

JOURNAL OF THE HOUSE.

Monday, December 18, 2006.

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.

God of Goodness and Truth, we depend upon You and Your assistance as we try to address rightly and conscientiously each day's personal and legislative agenda items. Your gift of wisdom, which You offer us daily, enables us to comprehend more clearly, issues and the consequences of our choices. The Jewish Community around the world is celebrating the religious and historical festival of Chanukah. We join our Jewish friends and neighbors in observing this feast of light and hope. May the joyous and religious spirit of the season fill our minds and hearts with peace, hope, happiness and love.

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.

Resolutions.

Leonard and Jeanne Kerwin.

Resolutions (filed with the Clerk by Mrs. Creedon of Brockton) congratulating Mr. and Mrs. Leonard T. Kerwin on the occasion of their fiftieth wedding anniversary, were referred, under Rule 85, to the committee on Rules.

Mrs. Parente of Milford, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Pedone of Worcester, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Charitable records, availability.

Mr. Petersen of Marblehead presented a petition (subject to Joint Rule 12) of Douglas W. Petersen relative to the availability of certain public filings of charitable donations by the Director of the Division of Public Charities in the Department of the Attorney General; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

Worcester, convention center.

The House Bill relative to the Worcester DCU Arena and Convention Center (House, No. 5128) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 3, subsection (a), clause (ii), inserting after the word "district" the

following: "and which was first opened for patronage or available for transfer on or after July 1, 2004".

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

The House Bill regulating elections in the town of Yarmouth (House, No. 5300) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, striking out the word "active".

Yarmouth, ballot information.

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

Bills

Further regulating sex offender registration (Senate, No. 2765) (on Senate bill, No. 958);

Sex offender registration.

Providing automobile insurance special investigators with access to registry of motor vehicle photographs (Senate, No. 2766) (on Senate bill, No. 1969); and

Insurance investigators, photos.

Authorizing the state retirement board to grant an accidental disability retirement to James R. Johnson (Senate, No. 2767) (on Senate bill, No. 2750);

James Johnson, retirement.

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 Committees.

By Mr. Bosley of North Adams, for the committee on Economic Development and Emerging Technologies, on Senate, No. 2502, a Bill establishing the Marlborough 2010 Corporation (House, No. 5369) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Marlborough 2010.

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

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of North Attleborough to enter into a certain lease (House, No. 5347) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

North Attleborough, lease.

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

Boston,
James J.
Cahill.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill directing the State Retirement Board to retire James J. Cahill, a firefighter of the city of Boston (House, No. 4420) be scheduled for consideration by the House for a second reading, with an amendment previously recommended by the committee on Ways and Means pending.

Under suspension of Rule 7A, on motion of Mr. Flynn of Bridgewater, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means,— that the bill be amended by substitution of a Bill directing the State-Boston Retirement Board to retire James J. Cahill, a firefighter of the city of Boston (House, No. 5366),— then was adopted; and the substituted bill was ordered to a third reading.

Milford,
land
conveyance.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Milford (House, No. 5174) be scheduled for consideration by the House for a second reading, with an amendment previously recommended by the committee on Ways and Means pending.

Under suspension of Rule 7A, on motion of Ms. Wolf of Cambridge, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means,— that the bill be amended in section 1, in line 4, by striking out the following: “40J” and inserting in place thereof the following: “40I”,— then was adopted; and the bill (House, No. 5174, amended) was ordered to a third reading.

Diane
Zaniboni
Cancer
Fund.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill clarifying coordination of the funds deposited into the Diane Zaniboni Breast Cancer Research Fund (Senate, No. 2732) be scheduled for consideration by the House.

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

Millbury,
sewerage
facilities.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to the sewerage facilities and betterments in the town of Millbury (Senate, No. 2735) be scheduled for consideration by the House.

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

Auburn,
land
conveyance.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill amending the authority of the town of Auburn to convey a certain parcel of land (Senate, No. 2738) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Kulik of Worthington, 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 amending the charter of the city of Northampton to include 2 elected members of the the community preservation committee (Senate, No. 2739) be scheduled for consideration by the House.

Northampton,
community
preservation.

Under suspension of Rule 7A, on motion of Mr. Kulik of Worthington, 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 exempting the position of Chief of Police in the town of Shrewsbury from the civil service law (Senate, No. 2749) be scheduled for consideration by the House.

Shrewsbury,
police chief.

Under suspension of Rule 7A, on motion of Mr. deMacedo of Plymouth, 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 designating the Broadway Bridge in South Boston as the James M. Kelly Bridge (Senate, No. 2761) be scheduled for consideration by the House.

James M.
Kelly
Bridge.

Under suspension of Rule 7A, on motion of Mr. Keenan of Salem, 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 protect tropical rain forests by restricting state purchases of certain wood products (House, No. 3521) be scheduled for consideration by the House.

Tropical
rain
forests.

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 House Bill relative to the election of town meeting member in the town of Burlington (House, No. 4556, changed) be scheduled for consideration by the House.

Burlington,
town
meeting.

Under suspension of Rule 7A, on motion of Mr. Flynn of Bridgewater, 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 relative to the acceptance of Chapter 40N of the General Laws in the town of Marblehead (House, No. 5147) be scheduled for consideration by the House.

Marblehead,
water and
sewer
systems.

Under suspension of Rule 7A, on motion of the same member, 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 for a special law re: the salaries of the members of the Boston licensing board (House, No. 5337) be scheduled for consideration by the House.

Boston
licensing
Board,
salaries.

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

Robert
O'Haver,
sick leave.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Robert O'Haver, an employee of the Department of Correction (House, No. 5355) be scheduled for consideration by the House.

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

William
Lewis,
sick leave
bank.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for William Lewis, an employee of the Trial Court (House, No. 5360) be scheduled for consideration by the House.

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

Meridyth L.
Reith,
sick leave.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Meridyth L. Reith, an employee of the Commonwealth of Massachusetts Fire Marshal (House, No. 5361) be scheduled for consideration by the House.

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

Michael
Rafferty,
sick leave.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Michael Rafferty, an employee of the Department of Correction (House, No. 5362) be scheduled for consideration by the House.

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.

Gardner,
liquor
licenses.

A report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 5329) of Robert L. Rice, Jr., and Robert A. Antonioni (with the approval of the mayor and city council) for legislation to authorize the city of Gardner to grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises, was considered forthwith, under suspension of the rules, on motion of Mr. Rice of Gardner.

Pending the question on acceptance of the report, the same member moved that it be amended by substitution of a Bill authorizing the city of Gardner to grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5371), which was read [Local Approval Received].

The amendment was adopted, and, under further suspension of rules, on motion of Mr. deMacedo of Plymouth, the bill was read a second time forthwith; and, it was ordered to a third reading.

A report of the committee on Public Service, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 5303) of John W. Scibak (by vote of the town) relative to exempting the position of school custodian in the town of South Hadley from the provisions of the civil service law, was considered forthwith, under suspension of the rules, on motion of Mr. deMacedo of Plymouth.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Kaufman of Lexington.

South
Hadley,
school
custodian.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill establishing an office of finance in the town of Spencer (House, No. 5346) [Local Approval Received].

By Mr. Binienda of Worcester, for the committee on Revenue, on a petition, a Bill relative to the town of Florida (House, No. 5364).

By the same member, for the same committee, on a petition, a Bill relative to the town of Monroe (House, No. 5365).

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

Spencer,
finance
office.

Florida,
property
tax.
Monroe,
property
tax.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Tatiana Lara-Melendez, an employee of the Department of Mental Retardation (see House, No. 5336), 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 12 to 0. Sent to the Senate for concurrence.

Tatiana
Lara-
Melendez,
sick leave.

The engrossed Bill establishing a sick leave bank for Paula Phelan, an employee of the Massachusetts Department of Industrial Accidents (see House, No. 5339), 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 12 to 0. Sent to the Senate for concurrence.

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.

Paula
Phelan,
sick leave
bank.

Bill
enacted.

The engrossed Bill establishing a sick leave bank for Lori Mazanec, an employee of the Trial Court of the Commonwealth (see House, No. 5343), 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.

Lori
Mazanec,
sick leave
bank.

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 12 to 0. Sent to the Senate for concurrence.

Carol
Denault,
sick leave.

The engrossed Bill establishing a sick leave bank for Carol Denault, an employee of the Department of Mental Health (see House, No. 5342), 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 12 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Bills
enacted.

Further regulating parking for handicapped persons (see Senate, No. 2647) (which originated in the Senate);

Authorizing the appointment of retired police officers as special police officers in the town of Millis (see House, No. 4318);

Relative to life insurance companies (see House, No. 4973);

Relative to the Worcester DCU Arena and Convention Center (see House, No. 5128, amended);

Authorizing the town of Belmont to place a certain question relative to the sale of all alcoholic beverages on the town's election ballot (see House, No. 5273);

Authorizing the town of Belmont to place a certain question relative to the sale of wines and malt beverages on the town's election ballot (see House, No. 5274);

Relative to the granting of special licenses for the sale of alcoholic beverages in the town of Belmont (see House, No. 5275);

Providing for recall elections in the town of Hatfield (see House, No. 5286); and

Regulating the issuance of second hand motor vehicle licenses in the city of Revere (see House, No. 5317);

(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.

Medical
peer review
committees.

The engrossed Bill relative to medical peer review committees (see Senate, No. 2418, 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 recurring question on passing the bill to be enacted, Mr. Bradley of Hingham moved that Rule 40 be suspended; and the motion prevailed.

The same member then moved that the bill be amended by striking out section 4 (as added by amendment by the Senate).

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

Orders of the Day.

The engrossed Bill relative to child labor (see House, No. 4638, amended), which had been returned by Her Honor the Lieutenant-Governor, Acting Governor, with recommendation of amendments (for message, see House, No. 5356), was considered. child
labor.

The amendments then were adopted in the following form (as approved by the committee on Bills in the Third Reading):

By striking out section 5 (as engrossed) and inserting in place thereof the following section:

“SECTION 5. The first paragraph of section 86 of said chapter 149, as appearing in the 2004 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— No person shall employ a minor, other than a minor over the age of 14 granted an employment permit by the superintendent of schools when such superintendent determines that the welfare of such minor will be better served through the granting of the permit, in any place of employment, other than street trades described in section 69; but a minor 14 years of age or older in co-operative courses in a public school may be employed by a co-operating establishment upon securing from the superintendent of schools a permit covering any such co-operating employment.”; and in section 14 (as engrossed) by striking out, in line 5, the words “and industries”.

Sent to the Senate for concurrence.

Senate bills

Relative to disabled veterans' motor vehicle plates (Senate, No. 2428); and Third
reading
bills.

Relative to the Railroad Depot Contamination Remediation and Redevelopment Project of the city of New Bedford (Senate, No. 2742, amended);

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

Placing the health inspector under the supervision of the division of inspectional services in the city of Somerville (House, No. 4641); H

Exempting certain clerical positions in the town of Billerica from the provisions of the civil service law (House, No. 4695);

Relative to the relocation and alteration of the layout of High Pole Hill Road in the town of Provincetown (House, No. 5136); and

Authorizing the town of Billerica to execute a certain lease (House, No. 5330);

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.

At seven minutes after twelve o'clock noon, on motion of Mr. deMacedo of Plymouth (Mr. Petrolati of Ludlow being in the Recess.

Chair), the House recessed until the hour of two o'clock P.M.; and at that time the House was called to order with Mr. Petrolati in the Chair.

House bills

Third
reading
bills.

Authorizing the town of Ipswich to make an appeal to the Appellate Tax Board (House, No. 4986, amended);

Authorizing the town of East Longmeadow to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5350); and

Designating the rotunda of the West Roxbury District Court as the James Joseph Rush Rotunda (House, No. 5352);

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.

Patient
confidentiality.

The House Bill protecting patient confidentiality (House, No. 1754) (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. Ms. Balsemer of Newton moved that it be amended in line 18 by inserting after the word "act." the following paragraph:

"Upon the exercise of the privilege granted by this section, the judge or presiding officer shall instruct the jury that no adverse inference may be drawn therefrom."

The amendment was adopted; and the bill (House, No. 1754, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Bicyclists
bill of
rights.

The House Bill establishing the bicyclists' bill of rights and responsibilities (House, No. 5194), 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, Mrs. Paulsen of Belmont moved that it be amended by substitution of a Bill relative to bicycle safety (House, No. 5372), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

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

At eighteen minutes after two o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.