

JOURNAL OF THE HOUSE.

Monday, December 15, 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:

Prayer.

Gracious God, even in these busy days of the pre-Christmas season, we try to keep alive in our hearts and minds our daily basic intention of serving You, constituents and our families faithfully. As elected leaders, we pray daily for the wisdom and the courage to respond in a positive and thoughtful manner to our many responsibilities and obligations. May the common good continue to remain a top priority for all of us in these changing and challenging times. Help us to keep in clear focus and perspective the political, social and economic issues of these times as we seek together to build caring, stable and peaceful communities. May we continue to respect the dignity and importance of each individual person in our society with special emphasis on the most innocent and vulnerable.

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.

Reappointment to Biomedical Research Advisory Council.

Biomedical research advisors.

The Minority Leader announced his reappointment (under Section 9 of Chapter 111L of the General Laws) of Dr. Vito R. S. Cardone of Lynnfield to the Biomedical Research Advisory Council.

Guests of the House.

Northbridge, Citizenship in Action.

During the session, the Chair (Mr. Donato of Medford), declared a brief recess, and introduced the Citizens in Action class from Northbridge High School, accompanied by Principal Christine M. Johnson and social studies teacher Rene M. Lafayette. They were the guests of Mr. Peterson of Grafton.

Resolutions.

Tyler Lorenz.

Resolutions (filed with the Clerk by Mr. Barrows of Mansfield) congratulating Tyler Lorenz on receiving the Eagle Award of the Boy Scouts of America, were referred, under Rule 85, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Honan of Boston, 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.

Reports of the Department of Public Health (under the provisions of sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities, as follows:

Correctional facilities, inspection reports.

Of the Essex County Correctional Facility, in the town of Middleton;

Of the Massachusetts Correctional Institution, in the town of Norfolk; and

Of the South Middlesex Correctional Center, in the town of Framingham;

Severally were spread upon the records of the House; and returned to the Senate.

Engrossed Bill.

The engrossed Bill relative to operating a motor vehicle when approaching stationary emergency vehicles (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 passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Recess.

At eight 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 the hour of one o'clock P.M.; and at nine minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

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 following petitions:

Petition (accompanied by bill) 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. To the committee on Judiciary.

Germaine Mayers, sick leave.

Petition (accompanied by bill) of David L. Flynn and others that the contributory retirement system of Plymouth County be authorized to issue bonds or notes for funding of the unfunded pension liability of said system. To the committee on Municipalities and Regional Government.

Plymouth County, bonds or notes.

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

Tolls and
gasoline tax.

By Mr. Binienda of Worcester, for the committee on Revenue, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 5160) of Alice Hanlon Peisch and others for legislation to eliminate tolls on certain roadways and provide an increase in the tax on gasoline,— and recommending that the same be referred to the committee on Transportation. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Public
nuisances.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, No. 5147, a Bill relative to penalties for violations of certain laws and to clarify the existing statutory authority for suppressing and eradicating certain public nuisances (House, No. 5169). Read; and referred, under Rule 33, to the committee on Ways and Means.

Emergency Measures.

Sharon
Brady,
sick leave.

The engrossed Bill establishing a sick leave bank for Sharon Brady (see Senate, No. 2891), 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.

Sgt. Anthony
Annino
Bridge.

The engrossed Bill designating a certain bridge in the city of Medford as the Sergeant Anthony P. Annino Bridge (see House, No. 4962), 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.

Engrossed Bills.

Engrossed bills

Bills
enacted.

Authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the city of Newburyport (see House, No. 5038, amended); and

Providing for the establishment of other post employment benefits liability trust funds in municipalities and certain other governmental units (see House, No. 5148); (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 development of a regional education, training and skills center in the city of Taunton (see Senate, No. 53, changed and amended) (which originated in the

Senate) (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

Relative to harbormaster training certification (see Senate, No. 509, changed and amended); Bills
enacted.

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

Establishing the geriatric authority of Malden (see Senate, No. 2844, amended); (Which severally originated in the Senate);

Relative to the operation of credit unions (see House, No. 1068);

Relative to the retirement and health benefits of certain elected officials of the town of Hull (see House, No. 4218);

Relative to temporary loans and assessment of betterments by the town of Hingham (see House, No. 4236);

Authorizing property tax exemptions for rental properties in the town of Truro restricted as affordable housing (see House, No. 4381); and

Exempting Dwayne P. Burgo from maximum age requirement for applying for civil service appointment as a police officer in the city of Taunton (see House, No. 5086); (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.

Orders of the Day.

The Senate Bill further regulating fees for justices of the peace (Senate, No. 801), 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, in concurrence. Third
reading
bill.

House bills

Authorizing the appointment of retired police officers as special police officers in the town of Norwood (House, No. 4763); Third
reading
bills.

Relative to the retirement benefits of certain employees of the Department of Children and Families (House, No. 4798) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the town of Hull to designate a check off on its tax bills (House, No. 4842);

Authorizing the appointment of alternate members of the town of Canton historical commission (House, No. 4931) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the town of Paxton (House, No. 4984);

Establishing the Needham center off-street parking fund (House, No. 5000) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to the issuance of certain bonds by the town of Northborough (House, No. 5090, changed);

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. Severally sent to the Senate for concurrence.

Automatic
sprinklers.

The House Bill further regulating the installation of automatic sprinklers (House, No. 4969), 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, Ms. Balsler of Newton moved to amend it by striking out sections 2 to 5, inclusive, and inserting in place thereof the following five sections:

“SECTION 2. Said section 26G of said chapter 148, as so appearing, is hereby further amended by striking out, in lines 16 and 17, the words ‘additions’ and inserting in place thereof the following word:- structures.

SECTION 3. The second paragraph of said section 26G of said chapter 148, as so appearing, is hereby amended by striking out the third sentence.

SECTION 4. The fourth paragraph of said section 26G of said chapter 148, as so appearing, is hereby amended by adding the following sentence:- The board may grant a reasonable waiver from the provisions of this section, or may allow the installation of a reasonable alternative or modified system of automatic sprinklers upon reviewing the characteristics of buildings that have architectural or historical significance.

SECTION 5. Nothing in this act shall be construed as limiting any requirement for buildings, less than 7,500 gross square feet, in the aggregate, from installing automatic sprinklers as otherwise may be required by the state building code.

SECTION 6. This act shall apply to construction of buildings, structures or additions or major modifications thereto which total, in the aggregate, more than 7,500 gross square feet permitted after January 1, 2010.”

The amendment was adopted; and the bill (House, No. 4969, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Louis
Cataldo.

The House Bill relative to the retirement allowance of Louis Cataldo, a retired employee of the Barnstable county sheriff’s office and retired chief of police of the town of Dennis (House, No. 5094) (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.

Pending the question on passing the bill to be engrossed, Mr. Atsalis of Barnstable moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Notwithstanding any general or special law or rule or regulation to the contrary, the retirement allowance of Louis Cataldo, a retired employee of the Barnstable county sheriff’s office and retired chief of the police department of the town of Dennis, shall, upon a majority vote of the Barnstable county retirement

board, be increased to an amount not exceeding one half the rate of regular compensation payable to the Barnstable county commissioners, and the present chief deputy sheriff of Barnstable county or similar positions at the time of increasing such allowance. Barnstable county shall be responsible for any increase in the pension allowance of Louis Cataldo made pursuant to this act.

SECTION 2. This act shall take effect upon its passage.”

The amendment was adopted; and the bill (House, No. 5094, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o’clock A.M. Next sitting.

At twenty-five minutes before two o’clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Thursday next at eleven o’clock A.M., in an Informal Session.