

## JOURNAL OF THE HOUSE.

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Monday, October 27, 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 this new workweek, we look to You for guidance and direction. We believe that Your assistance enables us, even with our busy daily schedules, to comprehend more clearly and to put into proper perspective the many items on our personal agenda. In these worldwide uncertain and troubled political and economic times, inspire us to work together as concerned citizens and elected leaders in resolving all legislative and administrative matters in a reasoned and mature manner. Grant us the patience to be good listeners in evaluating the concerns, insights and experiences of others as we reason and plan together in building peaceful, stable and civil communities. May the common good be a common concern for all citizens in meeting current societal and human needs and in planning for the future.

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.

### *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) honoring the Missionary Society of Saint James the Apostle; Saint James  
Missionary.

Resolutions (filed by Mr. Barrows of Mansfield) congratulating Christopher J. T. McKenna on receiving the Eagle Award of the Boy Scouts of America; Christopher  
J. T.  
McKenna.

Resolutions (filed by Messrs. deMacedo of Plymouth and Calter of Kingston) congratulating Richard J. Buckley on receiving the Eagle Award of the Boy Scouts of America; and Richard J.  
Buckley.

Resolutions (filed by Messrs. deMacedo of Plymouth and Calter of Kingston) congratulating Daniel Lawrence Caldwell, Jr., on receiving the Eagle Award of the Boy Scouts of America; Daniel  
Lawrence  
Caldwell, Jr.

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. Smizik of Brookline, 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:

Wilmington,  
sewer  
district.

By Mr. Miceli of Wilmington, petition (accompanied by bill, House, No. 5125) of James R. Miceli and Bruce E. Tarr (by vote of the town) for legislation to make certain changes in the jurisdiction of the water and sewer commission of the town of Wilmington;

Lowell,  
funeral  
expenses.

By Mr. Murphy of Lowell and Senator Panagiotakos, joint petition (accompanied by bill, House, No. 5126) of Kevin J. Murphy and others (with the approval of the mayor and city council) that the city of Lowell be authorized to pay funeral and burial expenses of employees killed or who sustain injuries resulting in death in the performance of their official duties;

Lowell,  
Middlesex  
garage.

By the same members, joint petition (accompanied by bill, House, No. 5127) of Kevin J. Murphy and others (with the approval of the mayor and city council) that the city of Lowell be authorized to lease certain retail space in the parking garage located on Middlesex Street in said city; and

Chicopee,  
government.

By Mr. Wagner of Chicopee, petition (accompanied by bill, House, No. 5128) of Joseph F. Wagner (with the approval of the mayor and board of aldermen) for legislation to establish a city council form of government in the city of Chicopee;

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Gasoline  
dealers,  
regulating.

By Mr. Eldridge of Acton, petition (subject to Joint Rule 12) of Charles A. Murphy and others for legislation to regulate marketing agreements between dealers, producers and refiners of gasoline.

Alan  
Antonucci,  
sick leave.

By Mr. Lantigua of Lawrence, petition (subject to Joint Rule 12) of William Lantigua that the office of sheriff of Middlesex County be authorized to establish a sick leave bank for Alan Antonucci, an employee of said office.

Lowell,  
dumping.

By Mr. Murphy of Lowell and Senator Panagiotakos, joint petition (subject to Joint Rule 12) of Kevin J. Murphy and others (with the approval of the mayor and city council) that the city of Lowell be authorized to impose certain fines and provide for the prosecution of offenders in the court system of Middlesex County.

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

*Reports of Committees.*

Property  
taxes,  
exemption.

By Mr. Scaccia of Boston, for the committee on Rules, on the residue of House order, No. 4964, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4862) of Jeffrey Sanchez relative to the effective date of the tax exemption for certain real property assessing at full and fair cash valuation,— and recommending that the same be recommitted to the committee on Revenue. Under Rule 42, the report was considered forthwith.

A report of the committees on Rules of the two branches, acting concurrently, that the Senate Resolve providing for a plaque at the State House to honor the contributions of African Americans to the Commonwealth (Senate, No. 2812) ought NOT to pass (under Joint Rule 10) was considered forthwith, under suspension of the rules, on motion of Mr. Rushing of Boston, the question being on rejection.

African  
Americans,  
plaque.

The question on rejection was negatived; and the resolve was recommitted, on further motion of the same member.

Mr. Scaccia of Boston, for said committees, then reported recommending that the resolve ought to pass.

Under suspension of the rules on further motion of Mr. Rushing, the resolve then was read a second time forthwith; and it was ordered to a third reading.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Kafka of Stoughton, the resolve (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on House, No. 5092, an Order relative to authorizing the committee on Municipalities and Regional Government to make an investigation and study of a certain House document concerning dangerous dogs (House, No. 5122). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Dangerous  
dogs,  
study.

Subsequently Mr. Scaccia of Boston, for said committees, reported asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a recommitted petition, a Bill authorizing the city of New Bedford to enact and enforce ordinances pertaining to the regulation or prohibition of the use of motorized bicycles and motorized scooters on public ways within said city's limits (House, No. 4053) [Local Approval Received].

New Bedford,  
bicycles and  
scooters.

By the same member, for the same committee, on a petition, a Bill validating the actions taken at an annual town meeting and special town meeting of the town of Rockland (House, No. 5107) [Local Approval Received].

Rockland,  
town  
meeting.

By the same member, for the same committee, on a petition, a Bill authorizing the city of Chicopee to abandon certain park land (House, No. 5111) [Local Approval Received].

Chicopee,  
park land.

By Mr. Wagner of Chicopee, for the committee on Transportation, on the joint petition, a Bill designating a certain bike path in the town of Millbury as the Honorable Richard Dwinell Memorial Blackstone Valley Bike Path (House, No. 5102).

Millbury,  
R.J. Dwinell  
Bike Path.

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

*Recess.*

Recess.

At twenty-six minutes after eleven o'clock A.M., on motion of Mr. Sullivan of Fall River (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at ten minutes after four o'clock P.M. the House was called to order with Mr. Donato in the Chair.

*Emergency Measures.*

Stephen Kazarian, sick leave bank.

The engrossed Bill establishing a sick leave bank for Stephen Kazarian, an employee of the Department of Correction (see Senate, No. 2880), 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 4 to 0. Sent to the Senate for concurrence.

Linda McKinley, sick leave.

The engrossed Bill establishing a sick leave bank for Linda McKinley, an employee of the Department of Transitional Assistance (see House, No. 5045, 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 7 to 0. Sent to the Senate for concurrence.

Claire Smallcomb, sick leave.

The engrossed Bill establishing a sick leave bank for Claire Smallcomb, an employee of the Trial Court (see House, No. 5110), 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 7 to 0. Sent to the Senate for concurrence.

Voter registration.

The engrossed Bill temporarily extending the grace period for voter residency (see House, No. 5121), 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 7 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*

Establishing a sick leave bank for Gary Tuck, an employee of the Department of Revenue (see House, No. 4754, amended); and Bills enacted.

Adjusting transfers to account for timing discrepancies in federal reimbursements (see House, No. 5117);

(Which severally originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

The engrossed Bill validating the actions taken at a certain special town meeting in the town of Hopkinton (see House bill printed in House, No. 4888) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

*Motion to Reconsider.*

Mr. Mariano of Quincy moved that the vote be reconsidered by which the House, on Friday last, passed to be engrossed, in concurrence, the Senate Bill relative to consumer protection in life insurance contracts (Senate, No. 2818, amended); and the motion to reconsider was considered forthwith and it prevailed. Life insurance contracts.

Pending the recurring question on passing the bill, as amended, to be engrossed, in concurrence, Messrs. Mariano and Sannicandro of Ashland moved to amend it by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5130.

The amendment was adopted; and the bill (Senate, No. 2818, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

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

The Senate Bill relative to operating a motor vehicle when approaching stationary emergency vehicles (Senate, No. 2103, 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 Mr. Sullivan of Fall River; and it was read a third time and passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment previously adopted by the House. Stationary emergency vehicles.

The House Bill relative to the town of Duxbury (House, No. 4380), 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. Kafka of Stoughton; and it was read a third time and passed to be engrossed. Sent to the Senate for concurrence. Duxbury, Gumet Road.

*Order.*

On motion of Mr. DiMasi of Boston,—

Next  
sitting.

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

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At ten minutes before five o'clock P.M., on motion of Mr. Galvin of Canton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.