

## JOURNAL OF THE HOUSE.

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Thursday, December 8, 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:

God of Goodness and Forgiveness, we look to You, Our Creator and Ultimate Destiny, for direction and guidance as we address daily both our personal responsibilities and pending legislative issues. Frequently, the various issues of the day are complex and are not easy to resolve. Your assistance enables us to keep all issues in focus and in proper context. By following and by implementing our traditional, basic principles and our human and spiritual values, we are better prepared to meet the needs of people, our communities and of the times. May we be concerned with the immediate and the future of this Commonwealth.

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.*

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 health insurance premiums for retired employees of the town of Orleans (House, No. 4567) was filed this day in the office of the Clerk.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Public Service. 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 Messrs. Golden of Lowell, Murphy of Lowell and Nangle of Lowell) congratulating Richard P. Howe on the occasion of his retirement;

Resolutions (filed by Mrs. Gomes of Harwich) congratulating Maureen Starkweather on her retirement from the town of Harwich after twenty two years of dedicated service;

Resolutions (filed by Representatives Lepper of Attleboro and Poirier of North Attleborough) recognizing Carolyn Tedino's exemplary public service to the city of Attleboro;

Resolutions (filed by Mr. Miceli of Wilmington) recognizing the military service of Arthur Lepore;

Church on  
the Hill.

Kai  
Itameri-  
Kinter.

Matthew  
Keogh.

Michael R.  
Stankiewicz.

Resolutions (filed by Mr. Pignatelli of Lenox) congratulating the Church on the Hill on the occasion of its two hundredth anniversary;

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Kai Itameri-Kinter on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Matthew Keogh on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Michael R. Stankiewicz on receiving the Eagle Award of the Boy Scouts of America;

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 Ms. Rogeness of Longmeadow, 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.*

Montachusett.

A Bill relative to the Montachusett Regional Planning Commission (Senate, No. 1405) (on a petition), passed to be engrossed by the Senate, was read.

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**

Plymouth,  
Costa Bridge.

Designating a certain bridge in the town of Falmouth as the Raleigh D. Costa memorial bridge (Senate, No. 1935) (on a petition);

Billerica,  
medical  
personnel.

Changing the retirement classification of emergency medical services employees in the town of Billerica (Senate, No. 2093) (on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Hampshire  
County  
Jail.

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 the inspection of Hampshire County Jail and House of Correction, in the city of Northampton, was spread upon the records of the House; and returned to the Senate.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Somerville,  
chief of  
police.

Petition (accompanied by bill, Senate, No. 2304) of Patricia D Jehlen, Denise Provost, Dennis M. Sullivan and others (by vote of the town) for legislation to amend Sec. 21 of the charter of the city of Somerville to allow the appointment of a non-civil service chief of police. To the committee on Municipalities and Regional Government.

Somerville,  
civil service.

Petition (accompanied by bill, Senate, No. 2303) of Patricia D Jehlen and Denise Provost, Dennis M. Sullivan and others (by vote

of the town) for legislation to exempt the position of chief of police in the city of Somerville from the provisions of civil service law. To the committee on Public Service.

The following notice was received from the Clerk of the Senate, to wit:

December 8, 2005.

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 Senate Minority Leader, Brian P. Lees, has announced his resignation as Minority Party appointee to the Joint Committee on Telecommunications, Utilities and Energy and the appointment of Senator Bruce E. Tarr of Essex and Middlesex to that position, effective December 2, 2005.

Telecommuni-  
cations,  
Utilities and  
Energy.

Respectfully submitted,

WILLIAM F. WELCH,  
*Clerk of the Senate.*

*Reports of Committees.*

By Mr. Scaccia of Boston, for the committee on Rules, that Joint Rule 7B be suspended on the petition of Eric Turkington and Robert A. O'Leary relative to conservation restrictions on certain parcels of land under the control of the town of Edgartown.

Edgartown,  
conservation  
restrictions.

Under suspension of the rules, on motion of Ms. Flanagan of Leominster, the report was considered forthwith. Joint Rule 7B was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

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:

Petition (accompanied by bill) of Martin J. Walsh for legislation to require cities and towns to provide asthma screening clinics for public and certain private school students. To the committee on Education.

Asthma  
screening,  
schools.

Petition (accompanied by bill) of John W. Scibak and Stanley C. Rosenberg for legislation to establish a sick leave bank for Samuel Russell, an employee of the Trial Court of the Commonwealth. To the committee on the Judiciary.

Samuel  
Russell,  
sick leave.

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

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration

Revere,  
launching  
ramp.

Of the petition (accompanied by bill, House, No. 1266) of Kathi-Anne Reinstein and Robert A. DeLeo for legislation to provide for the construction of a public launching ramp in the city of Revere; and

Waterway  
projects.

Of the petition (accompanied by bill, House, No. 1390) of Bruce J. Ayers relative to the funding of waterway projects and coastal protection initiatives;

And recommending that the same severally be referred to the House committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence in the discharge of the committee.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Lodging  
houses.

Of the Bill relative to cooking facilities in lodging houses (House, No. 1870),— and recommending that the same be referred to the committee on Municipalities and Regional Government; and

Port  
Authority  
Board.

Of the Bill relative to the Massachusetts Port Authority Board (House, No. 3472),— and recommending that the same be referred to the committee on Transportation.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence in the reference.

Firearms,  
license  
fees.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to license fees (House, No. 1895),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Scoters,  
helmets.

Of the Bill to require the use of safety helmets while using non-motorized scooters by children under the age of 18 (House, No. 1412);

Shopping  
carts.  
Firearms.

Of the Bill prohibiting children in shopping carts (House, No. 1877);  
Of the Bill clarifying the restrictions on gun licensing (House, No. 1879);

Smoke  
detectors.

Of the Bill relative to smoke detector responsibility clarification (House, No. 1909);

BB guns.

Of the Bill banning the sale or possession of automatic BB guns (House, No. 1910); and

Firearms.

Of the Bill relative to controlling firearms in the Commonwealth (House, No. 2125);

And recommending that the same severally be recommitted to the committee on Public Safety and Homeland Security; and

Windshield  
wipers.

Of the Bill to require the use of lights on motor vehicles during any period in which windshield wipers are also in use (House,

No. 2084),— and recommending that the same be recommitted to the committee on Transportation.

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

By Mrs. Owens-Hicks of Boston, for the committee on Children and Families, on House, Nos. 1451, 2801, 2803, 2804, 2805, 2806, 2810, 2812, 2814, 2817, 2828, 2839, 2841, 2842, 2843, 3857 and 3865, an Order relative to authorizing the committee on Children and Families to make an investigation and study of certain House documents concerning children in need of services and other related matters (House, No. 4561).

Children's  
services.

By Mr. Correia of Fall River, for the committee on Elder Affairs, on House, No. 1492, an Order relative to authorizing the committee on Elder Affairs to make an investigation and study of a certain House document concerning rights of nursing home residents (House, No. 4562). Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Nursing  
home  
residents,  
study.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said 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.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on House No. 4539, reported, in part, a Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4560) [Direct Appropriations: \$42,669,063.00]. 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. Smizik of Brookline, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

### *Engrossed Bills.*

#### Engrossed bills

Authorizing Julio Perez to take the civil service examination for the position of firefighter in the city of Haverhill notwithstanding the maximum age requirement (see House, No. 4119); and

Bills  
enacted.

Authorizing certain by-laws relative to the town of Wellesley (see House, No. 4295);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Recesses.*

Recesses.

At twenty-one minutes after eleven o'clock A.M., on motion of Ms. Wolf of Cambridge (Mr. Donato of Medford being in the Chair), the House recessed until twelve o'clock noon; and at that time the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion Ms. Rogeness of Longmeadow, until half past twelve o'clock; and at seventeen minutes before one o'clock P.M. the House was called to order with Mr. Donato in the Chair.

*Emergency Measure.*

Retail stores, opening.

The engrossed Bill further regulating the opening of retail stores on Sundays and holidays (see House, No. 4555), 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.

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.

*Recesses.*

Recesses.

At five minutes after one o'clock P.M., on motion of Mr. Smizik of Brookline (Mr. Donato of Medford being in the Chair), the House recessed until a half past twelve o'clock noon; and at that time the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Ms. Rogeness of Longmeadow, subject to the call of the Chair; and at twenty-two minutes after two o'clock P.M. the House was called to order with Mr. Donato in the Chair.

*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.

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At twenty-three minutes after two o'clock P.M., on motion of Ms. Rogeness of Longmeadow (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.