

JOURNAL OF THE HOUSE.

Thursday, October 2, 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:

Gracious God, at the beginning of today's legislative session, we offer this prayer to You in which we place our trust and hope in You, Our Creator. As elected leaders, we look to You for guidance and direction as we evaluate and address the many complex legislative and societal human and ethical issues of the day. We believe that Your spiritual gift of wisdom enables us to understand and comprehend more clearly the content and consequences of proposed legislation and programs. May the common good of society and the human and spiritual well-being of all people remain our top priority. As we struggle to cope with the stress and pressures of daily life, inspire us to remain faithful to our ideals, goals (human and spiritual) and objective principles.

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.

Notice of Change of Address.

Notice was received from Representative Webster, formerly of the town of Hanson, that he had officially changed his residential address to the town of Pembroke.

Resolutions.

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

Resolutions (filed by Mr. Koczera of New Bedford) honoring Ted Cioper as the Polish-American United Organizations of Greater New Bedford Person of the Year;

Resolutions (filed by Mr. Miceli of Wilmington) honoring Charles N. Gilbert on his outstanding contributions to the Knights of Columbus and his community;

Resolutions (filed by Ms. Polito of Shrewsbury) honoring the Shrewsbury Public Library and the Shrewsbury Electric and Cable operations;

Resolutions (filed by Representatives Richardson of Framingham and Sannicandro of Ashland) honoring the Columbus Club on its one hundredth anniversary;

YMCA.

Resolutions (filed by Messrs. Spellane of Worcester, Binienda of Worcester, Fresolo of Worcester, O'Day of West Boylston and Pedone of Worcester) commending the successful capital campaign conducted by the YMCA of Central Massachusetts; and

Freemasonry.

Resolutions (filed by Representatives Swan of Springfield and Allen of Boston) congratulating ancient and accepted Scottish rite of Freemasonry, Prince Hall affiliation, northern jurisdiction, Orient of Massachusetts on the occasion of the convening of its one hundredth Massachusetts Council of Deliberation.

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

Petitions.

Petitions severally were presented and referred as follows:

Vaillancourt
Folk Art.

By Ms. Callahan of Sutton, petition (subject to Joint Rule 12) of Jennifer M. Callahan for legislation to designate Vaillancourt Folk Art as the official Christmas collectible maker of the Commonwealth.

Worcester
County,
Paul
Bouvier.

By Representative Callahan of Sutton and Senator Moore, joint petition (subject to Joint Rule 12) of Jennifer M. Callahan and Richard T. Moore that the retirement board of Worcester County be directed to credit Paul A. Bouvier with certain service for retirement purposes.

Gail
Stefaniak,
sick leave.

By Mr. Donelan of Orange, petition (subject to Joint Rule 12) of Christopher J. Donelan that the Templeton Development Center be authorized to establish a sick leave bank for Gail Stefaniak, an employee of said center.

Sharon Peeler-
La Fountain,
sick leave.

By Representative Eldridge of Acton and Senator Resor, joint petition (subject to Joint Rule 12) of Pamela P. Resor and James B. Eldridge for legislation to authorize the Department of Correction to establish a sick leave bank for Sharon Peeler-La Fountain, an employee of said department.

Gas stations,
bulk
transfers.

By Mr. Nangle of Lowell, petition (subject to Joint Rule 12) of David M. Nangle for legislation to regulate transactions involving the bulk sale and transfer of service stations dispensing motor fuels.

Greyhound
Adoption
Month.

By Ms. Reinstein of Revere, petition (subject to Joint Rule 12) of Kathi-Anne Reinstein for the issuance of an annual proclamation by the Governor setting apart the month of June as Greyhound Adoption Month.

Judy
Romano,
sick leave.

By Representative Rice of Gardner and Senator Brewer, joint petition (subject to Joint Rule 12) of Robert L. Rice, Jr., and Stephen M. Brewer that the Department of Public Health be authorized to establish a sick leave bank for Judy M. Romano, an employee of said department.

Severally, under Rule 24, to the committee on Rules.

Recess.

At three minutes after eleven o'clock A.M., on motion of Mrs. Walrath of Stow (Mr. Donato of Medford being in the Chair), the House recessed until half past eleven o'clock; and at seventeen minutes before twelve o'clock noon the House was called to order with Mr. Donato in the Chair.

Recess.

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 town of Milton to borrow money to fund certain payments of medical expenses incurred by public safety personnel resulting from injuries sustained in the line of duty (House, No. 5108) was filed in the office of the Clerk on Thursday, September 18.

Milton,
public safety
personnel.

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

Mr. Scaccia of Boston, for said committee, reported on the foregoing message, a Bill authorizing the town of Milton to borrow money to fund certain payments of medical expenses incurred by public safety personnel resulting from injuries sustained in the line of duty (printed in House, No. 5108). 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 further motion of Mr. Kafka, the bill was read a second time forthwith; and it was ordered to a third reading.

Papers from the Senate.

The House Bill relative to the powers of the town manager in the town of North Andover (House, No. 4138) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 1 and inserting in place thereof the following section:

North
Andover,
town
manager.

"SECTION 1. Notwithstanding any general or special law to the contrary, the town manager of the town of North Andover shall be the appointing authority, as defined in section 1 of chapter 31 of the General Laws, relative to all police officers below the rank of chief in said town of North Andover, subject to the board of selectmen."

Under suspension of Rule 35, on motion of Mr. Torrissi of North Andover, 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 petition of Edward Augustus Jr. and John J. Binienda for legislation to establish a sick leave bank for Brenda De Los Santos, an employee of the Department of Transitional Assistance, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Brenda
De Los
Santos,
sick leave
bank.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2882) was referred, in concurrence, to the committee on Public Service.

The following notice was received from the Clerk of the Senate, to wit:—

September 26, 2008.

Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356, State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Richard R. Tisei, Senate Minority Leader, has announced the appointment of Mr. Richard Stinson of Wakefield to serve as his designee on the Special Commission established (pursuant to Section 19 of Chapter 86 of the Acts of 2008) to make an investigation and study of the feasibility of establishing a uniform contractor prequalification process.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

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 Marian Walsh and Paul McMurtry for legislation to designate a certain park in the town of Dedham as the Honorable Marie Louise Kehoe Memorial Park. Under suspension of the rules, on motion of Mr. McMurtry of Dedham, 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.

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 petition of Brian P. Wallace for legislation to establish a sick leave bank for Claire Smallcomb, an employee of the Superior Court for Suffolk County. Under suspension of the rules, on motion of Ms. Provost of Somerville, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Judiciary. Sent to the Senate for concurrence.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning

active and retired public employees (House, No. 4607) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2468) of Paul J. Donato relative to creditable service for retirement purposes for certain former elected municipal officials,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4963) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4854) of Eugene L. O'Flaherty that Edward Grace of the city of Boston be authorized to take open competitive examinations for the positions of police officer or fire fighter in the Commonwealth, notwithstanding the maximum age requirements,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to the granting of certain licenses for the sale of alcoholic beverages to be drunk on the premises in the town of Wenham (Senate, No. 2824) be scheduled for consideration by the House.

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

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill relative to designating a certain area in the city of Worcester as a place of peace healing garden (House, No. 5093). Read; and referred, under Rule 33, to the committee on Ways and Means.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Gary Tuck, an employee of the Department of Revenue (see House, No. 4754, 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 8 to 0. Sent to the Senate for concurrence.

The engrossed 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 (see House bill printed in House, No. 5095,

Contractor
prequalification
commission,
Senate
appointment.

Dedham,
Marie Louise
Kehoe Park.

Claire
Smallcomb,
sick leave.

Municipal
officials,
creditable
service.

Edward
Grace.

Wenham,
liquor
license.

Worcester,
healing
garden.

Gary Tuck,
sick leave.

Bonds
and notes,
terms.

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 12 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 House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

Engrossed bills

Bills
enacted.

Designating the community colleges collectively as the Governor Foster Furcolo Community Colleges (see Senate, No. 2581);

Establishing the Walpole Economic Development and Industrial Corporation (see Senate, No. 2786);

(Which severally originated in the Senate); and

Relative to the annual report of public charities (see House, No. 274) (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.

Motions to Discharge Certain Matters in the Orders of the Day.

Animal
fighting.

Mr. Kafka of Stoughton moved that the engrossed Bill relative to animal fighting or cruelty (see House, No. 1527), which had been returned to the House by His Excellency the Governor with recommendation of amendment (for message, see House, No. 5098), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The amendment recommended by the Governor then was adopted in the following form (as approved by the committee on Bills in the Third Reading):

By striking out section 2.

Sent to the Senate for its action.

Third
reading
bill.

The Senate Bill relative to homeowner heating safety (Senate, No. 2404, amended) (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, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment previously adopted by the House.

House bills

Third
reading
bills.

Authorizing the town of Natick to grant eight additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 4831);

Validating the action taken at the special town election held in the town of Oak Bluffs (printed in House, No. 4932);

Authorizing the town of Northborough to grant an additional alcoholic beverage license for the sale of wine and malt beverages (House, No. 4937) (its title having been changed by the committee on Bills in the Third Reading); and

Including the town of Pepperell within the Ayer economic target area and economic opportunity area (House, No. 4986);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton, in each instance; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Quorum.

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

A quorum not being present, under the provisions of Rule 82, the Chair (Mr. Donato of Medford), at twenty-six minutes before one o'clock P.M., declared an adjournment of the House until Monday next at eleven o'clock A.M., in an Informal Session.