

JOURNAL OF THE HOUSE.

Thursday, October 16, 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.

Gracious God, in these uncertain times, we continue to place our trust in You, Our Creator, in our state and federal constitutions, in our basic institutions and in fundamental human and spiritual values. Teach us, as citizens of the Commonwealth and country, to work in a collaborative manner in building goodwill and confidence in our diverse communities as we together address complex, sensitive and emotional public policy and legislative issues. May we recognize and utilize the many talents and the various skills of the people in our communities as we strive to build peaceful and safe neighborhoods. May Your gift of wisdom enable us to plan intelligently for the future at all times and not merely react to a current crisis. In this era of worldwide violence, inspire us to continue our respect for the dignity of all members of our society, especially the most innocent and vulnerable.

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.

Papers from the Senate.

Medical malpractice insurance.

A Bill prohibiting discrimination against physical therapists and physical therapist assistants in securing medical malpractice insurance (Senate, No. 2215) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

The following notices were received from the Clerk of the Senate, to wit:—

October 10, 2008.

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

Dear Mr. Speaker:

Senate appointments.

I have the honor to inform you that the Honorable Richard R. Tisei, Senate Minority Leader, has announced the following appointments:

Ms. Elizabeth Hart of Malden to the Special Commission established (pursuant to Section 2 of Chapter 315 of the Acts of 2008) to make an investigation and study of graduation and dropout prevention and recovery;

Senator Scott P. Brown to the Special Commission established (pursuant to Chapter 182 of the Acts of 2008) to make an investigation and study of civic engagement and learning; and

Senator Scott P. Brown to the Special Commission established (pursuant to Section 56 of Chapter 302 of the Acts of 2008) to make an investigation and study of the impact of the OxyContin and Heroin epidemic.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

October 10, 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 Therese Murray, President of the Senate, has announced the resignation of Senator Marc R. Pacheco and the appointment of Senator Richard T. Moore to the Special Commission established (pursuant to Section 106 of Chapter 182 of the Acts of 2008) relative to civic engagement and learning.

Civic engagement and learning commission, Senate change.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Recesses.

At five minutes after eleven o'clock A.M., on motion of Mr. Galvin of Canton (Mr. Donato of Medford being in the Chair), the House recessed until half past one o'clock P.M.; and at twenty-two minutes before two o'clock the House was called to order with Mr. Donato in the Chair.

Recesses.

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

Resolutions.

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

Resolutions (filed by Mr. DiMasi of Boston) commending all state employees on the occasion of "Performance Recognition Day";

Performance Recognition Day.

VNA Care
Network &
Hospice.

Resolutions (filed by Mr. Speliotis of Danvers) congratulating the VNA Care Network & Hospice in Danvers on its one hundredth anniversary; and

Robert A.
Welsh, Jr.

Resolutions (filed by Mr. Turner of Dennis) congratulating Judge Robert A. Welsh, Jr. on the occasion of his being recognized by the Cape Cod and Islands Council, Inc. #224 - 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 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.

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 following petitions:

Tracy
Kelly,
sick leave.

Petition (accompanied by bill) 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. To the committee on the Judiciary.

Kenneth J.
Murphy,
sick leave.

Petition (accompanied by bill) of Ronald Mariano that the Department of Correction be authorized to establish a sick leave bank for Kenneth J. Murphy, an employee of said department;

Maryan
Labaire,
sick leave.

Joint petition (accompanied by bill) 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; and

Judy
Romano,
sick leave.

Joint petition (accompanied by bill) 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 to the committee on Public Service.

Newbury,
William
Plante
Bridge.

Joint petition (accompanied by bill) of Harriett L. Stanley and Bruce E. Tarr for legislation to designate a certain bridge over the Little River in the town of Newbury as the William L. Plante Bridge. To the committee on Transportation.

Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Edward
Grace,
civil
service.

By Mr. Kaufman of Lexington, for the committee on Public Service, asking to be discharged from further consideration of the recommitted 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 referred to the Senate committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted, inasmuch as relates to the discharge of the joint committee. Sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the establishment of an affordable housing fund in the town of Harwich (House, No. 5077) be scheduled for consideration by the House.

Harwich,
affordable
housing.

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. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Claire Smallcomb, an employee of Suffolk Superior Court (House, No. 5110).

Claire
Smallcomb,
sick leave.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the issuance of certain bonds by the town of Northborough (House, No. 5090, changed in line 13, by striking out the following: "chapter 11" and inserting in place thereof the following: "chapter 44") [Local Approval Received].

Northborough,
bonds and
notes.

By the same member, for the same committee, on a petition, a Bill relative to the town of Sandwich visitor services board (House, No. 5091) [Local Approval Received].

Sandwich,
visitor
board.

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

Motion to Reconsider.

Mr. Golden of Lowell moved that the vote be reconsidered by which the House, on Thursday, July 31, passed to be enacted the engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the city of North Adams (see House, No. 4585); and the motion to reconsider was considered forthwith and it prevailed.

North
Adams,
land.

Pending the recurring question on passing the bill to be enacted, it was recommitted to the committee on Bills in the Third Reading with instructions for said committee to determine whether the bill comes within the provisions of Article XCVII of the Amendments to the Constitution, on further motion of the same member.

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

The Senate Bill designating certain bridges in the town of Millville as the John Dean Bridges (Senate, No. 2565), 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. Peisch of Wellesley; and it was read a third time and passed to be engrossed, in concurrence.

Millville,
John Dean
Bridges.

The House Bill relative to controlled substances (House, No. 4434, amended), 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. Wolf of Cambridge; and it was read a third time and passed to be engrossed. Sent to the Senate for concurrence.

Controlled
substances.

Westborough,
charter.

The House Bill relative to the charter of the town of Westborough (House, No. 4944) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was discharged from its position in the Orders of the Day, 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.

Framingham,
maintenance
facility.

The House Bill authorizing the town of Framingham to erect a maintenance facility (House, No. 5082), 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 Arlington; and it was read a third time.

Pending the question on passing the bill to be engrossed, Representatives Sannicandro of Ashland and Richardson of Framingham moved to amend it by adding the following two sections:

“SECTION 2. As a condition of the change to the park land authorized in section 1, the town of Framingham shall transfer a parcel of land under the care, custody, management and control of the board of selectmen and dedicated for general municipal purposes to the park and recreation commission and such parcel shall be dictated for park purposes. If no suitable parcel can be transferred to that commission, the town shall acquire a parcel of land or a conservation restriction upon private or public land as defined in section 31 of chapter 184 of the General Laws. Such land shall be dedicated or restricted to park purposes and under the jurisdiction of the park and recreation commission. The parcel of land dedicated pursuant to this section shall be of equal or greater size and value for park purposes to the portion of the parcel described in section 1.

SECTION 3. This act shall take effect upon its passage.”.

The amendment was adopted; and the bill (House, No. 5082, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At eighteen minutes before four o'clock P.M., on motion of Mr. Sullivan of Fall River (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after four o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

Quorum.

Quorum.

Mr. Galvin of Canton thereupon 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 twenty minutes after four o'clock P.M., declared an adjournment of the House until tomorrow at twelve o'clock noon, in an Informal Session.