

JOURNAL OF THE HOUSE.

Monday, September 29, 2008.

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, we focus our attention and thoughts on You, the Ultimate Sources of Goodness and Truth. We believe that You watch over us every moment of every day. This morning, we pray for Your assistance as we struggle to remain faithful to You, Your ways and Your spiritual values, which give meaning and direction to our daily existence. Today, the Jewish Community is preparing to observe and celebrate ROSH HASHANAH, the beginning of a new year. We wish our Jewish friends and community health, peace, love and good fortune in this new year. May our hearts and minds be filled with hope and trust in God and in each other as we address the serious issues of the moment and troublesome times. In this era of worldwide violence against the innocent, may we, as a society, continue to respect the dignity and rights of each individual.

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.

Appointment to a Special Commission.

The Speaker announced the appointment (under the provisions of section 1 of Chapter 176 of the Acts of 2008) of Representative Donato of Medford as his designee to serve on the Commission on the Status of Grandparents Raising Grandchildren.

Grandparents Raising Grandchildren.

Resolutions.

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

Antoinette Esposito.

Resolutions (filed by Mr. Costello of Newburyport) congratulating Antoinette Esposito on the occasion of her one hundredth birthday;

Patrick Bedard.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Patrick Bedard on earning the Eagle Scout Award; and

Eleanor Jane Petrella.

Resolutions (filed by Mr. Fresolo of Worcester) recognizing Eleanor Jane Petrella for receiving the 2008 Harvey Ball Smile Award presented by the Worcester Historical Museum;

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 Mr. Kafka of

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

Petition.

Mr. Nyman of Hanover presented a petition (accompanied by bill, House, No. 5107) of Robert J. Nyman and Michael W. Morrissey (by vote of the town) for legislation to validate actions taken by the town of Rockland at its annual and special town of meetings held in the current year; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Rockland, town meeting.

Papers from the Senate.

The House Bill establishing a sick leave bank for Gary Tuck, an employee of the Department of Revenue (House, No. 4754, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following sentence:— "Sick leave bank days may not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department."

Gary Tuck, sick leave.

Under suspension of Rule 35, on motion of Mr. Smith of Everett, 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.

Bills

Relative to the maximum age requirement for police officers in the town of Manchester-by-the-Sea (Senate, No. 2809) (on a petition) [Local Approval Received];

Manchester-by-the-Sea, police officers.

Designating a portion of state highway route 140 in the town of Upton as the Donald R. "Doug" Keniston roadway (Senate, No. 2861) (on a petition);

Donald R. Keniston, roadway.

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.

A petition of James E. Timilty and Louis L. Kafka for legislation to establish a sick leave bank for Stephen Kazarian, an employee of the Department of Correction, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Stephen Kazarian, sick leave bank.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2880) 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, that the House Bill authorizing the State Board of Retirement to grant creditable service to Robert M. Penta (House, No. 4115) be scheduled for consideration by the House.

Robert Penta, retirement credit.

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.

Edward
Cohen,
plaque.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the Edward Cohen plaque (House, No. 5002) 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.

Veterans,
retirement.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to noncontributory retirement benefits (House, No. 4221) be scheduled for consideration by the House, with an amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 5100),— pending.

Under suspension of Rule 7A, on motion of Mr. Fresolo of Worcester, 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. 5100) was ordered to a third reading.

Medford,
early
retirement.

A report of the committee on Public Service, ought NOT to pass (under Joint Rule 10), on the recommitted petition (accompanied by bill, House, No. 5081) of Paul J. Donato and others (with the approval of the mayor and city council) that the city of Medford be authorized to provide for an early incentive retirement for its workforce, was considered forthwith, under suspension of the rules, on motion of Mr. Fresolo of Worcester.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Kaufman of Lexington.

Bonds
and notes,
terms.

Matters Discharged from the Orders of the Day.

The House Bill 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 (printed in House, No. 5095), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Mr. Bosley of North Adams.

Pending the question on passing the bill to be engrossed, the same member moved to amend it by adding the following section:

“SECTION 18. Notwithstanding any general or special law to the contrary, the bonds which the state treasurer may issue under section 46 of chapter 130 of the acts of 2008 shall be issued for a term not to exceed 20 years as recommended by the governor in a message to the general court dates June 30, 2008 under section 2 of Article LXII of the Amendments of the Constitution.”

The amendment was adopted; and the bill (printed in House, No. 5095, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill designating the community colleges collectively as the Governor Foster Furcolo Community Colleges (Senate, No. 2581), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Ms. Provost of Somerville; and it was passed to be engrossed, in concurrence.

Foster
Furcolo
Colleges.

The Senate Bill establishing the Walpole Economic Development and Industrial Corporation (Senate, No. 2786), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton; and it was passed to be engrossed, in concurrence.

Walpole
Economic
Corporation.

The House Bill relative to the retirement and health benefits of certain elected officials of the town of Hull (House, No. 4218), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton; and it was passed to be engrossed. Sent to the Senate for concurrence.

Hull,
elected
officials.

The House Bill relative to property tax exemptions for rental properties in the town of Truro restricted as affordable housing (House, No. 4381), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Mr. Sullivan of Fall River; and it was passed to be engrossed. Sent to the Senate for concurrence.

Truro,
affordable
housing.

The House Bill designating a certain bridge in the city of Worcester as the State Trooper Paul F. Barry Bridge Memorial Bridge (House, No. 4869), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of Rule 47, on motion of Ms. Provost of Somerville; and it was passed to be engrossed. Sent to the Senate for concurrence.

Trooper
Barry
Bridge.

The House Bill relative to controlled substances (House, No. 4434) was read a second time, under suspension of Rule 47, on motion of Mr. Basile of Boston.

Controlled
substances.

Pending the question on ordering the bill to a third reading, Mr. deMacedo of Plymouth moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Subsection (3) of Class C of Section 31 of Chapter 94C of the General Laws, as appearing in the 2006 Official Edition, shall be amended by inserting the following items:—

(16) Salvia Divinorum;

(17) Salvinorin A.”

The amendment was adopted; and the bill (House, No. 4434, amended) was ordered to a third reading.

Bill
enacted.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for Gloria Phillips, an employee of the Department of Public Health (see Senate, No. 2787, changed) (which originated in the Senate), 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.

Bills
enacted.

Engrossed bills

Authorizing a certain transfer of funds in the town of Kingston (see Senate, No. 2690);

Authorizing the town of Kingston to install, finance and operate wind energy facilities (see Senate, No. 2691);

(Which severally originated in the Senate);

Providing access to information for parents of a child with special education needs (see House, No. 391, amended);

Authorizing the city of Lynn to grant a license for the sale of wines and malt beverages not to be drunk on the premises to Salvy the Florist (see House, No. 4378); and

Authorizing the town of Bridgewater to establish a revolving fund for library purposes (see House, No. 4531);

(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.

Municipal
retirees,
insurance.

The engrossed Bill relative to certain health insurance options for municipal retirees (see House, No. 4516) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

Pending the question on passing the bill to be enacted, Mrs. Walrath of Stow moved that Rule 40 be suspended; and the motion prevailed. The same member then moved to amend the bill by adding the following section:

“SECTION 2. Section 18 of chapter 32B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word ‘coverage’, in line 10, the following words:— ; provided, further, that retirees or spouse, who has a dependent who is not enrolled or eligible to be enrolled in Medicare Part A at no cost shall not be required to transfer to a Medicare extension plan if a transfer requires the retiree or spouse to continue the existing family coverage for the dependent in a plan other than a Medicare extension plan offered by the governmental unit.”.

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

Quorum.

Quorum.

Mr. Galvin of Canton then asked for a count of the House to ascertain if a quorum was in attendance.

A quorum not being present, under the provisions of Rule 82, the Chair (Mr. Donato of Medford), at five minutes after twelve o'clock noon, declared an adjournment of the House until Thursday next at eleven o'clock A.M., in an Informal Session.