

# JOURNAL OF THE HOUSE.

Thursday, August 23, 2007.

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.

God, Our Creator, Lord of Goodness and Truth, we depend upon You and Your gift of wisdom as we address the legislative and personal issues on our agenda for this day. We believe that Your guidance enables us to understand more clearly the content and consequences of our various choices and the options which are often complex. In carrying out our responsibilities, as elected officials, inspire us to be aware of the daily needs and the reasonable expectations of constituents. Help us to make our communities safe, peaceful, prosperous and stable for the benefit of our families and children.

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.

Handicapped placards.

A message from His Excellency the Governor recommending legislation relative to disability placards (House, No. 4220) was filed in the office of the Clerk on Thursday, August 16.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Public Safety and Homeland Security. Sent to the Senate for concurrence.

### Resolutions.

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

Schooner Ernestina.

Resolutions (filed by Mr. Cabral of New Bedford and other members of the House) celebrating the twenty-fifth anniversary of the gifting of the Schooner Ernestina by the people of Cape Verde;

Jacob s Pillow.

Resolutions (filed by Mr. Guyer of Dalton) congratulating Jacob's Pillow on its dedication as a site on the Upper Housatonic Valley African American Heritage Trail;

Norman Goldstein.

Resolutions (filed by Representatives Linsky of Natick and Khan of Newton) congratulating Norman Goldstein, Ph.D on the occasion of his retirement; and

Little Joe Cook.

Resolutions (filed by Mr. Murphy of Burlington) honoring rhythm and blues legend "Little Joe" Cook on the occasion of the fiftieth anniversary of the song "Peanuts";

Mr. Scaccia of Boston, 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 Ms. Gifford of Wareham, 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.

A Bill relative to the city of Westfield regarding the Westfield Municipal Light Board (Senate, No. 2159) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Westfield Municipal Light Board.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the Western Massachusetts Correctional Alcohol Center, in the town of Ludlow, was spread upon the records of the House; and returned to the Senate.

Western Massachusetts Correctional Alcohol Center, inspection.

Lowell, elections.

A petition (accompanied by bill, Senate, No. 2323) of Steven C. Panagiotakos, Thomas A. Golden, Jr., David M. Nangle and Kevin J. Murphy (by vote of the town) for legislation relative to elections in the city of Lowell in the current year, was referred, in concurrence, to the committee on Election Laws.

Subsequently, on the foregoing petition, a Bill relative to elections in the city of Lowell in 2007 (Senate, No. 2323) [Local Approval Received], came from the Senate with the endorsement that it had been passed to be engrossed by said branch. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Swampscott, tax exemptions.

A petition (accompanied by bill, Senate, No. 2324) of Thomas McGee and Douglas W. Petersen (by vote of the town) for legislation relative to property tax exemptions in the town of Swampscott, was referred, in concurrence, to the committee on Municipalities and Regional Government.

### 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 relative to the modernization of optometric patient care (House, No. 2044),— and recommending that the same be committed to the committee on Health Care Financing. Under Rule 42, the report was considered forthwith; and it was accepted.

Optometric patients, treatment.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Mary Hardiman an employee of the Department of Public Health (House, No. 4210) be scheduled for consideration by the House.

Mary Hardiman, sick leave.

Under suspension of Rule 7A, on motion of Mr. O'Day of West Boylston, the bill was read a second time forthwith; and it was ordered to a third reading.

Mary Hardiman, sick

leave.

Subsequently, under suspension of the rules, on motion of Mr. Kaufman of Lexington, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act establishing a sick leave bank for Mary Hardiman, an employee of the Department of Public Health."

Pending the question on passing the bill to be engrossed, Mr. Stanley of Waltham moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

"Notwithstanding any general or special law, rule or regulation to the contrary, the department of public health shall establish a sick leave bank for Mary Hardiman, an employee of the department. Any employee of any agency within the executive office of health and human services and the department of public safety may voluntarily contribute one or more sick, personal or vacation days to the sick leave bank for use by said Mary Hardiman. Whenever said Mary Hardiman terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the commonwealth's extended illness leave bank."

The amendment was adopted; and the bill, as amended, was passed to be engrossed. The bill (House, No. 4210, amended) then was sent to the Senate for concurrence.

Deborah King, sick leave.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing a sick leave bank for Deborah King, an employee of the Department of Mental Retardation (Senate, No. 1644) 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 Rule 7A, on motion of Mr. Sullivan of Fall River, the bill was read a second time forthwith; and it was ordered to a third reading.

Marlborough, easement.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the easement on land owned by the Department of Conservation and Recreation in the town of Marlborough (House, No. 4064) be scheduled for consideration by the House for a second reading, with an amendment previously recommended Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4190),— pending.

Under suspension of Rule 7A, on motion of Mr. Sullivan of Fall River, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill (House, No. 4190) was ordered to a third reading.

Duxbury, land conveyance.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the town of Duxbury (House, No. 4098) be scheduled for consideration by the House.

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

Amherst, conservation land.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to certain conservation land in the town of Amherst (printed as Senate, No. 2247) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

#### *Emergency Measure.*

The engrossed Bill establishing a sick leave bank for Rosemary Rozak, an employee of the Department of Revenue (see Senate, No. 2302), 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.

Rosemary Rozak, sick leave bank.

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 5 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 Bills.*

##### *Engrossed bills*

Authorizing the town of Belmont to establish another postemployment benefits trust fund (see House, No. 1441, amended); and

Bills re-enacted.

Relative to the procedures of town meeting in Burlington (see House, No. 2014, amended);

(Which severally originated in the House);

Severally having been returned by His Excellency the Governor with recommendation of amendments (having been certified by the Clerk to be rightly and truly prepared for final passage) were passed to be re-enacted, in amended form; and they were signed by the acting Speaker and sent to the Senate.

##### *Engrossed bills*

Bills enacted.

Authorizing the town of Ipswich to grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 2269) (which originated in the Senate); and

Authorizing the town of Natick to borrow a certain sum of money (see House, No. 3969) (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.*

The House Bill relative to certain disability retirement for Thomas Kamataris (House, No. 4077), reported by the committee on Bills in

Third reading bill.

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.

*Order.*

Next  
sitting.

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

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At twenty-nine minutes before twelve o'clock noon, on motion of Mr. Fallon of Malden (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.