

JOURNAL OF THE HOUSE.

Monday, November 7, 2005.

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, Your always-available guidance has assisted us in the past as we struggled to serve people faithfully and to legislate wisely. Today, we place our hope for the future in You and Your gift of wisdom which enables us to make thoughtful, relevant and just legislative decisions in these uneasy times. Wisdom also helps us to read the signs of the times correctly and to respond prudently and readily to the many human needs of people in our communities. Teach us to learn from history as we evaluate present legislative issues and plan for the future. Inspire us to work together in our diverse communities for the overall common good and to respect the dignity, rights and beliefs (philosophical and religious) of all people.

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.

Resolutions.

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

Allied victory. Resolutions (filed by Mrs. Harkins of Needham) on the occasion of the sixtieth anniversary of the Allied victory in World War II;

Alice Morrison. Resolutions (filed by Mrs. Harkins of Needham) congratulating Alice Morrison for receiving the Outstanding Woman Veterans Award;

Yarmouth Fire Department. Resolutions (filed by Mr. Atsalis of Barnstable) congratulating the Yarmouth Fire Department on receiving the Executive Office of Public Safety's 2005 Meritorious Conduct Group Award;

Dylan Thomas Cragin. Resolutions (filed by Mrs. Canavan of Brockton) congratulating Dylan Thomas Cragin on earning the rank of Eagle Scout in the Boy Scouts of America;

Michael Joseph Cragin. Resolutions (filed by Mrs. Canavan of Brockton) congratulating Michael Joseph Cragin on earning the rank of Eagle Scout in the Boy Scouts of America;

Normand Perry. Resolutions (filed by Messrs. Koczera of New Bedford, Cabral of New Bedford, Canessa of Lakeville and Quinn of Dartmouth) honoring Normand "Red" Perry for being selected as the 2005 South-eastern Massachusetts Veteran of the Year;

Sidney and Marilyn DeBoer. Resolutions (filed by Mr. Nyman of Hanover) on the occasion of the fiftieth wedding anniversary of Sidney and Marilyn DeBoer; and

Resolutions (filed by Mrs. Poirier of North Attleborough) recognizing Joseph K. Clougherty being named the recipient of the Frederick F. Holmes Award for the year 2005; Joseph K. Clougherty.

Mr. Petrolati of Ludlow, 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. Linsky of Natick, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

A Bill clarifying the definition of loaded shot gun or loaded rifle (Senate, No. 2255) (on Senate, No. 1961), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Loaded weapon, definition.

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. Smizik of Brookline, the bill was read a second time forthwith; and it was ordered to a third reading.

Bills

Facilitating homeowners in remediating heating oil spills (Senate, No. 538, amended in section 1, in line 3, by striking out the word "tank" and inserting in place thereof the word "from", and in line 5, by inserting after the word "gas" the word "from"; in section 3, in lines 37 to 41, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph: Howowners, oil spills.

"(d) The board of fire prevention regulations within the department of fire services, in coordination with the department of public safety, shall adopt regulations to carry out the purposes of this section. All such rules and regulations shall be filed with the joint committee on public safety and homeland security not less than 60 days before their effective dates."; and by striking out section 6 and inserting in place thereof the following section:—

"SECTION 6. The board of fire prevention regulations shall adopt the initial regulations required by subsection (d) of section 38J of chapter 148 of the General Laws, inserted by section 3 of this act, within 1 year after the effective date of this act."; in section 7, (as inserted by the Senate committee on Bills in the Third Reading) by striking out the following: "December 31, 2008" and inserting in place thereof the following: "June 30, 2009") (on a petition);

Establishing a commonwealth citizen service initiative (Senate, No. 1119, amended in line 121 (as printed) by inserting before said line the following paragraph: Citizen service initiative.

"Section 7. The expenditures required by this chapter shall be subject to appropriation."; and by inserting after line 434 (as printed) the following paragraph:

"Section 28. The expenditures required by sections 21 to 25 shall be subject to appropriation." (on a petition);

Relative to elevator license examinations (Senate, No. 2216, amended in section 4, in line 6, and also in section 7, in line 9, by Elevator license, exams.

inserting after the word “devices”, in each instance, the words “, except stair lifts located and installed in residential homes”) (on Senate, No. 250);

Anti-fraud
safeguards.

Providing further public information and strengthening petition anti-fraud safeguards for initiative and referendum questions (Senate, No. 2251, amended in section 1, in line 8, by striking out the following: “objections under chapter 55B” and inserting in place thereof the words “the nomination paper or petition with the state secretary”) (on Senate bill, No. 2158) (Representatives Frost of Auburn and Rogeness of Longmeadow, for the committee on Election Laws, dissenting);

Cancer,
death and
disability.

Relative to disability or death caused by certain conditions of cancer (Senate, No. 2257) (on Senate bill, No. 1446);

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

Reports of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration

Waterways,
dredge harbor
area.

Of the petition (accompanied by bill, Senate, No. 500) of John A. Hart, Jr., Bruce J. Ayers and Martin J. Walsh for legislation to authorize and direct the Division of Waterways to dredge the harbor area surrounding several yacht clubs in Boston, Massachusetts; and

Marina Bay,
Quincy,
dredge.

Of the petition (accompanied by bill, Senate, No. 519) of Michael W. Morrissey and Bruce J. Ayers for legislation to authorize and direct the director of the Division of Waterways to dredge the harbor area surrounding Marina Bay in Quincy, Massachusetts;

And recommending that the same severally be referred to the committee on Bonding, Capital Expenditures and State Assets.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

Middlesex
County Jail,
inspection.

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 Middlesex County House of Correction and Jail, in the town of Billerica, was spread upon the records of the House; and returned to the Senate.

Reports of Committees.

Winchendon,
library land.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the town of Winchendon to use a portion of a certain parcel of public park land for library purposes (Senate, No. 2151, amended) [Local Approval Received] be scheduled for consideration by the House.

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

Defective
claims,
payments.

By Mr. Mariano of Quincy, for the committee on Financial Services, on a petition, a Bill providing for the notification of defective claims and claims payment policies (House, No. 1505).

Fraud.

By the same member, for the same committee, on a petition, a Bill to discourage fraud (House, No. 3013).

By the same member, for the same committee, on House, No. 3047, a Bill relative to dental and vision care services (House, No. 4480).

By the same member, for the same committee, on House, No. 3049, a Bill relative to Medicare Supplemental Insurance (House, No. 4481).

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill ensuring equal access to services for all residents of the Commonwealth (House, No. 2902).

Severally read; and referred, under Joint Rule 1E, to the committee on Health Care Financing.

Dental/vision
services.

Medicare
Supplemental
Insurance.

Common-
wealth,
equal access
to services.

By Mr. Mariano of Quincy, for the committee on Financial Services, on a petition, a Bill relative to the interstate insurance compact (House, No. 1515).

Interstate
insurance
compact.

By the same member, for the same committee, on a petition, a Bill establishing the vehicle protection product act (House, No. 3062).

Vehicle
protection act.

By the same member, for the same committee, on a petition, a Bill further regulating the use of personal information by insurance companies (House, No. 3064).

Insurance,
personal
information.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill to promote fair contracts provisions (House, No. 1644).

Construction
contracts,
fair payment.

By the same member, for the same committee, on Senate, No. 1748 and House, No. 1652, a Bill relative to direct payments (House, No. 1652).

Direct
payments.

By the same member, for the same committee, on a petition, a Bill relative to vendor contracts (House, No. 1658, changed in section 1, in line 1, and also in section 2, in line 1, by striking out the following: “Section 11 of Chapter 12” and inserting in place thereof, in each instance, the following: “Section 12 of Chapter 11”).

Vendor
contracts.

By the same member, for the same committee, on a petition, a Bill to ensure diversity in proposal review teams (House, No. 3504).

Diversity
review teams.

By the same member, for the same committee, on a petition, a Bill requiring television commercials of state agencies to be produced in the Commonwealth (House, No. 3525).

State
agencies,
television
commercials.

By the same member, for the same committee, on a petition, a Bill relative to the conduct of public officials and employees (House, No. 4028).

Public
officials,
conduct.

By the same member, for the same committee, on House, No. 3501, a Bill relative to cost-efficient construction (House, No. 4482).

Cost-efficient
construction.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill relative to charities in Massachusetts (printed as Senate, No. 1074).

Massachusetts
charities.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Maureen A. Sullivan, an employee of the Massachusetts Parole Board (House, No. 4357).

Maureen A.
Sullivan,
sick leave.

By Mr. Mariano of Quincy, for the committee on Financial Services, on a petition, a Bill relative to policies of insurance (House, No. 1527).

Insurance
policies,
regulate.

Standard
fire insurance
policies.

By the same member, for the same committee, on House, Nos. 1552, 3046 and 3902, a Bill relative to the standard fire insurance policy (House, No. 1552).

Fire
insurance.

By the same member, for the same committee, on a petition, a Bill relative to fire insurance (House, No. 1553).

Concord,
group
health
insurance.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Concord to establish a post-retirement group health insurance trust fund (House, No. 2980) [Local Approval Received].

Port
Authority
Board.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on House, Nos. 3472 and 3478, a Bill relative to the Massachusetts Port Authority Board (House, No. 3472).

Bill of Rights
Day.

By the same member, for the same committee, on a petition, a Bill declaring December 15 as Bill or Rights Day (House, No. 3477).

Information
sharing.

By the same member, for the same committee, on a petition, a Bill relative to information sharing (House, No. 3503).

Mitochondrial
disease week.

By the same member, for the same committee, on a petition, a Bill to designate "Mitochondrial Disease Awareness Week" (House, No. 4358).

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

Orders of the Day.

Third
reading
bill.

The House Bill relative to certain roadways of the Department of Conservation and Recreation formerly known as the Metropolitan District Commission (House, No. 3146), 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.

Order.

Next
sitting.

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

At a quarter after eleven o'clock A.M., on motion of Ms. Wolf of Cambridge (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Wednesday next at eleven o'clock A.M.