

JOURNAL OF THE HOUSE.

Tuesday, October 14, 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 begin this legislative workweek with the belief that we live each moment of the day in Your presence and Your assistance is available to us at all times. In Your goodness, inspire us to make the right, fair and honorable choices as we work together to make our communities peaceful, safe and civil. Grant us the wisdom to cope successfully with the legislative, administrative and economic challenges of these uncertain times. As elected leaders, help us to develop the listening skills which respect the insights, experiences and suggestions of constituents and colleagues. We pray for the courage to remain faithful to our high ideals, our thoughtful priorities and our personal, honorable goals as we struggle to address the many needs of people in our neighborhoods and in the Commonwealth.

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.

Law enforcement training.

The Speaker announced the appointment of Representative Campbell of Methuen to the special commission established (under Chapter 3 of the Resolves of 2008) for the purpose of conducting an investigation and study of the feasibility of establishing a statewide law enforcement training program to coordinate municipal law enforcement training and creating more efficient law enforcement facilities, staffing instruction and preparedness.

Resolutions.

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

Eric R. Johnson.

Resolutions (filed by Mr. deMacedo of Plymouth) congratulating Eric R. Johnson on receiving the Eagle Award of the Boy Scouts of America;

Congregation Shalom.

Resolutions (filed by Representatives Hall of Westford, Atkins of Concord, Golden of Lowell and Nangle of Lowell) celebrating the fortieth anniversary of Congregation Shalom;

Westford Fire Department.

Resolutions (filed by Mr. Hall of Westford) celebrating the one hundredth anniversary of the Westford Fire Department;

Smith High School.

Resolutions (filed by Mr. Kocot of Northampton) congratulating Smith Vocational and Agricultural High School on its one hundredth anniversary;

Resolutions (filed by Mr. Patrick of Falmouth and other members of the House) honoring Mary Leclair for her many years of service to Cape Cod's children and families;

Mary Leclair.

Resolutions (filed by Mr. Patrick of Falmouth and other members of the House) commending the UMass Extension/Barnstable County 4-H Youth Development Program and its support of Lights on Afterschool;

Lights on Afterschool.

Resolutions (filed by Mr. Patrick of Falmouth and other members of the House) commending the Boys and Girls Club of Cape Cod and its support of Lights on Afterschool;

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Resolutions (filed by Mr. Stanley of Waltham) congratulating Robert Allen Starr on receiving the Eagle Award of the Boy Scouts of America; and

Robert Allen Starr.

Resolutions (filed by Ms. St. Fleur of Boston) congratulating the Massachusetts Afterschool Partnership on its celebration of Lights on Afterschool;

Lights on Afterschool.

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. Hynes of Marshfield, 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. Nangle of Lowell presented a petition (subject to Joint Rule 12) of David M. Nangle for legislation to establish a sick leave bank for Margie Murphy, an employee of the Department of Children and Families; and the same was referred, under Rule 24, to the committee on Rules.

Margie Murphy, sick leave.

Papers from the Senate.

The House Bill including the town of Pepperell within the Ayer economic target area and economic opportunity area (House, No. 4986) 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:

Pepperell, Devens Enterprise Zone.

"SECTION 1. Chapter 498 of the acts of 1993 is hereby amended by striking out section 18 and inserting in place thereof the following section:—

Section 18. Designation as Commonwealth Economic Target and Opportunity Areas. Devens and the town of Ayer are hereby designated Economic Target Areas and Economic Opportunity Areas as defined in section 3 of chapter 23A of the General Laws. Pursuant to such designations, certain development projects within Devens, and the towns of Shirley, Pepperell, and Ayer, shall be eligible for tax deductions, credits and abatements and other economic incentives as provided for in chapter 19 of the acts of 1993. The designation of Devens and the towns of Ayer, Pepperell and Shirley as Economic Target Areas shall be in addition to the Economic Target Areas that are authorized to be established throughout the commonwealth pursuant to section 6 of chapter 110 of the acts of 1993. For the purposes of this act, the Ayer Economic Target Area and Economic Opportunity Area shall include the land located in the town of

Pepperell,
Devens
Enterprise
Zone.

Groton known as the West Groton Mill of the Old Leather Mill, and shown and shown on the town of Groton assessors' map M as parcel 129."

Under suspension of Rule 35, on motion of Mr. Hargraves of Groton, 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.

The following order (having been reported by the committees on Rules of the two branches, acting concurrently) came from the Senate with the endorsement that it had been adopted by said branch, as follows:

Ordered. That notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be granted until Monday, October 13, 2008 in which to make its final report on current Senate documents numbered 2801 and 2802, relative to various local issues.

Under suspension of the rules, on motion of Mr. Pedone of Worcester, the order was considered forthwith.

Pending the question on adoption of the order, in concurrence, the same member moved to amend it by striking out the date "Monday, October 13" and inserting in place thereof the date "Friday, October 17".

The amendment was adopted.

The order, as amended, then also was adopted. Sent to the Senate for concurrence in the amendment.

Bills

Relative to nonpublic school deferred compensation (Senate, No. 2853) (on a petition);

Establishing a sick leave bank for Stephen Kazarian, an employee of the Department of Correction (Senate, No. 2880) (on a petition);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

A Bill relative to the sale of alcoholic beverages in the city of Somerville (Senate, No. 2881) (on Senate bill No. 2815) [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 the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities, as follows:

Of the Essex County Women in Transition facility, in the town of Middleton;

Of the Northeastern Correctional Center, in the town of Concord; and

Of the Plymouth County Correctional Facility, in the town of Plymouth;

Severally were spread upon the records of the House; and returned to the Senate.

Municipalities
and Regional
Government,
extension
of time for
reporting.

Nonpublic
schools.

Stephen
Kazarian,
sick leave
bank.

Somerville,
liquor
licenses.

Correctional
facilities,
inspection
reports.

Report of a Committee.

The House report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4053) of Antonio F. D. Cabral and Mark C. Montigny (with the approval of the mayor and city council) that the city of New Bedford be authorized to adopt regulations for the operation of motorized bicycles and scooters on public ways within said city, was considered forthwith, under suspension of the rules, on motion of Mr. Cabral of New Bedford.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Pedone of Worcester.

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

The Senate Bill relative to the granting of certain licenses for the sale of alcoholic beverages to be drink on the premises in the town of Wenham (Senate, No. 2824), 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. Garballey of Melrose; and it was read a third time and passed to be engrossed, in concurrence.

The House Bill relative to noncontributory retirement benefits (House, No. 5100), 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. Fresolo of Worcester; and it was read a third time and passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the operation of low-speed motor vehicles (House, No. 4377), 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 Ms. Clark of Melrose; and it was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Jones of North Reading moved to amend it by substitution of a bill with the same title (House, No. 5113), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill establishing a department of public works in the town of Merrimac (House, No. 4494) was discharged from its position in the Orders of the day, under suspension of Rule 47, on motion of Mr. Fresolo of Worcester; and it was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Pending the question on passing the bill to be engrossed, Ms. Stanley of West Newbury moved to amend it by substitution of a bill with the same title (House, No. 5114), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

New
Bedford,
scooters.

Third
reading
bill.

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Low-speed
vehicles.

Merrimac,
public
works.

Conservation
land,
donations.

The engrossed Bill relative to authorizing tax credits for qualified donations of certain land to a public or private conservation agency (see House, No. 5080), being a printed copy of sections 8, 9, 33 and 36 contained in the engrossed Bill providing for the preservation and improvement of land, parks, and clean energy in the commonwealth (see House, No. 5054), which had been returned by His Excellency the Governor with recommendations of amendments (for message, see House, No. 5079), was discharged from its position in the Orders of the Day, under suspension of Rule 47, on motion of Mr. Fallon of Malden; and it was considered in the following form (as approved by the committee on Bills in the Third Reading):

In section 1, in line 0, by striking out the following: “(p)” and inserting in place thereof the following: “(o)”, and by adding at the end of said section the following paragraph:

“(9) The secretaries of energy and environmental affairs and of administration and finance, acting jointly and in writing, shall authorize tax credits under this subsection together with section 38Z of chapter 63 in a cumulative amount, including the current year cost of credits allowed in previous years, that shall not exceed \$2,000,000 annually. No credits shall be allowed under this subsection except to the extent authorized as provided in this paragraph. The commissioner of revenue, after consulting those secretaries concerning, among other things, the land conservation objectives of this section, shall adopt regulations governing applications for and other administration of these tax credits.”;

By adding at the end of section 2 the following paragraph:

“(h) The secretaries of energy and environmental affairs and of administration and finance, acting jointly and in writing, shall authorize tax credits under this section together with subsection (p) of section 6 of chapter 62 in a cumulative amount, including the current year cost of credits allowed in previous years, that shall not exceed \$2,000,000 annually. No credits shall be allowed under this section except to the extent authorized as provided in this subsection. The commissioner of revenue, after consulting those secretaries concerning, among other things, the land conservation objectives of this section, shall adopt regulations governing applications for and other administration of these tax credits.”; and

In section 3, in lines 0, 0, 00, 00 and 00, by striking out the following: “(o)” and inserting in place thereof, in each instance, the following: “(p)”.

The amendments were adopted. Sent to the Senate for its action.

Recesses.

Recesses.

At ten minutes before twelve o'clock noon, on motion of Mr. McMurtry of Dedham (Mr. Donato of Medford being in the Chair), the House recessed until the hour of three o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. deMacedo of Plymouth, until tomorrow at the hour of eleven o'clock A.M. and at that time the House was called to order with Mr. Donato of Medford in the Chair.

Wednesday, September 15, 2008 (at 11:00 o'clock A.M.).

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.

Recesses.

At five minutes after eleven o'clock A.M., on motion of Mr. Sciortino of Medford (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair. Recesses.

The House thereupon took a further recess, on motion of Mr. Garballey of Arlington, until a quarter after three o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

Order.

On motion of Mr. DiMasi of Boston,—
Ordered. That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M. Next
sitting.

At sixteen minutes after three o'clock P.M., on motion of Mrs. Harkins of Needham (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.