

JOURNAL OF THE HOUSE.

Monday, December 22, 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, the Ultimate Sources of Hope and Truth, we begin this special week of family gatherings and religious observances and celebrations with hearts filled with joy, happiness and good will towards all. During this season of giving, especially to people in need, reminds us of the dignity, needs and the importance of each person in our society. Today the Jewish Community is observing Chanukah, an important historical and religious event. We join our Jewish friends and colleagues today in recalling and celebrating today's event. We wish our Jewish friends and colleagues peace, happiness and hope for today and for the future. The religious and civic observances of Chanukah and Christmas should motivate us to work together with a common desire to build stable, safe and ethical communities.

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.

Recess.

Recess.

At a quarter after eleven o'clock A.M., on motion of Mr. Smith of Everett (Mr. Donato of Medford being in the Chair), the House recessed until half past eleven o'clock; and at three minutes after twelve o'clock noon the House was called to order with Mr. Donato in the Chair.

Resolutions.

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

Walter Sawicki.

Resolutions (filed by Messrs. Koczera of New Bedford, Canessa of New Bedford, Quinn of Dartmouth and Sullivan of Fall River) congratulating Walter Sawicki on the occasion of his retirement from the Freetown Police Department; and

Craig Kleckner.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Craig Kleckner on receiving the Eagle Award of the Boy Scouts of America;

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. Lepper of Attleboro, the resolutions (reported by the committee on Bills in the

Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Reports of Committees.

Mr. Scaccia of Boston, for the committee on Rules, on a part of House order No. 4894, reported asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4413) of William Smitty Pignatelli and Stephen Stat Smith that the board of selectmen of the town of Sheffield be authorized to appoint associate members to the conservation commission of said town,— and recommending that the same be recommitted to the committee on Municipalities and Regional Government. Under Rule 42, the report was considered forthwith; and it was accepted.

Sheffield, conservation commission.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill to promote breastfeeding (Senate, No. 2438) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5177. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Breastfeeding, benefits.

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

Under suspension of Rule 7A, on motion of Mr. Murphy of Weymouth, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means was adopted; and the bill, as amended, was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Callahan of Sutton, the bill (having been 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. The bill (Senate, No. 2438, amended) then was sent to the Senate for concurrence in the amendment.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to elevator regulations (House, No. 2346) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 5175). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Elevators, regulate.

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

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

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Callahan of Sutton, the bill (having been 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. Sent to the Senate for concurrence.

Wareham,
fire district.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to the Wareham Fire District (Senate, No. 1186) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5174. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

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 Mr. Murphy of Weymouth, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means was adopted; and the bill (Senate, No. 1186, amended) was ordered to a third reading.

Musical
instruments,
sanitization.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on House, No. 5124, a Bill requiring the sanitization of musical instruments in schools (House, No. 5176). Read; and 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 the rules, on motion of Mr. Hill of Ipswich, the bill was read a second time forthwith; and it was ordered to a third reading.

Worcester,
healing
garden.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to designating a certain area in the city of Worcester as a place of peace healing garden (House, No. 5093) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5183). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Recess.

Recess.

At ten minutes after twelve o'clock noon, on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until three o'clock P.M.; and at twenty minutes before four o'clock the House was called to order with Mr. Donato in the Chair.

Papers from the Senate.

Land
surveyors.

The House Bill relative to professional engineers and land surveyors (House, No. 4339) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 4, in line 11, striking out the words "defined in" and inserting in place thereof the following: "provided in sections 61 to 65E, inclusive, and".

Under suspension of Rule 35, on motion of Mr. Naughton of Clinton, 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.

General and
Special laws,
corrective
changes.

A Bill making corrective changes in certain General and Special Laws (Senate, No. 2985) (on a communication from the Honorable Counsel to the House and the Honorable Counsel to the Senate (pursuant to Section 53 of Chapter 3 of the General Laws), passed to be engrossed by the Senate, was read; and it was 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 the rules, on motion of Mr. Garballey of Arlington, 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, in concurrence.

Animal
control.

A Bill updating the animal control laws (Senate, No. 2624) (on Senate bill No. 2450, amended), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Reports of Committees.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill relative to the minimum years of service required to be eligible for civil service promotions to the position of fire captain in the town of Chelmsford (House, No. 5149) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Chelmsford,
fire
department.

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 Ms. Callahan of Sutton, 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.

Teachers,
retirement
allowance.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to the retirement allowance for certain teachers (Senate, No. 1557) ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5178. 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. Callahan of Sutton, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means was adopted; and the bill (Senate, No. 1557, amended) was ordered to a third reading.

Bullying.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to bullying (Senate, No. 2637) ought to pass with an amendment striking out all after the enacting clause and

inserting in place thereof the text contained in House document numbered 5179. 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. Callahan of Sutton, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means was adopted; and the bill (Senate, No. 2637, amended) was ordered to a third reading.

Oral
health.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill to improve, promote and protect the oral health of the Commonwealth (Senate, No. 2819, amended) ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5180. 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. Callahan of Sutton, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means was adopted; and the bill (Senate, No. 2819, amended) was ordered to a third reading.

Greatest
places,
identify.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Resolve establishing a great places in Massachusetts commission (House, No. 3417) ought to pass with an amendment substituting therefor a Resolve establishing a 1,000 great places in Massachusetts commission (House, No. 5181). 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. Callahan of Sutton, the resolve was read a second time forthwith.

The amendment recommended by the committee on Ways and Means was adopted; and the substituted resolve was ordered to a third reading.

Food
policy
council.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing the Massachusetts food policy council (House, No. 3853) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5182). 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. Callahan of Sutton, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the following bills ought to pass:

The Senate Bill relative to the retirement benefits of emergency medical technicians (Senate, No. 2659, amended); and EMTs,
retirement.

House bills

Relative to elections in the town of Braintree (House, No. 4458) Braintree.

Providing for the filling of certain vacancies in the town of Braintree (House, No. 4459); and ii

Relative to vacancies in certain elected offices in the town of Braintree (House, No. 4489); ii

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

Mr. Donato of Medford, for said committee, reported, in each instance, that the matters be scheduled for consideration by the House.

Under suspension of Rule 7A, in each instance, on motion of Ms. Callahan of Sutton, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Emergency Measures.

The engrossed Bill relative to the sewer system of the town of Ware (see Senate, No. 2731), 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. Ware,
Department
of Public
Works.

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 3 to 0. Sent to the Senate for concurrence.

The engrossed Bill establishing a sick leave bank for Michael German, an employee of the Department of Mental Retardation (see House, No. 5151, changed), 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. Michael
German,
sick leave.

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 3 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Relative to University of Massachusetts police officers (see Senate, No. 1639, amended); Bills
enacted.

Regulating public entities licensed by the department of telecommunications and energy (see Senate, No. 2469);

Designating a certain education center on Chickatawbut Hill in Milton as the Norman Smith Environmental Education Center at Chickatawbut Hill (see Senate, No. 2720);

Establishing a revolving fund in the town of Ware (see Senate, No. 2732);

Increasing the membership of the Board of Selectmen in the town of Newbury (see Senate, No. 2802);

(Which severally originated in the Senate);

Relative to caregiver medical and educational consent (see House, No. 4718);

Relative to cemeteries and burials (see House, No. 4752, amended);

Authorizing the appointment of Michael P. Hickey as a police officer in the town of Hingham notwithstanding the maximum age requirement (see House, No. 4837);

Authorizing the town of Norwood to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4982); and

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

(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.

Senate bills

Prohibiting discrimination against physical therapists and physical therapist assistants in securing medical malpractice insurance (Senate, No. 2215); and

Relative to the sale of alcoholic beverages in the city of Somerville (Senate, No. 2881);

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

To amend the charter of the town of Dedham to clarify the method of organizing town agencies (House, No. 4877); and

Validating the actions taken by the town of Webster open town meeting and establishing a charter for the town of Webster (printed in House, No. 5133);

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.

Order.

On motion of Mr. DiMasi of Boston,—

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

At seven minutes after four o'clock P.M., on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.

Third
reading
bills.

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Next
sitting.