

JOURNAL OF THE HOUSE.

Tuesday, October 10, 2006.

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).

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.

Pledge of
allegiance.

Message from the Governor — Veto.

A message from His Excellency the Governor returning with his objections thereto in writing sections 5 and 29 contained in the engrossed Bill making appropriations for fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 5304] (for message, see House, No. 5316) was filed in the Office of the Clerk on Thursday, October 5.

Supplemental
appropriations.

The message was read; and it was referred, under House Rule 30, to the committee on Ways and Means.

Silent Prayer.

At the request of the Chair and Representative Fallon of Malden, the members, guests and employees stood in a moment of silent prayer in memory of Lance Corporal Edward M. Garvin, U.S.M.C. of Malden, who, at the age of 19, paid the ultimate sacrifice to his country when he died in action last week in Iraq.

Lance
Corporal
Edward M.
Garvin.

Resolutions.

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

Resolutions (filed by Mr. Naughton of Clinton) congratulating Colonel Stanley Greenwood, Jr. on his thirty-three years of service to the United States Army Reserve;

Stanley
Greenwood, Jr.

Resolutions (filed by Representatives Ross of Wrentham, Rogers of Norwood and Harkins of Needham) congratulating Paul Alberta of Medfield on being awarded the Melvin Jones Fellow;

Paul
Alberta.

Resolutions (filed by Messrs. Straus of Mattapoisett and Canessa of New Bedford) honoring Representative Thomas O'Brien; and

Thomas
O'Brien.

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

Kevin
Turano.

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

Communications.

Communications

Boston University.

From the Chairman of the Management Team of Boston University (under the provisions of Section 13 of Chapter 133 of the Acts of 1989) submitting a copy of its annual report of the Boston University/Chelsea Partnership for the fiscal year 2005; and

Real property report.

From the Executive Office for Administration and Finance, Division of Capital Asset Management and Maintenance, submitting a copy of the Commonwealth of Massachusetts Real Property Report for the year 2006;

Severally were placed on file.

Annual and Special Reports.

Annual reports

Banks and credit unions.

Of the Commissioner of Banks (under the provisions of Section 13 of Chapter 167 of the General Laws) containing a statement of condition of each state-chartered co-operative bank in the Commonwealth for the calendar year 2005;

Women-owned businesses.

Of the Division of Capital Asset Management and Maintenance (pursuant to Section 6(i) of Chapter 193 of the Acts of 2004) relative to contract compliance construction projects awards to minority and women-owned businesses for the year 2005;

Group insurance.

Of the Group Insurance Commission (under the provisions of Section 20 of Chapter 32A of the General Laws) relative to vendor quality improvement program activities for the year 2005;

Legal Assistance Corporation.

Of the Massachusetts Legal Assistance Corporation (under the provisions of Section 10 of Chapter 221A of the General Laws) relative to the description and evaluation of each program and a summary of the expenditures for such programs for the fiscal year ending June 30, 2006; and

Worcester Transit Authority.

Of the Worcester Transit Authority (under the provisions of Section 8(g) of Chapter 161B of the General Laws) of its operation for the fiscal year ending June 30, 2005;

Central Artery/Ted Williams Tunnel.

Quarterly report of the Massachusetts Turnpike Authority (under the provisions of Section 9 of Chapter 87 of the Acts of 2000) on the status of the Central Artery/Ted Williams Tunnel Projects; and

Unemployment Trust Fund.

Monthly report of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws) relative to the condition of the Commonwealth's Unemployment Trust Fund for the month of July, 2006;

Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

Revere, used vehicle sales.

By Mr. DeLeo of Winthrop, petition (accompanied by bill, House, No. 5317) of Robert A. DeLeo and others (with the approval of the mayor and city council) for legislation to further regulate the issuance of second-hand motor vehicle licenses in the city of Revere. To the committee on Municipalities and Regional Government.

By Mr. Broadhurst of Methuen, petition (accompanied by bill, House, No. 5318) of Arthur J. Broadhurst (with the approval of the mayor and city council) for legislation to exempt Jeffrey L. Beohner and John Zaccari from the maximum age requirements for applying for civil service appointment as a police officer in the city of Methuen. To the committee on Public Service.

Methuen, civil service.

Severally sent to the Senate for concurrence.

Papers from the Senate.

The engrossed Bill establishing an affordable housing trust fund in the town of Wellfleet (see House, No. 4094) came from the Senate with an amendment in line 8 (as printed), striking out the words "funds or savings banks" (as changed by the House committee on Bills in the Third Reading) and inserting in place thereof the words "funds of savings banks".

Wellfleet, housing trust fund.

Under suspension of Rule 35, on motion of Mr. Correia of Fall River, 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 regulating exemptions for cooperative corporations under the Community Preservation Act (Senate, No. 2725) (on Senate bill No. 2367), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Preservation act, exemptions.

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 Northeastern Correctional Center, in the town of Concord, was spread upon the records of the House; and returned to the Senate.

Northeastern Correctional Center, inspection.

A petition (accompanied by bill, Senate, No. 2724) of Brian A. Joyce, Joseph R. Driscoll, Bruce J. Ayers and Walter F. Timilty (by vote of the town) for legislation to amend the representative form of the town meeting in Randolph, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Randolph, town meeting.

A petition of Michael W. Morrissey, Joseph R. Driscoll and Brian A. Joyce for legislation to establish a sick leave bank for Karen Ann Devine, an employee of the Department of Corrections, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Karen Ann Devine, sick leave bank.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2728) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Paul LaFrance an employee of the Department of Correction (House,

Paul LaFrance, sick leave bank.

No. 5307). 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 Sannicandro of Ashland, the bill was read a second time forthwith; and it was ordered to a third reading.

Lawrence,
Nyhan
bridge.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill designating a certain bridge in the city of Lawrence as "the Charles F. Nyhan, Sr. Bridge" (House, No. 5296). 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 Ms. Peisch of Wellesley, the bill was read a second time forthwith; and it was ordered to a third reading.

Patient
confidentiality.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill to protect patient confidentiality (House, No. 1754) be scheduled for consideration by the House.

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

West
Bridgewater,
conservation
commission.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the membership of the conservation commission of the town of West Bridgewater (House, No. 4875) be scheduled for consideration by the House.

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

Leicester,
development.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill partially releasing a non-development covenant restriction on certain land in the town of Leicester (House, No. 5143) be scheduled for consideration by the House.

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

Wellesley,
group
insurance.

A report of the committee on Revenue, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4872) of Alice Hanlon Peisch and others (by vote of the town) that the town of Wellesley be authorized to place on the ballot a certain question relative to the raising of local taxes for the purpose of funding the group insurance liability fund of said town, was considered forthwith, under suspension of the rules, on motion of Ms. Peisch of Wellesley.

Pending the question on acceptance of the report, the same member moved that it be amended by substitution of the Bill authorizing

the local appropriating authority of the town of Wellesley to seek voter approval to assess taxes for the purpose of funding said town's group insurance liability fund (House, No. 4872), which was read [Local Approval Received].

The amendment was adopted, and, under further suspension of rules, on motion of Ms. Peisch, the bill was read a second time forthwith; and, it was referred, under Rule 1E, to the committee on Health Care Financing.

Emergency Measure.

The engrossed Bill designating the annual observance of Massachusetts History Day and establishing a special commission on civic engagement and learning (see House, No. 3465, 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.

Massachusetts
History Day.

Engrossed Bills.

Engrossed bills

Relative to the Nantucket Housing Authority (see Senate, No. 2103, amended) (which originated in the Senate);

Bills
enacted.

Regulating health examinations for private school children (see House, No. 3637);

Granting creditable service to certain members of the Cambridge retirement system (see House, No. 4460); and

Relative to the Wayland wastewater management district commission (see House, No. 4631);

(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.

The engrossed Bill relative to county roads (see Senate, No. 2085) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

County
roads.

Pending the question on passing the bill to be enacted, Ms. Fox of Boston moved that Rule 40 be suspended; and the motion prevailed.

Mr. Kulik of Worthington then moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5315.

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

Orders of the Day.

Senate bills

Reducing the supplemental reserve fund requirement for the city of Pittsfield (Senate, No. 2149); and

Third
reading
bills.

Further regulating the consignment of fine art (Senate, No. 2461); 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.

Third
reading
bill.

The House Bill establishing a Massachusetts work family council (House, No. 4216) (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; and it was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

At twenty-six minutes before twelve o'clock noon, on motion of Mr. Rush of Boston (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.