

## JOURNAL OF THE HOUSE.

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Thursday, October 9, 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, we pause for a moment to offer a prayer to You for guidance and direction as we address the legislative issues of this day. In Your goodness help us to make right and fair legislative decisions for today and for everyday. Today the Jewish Community is observing Yom Kippur, a special religious holy day, during which prayer and atonement for sin are important religious elements. We are also preparing to celebrate a holiday on Monday, Columbus Day. Our hearts and minds are filled with gratitude for the many blessings which we enjoy as citizens of this Commonwealth and nation. Teach us to use our human talent and natural resources in a prudent, wise and thoughtful manner. May we, in our diverse society and communities, live in peace in honoring the dignity of each person.

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.

### *Resolutions.*

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

Resolutions (filed by Mr. Calter of Kingston) congratulating Daniel Peter Benza on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Calter of Kingston) congratulating Timothy Ross Benza on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Hall of Westford) recognizing the extraordinary volunteer public service of Helena "Mickey" Crocker on her eightieth birthday;

Resolutions (filed by Ms. Khan of Newton) congratulating Jacob Simon Flesh on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mr. Naughton of Clinton) congratulating Daniel Jacob Polanowicz 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. Spiliotis of Peabody, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Petitions.*Chicopee,  
park land.

Mr. Wagner of Chicopee presented a petition (accompanied by bill, House, No. 5111) of Joseph F. Wagner (with the approval of the mayor and board of aldermen) that the city of Chicopee be authorized to convey a certain parcel of abandoned park land to David and Paula Austin; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Veterans,  
accidental  
disability.

By Mr. Bradley of Hingham, petition (subject to Joint Rule 12) of Garrett J. Bradley relative to creditable service for veterans retired under the public employees accidental disability retirement law.

Tracy  
Kelly,  
sick leave.

By Mr. Garballey of Arlington, petition (subject to Joint Rule 12) of Sean Garballey for legislation to establish a sick leave for Tracy Kelly, an employee of the Cambridge Division of the District Court Department of the Trial Court

Lawrence  
Churchville,  
retirement.

By Representative Hargraves of Groton and Senator Antonioni, joint petition (subject to Joint Rule 12) of Robert A. Antonioni and Robert S. Hargraves that the State Board of Retirement be directed to grant certain creditable service to Lawrence A. Churchville, III, an employee of the University of Massachusetts Medical School.

Maryan  
Labaire,  
sick leave.

By Representative O'Day of West Boylston and Senator Augustus, joint petition (subject to Joint Rule 12) of James J. O'Day and Edward M. Augustus, Jr., that the Department of Children and Families be authorized to establish a sick leave bank for Maryan Labaire, an employee of said department.

Excavating,  
permits.

By Mr. Peterson of Grafton, petition (subject to Joint Rule 12) of George N. Peterson, Jr., and Viriato Manuel deMacedo relative to the permitting process of the Department of Public Safety concerning excavations on public ways and on private property in cities and towns.

Excavations,  
safety.

By the same member, petition (subject to Joint Rule 12) of George N. Peterson, Jr., and Viriato Manuel deMacedo relative to the rules and regulations issued by the Department of Public Safety governing construction-related excavations and the safety of trenches.

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

*Paper from the Senate.*School bus  
drivers,  
licensing.

The House Bill relative to the licensing of school bus drivers (House, No. 4396) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document 2849.

Under suspension of Rule 35, on motion of Mr. Binienda of Worcester, 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.

*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 animals (House, No. 5092),— and recommending that the same be recommitted to the committee on Municipalities and Regional Government. Under Rule 42, the report was considered forthwith; and it was accepted.

Dangerous  
animals.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a recommitted petition, a Bill relative to creditable service (House, No. 2468). Read; and referred, under Rule 33, to the committee on Ways and Means.

Municipal  
officials,  
retire-  
ment.

By Mr. Rodrigues of Westport, for the committee on Consumer Protection and Professional Licensure, on a joint petition, a Bill increasing the number of licenses for the sale of alcoholic beverages in the town of West Bridgewater (House, No. 5088) [Local Approval Received].

West  
Bridgewater,  
liquor license.

By the same member, for the same committee, on a petition, a Bill authorizing the city of Salem an additional liquor license to Arcari Restaurant Group (House, No. 5089) [Local Approval Received].

Salem,  
Arcari  
Restaurant  
Group.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a joint petition, a Bill authorizing the town of Provincetown to impose a lien upon property in the town of Truro to secure unpaid water fees and charges (House, No. 5099, changed in section 1, in line 6, by striking out the figures: "484" and inserting in place thereof the figures: "483").

Provincetown  
and Truro,  
lien.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to the Barnstable County Probate Court (Senate, No. 989, amended) be scheduled for consideration by the House.

Barnstable  
County  
Probate  
Court.

Under suspension of Rule 7A, on motion of Mr. Fagan of Taunton, 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 to improve school campus air quality (Senate, No. 2628) be scheduled for consideration by the House.

Schools,  
air quality.

Under suspension of Rule 7A, on motion of Mr. Garballey of Arlington, 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 Norwood to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4982) be scheduled for consideration by the House.

Norwood,  
Byblos  
Restaurant.

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

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

The Senate Bill exempting certain positions in the city of Northampton from the civil service law (Senate, No. 2688), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day, under suspension of Rule 47, on motion of Mr. Peterson of Grafton; and it was read a third time and passed to be engrossed, in concurrence.

House bills

Relative to the notification of mammographic examinations (House, No. 2188);

Establishing Moby Dick as the epic novel of the Commonwealth (House, No. 3964, changed) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the charter of the town of Ashland (House, No. 4790);

Authorizing the appointment of Michael P. Hickey as a police officer in the town of Hingham notwithstanding the maximum age requirement (House, No. 4837) (its title having been changed by the committee on Bills in the Third Reading);

Exempting Richard Corcoran and Kazimierz R. Piorkowski, Jr. from the maximum age requirement for appointment as a firefighter in the town of Westwood (House, No. 4839);

Relative to the charter of the town of Westborough (House, No. 4878);

Authorizing affordable housing covenants in the town of Arlington (House, No. 4938) (its title having been changed by the committee on Bills in the Third Reading); and

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);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were discharged from their position in the Orders of the Day, under suspension of Rule 47, on motion of Mr. Peterson of Grafton, in each instance; and they were read a third time and passed to be engrossed. Severally sent to the Senate for concurrence.

House bills

Authorizing the State Board of Retirement to grant creditable service to Robert M. Penta (House, No. 4115); and

Relative to the Edward Cohen plaque (House, No. 5002);

Severally were discharged from their position in the Orders of the Day, under suspension of Rule 47, on motions of Mr. Peterson of Grafton.

The bills then severally were read a third time.

The committee on Bills in the Third Reading reported, in each instance, asking to be discharged from further consideration of the bills; and the reports were accepted.

Third  
reading  
bill.

Third  
reading  
bills.

Third  
reading  
bills.

The bills then were passed to be engrossed. Severally sent to the Senate for concurrence.

*Orders of the Day.*

The engrossed Bill authorizing the town of Westwood to grant a license for the sale of wines and malt beverages not to be drunk on the premises at a food store (see House, No. 4832) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. Galvin of Canton 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 (Mrs. Haddad of Somerset), at seventeen minutes before twelve o'clock noon, declared an adjournment of the House until Tuesday next at eleven o'clock A.M., in an Informal Session.

Westwood,  
liquor  
license.

Quorum.