

## JOURNAL OF THE HOUSE.

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Thursday, October 30, 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:

God, Our Creator and Our Ultimate End, at the beginning of today's legislative session, we take a moment to offer a personal prayer of thanks to You for our material and spiritual blessings. Often we take these material and spiritual gifts for granted as well as the personal freedoms which we enjoy as citizens of this great nation. In our daily struggle to address the needs and reasonable expectations of people, inspire us, as elected leaders, to make the right, objective, moral and reasoned decisions. In the process of our decision-making activities, help us to sift through carefully and critically all data, media information and legislative proposals in our search for truth and accuracy. In addressing issues, teach us to be aware of the consequences of our choices now and on future generations.

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.

### *Message from the Governor — Bill Returned with Recommendation of Amendment.*

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill authorizing the establishment of the Nantucket Sewer Commission and Sewer Districts in the town of Nantucket [see House, No. 4213] (for message, see House, No. 5135) was filed in the office of the Clerk on Thursday, October 9.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

### *Message from the Governor.*

A message from His Excellency the Governor recommending legislation relative to validating the actions taken by the town of Webster open town meeting and establishing a charter for the town of Webster (House, No. 5133) was filed in the office of the Clerk on Friday, October 17.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

*Resolutions.*

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

Resolutions (filed by Mr. Casey of Winchester) recognizing the Winchester Historical Society and Sanborn House Historical and Cultural Center on the celebration of the Sanborn House's one hundredth birthday on November 2, 2008;

Resolutions (filed by Mrs. Creedon of Brockton) congratulating Gennaro D'Amico on the occasion of his ninetieth birthday; and

Resolutions (filed by Representatives Dempsey of Haverhill, L'Italien of Andover and Stanley of West Newbury) congratulating Sacred Hearts Parish of Haverhill on the occasion of its one hundredth anniversary;

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

*Paper from the Senate.*

The engrossed bill authorizing the town of Orleans to operate a sewer system (see Senate, No. 2452) came from the Senate with the endorsement that it had been returned to said branch by His Excellency the Governor, in accordance with the provisions of Article LVI of the Amendments to the Constitution, with recommendation of amendments (for message, see Senate, No. 2737).

The bill bore the further endorsement that the Senate had adopted said amendments (in the form approved by the Senate committee on Bills in the Third Reading) as follows:

In section 1, at the end thereof, inserting after the word "disposal" the words "in accordance with the town's Comprehensive Wastewater Management Plan, as approved by the department of environmental protection";

In section 2, inserting after the second sentence the following sentence: "Notwithstanding an provision of this section to the contrary, the board or officer having charge of the maintenance and repair of sewers may permit extensions, new connections or increase in flow to the sewer system, subject to capacity, to serve municipal buildings, public restrooms or other public service uses as defined by the municipality; provided however, that such uses may include, but shall not be limited to, affordable housing constructed pursuant to chapters 40B and 40R of the General Laws."; and

In section 4, striking out the second sentence.

Under suspension of Rule 35, on motion of Ms. Peake of Provincetown, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Winchester,  
Sanborn  
House.

Gennaro  
D'Amico.

Haverhill,  
Sacred Hearts  
Parish.

Orleans,  
sewer  
system.

*Report of a Committee.*

By Mr. O'Flaherty of Chelsea, for the committee on Judiciary, on a petition, a Bill relative to technical corrections regarding the further protection of children (House, No. 5109). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Children,  
protection.

*Recess.*

At ten minutes after eleven o'clock A.M., on motion of Mr. Flynn of Bridgewater (Mr. Donato of Medford being in the Chair), the House recessed until half past eleven o'clock P.M.; and at nineteen minutes before twelve o'clock noon the House was called to order with Mr. Donato in the Chair.

Recess.

*Reports of Committees.*

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on House No. 5115, reported, in part, a Bill making appropriations for the fiscal year 2009 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5132). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Supplemental  
appropriations.

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 Mr. Hill of Ipswich, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. DeLeo of Winthrop, the bill (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. Sent to the Senate for concurrence.

*Recess.*

At a quarter before twelve o'clock noon, on motion of Ms. Clark of Melrose (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after twelve o'clock; and at twenty-six minutes before one o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Recess.

*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 conveying certain property in the city of Worcester to Community Healthlink, Inc. (see Senate, No. 2838); and the motion to reconsider was considered forthwith and it prevailed.

Worcester,  
Community  
Healthlink, Inc.

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.

*Recess.*

Recess.

At nine minutes before one o'clock P.M., on motion of Mr. Smizik of Brookline (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at three minutes after three o'clock the House was called to order with Mr. Donato in the Chair.

*Emergency Measure.*

Supplemental appropriations.

The engrossed Bill making appropriations for the fiscal year 2009 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5132), 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.

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.*

Bills enacted.

*Engrossed bills*

Establishing a sick leave bank for Stephen Kazarian, an employee of the Department of Correction (see Senate, No. 2880) (which originated in the Senate);

Relative to certain health insurance options for municipal retirees (see House, No. 4516, amended);

Establishing a sick leave bank for Linda McKinley, an employee of the Department of Transitional Assistance (see House, No. 5045, amended); and

Establishing a sick leave bank for Claire Smallcomb, an employee of the Trial Court (see House, No. 5110);

(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.

Bill enacted.

The engrossed Bill relative to consumer protection in life insurance contracts (see Senate, No. 2818, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Reports of a Committee.*

Basketball nets.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill prohibiting the use of chain link basketball nets in public parks, playgrounds and recreation centers (Senate, No. 1419) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Kafka of Stoughton, 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 increasing the number of licenses for the sale of alcoholic beverages in the town of West Bridgewater (House, No. 5088) be scheduled for consideration by the House.

West  
Bridgewater,  
liquor license.

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 establishing a sick leave bank for John Vitale an employee of the land court (House, No. 5101) be scheduled for consideration by the House.

John  
Vitale,  
sick leave.

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

*Matters Discharged from the Orders of the Day.*

The Senate Bill relative to the Barnstable County Probate Court (Senate, No. 989, 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. McMurtry of Dedham; and it was read a third time and passed to be engrossed, in concurrence.

Barnstable  
County  
Probate  
Court.

The Senate Bill designating a certain portion of land in the town of in Barre as Trifilo Square (Senate, No. 2039), 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 Mrs. Walrath of Stow; and it was read a third time and passed to be engrossed, in concurrence.

Barre,  
Trifilo  
Square.

The Senate Bill relative to the appointment of the board of assessors, town collector and town treasurer in the town of Orange (Senate, No. 2788), 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 Mrs. Walrath of Stow; and it was read a third time and passed to be engrossed, in concurrence.

Orange,  
appointments.

The Senate Bill designating a portion of state highway route 140 in the town of Upton as the Donald R. "Doug" Keniston roadway (Senate, No. 2861), 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 Mrs. Walrath of Stow; and it was read a third time and passed to be engrossed, in concurrence.

Upton,  
Keniston  
roadway.

*Orders.*

The following order (filed by Mr. Rodrigues of Westport) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Consumer  
Protection and  
Professional  
Licensure  
committee,  
extension  
of time for  
reporting.

*Ordered,* That, notwithstanding the provisions of Joint Rule 10, the committee on Consumer Protection and Professional Licensure be granted until Monday, November 24, 2008, in which to make its final report on House document numbered 5021, relative to consumer protection related issues in the Commonwealth.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

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 twenty-four minutes before four o'clock P.M., on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.