

JOURNAL OF THE HOUSE.

Monday, December 29, 2008.

Met at nine minutes after eleven o'clock A.M., in an Informal Session, with Ms. Forry of Boston 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, Our Creator, we enter into the final days of this calendar year by offering our thanks to You for the countless blessings which You have bestowed upon us during the past twelve months. We also take a moment to focus our thoughts and attention on You, spiritual values and the meaning and directions of our own lives. The violence against the innocent in lands around the world and the worldwide economic downturn has put a damper on the spirits and outlook of many. But our hearts and minds are filled with joy, happiness and enthusiasm because of the religious celebrations of the past few days. We also believe that by working together as citizens with a common agenda, we will improve the total quality of life for all in our communities. Teach us, as a society, to continue to respect the dignity and importance of each person in our community.

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 (Ms. Forry), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Petition.

Sharon, alcoholic beverages.

Mr. Kafka of Stoughton presented a petition (accompanied by bill, House, No. 5191) of Louis L. Kafka and James E. Timilty (by vote of the town) that the town of Sharon be authorized to issue licenses to certain food stores for the sale of wine and malt beverages not to be drunk on the premises; and the same was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Papers from the Senate.

Bills

MWRA, retirement.

To clarify the Massachusetts Water Resources Authority retirement system (Senate, No. 2864) (on Senate, No. 1545);

Springfield, financial stability.

Relative to continuing the fiscal stability of the city of Springfield (Senate, No. 2896) (on part of Senate bill No. 1856);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Pondville Correctional Facility.

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 Pondville Correctional Facility, in the town of

Norfolk, was spread upon the records of the House; and returned to the Senate.

Reports of Committees.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to public access to recreational trails (Senate, No. 2759) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Recreational trails, access.

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 Burlington, 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 authorizing the Mashpee Water District to hold elections for the board of water commissioners concurrently with the Mashpee town elections (Senate, No. 2879) be scheduled for consideration by the House.

Mashpee Water District, elections.

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

Emergency Measures.

The engrossed Bill designating the Department of Youth Services facility in the town of Westborough as the Zara Cisco Brough Princess White Flower facility (see House, No. 3231), 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.

Westborough, Zara Cisco Brough.

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.

The engrossed Bill establishing a sick leave bank for Sharon Peeler-LaFountain, an employee of the Department of Correction (see House, No. 5158, 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.

Sharon Peeler-La Fountain, 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 12 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Relative to the conversion of a credit union chartered in the Commonwealth to a federal charter (see House, No. 1106);

Authorizing the appointment of Darryl Sencabaugh for the position of firefighter in the town of Wilmington (see House, No. 4841); and

Bills enacted.

Bills
enacted.

Authorizing the town of Westborough to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 4874);

(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.

Third
reading
bill.

The Senate Bill relative to the retirement allowance for certain teachers (Senate, No. 1557, amended), 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. Sent to the Senate for concurrence in the amendment previously adopted by the House.

Senate bills

Relative to the retirement benefits of emergency medical technicians (Senate, No. 2659, amended); and

Establishing a selectmen-administrator form of government for the town of Newbury. (Senate, No. 2801);

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 Middlesex Canal Commission (House, No. 813);

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

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

Authorizing the town of Littleton to issue pension obligation bonds or notes (House, No. 5156);

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.

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Food policy
council.

The House Bill establishing the Massachusetts food policy council (House, No. 5182), 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, Mr. Jones of North Reading moved to amend it in line 5 by striking out the figures "21" and inserting in place thereof the figures "23", and in line 8 by inserting after words "president of the senate" the following: "; 1 of whom shall be appointed by the minority leader of the house of representatives; 1 of whom shall be appointed by the minority leader of the senate".

The amendments were adopted; and the bill (House, No. 5182, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At five minutes after twelve o'clock noon, on motion of Mr. Murphy of Burlington (Ms. Forry of Boston being in the Chair), the House recessed until the hour of two o'clock P.M.; and at that time the House was called to order with Ms. Forry in the Chair.

Recess.

Papers from the Senate.

The House Bill relative to the uniform probate code (House, No. 1633) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2622.

Uniform
probate
code.

Under suspension of Rule 35, on motion of Ms. Wolf of Cambridge, 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 relative to the appointment of certain persons to the police and fire departments of the city of Malden (House, No. 3974) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2883.

Malden,
fire fighters
and police.

Under suspension of Rule 35, on motion of Mr. Cabral of New Bedford, 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 Resolve providing for an investigation and study by a special commission relative to economic opportunities in the Commonwealth (House, No. 5164) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out the text contained therein and inserting in place thereof the text contained in Senate document numbered 2897.

Economic
opportunities,
study.

Under suspension of Rule 35, on motion of Ms. Wolf of Cambridge, 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.

Reports of Committees.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill to establish collaborative drug therapy management (Senate, No. 2706) 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 5188. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Drug
therapy.

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. Cabral of New Bedford, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2706, amended) was ordered to a third reading.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the 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) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5189). 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, with the amendment pending.

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

The amendment was adopted; and the substituted bill was ordered to a third reading.

By Mr. Rodrigues of Westport, for the committee on Consumer Protection and Professional Licensure, on House, No. 5021, a Bill authorizing the selectmen of the town of Weston to issue a license for the sale of all alcoholic beverages to be consumed on the premises of the Josiah Smith Tavern (House, No. 5190) [Local Approval Received]. 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 Ms. Peisch of Wellesley, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. O'Flaherty of Chelsea, for the committee on Judiciary, on a petition, a Bill establishing a sick leave bank for a certain employee of the Middlesex Superior Court Probation Department (House, No. 5173). 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 Ms. Walz of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. O'Flaherty of Chelsea, for the committee on Judiciary, on a petition, a Bill establishing a sick leave bank for Genevieve O'Brien, an employee of the Trial Court of the Commonwealth (House, No. 5186). 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. Brownsberger of Belmont the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a message from His Excellency the Governor, a Bill validating the actions taken at the annual town meeting and special town meeting of the town of Rockland (printed in House, No. 5153). 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 Ms. Rogeness of Longmeadow, 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 authorizing the town of Provincetown to impose a lien upon property in the town of Truro to secure unpaid water fees and charges (House, No. 5099, changed) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Provost of Somerville, 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 validating the actions taken at annual town elections held in the town of Dalton (printed in House, No. 5152) 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; and it was ordered to a third reading.

Emergency Measure.

The engrossed Bill relative to the retirement of certain employees of the Massachusetts Water Resources Authority (see House, No. 2682, 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.

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 8 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills
To promote breastfeeding (see Senate, No. 2438, amended) (which originated in the Senate);

Relative to police auctions (see House, No. 1981, changed);
Authorizing the town of Sudbury to regulate certain property tax exemption eligibility requirements (see House, No. 4860);

Drug therapy.

Public nuisances.

Weston, alcoholic beverage license.

Germaine Mayers, sick leave.

Genevieve O'Brien, sick leave.

Rockland, town meetings.

Provincetown and Truro, lien.

Dalton, annual elections.

MWRA, retirement.

Bills enacted.

Bills

enacted.

Increasing the fine for parking in posted bus stops (see House, No. 4891); and

Authorizing the city of Lowell to lease certain city-owned land (see House, No. 5127);

(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.

Third
reading
bills.

House bills

Relative to group life insurance (House, No. 1094); and

Authorizing Louis Magliozzi to the civil service examination for appointment as a police officer in the town of Burlington notwithstanding age (House, No. 5162);

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.

Unpaid
municipal
fines.

The House Committee Bill relative to unpaid municipal fines (House, No. 4883), 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. Provost of Somerville moved to amend it in line 18 by striking out the word "may" and inserting in place thereof the word "shall"; and the amendment was adopted.

Mr. Pedone of Worcester then moved to amend the bill by adding at the end thereof the following section:

"SECTION 2. Chapter 85 of the General Laws is hereby amended by inserting after section 5 the following section:—

Section 5A. Any owner, lessor, occupant or other person in charge of any real property, or any agent of or other person engaged by any such party, who in good faith, removes or attempts to remove snow or ice from sidewalks abutting the property shall not be liable for any personal injuries allegedly caused by the snowy or icy condition of the sidewalk resulting from his acts or omissions unless the alleged misconduct was gross negligence."

The amendment was adopted; and the bill (House, No. 4883, 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 tomorrow at eleven o'clock A.M.

Next
sitting.

At eighteen minutes before three o'clock P.M., on motion of Mr. Smizik of Brookline (Ms. Forry of Boston being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.