

JOURNAL OF THE HOUSE.

Thursday, December 1, 2005.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Petrolati of Ludlow 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.

Eternal God, the Ultimate Source of Compassion and Truth, we begin each day with the intention of serving You and the people who depend upon our sound judgments. The many needs of people in our changing communities are varied and often difficult to address and resolve to the satisfaction of all. So, we depend upon Your guidance to select our best options, which meet both the current and future well-being of the people in our districts. In these uneasy times, teach us to respect the views and the decisions of others, but to remain faithful to our philosophical principles and our religious beliefs.

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. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Messages from the Governor.

Supplemental appropriations.

A message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4539) was filed in the office of the Clerk on Tuesday, November 29.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Wareham, validate acts.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at a certain town meeting in the town of Wareham (House, No. 4538) was filed in the office of the Clerk on Tuesday, November 29.

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.

Appointments to Special Commissions and Councils.

The Speaker announced the following nomination and appointments:

Inspector General's Council.

That Mr. James T. Morris had been nominated (pursuant to section 3 of chapter 12A of the General Laws) to the Inspector General's Council;

That Representatives Cabral of New Bedford and Verga of Gloucester had been appointed to the special commission established (pursuant to section 28 of chapter 28 of the Acts of 1996) to develop scientific and socioeconomic research for the purpose of facilitating the recovery of the Commonwealth's commercial fishing industry;

Fishing industry.

That Representatives Koutoujian of Waltham (Chairperson), Balser of Newton (Vice-Chairperson), Canavan of Brockton and Harkins of Needham and Christie Hager of Boston had been appointed to the special commission established (pursuant to item 4512-0200 of section 2 of chapter 149 of the Acts of 2004) to make an investigation and study of the diagnosis, prevention and treatment of cervical cancer in the Commonwealth;

Cervical cancer.

That Representatives Petrucci of Boston (Co-Chairperson) and Reinstein of Revere had been appointed to the special commission established (pursuant to section 36 of chapter 45 of the Acts of 2005) to review the effectiveness of the "Back to the Beaches" program;

Back to the Beaches .

That Mr. Matthew Machera, Esq., had been appointed to the special commission established (pursuant to section 6 of chapter 54 of the Acts of 2005) to study and analyze the imposition of civil penalties on certain offenses within the Commonwealth; and

Civil penalties.

That Representative Smizik of Brookline had been appointed to the Department of Corrections Advisory Council established (pursuant to Executive Order No. 461) to study ways to improve safety and efficiency of the Massachusetts correctional system.

Correctional system.

Resolutions.

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

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

Hyannis Fire Department.

Resolutions (filed by Representatives Blumer of Framingham and Sannicandro of Ashland) congratulating George P. King, Jr., on his many years of dedicated service to the town of Framingham;

George P. King, Jr.

Resolutions (filed by Representatives Paulsen of Belmont, Kaufman of Lexington and Marzilli of Arlington) congratulating the Arlington Honors String Orchestra;

Arlington Honors String Orchestra.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Russell A. Haws on receiving the Eagle Award of the Boy Scouts of America;

Russell A. Haws.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Brian Mongeau on receiving the Eagle Award of the Boy Scouts of America; and

Brian Mongeau.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Patrick D. Mulroy on receiving the Eagle Award of the Boy Scouts of America;

Patrick D. Mulroy.

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

Communications.

Communications

Bristol
County
Registry of
Deeds.

From the Bristol County Registry of Deeds, Northern District (under Section KKK of Chapter 29 of the General Laws, as inserted by Section 4 of Chapter 4 of the Acts of 2003) submitting an initial plan for expenditure from the County Registers Technological Fund for technological improvements at said registry;

Public safety
promotional
lists.

From the Human Resources Division of the Executive Office for Administration and Finance (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a list of certain public safety promotional lists which have been revoked as of November 1, 2005;

Statutory
Basis
Financial
Report.

From the Comptroller of the Commonwealth (under the provisions of Section 12 of Chapter 7A of the General Laws) submitting the Statutory Basis Financial Report for the fiscal year ending June 30, 2005;

Transportation
projects.

From the Secretary of the Executive Office of Transportation and Construction (under the provisions of items 6000-0100 and 6010-0001 of section 2 of Chapter 45 of the Acts of 2005) submitting certain reports relative to expenditures for transportation projects in the Commonwealth; and

Wonderland
Greyhound
Park.

From Wonderland Greyhound Park, Inc. (under the provisions of Paragraph 7 of Section 2 of Chapter 128C of the General Laws) submitting copies of contracts for the simulcasting of dog races;

Severally were placed on file.

Annual and Special Reports.

Annual reports

Biologic
Laboratories.

Of the Director of the Biologic Laboratories of the University of Massachusetts (under the provisions of Section 43 of Chapter 75 of the General Laws) for the fiscal year 2004;

Conservation
and
Recreation.

Of the Department of Conservation and Recreation (under the provisions of Section 3C of Chapter 21 of the General Laws and as most recently amended by Section 84 of Chapter 26 of the Acts of 2003) for the fiscal year 2005;

Economic
Development
Assistance.

Of the Economic Development Assistance Corporation (under the provisions of Section 6 of Chapter 40H of the General Laws) for the fiscal year ending June 30, 2005;

Special
education.

Of the Department of Education (under the provisions of Section 432 of Chapter 159 of the Acts of 2000) relative to the provision of special education to eligible students for the period ending October 31, 2005;

Credit
insurance.

Of the Commissioner of Insurance (under the provisions of Paragraph 2 of Clause F of Section 117C of Chapter 175 of the General Laws) relative to a summary of insurance claims experience and loss ratio data on credit life insurance and credit accident and health insurance;

Nantucket
Transit
Authority.

Of the Nantucket Regional Transit Authority (under the provisions of Section 8 of Chapter 161B of the General Laws) for the fiscal year 2005;

Of the Treatment Center for Sexually Dangerous Persons (under the provisions of Section 16 of Chapter 123A of the General Laws) for the fiscal year 2004; and

Sexually
dangerous.

Of the Massachusetts Turnpike Authority (under the provisions of Section 20 of Chapter 81A of the General Laws) of its activities for the fiscal years 2003 and 2004;

Turnpike
Authority.

Quarterly reports

Of MassDevelopment (under the provisions of Section 71 of Chapter 141 of the Acts of 2003) relative to the status of the Emerging Technology Fund for the period ending June 30, 2005; and

Emerging
Technology
Fund.

Of the Massachusetts Turnpike Authority (under the provisions of Section 9 of Chapter 87 of the Acts of 2000) on the status of the Central Artery/Ted Williams Tunnel Projects; and

Central Artery/
Ted Williams
Tunnel.

A monthly report of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws) relative to the condition of the Commonwealth's Unemployment Trust Fund for September, 2005;

Unemployment
Trust Fund.

Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. DeLeo of Winthrop, petition (accompanied by bill, House, No. 4546) of Robert A. DeLeo and others (with the approval of the mayor and city council) for legislation to authorize the city of Revere to construct a middle and elementary school on land known as DiSalvo Park; and

Revere,
DiSalvo
Park.

By Mrs. Teahan of Whitman, petition (accompanied by bill, House, No. 4547) of Kathleen M. Teahan and others (by vote of the town) that the town of East Bridgewater be authorized to establish a department of public works;

East
Bridgewater,
public works.

Severally to the committee on Municipalities and Regional Government.

By Mr. Verga of Gloucester, petition (accompanied by bill, House, No. 4548) of Anthony J. Verga and Bruce E. Tarr (with the approval of the mayor and city council) that the retirement board of the city of Gloucester be directed to grant certain creditable service for retirement purposes to William Dugan. To the committee on Public Service.

Gloucester,
William
Dugan.

Severally sent to the Senate for concurrence.

Papers from the Senate.

The House Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4443) came from the Senate with the endorsement that said branch had insisted on its amendment (in which the House had non-concurred).

Supplemental
appropriations.

The bill bore the further endorsement that the Senate had concurred with the House in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Murray, Tolman and Knapik had been joined as the committee on the part of the Senate.

Committee of
conference.

Reports

Of the committee on Municipalities and Regional Government, asking to be discharged from further consideration

Glen Echo
Lake,
motorboats.

Of the petition (accompanied by bill, Senate, No. 2238) of Stephen M. Brewer and Mark J. Carron (by vote of the town) for legislation to allow the narrows in Glen Echo Lake to increase motorboating speeds,— and recommending that the same be referred to the committee on Public Safety and Homeland Security.

Braintree,
generating
project.

Of the petition (accompanied by bill, Senate, No. 2271) of Michael W. Morrissey, Joseph R. Driscoll and Brian A. Joyce (by vote of the town) for legislation relative to Braintree Electric Light Department generating project,— and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy.

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

Shirley
Gomes
Bridge.

A petition of Robert A. O'Leary, Therese Murray, Cleon H. Turner, Jeffrey Davis Perry and other members of the General Court for legislation to designate a certain bridge in the town of Harwich as the Representative Shirley Gomes Bridge, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Transportation.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2301) was referred, in concurrence, to the committee on Transportation.

Reports of Committees.

Retail
stores,
opening.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Community Development and Small Businesses to make an investigation and study of certain House documents concerning community development and small businesses issues (House, No. 4431) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3667) of Patricia A. Haddad and others relative to further regulating the opening of retail stores on Sundays,— and recommending that the same be recommitted to the committee on Community Development and Small Business. Under Rule 42, the report was considered forthwith; and it was accepted.

Subsequently, Mr. Torrisi of North Andover, for said committee reported on the recommitted petition House, No. 3667, a Bill further regulating the opening of retail stores on Sundays (House, No. 4555). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford being in the Chair,—

Insurance
policies.

By Mr. Mariano of Quincy, for the committee on Financial Services, that the recommitted Bill relative to policies of insurance (House, No. 1527) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Stanley of Waltham, 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 Senate Bill authorizing the late filing of certain application for classification of land in the town of Wendell (Senate, No. 2155) be scheduled for consideration by the House.

Wendell,
land
classification.

Under suspension of Rule 7A, on motion of Ms. Wolf of Cambridge, 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 Senate Bill authorizing the town of Palmer to grant 2 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2281) be scheduled for consideration by the House.

Palmer,
liquor
licenses.

Under suspension of Rule 7A, on motion of Mr. Stanley of Waltham, 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 authorizing the use of ultrasonic thickness determination of air tanks and other receptacles (House, No. 1871) be scheduled for consideration by the House.

Air
tanks.

Under suspension of Rule 7A, on motion of Ms. Balser of Newton, 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 to provide for the assessment of fees by fire departments that provide confined space rescue services (House, No. 1944) be scheduled for consideration by the House.

Fire
departments,
rescue
services.

Under suspension of Rule 7A, on motion of Mr. Straus of Matapoisett, 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 further amending an act establishing a town manager act for the town of Arlington in regard to the appointment of finance committee members (House, No. 4269) be scheduled for consideration by the House.

Arlington,
finance
committee.

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 authorizing the town of Arlington to establish a special account in regard to the Symes conservation and improvement project (House, No. 4270) be scheduled for consideration by the House.

Arlington,
Symes
conservation.

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

Upton,
selectmen.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the board of selectmen of the town of Upton (House, No. 4373) be scheduled for consideration by the House.

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

Firearms,
study.

By Ms. Rivera of Springfield, for the committee on Public Safety and Homeland Security, on House, Nos. 1410, 1860, 1884, 1886, 1887, 1888, 1889, 1898, 1899, 1901, 1922, 1931, 1937 and 1951, an Order relative to authorizing the committee on Public Safety and Homeland Security to make an investigation and study of certain House documents concerning firearms (House, No. 4540).

Driver
safety,
study.

By the same member, for the same committee, on House, Nos. 1417, 1869, 1878, 1890 and 2148, an Order relative to authorizing the committee on Public Safety and Homeland Security to make an investigation and study of certain House documents concerning driver safety, public safety personnel and other miscellaneous issues (House, No. 4541).

State
police
issues,
study.

By the same member, for the same committee, on House, Nos. 1858, 1866, 1874, 1880, 1891, 1894, 1904, 1906, 1940, 1945, 1946, 1954, 2189, 2880, 3971 and 3972, an Order relative to authorizing the committee on Public Safety and Homeland Security to make an investigation and study of certain House documents concerning local and state police issues (House, No. 4542).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

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

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Lexington,
municipal
lighting
plant.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill to simplify and facilitate the establishment of a municipal lighting plant by the town of Lexington (House, No. 4204) [Local Approval Received].

Boating
safety.

By Ms. Rivera of Springfield, for the committee on Public Safety and Homeland Security, on House, No. 1933, a Bill relative to mandatory boating safety education (House, No. 4543).

Energy
facility.

By Mr. Dempsey of Haverhill, for the committee on Telecommunications, Utilities and Energy, on Senate, No. 1825 and House, No. 3301, a Bill clarifying a minimum threshold for the purchase of existing renewable power for the purposes of the renewable portfolio standard regulation (House, No. 4544) [Senator Morrissey dissenting].

Schools
and
libraries.

By the same member, for the same committee, on House, No. 3293, a Bill relative to school and library buildings (House, No. 4545).

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

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the charter of the town of Westborough (House, No. 4392) [Local Approval Received].

Westborough,
town
manager.

By the same member, for the same committee, on a petition, a Bill relative to the historic district commission of the town of Provincetown (House, No. 4501).

Provincetown,
historical
commission.

By the same member, for the same committee, on a petition, a Bill relative to the salary of the mayor of the city of Lawrence (House, No. 4506) [Local Approval Received].

Lawrence,
mayor's
salary.

By the same member, for the same committee, on House, No. 4360, a Bill relative to the charging of a fee for records in the town of Burlington clerk's office (House, No. 4549).

Burlington,
clerk's
fees.

By Ms. Rivera of Springfield, for the committee on Public Safety and Homeland Security, on House, No. 1413, a Bill relative to the improvement of amusement park safety (House, No. 4550).

Amusement
parks,
safety.

By the same member, for the same committee, on House, Nos. 1414 and 1934, a Bill relative to kayak safety (House, No. 4551).

Kayak
safety.

By the same member, for the same committee, on House, No. 1953, a Bill protecting the rights of target shooters (House, No. 4552).

Target
shooters,
rights.

By the same member, for the same committee, on House, No. 1960, a Bill relative to the possession of firearms by certain persons (House, No. 4553).

Firearms,
possession.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill authorizing the town of Brookline to establish a public safety injured on duty medical expenses trust fund (House, No. 4122) [Local Approval Received].

Brookline,
medical
expenses.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Franklin to establish a post employment health insurance trust fund (House, No. 4150) [Local Approval Received].

Franklin,
health
insurance.

By the same member, for the same committee, on a petition, a Bill exempting the school custodian in the town of Hull from the civil service law (House, No. 4208) [Local Approval Received].

Hull,
school
custodian.

By the same member, for the same committee, on a petition, a Bill to remove all secretarial staff in the school system of the town of Arlington from the provisions of Chapter 31 of the General Laws, the civil service law (House, No. 4273) [Local Approval Received].

Arlington,
school
secretaries.

By the same member, for the same committee, on a petition, a Bill exempting the position of superintendent of streets of the town of Hull from civil service law (House, No. 4309).

Hull,
street
superintendent.

By the same member, for the same committee, on a petition, a Bill relative to the appointment of retired police officers as special police officers in the town of Millis (House, No. 4318) [Local Approval Received].

Millis,
special
police.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Sudbury to establish a post employment health insurance liability fund (House, No. 4391) [Local Approval Received].

Sudbury,
health
insurance.

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

Emergency Measure.

Dental
and vision
care.

The engrossed Bill relative to dental and vision care services (see House, No. 4480), 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 9 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.

Orders of the Day.

Third
reading
bill.

The House Bill establishing a mayor/city council for the town of Braintree (House, No. 4483, changed) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Fairhaven,
school
department.

The House Bill relative to the school department in the town of Fairhaven expending revenue derived from advertising in schools without further appropriation by the town (House, No. 4221), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Straus of Mattapoisett moved that it be amended in section 1, in line 3, by inserting after the word "school" the words "athletic venues".

The amendment was adopted; and the bill (House, No. 4221, amended) 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 Monday next at eleven o'clock A.M.

At twenty-seven minutes after eleven o'clock A.M., on motion of Mr. Kafka of Stoughton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.