

## JOURNAL OF THE HOUSE.

Monday, August 7, 2006.

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.

Lord of Goodness and Forgiveness, we begin this workweek by opening our minds and hearts to You, our Creator, for a moment of reflection and prayer. Your guidance helps us to set and to organize correctly our goals, priorities and human and spiritual values. Your gift of wisdom, for which we pray, enables us to comprehend issues, even the most complex and sensitive, more clearly. Inspire us to make choices and decisions which are thoughtful, objective, mature and ethical.

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 — Resolve Returned with Recommendation of Amendment.*

Homelessness, study.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Resolve providing for an investigation and plan by a special commission relative to ending homelessness in the Commonwealth [see House, No. 5206, amended] (for message, see House, No. 5264) was filed in the office of the Clerk on Friday August 4.

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

Pending the question on adoption of the amendment recommended by His Excellency, the resolve was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

### *Message from the Governor — Veto.*

Early education.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill relative to early education and care [see House, No. 4755] (for message, see House, No. 5263) was filed in the Office of the Clerk on Friday, August 4.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting, the question being on passing the bill, notwithstanding the said objections.

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### *Appointments to a Special Commission.*

The Speaker announced that he had appointed Ms. Christie L. Hager and Ms. Nancy Turnbull, and that the Minority Leader had appointed Mr. Bill Vernon to the Special Commission established (under subsection 16N of section 3 of chapter 58 of the Acts of 2006) to study the feasibility of reducing or eliminating the contribution made by contributing employers to the Uncompensated Care Trust Fund.

Uncompensated Care Trust Fund contribution.

### *Resolutions.*

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

Resolutions (filed by Speaker DiMasi of Boston) recognizing August 7, 2006 as Communicators Day, honoring the memory of Peter Jennings;

Communicators Day.

Resolutions (filed by Mr. Donelan of Orange) commending the dedication of the Winchendon Veterans Cemetery monuments to the men and women who courageously fought in the Battle of the Bulge and to eleven African-American soldiers of the 333rd Field Artillery Battalion who sacrificed their lives during the Battle of the Bulge;

Winchendon Veterans Cemetery.

Resolutions (filed by Messrs. O'Brien of Kingston and deMacedo of Plymouth) congratulating Zachary L. Enos on receiving the Eagle Award of the Boy Scouts of America; and

Zachary L. Enos.

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

Derek Johnson.

Mrs. Harkins of Needham, 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 Mrs. Paulsen of Belmont, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### *Papers from the Senate.*

#### Bills

Relative to increasing consumer access to licensed marriage and family therapists (Senate, No. 136) (on a petition);

Therapy, access.

Authorizing the transfer of a certain parcel of land in the city of Taunton (Senate, No. 2703) (on Senate bill No. 60); and

Taunton, land transfer.

Protecting the rights of nursing mothers (Senate, No. 2704) (on Senate Nos. 75 and 2369);

Nursing mothers, rights.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

A Bill further regulating the treatment of elephants (Senate, No. 2699) (on Senate Nos. 1840 and 2457), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Elephants, treatment.

A petition (accompanied by bill, Senate, No. 2705) of Pamela P. Resor and James B. Eldridge (by vote of the town) for legislation to

Boxborough, residency requirements.

further regulate the residency requirements for regular fire and police officers in the town of Boxborough, 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 to modernize the administrative subpoena statute (House, No. 821);

Administrative subpoenas.

Of the Bill relative to victims of crimes (House, No. 860);

Crime victims.  
Homestead Act.

Of the Bill relative to the Homestead Act (House, No. 877); and

Domestic abuse,  
infomation.

Of the Bill to provide certain information to victims of domestic violence (House, No. 1799);

And recommending that the same severally be referred to the House committee on Ways and Means.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Animal fighting.

Of the Bill relative to penalties for animal fighting (House, No. 1765); and

Breast feeding.

Of the Bill permitting breast-feeding in public (House, No. 1782);

And recommending that the same severally be recommitted to the committee on the Judiciary.

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

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the town of North Andover (House, No. 4864) [Local Approval Received].

North Andover,  
health insurance.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill for a special law re: Thomas Dynan (House, No. 4998) [Local Approval Received].

Boston,  
Thomas Dynan.

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

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on Senate, No. 2604 and House, No. 5128, a Bill relative to the Worcester DCU Arena and Convention Center (House, No. 5128) [Local Approval Received].

Worcester,  
convention center.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a recommitted petition, a Bill to place certain job titles in the Division of State Parks and Recreation in the Department of Conservation and Recreation under the civil service system (House, No. 454, changed by adding the following section:

Recreation department,  
civil service.

“SECTION 2. Section 25, Paragraph 3 of Chapter 31 of the Massachusetts General Laws shall be amended by deleting the following:— provided, however, that the administrator may revoke the eligibility of the entire list or of any persons on such list subsequent to

said two year period if he shall determine that the effective maintenance of the merit system so requires such revocation and, provided further, that a written notice and explanation for said revocation is sent to the clerks of the senate and house of representatives.”).

By the same member, for the same committee, on a recommitted petition, a Bill relative to pensions (House, No. 601).

Pensions.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill releasing certain land in Dudley from the operation of an agricultural preservation restriction (Senate, No. 55) be scheduled for consideration by the House.

Dudley,  
land restriction.

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.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Resolve to study long term care options for adult onset chronically ill, physically or neurologically disabled young and middle aged adults between ages 19 and 59 (Senate, No. 2582) be scheduled for consideration by the House.

Long term  
custodial  
care,  
study.

Under suspension of Rule 7A, on motion of Mr. Hynes of Marshfield, the bill was read a second time forthwith; and it was ordered to a third reading.

*Emergency Measures.*

The engrossed Bill relative to retirement benefits for Stuart Freedman (see House, No. 4518), 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.

Stuart  
Freedman,  
retirement  
benefits.

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 7 to 0. Sent to the Senate for concurrence.

The engrossed Bill allowing adjustments to the prescription advantage program (see House, No. 5154), 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.

Prescription  
advantage.

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 6 to 0. Sent to the Senate for concurrence.

*Engrossed Bills.*

The engrossed Bill authorizing the conveyance of a certain parcel of land in the city of Boston (see House, No. 4801, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

Bill  
re-enacted.

The engrossed Bill establishing the Concord Housing Development Corporation (see House, No. 4320, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

The engrossed Bill reorganizing the Department of Public Works in the town of Hopkinton (see printed in House, No. 4747) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Bills  
enacted.

Engrossed bills  
Relative to a certain corporate credit union (see Senate, No. 2286) (which originated in the Senate);  
Relative to the standard fire insurance policy (see House, No. 1552);  
Authorizing surviving spouses of veterans to retain ownership of veterans registration plates (see House, No. 1706, changed); and  
Relative to processing of funds (see House, No. 4649, amended);  
(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.

M W R A  
Retirement  
Board.

The engrossed Bill relative to the membership of the retirement board of the Massachusetts Water Resources Authority (see Senate, No. 2507) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. Golden of Lowell moved that Rule 40 be suspended; and the motion prevailed. The same member then moved that the bill be amended in section 1, in paragraph (b) by inserting after the word "ex officio," (as engrossed) the following: "a second member appointed by the board of directors of the authority for a term of 3 years".

The amendment was adopted. Sent to the Senate for concurrence.

#### *Recess.*

Recess.

At twenty-two minutes before twelve o'clock noon, on motion of Mr. Canessa of New Bedford (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after twelve o'clock P.M.; and at twenty minutes after twelve o'clock the House was called to order with Mr. Donato in the Chair.

#### *Orders of the Day.*

Third  
reading  
bill.

The House Bill protecting employee compensation (House, No. 4663) (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.

#### *Order.*

On motion of Mr. DiMasi of Boston,—  
*Ordered*, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M. Next sitting.

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At twenty-two minutes after twelve o'clock noon, on motion of Mrs. Paulsen of Belmont (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.