

JOURNAL OF THE HOUSE.

Thursday, August 18, 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:

God, Our Creator, we pray for Your spiritual gift of wisdom which, together with our own human wisdom, enables us to comprehend and analyze more accurately the issues of the day. Your gift also assists us in keeping both legislative and personal matters in perspective and focus. During the course of each day, inspire us to pause for a few moments of reflection and to check on the relevance and status of our legislative and personal goals and priorities. In this changing and busy world, let our hearts and minds be filled with joy and optimism as we look at the beauty of our world and the vastness of the universe and its secrets. Prayer.

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. Pledge of allegiance.

Message from the Governor.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the Department of Conservation and Recreation and the Department of Fish and Game to acquire conservation restrictions in and to the lands of the town of Egremont (House, No. 4345) was filed in the office of the Clerk on Wednesday, August 17. Egremont, conservation restrictions.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Bonding, Capital Expenditures and State Assets. Sent to the Senate for concurrence.

Resolutions.

Resolutions (filed with the Clerk by Mr. Cabral of New Bedford) congratulating the Prince Henry Society on their twenty-fifth anniversary, were referred, under Rule 85, to the committee on Rules. Prince Henry Society.

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

Order.

Public health,
oral health
and
Shaken Baby
Syndrome.

An Order (filed by Mrs. Owens-Hicks of Boston) relative to authorizing the committee on Children and Families and the committee on Public Health to consider jointly Senate, Nos. 122, 140 and 1254 and House, Nos. 2633, 2701 and 3952 relative to public health, oral health and Shaken Baby Syndrome, was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules, reported that the order ought to be adopted.

Under suspension of the rules, on motion of Mr. Rushing of Boston, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Reports of Committees.

Brockton,
retirement
adjustments.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that be suspended on the petition of Thomas P. Kennedy and others (with the approval of the mayor and city council) that the retirement board of the city of Brockton be required to make adjustments in the years of service of certain part-time employees of the public library system of said city. Under suspension of the rules, on motion of Mr. Rushing of Boston, the report was considered forthwith. was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Human
service,
collective
bargaining.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2888) of Robert P. Spelane relative to authorizing a collective bargaining reserve for private sector human services workers,— and recommending that the same be referred to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Police
making
lawful
arrest,
protect.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill protecting police officers while making a lawful arrest (Senate, No. 1336, changed and amended),— 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.

Police
technology
fund.

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 establishing a police technology fund (House, No. 3592),— 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.

Methuen,
preliminary
election.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill cancelling the preliminary elec-

tion in the city of Methuen in the year 2005 (Senate, No. 2163) be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Rushing of Boston, 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.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the sale of certain conservation land in the town of Tewksbury (Senate, No. 1210, amended) be scheduled for consideration by the House.

Tewksbury,
conservation
land sale.

Under suspension of Rule 7A, on motion of Mr. Rushing of Boston, 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 House Bill authorizing the town of Duxbury to establish an affordable housing trust fund (House, No. 3155) be scheduled for consideration by the House.

Duxbury,
housing
trust fund.

Under suspension of Rule 7A, on motion of Mr. Rushing of Boston, 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 House Bill providing for an affordable housing trust fund in the town of Hamilton (House, No. 4136) [Local Approval Received] be scheduled for consideration by the House.

Hamilton,
housing
trust fund.

Under suspension of Rule 7A, on motion of Mr. Lepper of Attleboro, 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 House Bill to maximize federal reimbursement for family planning services (House, No. 4178) be scheduled for consideration by the House.

Family
planning,
federal
reimbursement.

Under suspension of Rule 7A, on motion of Mr. Rushing of Boston, 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 House Bill establishing the Westford town center sewer district in the the town fo Westford (House, No. 4188) be scheduled for consideration by the House.

Westford,
town center
sewer.

Under suspension of Rule 7A, on motion of Mr. Lepper of Attleboro, 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 House Bill authorizing the town of Hingham to convey certain land (House, No. 4267) be scheduled for consideration by the House.

Hingham,
land.

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

MassHealth.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill to require public notice prior to restricting MassHealth Coverage. (House, No. 4284) be scheduled for consideration by the House.

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

Bladder cancer screening.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill establishing a bladder cancer screening program within the Department of Public Health (House, No. 1636) ought to pass [Cost: \$630,125.00]. Referred, under Rule 33, to the committee on Ways and Means.

Wilmington, Thomas Taylor.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill authorizing Thomas Taylor to be considered for eligibility as a firefighter in the town of Wilmington notwithstanding the maximum age requirement (House, No. 4209) [Local Approval Received].

Wilmington, Darryl Sencabaugh.

By the same member, for the same committee, on a petition, a Bill authorizing Darryl Sencabaugh to be considered for eligibility as a firefighter in the town of Wilmington notwithstanding the maximum age requirement (House, No. 4210) [Local Approval Received].

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

Engrossed Bills.

Bill re-enacted.

The engrossed Bill relative to creditable service for vocational education teachers (see Senate, No. 2057) (which originated in the Senate) (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, without amendment; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill amending the personnel powers of the town manager of the town of Framingham (see House, No. 3141) (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; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Peabody, voting precinct.

The committee on Bills in the Third Reading, to whom was referred the engrossed Bill establishing a voting precinct in the city of Peabody (see House, No. 3415), which had been returned to the House by Her Honor the Lieutenant-Governor, Acting Governor with recommendation of amendment (for message, see House, No. 4329), reported recommending that said amendment be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Notwithstanding any general or special law to the contrary, precinct 3 of ward 4 of the city of Peabody shall be one precinct for the purpose of forming congressional, representative, senatorial or councilor districts but shall have 2 polling places for the purposes of voting at any state or municipal elections. One such polling location shall be located in Brooksby Village, to serve voters residing within Brooksby Village and shall be known as precinct 3A of Ward 4 and other polling location shall be located at a location to be designated by the city council in accordance with the provisions of section 24 of chapter 54 of the General Laws to serve all others in ward 4, precinct 3 and shall be known as precinct 3.

SECTION 2. The board of registrars and the city clerk of the city of Peabody may take all necessary actions to assure compliance with this act including, but not limited to, assuring the accuracy of the voting lists as located at each polling location set forth in section 2. The board of registrars and city clerk shall divided precinct 3 of ward 4 into sub-precincts as set forth in section 2, and only the names of voters who reside in each sub-precinct shall appear on the voting list for that sub-precinct.

SECTION 3. This act shall take effect upon its passage.”.

The report was accepted.

The amendment then was adopted. Sent to the Senate for its action.

The Senate Bill further regulating salaries of public employees serving in the Armed Forces of the United States (Senate, No. 2062, amended), 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, in concurrence.

Third reading bill.

House bills

Designating a certain bridge in the town of Weymouth as the Weymouth veterans memorial bridge (House, No. 1693, changed) (its title having been changed by the committee on Bills in the Third Reading);

Third reading bills.

Authorizing the city of New Bedford to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4274) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the conveyance of a certain parcel of Commonwealth land to the city of Revere for public purposes (House, No. 4308);

Establishing a sick leave bank for Kathleen A. Sammataro, an employee of the Trial Court of the Commonwealth (House, No. 4310); and

Establishing a sick leave bank for Sandra Spiros, an employee of the Suffolk Superior Court Department of the Trial Court (House, No. 4325);

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. Severally sent to the Senate for concurrence.

Recess.

Recess.

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

Emergency Measure.

Public employees, military.

The engrossed Bill further regulating salaries of public employees serving in the Armed Forces of the United States (see Senate, No. 2062, 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 2 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 Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bill.

Bill enacted.

The engrossed Bill cancelling the preliminary election in the city of Methuen in the year 2005 (see Senate, No. 2163) (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.

Order.

Next sitting.

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

At twenty-one minutes after twelve o'clock noon, on further motion of Mr. Lepper (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.