

JOURNAL OF THE HOUSE.

Monday, September 15, 2008.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mrs. Haddad of Somerset 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 Source of Goodness and Truth, we begin this first day of the new workweek with a prayer for guidance and direction. Our daily intention is to serve You, our constituents and our families in a faithful and conscientious manner. In these uneasy and troublesome political and economic times, inspire us to make personal and legislative decisions which are right, honorable and ethical. Grant us the gift of wisdom which enables us to comprehend legislative issues and proposals clearly and understand the consequences of our choices. May we, as a society, continue to recognize and to protect the rights and dignity of all individuals, especially those who cannot care for themselves.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mrs. Haddad), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

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 placing a certain question on the ballot of the November state election in the town of Littleton (House, No. 5096) was filed in the office of the Clerk on Friday, September 12.

The message was read; and it was referred, on motion of Mr. Hall of Westford, with the accompanying draft of a bill, to the committee on Rules.

Subsequently Mr. Scaccia of Boston, for said committee, on the foregoing message, reported a Bill placing a certain question on the ballot of the November 2008 state election in the town of Littleton (printed in House, No. 5096). 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. Hall, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, 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.

Recess.

Recess.

At twenty-five minutes before twelve o'clock noon, the Chair (Mrs. Haddad of Somerset) declared a recess subject to the call of the Chair; and at half past twelve o'clock the House was called to order with Mrs. Haddad in the Chair.

Resolutions.

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

Alopecia
Areata Week.

Resolutions (filed by Mr. Hill of Ipswich) congratulating the National Alopecia Areata Foundation on its celebration of Alopecia Areata Awareness Week;

Dane Cook.

Resolutions (filed by Mr. McMurtry of Dedham and other members of the House) honoring Dane Cook;

Wilmington,
Vietnam War
Memorial.

Resolutions (filed by Mr. Miceli of Wilmington) commemorating the display of "The Moving Wall" Vietnam War Memorial in the town of Wilmington; and

Zachary O.
Saunders.

Resolutions (filed by Mrs. Walrath of Stow) congratulating Zachary O. Saunders on receiving the Eagle Award of the Boy Scouts of America;

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

*Petition.*New Salem,
Joseph
O Loughlin
Pond.

Mr. Donelan of Orange presented a petition (subject to Joint Rule 12) of Christopher J. Donelan and others for legislation to designate a certain pond in the Quabbin Reservoir and located in the town of New Salem as the Joseph P. O'Loughlin Pond; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the Senate for concurrence.

*Papers from the Senate.*Chelmsford,
affordable
housing.

The House Bill relative to affordable housing in the town of Chelmsford (House, No. 4758) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 2.

Under suspension of Rule 35, on motion of Mr. Golden of Lowell, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

A Bill authorizing the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (Senate, No. 2300, amended in section 1 by adding the following two paragraphs:

Milton,
liquor
license.

"The license may be re-issued by the licensing authority at the same location if an applicant for the license files with the licensing authority a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location and under the same conditions as specified in this act.") (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.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the joint petition of Sarah K. Peake and Robert A. O'Leary that the town of Provincetown be authorized to impose a lien upon certain property in the town of Truro for unpaid water fees and charges. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Provincetown
and Truro,
lien.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to the appointment of the board of assessors, town collector and town treasurer in the town of Orange (Senate, No. 2788) be scheduled for consideration by the House.

Orange,
appointments.

Under suspension of Rule 7A, on motion of Ms. Provost of Somerville, 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 Bill authorizing the town of Concord to send certain information to registered voters in the town of Concord (Senate, No. 2789) be scheduled for consideration by the House.

Concord,
voter
information.

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

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a joint petition, a Bill relative to fishing licenses for Massachusetts members of the active armed

Armed forces,
fishing
licenses.

forces (House, No. 5061). Read; and referred, under Rule 33, to the committee on Ways and Means.

MWR A,
retirement.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a recommitted petition, a Bill relative to the retirement of certain employees of the Massachusetts Water Resources Authority (House, No. 2682, changed in section 1, in line 21, by striking out the word “regular” and inserting in place thereof the word “buyback”).

Edward
Cohen,
plaque.

By Mr. Turkington of Falmouth, for the committee on Tourism, Arts and Cultural Development, on a petition, a Bill relative to the Edward Cohen plaque (House, No. 5002).

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

Emergency Measures.

Fitchburg,
courthouse.

The engrossed Bill designating the Fitchburg District Courthouse as the Gélina Courthouse (see Senate, No. 2846), 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 4 to 0. Sent to the Senate for concurrence.

Economy
council.

The engrossed Bill establishing the Massachusetts Creative Economy Council (see House, No. 4965, 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 4 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Bills
enacted.

Relative to public parking in the city of Fitchburg (see Senate, No. 2866) (which originated in the Senate);

Relative to blood donations by minors (see House, No. 4547); and

Authorizing a certain question to be placed on the 2008 state election ballot in the town of Littleton (see House bill printed in House, No. 5096);

(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.

Motion to Reconsider.

Mr. DeLeo of Winthrop moved that the vote be reconsidered by which the House, on Thursday last, referred to the committee on Bonding, Capital Expenditures and State Assets, a message from His Excellency the Governor recommending legislation relative to providing the terms of certain bonds and notes to be issued by the Commonwealth to finance broadband access, bridge repairs, higher education, transportation, energy and environmental needs and certain other general governmental needs of the Commonwealth (House, No. 5095) and, there being no objection, the motion to reconsider was entertained; and it prevailed.

Bonds and
notes,
terms.

The same member then moved that Joint Rule 1F be suspended; and the motion prevailed.

The message then was referred, on further motion of Mr. DeLeo, to the committee on Ways and Means.

Orders of the Day.

Senate bills

Providing for the annual observance of Massachusetts Nonprofit Awareness Day (Senate, No. 2679); and

Third
reading
bills.

Establishing a sick leave bank for Gloria Phillips, an employee of the Department of Public Health (Senate, No. 2787, changed);

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.

House bills

Relative to gender neutral language in the Massachusetts General Laws (House, No. 1298);

Relative to establishment of a capital improvement trust fund in the town of Stoneham (House, No. 4073);

Relative to the leasing of certain property in the town of Stoneham (House, No. 4074);

Relative to veterans (House, No. 4752);

Authorizing certain appropriations from the town of Bridgewater's capital projects fund (House, No. 4848);

To remove the department of finance in the town of Upton (House, No. 4976); and

Authorizing the city of New Bedford to grant eighteen additional licenses for the sale of wine and malt beverages to be drunk on the premises (House, No. 4994);

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.

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.

2008

JOURNAL OF THE HOUSE,

At ten minutes after one o'clock P.M., on motion of Mr. DiNatale of Fitchburg (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.