrius J. Atsalis relative to the retirement allowance of Louis Cataldo, a retired employee of the Barnstable County Sheriff's Office and retired chief of the police department of the town of Dennis.

Barnstable sheriff's office, retirement.

By the same member, petition (subject to Joint Rule 7A) of Demetrius J. Atsalis relative to authorizing Barnstable County to establish an early retirement program for the sheriff's department of said county.

Williamstown, mobile homes.

By Mr. Bosley of North Adams, petition (subject to Joint Rule 7B) of Daniel E. Bosley relative to rent regulations in mobile home park accommodations in the town of Williamstown.

Cohasset, senior citizen tax exemptions.

By Mr. Bradley of Hingham, petition (subject to Joint Rule 7B) of Garrett J. Bradley that the town of Cohasset be authorized to increase real estate tax exemptions for senior citizens of said town.

Cohasset, housing projects.

By the same member, petition (subject to Joint Rule 7B) of Garrett J. Bradley for legislation to establish a moratorium on certain low and moderate income housing projects in the town of Cohasset.

Hull, special police.

By the same member, petition (subject to Joint Rule 7B) of Garrett J. Bradley relative to authorizing the appointment of certain special police officers in the town of Hull.

By the same member, petition (subject to Joint Rule 7B) of Garrett J. Bradley for legislation to authorize the town of Hull to establish a certain fund.

Hull, town funds.

By Mr. Connolly of Everett, petition (subject to Joint Rule 7B) of Edward G. Connolly and Paul J. Donato that the city of Malden be authorized to compensate said city's representative to the Northeast Metropolitan Regional Vocational School Committee.

Malden, school representative.

By Mr. Costello of Newburyport, petition (subject to Joint Rule 7B) of Michael A. Costello that the licensing authority of the town of Amesbury be authorized to issue additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

Amesbury, liquor licenses.

By the same member, petition (subject to Joint Rule 7B) of Michael A. Costello that the licensing authority for the town of Salisbury be authorized to issue additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

Salisbury, liquor licenses.

By the same member, petition (subject to Joint Rule 7B) of Michael A. Costello and Steven A. Baddour for legislation to extend the temporary tax amnesty program for the town of Salisbury.

Salisbury, tax amnesty program.

By Mr. deMacedo of Plymouth, petition (subject to Joint Rule 7B) of Thomas J. O'Brien and others relative to the impact of development in the town of Plymouth.

Plymouth, development.

By Mr. Driscoll of Braintree, petition (subject to Joint Rule 7B) of Joseph R. Driscoll relative to assessing a fee for the transfer of alcoholic beverage licenses in the town of Braintree.

Braintree, liquor license transfers.

By the same member, petition (subject to Joint Rule 7B) of Joseph R. Driscoll relative to room occupancy excise taxes in the town of Braintree.

Braintree, room occupancy tax.

By the same member, petition (subject to Joint Rule 7B) of Joseph R. Driscoll relative to authorizing the town of Braintree to convey land comprising the former Watson Park branch library from the town of Braintree to the Braintree Historical Society.

Braintree, Watson Library.

By Mr. Eldridge of Acton, petition (subject to Joint Rule 7B) of Pamela P. Resor relative to the residency requirements of the police and fire departments in the town of Boxborough.

Boxborough, residency.

By the same member, petition (subject to Joint Rule 7B) of Harold P. Naughton, Jr., and Robert A. Antonioni that the town of Lancaster be authorized to grant certain employment contracts.

Lancaster, employment contracts.

By the same member, petition (subject to Joint Rule 7B) of Harold P. Naughton, Jr., and Robert A. Antonioni that the town of Lancaster be authorized to place all five offices of the finance committee on the 2005 ballot.

Lancaster, finance committee.

By Mr. Fagan of Taunton, petition (subject to Joint Rule 7B) of James H. Fagan relative to authorizing the certification and eligibility of certain persons as fire fighters in the city of Taunton.

Taunton, firefighter eligibility.

By Mr. Flynn of Bridgewater, petition (subject to Joint Rule 7B) of David L. Flynn and Marc R. Pacheco relative to the membership of the conservation commission of the town of Bridgewater.

Bridgewater, conservation commission.

By the same member, petition (subject to Joint Rule 7B) of David L. Flynn and Marc R. Pacheco for legislation to remove an agricultural preservation restriction from land known as Borden Colony in the town of Raynham.

Raynham, Borden Colony.

Raynham,
development
fund.

By the same member, petition (subject to Joint Rule 7B) of David L. Flynn and Marc R. Pacheco for legislation to establish a development revolving fund in the town of Raynham.

Boston,
housing
police.

By Mr. Fresolo of Worcester, petition (subject to Joint Rule 7B) of John P. Fresolo and others relative that police officers of the housing authority of the city of Boston be classified under the civil service law.

Boston,
municipal
police.

By the same member, petition (subject to Joint Rule 7B) of John P. Fresolo and others relative to employees of the municipal police department of the city of Boston injured in the line of duty.

Boston,
housing
authority.

By the same member, petition (subject to Joint Rule 7B) of John P. Fresolo and others relative to employees of the housing authority of the city of Boston injured in the line of duty.

Orleans,
health
insurance.

By Mrs. Gomes of Harwich, petition (subject to Joint Rule 7B) of Shirley Gomes and Robert A. O'Leary relative to validating certain health insurance payments made by the town of Orleans.

Provincetown,
High Pole
Hill Road.

By the same member, petition (subject to Joint Rule 7B) of Shirley Gomes and Robert A. O'Leary relative to the relocation and alteration of High Pole Hill Road in the town of Provincetown.

Provincetown,
historical
commission.

By the same member, petition (subject to Joint Rule 7B) of Shirley Gomes and Robert A. O'Leary relative to the historic commission of the town of Provincetown.

Wellfleet,
property tax
exemptions.

By the same member, petition (subject to Joint Rule 7B) of Shirley Gomes and Robert A. O'Leary relative to property tax exemptions for rental properties restricted as affordable housing in the town of Wellfleet.

Billerica,
ambulance
paramedics.

By Mr. Greene of Billerica, petition (subject to Joint Rule 7B) of William G. Greene, Jr., for legislation to place ambulance paramedics in the town of Billerica in Group 4 of the public employees retirement law.

Billerica,
civil
service.

By the same member, petition (subject to Joint Rule 7B) of William G. Greene, Jr., that clerical positions in the police department of the town of Billerica be exempt from provisions of the civil service law.

Westford,
tax relief.

By Mr. Hall of Westford, petition (subject to Joint Rule 7B) of Geoffrey D. Hall and Steven C. Panagiotakos that the town of Westford be authorized to provide property tax relief to certain senior citizens of said town.

Westford,
property tax
exemptions.

By the same member, petition (subject to Joint Rule 7B) of Geoffrey D. Hall and Steven C. Panagiotakos that the town of Westford be authorized to regulate certain property tax exemption eligibility requirements for elderly persons.

Hamilton,
property
taxes.

By Mr. Hill of Ipswich, petition (subject to Joint Rule 7B) of Bradford Hill relative to providing for a real property tax exemption for certain residents in the town of Hamilton.

Plymouth
County,
criminal
bureau.

By Mr. Hynes of Marshfield, petition (subject to Joint Rule 7A) of Frank M. Hynes that officers in the criminal bureau in the sheriff's department of Plymouth County be classified in Group 4 under the public employees retirement law.

Winchendon,
fund.

By Mr. Knuuttila of Gardner, petition (subject to Joint Rule 7B) of Brian Knuuttila and Stephen M. Brewer relative to the establishment of a capital investment fund in the town of Winchendon.

By Mr. Kocot of Northampton, petition (subject to Joint Rule 7B) of Peter V. Kocot that the city of Northampton be authorized to impose a tax on the sale of meals.

Northampton,
meals tax.

By the same member, petition (subject to Joint Rule 7B) of Peter V. Kocot that the city of Northampton be authorized to convert licenses for the seasonal sale of wine and malt beverages to be drunk on the premises.

Northampton,
liquor
licenses.

By Mr. Koutoujian of Waltham (by request), petition (subject to Joint Rule 7B) of Charles Petiti relative to the granting of a permit for the operation of a temporary experimental casino in the city of Holyoke.

Holyoke,
experimental
casino.

By Mr. Lantigua of Lawrence, petition (subject to Joint Rule 7B) of William Lantigua relative to requiring voters to produce photographic identification in order to receive an election ballot in the city of Lawrence.

Lawrence,
voter
identification.

By Mr. Leary of Worcester, petition (subject to Joint Rule 7B) of James B. Leary and Harriette L. Chandler relative to the administrative oversight of the hiring process in the town of West Boylston.

West Boylston,
hiring
process.

By Mr. Linsky of Natick, petition (subject to Joint Rule 7B) of David Paul Linsky and Scott P. Brown relative to conservation land in the town of Sherborn.

Sherborn,
conservation
land.

By Mr. Loscocco of Holliston, petition (subject to Joint Rule 7B) of Paul J. P. Loscocco and Karen E. Spilka that the town of Hopkinton be authorized to establish an affordable housing trust fund

Hopkinton,
affordable
housing fund.

By the same member, petition (subject to Joint Rule 7B) of Paul J. P. Loscocco and Karen E. Spilka relative to the department of public works in the town of Hopkinton.

Hopkinton,
public
works.

By Mr. Naughton of Clinton, petition (subject to Joint Rule 7B) of Harold P. Naughton, Jr., for legislation to dissolve the Boylston Water District and transfer the powers and duties of said district to the town of West Boylston.

Boylston
Water
District.

By Mr. O'Flaherty of Chelsea, petition (subject to Joint Rule 7B) of Eugene L. O'Flaherty relative to creditable service for retirement purposes for certain employees of the city of Boston.

Boston
employees,
creditable
service.

By Mr. Patrick of Falmouth, petition (subject to Joint Rule 7B) of Matthew C. Patrick and others relative to the appointment of retired police officers to the police department of the town of Mashpee.

Mashpee,
police
appointments.

By the same member (by request), petition (subject to Joint Rule 7B) of Emilie Johnson relative to the establishment and administration of rent regulations and the control of evictions in manufactured housing in the town of Bourne.

Bourne,
rent
regulations.

By Mr. Perry of Sandwich, petition (subject to Joint Rule 7A) of Jeffrey Davis Perry relative to authorizing the Barnstable County Retirement Board to grant creditable service to Albert E. Todino.

Albert
Todino,
retirement.

By Mr. Pignatelli of Lenox, petition (subject to Joint Rule 7B) of William Smitty Pignatelli and Michael R. Knapik relative to authorizing the water and sewer commission of the city of Springfield to convey certain land to the town of Blandford.

Springfield,
water and
sewer.

By Ms. Polito of Shrewsbury, petition (subject to Joint Rule 7B) of Karyn E. Polito that the town of Shrewsbury be authorized to establish a fund to provide for certain improvements in the Lakeway Overlay District of said town.

Shrewsbury,
fund.

Joseph E. Correia, retirement.

By Mr. Quinn of Dartmouth, petition (subject to Joint Rule 7A) of John F. Quinn that the Bristol County Retirement Board be directed to increase the retirement allowance payable to Joseph E. Correia, a police officer retired with a disability from the town of Dartmouth.

Suffolk sheriff, nurses retirement. Boston, Eamon D. Geoghegan.

By Miss Reinstein of Revere, petition (subject to Joint Rule 7A) of Kathi-Anne Reinstein relative to the retirement rights of registered nurses in the sheriff's department of Suffolk County.

By Mr. Rush of Boston (by request), petition (subject to Joint Rule 7B) of Eamon D. Geoghegan for legislation to authorize said Eamon D. Geoghegan to take a civil service examination for the position of police officer in the city of Boston, notwithstanding the maximum age requirements.

Hadley, meals tax.

By Mr. Scibak of South Hadley, petition (subject to Joint Rule 7B) of John W. Scibak for legislation to authorize the town of Hadley to impose a local excise tax on the sale of meals.

Marion, land bank fund.

By Mr. Straus of Mattapoisett, petition (subject to Joint Rule 7B) of William M. Straus and Marc R. Pacheco that the town of Marion be authorized to establish an affordable housing trust fund and an historic preservation fund from land bank funds.

Marion, open space acquisition.

By the same member, petition (subject to Joint Rule 7B) of William M. Straus and Marc R. Pacheco relative to the open space acquisition commission in the town of Marion.

Randolph, affordable housing.

By Mr. Timilty of Milton, petition (subject to Joint Rule 7B) of Walter F. Timilty and others for legislation to impose a moratorium on certain affordable housing projects in the town of Randolph.

Dukes County, Annie Nichols.

By Mr. Travis of Rehoboth, petition (subject to Joint Rule 7A) of Philip Travis relative to the retirement elective of the late Paul J. Nichols, a member of the retirement system of the county of Dukes County.

Edgartown, conservation restrictions.

By Mr. Turkington of Falmouth, petition (subject to Joint Rule 7B) of Eric Turkington and Robert A. O'Leary relative to conservation restrictions on certain parcels of land under the control of the town of Edgartown.

Franklin, town employees.

By Mr. Vallee of Franklin, petition (subject to Joint Rule 7B) of James E. Vallee and others relative to the probationary period for certain newly hired public safety employees of the city of Franklin.

Severally to the committee on Rules.

Papers from the Senate.

Methuen, community development board.

Providing for alternative members on the community development board of the city of Methuen (Senate, No. 2021) (on a petition) [Local Approval Received];

Affordable housing, Somerville.

Establishing a project mitigation contribution ("linkage") program for affordable housing in the city of Somerville (Senate, No. 2044) (on a petition) [Local Approval Received];

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 notice was received from the Clerk of the Senate, to wit:

The Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356, State House
Boston, MA 02133

Dear Speaker DiMasi:

I have the honor to inform you that the Senate President has appointed Senators Susan C. Tucker and Pamela P. Resor to serve as members on the Madeline Amy Sweeney Award Committee (pursuant to Section 214 of Chapter 6 of the General Laws), effective Friday, July 29, 2005.

Sweeney Award Committee.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3898) of Peter J. Koutoujian that the Department of Environmental Protection be directed to regulate the handling of mercury by dentists,— and recommending that the same be referred to the committee on Public Health. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Dentists, mercury use.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill regarding employees of the Department of Correction (House, No. 422, changed in line 3, by striking out the figures "2001" and inserting in place thereof the figures "2005"). Read; and referred, under Rule 33, to the committee on Ways and Means.

Department of Corrections employees.

Orders of the Day.

Senate bills

Exempting certain positions in the fire department in the city of Northampton from the civil service law (Senate, No. 2069, amended); and

Third reading bills.

Authorizing the city of Pittsfield to grant 5 additional licenses 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);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

Third
reading
bills.

House bills

Authorizing the town of Brookline to increase the expenditure cap on revolving funds (House, No. 4112) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to pension benefits for William I. Griffiths (House, No. 4123) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Engrossed Bills.

Bills
enacted.

Engrossed bills

Authorizing the city of Pittsfield to grant 5 additional licenses the sale of all alcoholic beverages and 4 additional licenses for the sale of wines and malt beverages to be drunk on the premises (see Senate, No. 2160) (which originated in the Senate);

Relative to the Massachusetts Water Resources Authority (see House, No. 4259); and

Relative to certain persons dually eligible for the Medicare and Medicaid program (see House, No. 4298);

(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.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

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

In Memory of Robert J. Bohigian.

Messrs. Leary of Worcester, Binienda of Worcester, Fresolo of Worcester, Pedone of Worcester and Spellane of Worcester then moved that as a mark of respect to the memory of Robert J. Bohigian, a member of the House from Worcester from 1959 to 1990, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty-three minutes before twelve o'clock noon, on motion of Mr. Smizik of Brookline (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.