

## JOURNAL OF THE HOUSE.

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Thursday, December 11, 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:

Eternal God, we appreciate Your guidance and direction as we evaluate and address the current legislative and administrative proposals on our agenda. We depend upon You and Your guidance as we try to select the right, reasoned, ethical and objective options which are open to us. We believe that we are responsible for our personal choices and decisions as well as the consequences of our actions. During this holiday season of the year, may we continue to open our hearts and minds to the material and spiritual needs of all in our society. May we, with Your help, work together in addressing common challenges and problems of these unusual times as we try to build stable, safe and caring communities. Teach us to learn from our past legislative history as we plan for 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.

### *Appointments of the Minority Leader.*

The Minority Leader announced that he had made the following appointments to special commissions:

That Representative Hill of Ipswich had been appointed to the special commission established (under Section 89 of Chapter 169 of the Acts of 2008) to make an investigation and study the siting of energy facilities in the Commonwealth;

That he had appointed himself and Representative deMacedo of Plymouth to the special commission established (under Section 100 of Chapter 173 of the Acts of 2008) to review the corporate tax laws of the Commonwealth;

That Representative Poirier of North Attleborough had been appointed to the special commission established (under Section 106 of Chapter 182 of the Acts of 2008) to make an investigation and study of civic engagement and learning;

That Representative Smola of Palmer had been appointed to the special commission established (under Section 111 of Chapter 182 of the Acts of 2008) to make an investigation and study of contributory retirement systems within the Commonwealth;

That Representative Perry of Sandwich had been appointed to the special commission established (under Section 56 of Chapter 302 of

Prayer.

Pledge of  
allegiance.Energy  
facilities.Corporate  
taxes.Civic  
engagement.Retirement  
systems.OxyContin and  
heroin use,  
impact.

the Acts of 2008) to make an investigation and study of the impact of the OxyContin and heroin epidemic on state and municipal government, the substance abuse treatment system and to identify potential strategies to more effectively cope with said epidemic; and

That Patrick A. Schettini, Jr., Superintendent of Schools for the town of Reading, had been appointed to the special commission established (under Section 2 of Chapter 315 of the Acts of 2008) to make recommendations relative to graduation and dropout prevention.

*Distinguished Guest of the House.*

During the session, the Chair (Mr. Donato of Medford), declared a brief recess, and introduced the Honorable Kem Sokha, President of the Human Rights Party, and member of the National Assembly of the Kingdom of Cambodia. He was accompanied by a large group of distinguished officials from Cambodia. They were the guests of Representative Golden of Lowell.

*Resolutions.*

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

Resolutions (filed by Mr. Golden of Lowell) congratulating Dr. David H. Wegman for his dedication and service to the School of Health and Environment at the University of Massachusetts, Lowell;

Resolutions (filed by Mr. Vallee of Franklin and other members of the House) recognizing the life and service of Michael Vinay Bhatia; and

Resolutions (filed by Mr. Vallee of Franklin) recognizing Philip M. Brunelli, Sr., on his retirement from the town of Franklin;

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. Galvin of Canton, 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:

By Ms. Callahan of Sutton, petition (subject to Joint Rule 12) of Jennifer M. Callahan for legislation to further regulate the activities of the members and the functions and operation of the General Court.

By Ms. Forry of Boston, petition (subject to Joint Rule 12) of Linda Dorcena Forry that the Information Technology Division be authorized to establish a sick leave bank for Michael Pemberton-Myatt, an employee of said division.

By Ms. Walz of Boston, petition (subject to Joint Rule 12) of Martha M. Walz for legislation to establish a sick leave bank for Germaine Mayers, an employee of the Probation Department of the Superior Court in Middlesex County.

By Mr. Timilty of Milton, petition (subject to Joint Rule 12) of Walter F. Timilty and others relative to appeals by insureds under the safe driver plan of the motor vehicle compulsory insurance law of the Commonwealth.

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

*Papers from the Senate.*

The engrossed Bill authorizing the development of a regional education, training and skills center in the city of Taunton (see Senate, No. 53, changed and amended) which had been returned to the Senate 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. 2873), came from said branch with endorsement that it had adopted said amendments in the following form (as approved by the Senate committee on Bills in the Third Reading):

In section 1, in line 5, striking out the word "and" (the second time it appears) and inserting in place thereof the following: "for the development of a life sciences center pursuant to item 7002-0015 of section 2B of chapter 130 of the acts of 2008 or"; and

In section 3, adding the following three sentences: "In addition, the terms of the disposition shall include the requirement that the Taunton Development Corporation shall enter into a lease with the commissioner of capital asset management and maintenance, acting in consultation with the state 911 department, authorizing the state 911 department to continue to occupy the structures described as: (a) #32, Hillside Dorm, Cottage D; (b) #33, Westwood Dorm, Cottage C; and (c) #34, Meadowview Dorm, Cottage B and the immediate surrounding land. The term of the lease, including any extensions, shall not exceed 5 years, and the rent shall be \$1 per year. The lease shall provide that the state 911 department may terminate the lease at any time with 1 year's notice. The lease shall further provide that the Taunton Development Corporation may, in its sole discretion with 1 year's notice to the state 911 department, take possession of these structures and land and permit the state 911 department the option to relocate to equivalent structures and land within the parcel described in section 7 of this act, at a rent of \$1 per year and for the same term and on the same terms and conditions; provided however, that if the Taunton Development Corporation elects to exercise its right to terminate the lease prior to expiration, it shall pay all costs associated with the state 911 department's relocation."

Under suspension of Rule 35, on motion of Mr. Galvin of Canton, 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.

The Senate Bill relative to harbormaster training certification (Senate, No. 509, changed and amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and

School students, graduation, etc.

Kem Sokha of Cambodia.

David H. Wegman.

Michael Vinay Bhatia.

Philip M. Brunelli, Sr.

Legislature, ethics and functions.

Michael Pemberton-Myatt, sick leave.

Germaine Mayers, sick leave.

Motor vehicle insurance, safe drivers.

Taunton, skills center.

Harbormaster training.

Harbormaster  
training.

inserting in place thereof the text contained in House document numbered 4791) with a further amendment striking out section 2 and inserting in place thereof the following section:

“SECTION 2. Chapter 10 of the General Laws is hereby amended by inserting after section 35JJ, inserted by section 13 of chapter 223 of the acts of 2008, the following section:—

Section 35KK. (a) There shall be established a Harbormaster Training Trust Fund, into which shall be deposited monies received by the commonwealth from all sources pertaining to harbormaster training from the fees paid by municipalities, training fees paid by individuals, sums received by the commonwealth from the federal government as grants and appropriations, state grants and appropriations and private contributions and gifts. The fund shall be used as follows:

(1) for payment of general administrative expenses of the harbor-master training council established in section 116D of chapter 6, but such expenses shall not exceed 25 per cent of the total expenditures in a fiscal year which are spent on administrative expenditures; provided, however, that expenditures may be made for the compensation of a staff person as those services are deemed necessary by the council; and

(2) for the procurement and funding of harbormaster training by the council or its designees.

(b) the state treasurer shall receive and deposit all revenues transmitted to him under subsection (a) in a manner that will ensure the highest rate of interest available consistent with the safety of the Harbormaster Training Trust Fund and all interest accrued shall be deposited into the fund. Any unexpended balance in the fund at the end of a fiscal year shall not revert and shall be available for expenditures in the subsequent fiscal year. No expenditure from the fund shall cause the fund to be in a deficiency at the close of a fiscal year.”

Under suspension of Rule 35, on motion of Mr. Galvin of Canton, the further amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Stationary  
emergency  
vehicles.

The Senate Bill relative to operating a motor vehicle when approaching stationary emergency vehicles (Senate, No. 2103, amended) came from the Senate with the endorsement that said branch had non-concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5120).

On motion of Mr. Wagner of Chicopee, the House receded from its amendment.

Subsequently the bill (see Senate, No. 2103, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. DeLeo of Winthrop moved that Rule 40 be suspended; and the motion prevailed.

The same member then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5163.

The amendment was adopted. Sent to the Senate for concurrence.

A Bill designating a certain flagpole at Lawrence Heritage State Park as the Mary L. Girouard Flagpole (Senate, No. 2889) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mary L.  
Girouard  
Flagpole.

#### *Reports of Committees.*

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 petition of Steven M. Walsh and others that the Massachusetts Turnpike Authority be prohibited from revising tolls on certain roadways in the Commonwealth. Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

Toll  
increases,  
regulating.

By Mrs. Haddad of Somerset, for the committee on Education, asking to be discharged from further consideration of the report of the Special Commission established (under Chapter 2 of the Resolves of 2007) providing for an investigation and study relative to examining hygienic procedures relative to band instruments (House, No. 5124),— and recommending that the same be referred to the committee on Health Care Financing. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Band  
instruments,  
hygiene.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the Middlesex Canal Commission (House, No. 813) be scheduled for consideration by the House.

Middlesex  
Canal  
Commission.

Under suspension of Rule 7A, on motion of Mr. Fallon of Malden, 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 amend the charter of the town of Dedham to clarify the method of organizing town agencies (House, No. 4877) be scheduled for consideration by the House.

Dedham,  
charter.

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. Mariano of Quincy, for the committee on Financial Services, on House, No. 1040, a Bill adopting the federal secure and fair enforcement for mortgage licensing act of 2008 (House, No. 5167). Read; and referred, under Rule 33, to the committee on Ways and Means.

Federal  
mortgage act,  
adoption.

Floor  
finishing.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on House, No. 2407, a Bill relative to floor finishing products (House, No. 5168). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Emergency Measures.*

Newburyport,  
land  
conveyance.

The engrossed Bill authorizing the Commissioner of Capital Asset Management to convey certain land to the city of Newburyport (see House, No. 5038, 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.

Municipal  
trust funds.

The engrossed Bill providing for the establishment of other post employment benefits liability trust funds in municipalities and certain other governmental units (see House, No. 5148), 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.

*Engrossed Bills.*

Engrossed bills

Bills  
enacted.

Establishing a sick leave bank for Brenda De Los Santos, an employee of the Department of Transitional Assistance (see Senate, No. 2882) (which originated in the Senate);

Establishing a sick leave bank for Maryan Labaire, an employee of the Department of Children and Families (see House, No. 5118, changed);

Establishing a sick leave bank for Tracy Kelly, an employee of the Trial Court (see House, No. 5119);

Establishing a sick leave bank for Alan Antonucci, an employee of the Middlesex sheriff's office (see House, No. 5144); and

Establishing a sick leave bank for Judy M. Romano, an employee of the Department of Public Health (see House, No. 5145); (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  
re-enacted.

The engrossed Bill authorizing the establishment of the Nantucket Sewer Commission and Sewer Districts in the town of Nantucket (see House, No. 4213, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the

Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills

Restricting the authority of the Holyoke Power & Electric Company and the Holyoke Water Power Company (see Senate, No. 2554) (which originated in the Senate); and

Relative to vacancies on the Beacon Hill Architectural Commission (see House, No. 3269) (which 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.

*Orders of the Day.*

Senate bills

Prohibiting the use of chain link basketball nets in public parks, playgrounds and recreation centers (Senate, No. 1419);

Establishing the geriatric authority of Malden (Senate, No. 2844, amended); and

Establishing a sick leave bank for Sharon Brady (Senate, No. 2891);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Relative to the conversion by a Massachusetts chartered credit union to a federal charter (House, No. 1106);

Relative to the retirement of certain employees of the Massachusetts Water Resources Authority (House, No. 2682, changed);

Designating the Department of Youth Services facility in the town of Westboro as the Zaro Cisco Brough Princess White Flower facility (House, No. 3231) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the town of Norwood to grant an additional license for the sale of all-alcoholic beverages to be drunk on the premises (House, No. 4982) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the city of Lowell to pay funeral and burial expenses of employees killed in performance of duty (House, No. 5126);

Authorizing the city of Lowell to lease certain city-owned land (House, No. 5127) (its title having been changed by the committee on Bills in the Third Reading);

Establishing a sick leave bank for Michael German, an employee of the Department of Developmental Services (House, No. 5151, changed) (its title having been changed by the committee on Bills in the Third Reading); and

Establishing a sick leave bank for Sharon Peeler-LaFountain, an employee of the Department of Correction (House, No. 5158, changed) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

UMass police, appointment. The Senate Bill relative to University of Massachusetts police officers (Senate, No. 1639) (its title having been changed by the committee on Bills in the Third Reading) was read a third time.

Said committee reported recommending that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5165.

The amendment was adopted; and the bill (Senate, No. 1639, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House.

Smart growth zoning. The Senate Bill relative to renewal communities and smart growth zoning (Senate, No. 2370) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5166.

The amendment was adopted; and the bill (Senate, No. 2370, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House.

Job creation, study. The House Bill supporting economic opportunities in the Commonwealth (House, No. 1870, amended) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a Resolve providing for an investigation and study by a special commission relative to economic opportunities in the Commonwealth (House, No. 5164), which was read.

Pending the question on adoption of the amendment, Ms. Wolf of Cambridge moved that the proposed substitute resolve be amended at the end of the second paragraph by striking out the following: "December 2008" and inserting in place thereof the following: "June 2009". The further amendment was adopted.

The amendment recommended by the committee on Bills in the Third Reading, as amended, then also was adopted; and the substituted resolve (House, No. 5164, printed as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Bus stops, illegal parking. The House Bill relative to illegal parking in bus stops (House, No. 4314) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4524),— was rejected.

The amendment previously recommended by the committee on Municipalities and Regional Government,— that the bill be amended by substitution of a bill with the same title (House, No. 4891),— was adopted.

The substituted bill (House, No. 4891) then was ordered to a third reading.

*Order.*

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. Next sitting.

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At ten minutes before one o'clock P.M., on motion of Mr. deMacedo of Plymouth (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.