

JOURNAL OF THE HOUSE.

Monday, January 9, 2006.

Met at seven minutes past 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, Our Creator, we begin this and every week of the year with the sincere intention of serving You and the people of the Commonwealth faithfully. Your assistance enables us to keep our personal, legislative and policy issues in clear focus. In dealing with the day's many complex and often emotional matters inspire us to make even handed, honorable, ethical and reasonable choices. May our hearts and minds be filled with peace, hope and enthusiasm as we face the challenges and great opportunities of these exciting and innovative times. May the current and future well being of the people and our communities remain a top priority.

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.

Message from the Governor — Veto.

Brookline, investments.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill authorizing certain investments by the treasurer of the town of Brookline [see House, No. 4222] (for message, see House, No. 4607) was filed in the Office of the Clerk on Friday, January 6.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next session, the question being on passing said bill, notwithstanding the said objections.

Messages from the Governor — Bills Returned with Recommendation of Amendment.

Concord, housing corporation.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill establishing the Concord Housing Development Corporation [see House, No. 4320] (for message, see House, No. 4611) was filed in the office of the Clerk on Friday January 6.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Ms. Atkins of Concord, to the committee on Bills in the Third Reading.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill establishing a housing corporation in the town of Mansfield [see House, No. 4334] (for message, see House, No. 4612) was filed in the office of the Clerk on Friday January 6.

Mansfield, housing corporation.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mrs. Poirier of North Attleborough, to the committee on Bills in the Third Reading.

Messages from the Governor.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at the special town election held by the town of New Salem (House, No. 4608) was filed in the office of the Clerk on Friday, January 6.

New Salem, validate actions.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Election Laws. Sent to the Senate for concurrence.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to certain housing in the town of Westborough (House, No. 4609) was filed in the office of the Clerk on Friday, January 6.

Westborough, housing.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Housing. Sent to the Senate for concurrence.

A message from His Excellency the Governor recommending legislation relative to requiring defendants in rape and sexual assault cases to be tested for sexually transmittable diseases (House, No. 4610) was filed in the office of the Clerk on Thursday, January 5.

Rape defendants, disease testing.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Judiciary. Sent to the Senate for concurrence.

Appointments to Special Commissions.

The Minority Leader announced that Representative Gifford of Wareham had been designated by him as the Speaker's minority party appointment to the Special Commission established (under section 28 of chapter 28 of the Acts of 1996) to develop scientific and socioeconomic research for the purpose of facilitating the recovery of the Commonwealth's fishing industry; and

Fishing industry study.

The Minority Leader also announced that he had appointed Representative Hill of Ipswich as his designee to the Special Commission established (under section 36 of chapter 45 of the Acts of 2005)

Metropolitan beaches study.

to make an investigation and study of the future of metropolitan beaches under the jurisdiction of the Department of Conservation and Recreation.

Resolutions.

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

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Marilyn S. Harris on the occasion of her retirement;

Marilyn S. Harris.

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Nimit Pradip Mehta of Sharon on earning the rank of Eagle Scout;

Nimit Pradip Mehta.

Resolutions (filed by Messrs. O'Brien of Kingston, Straus of Mattapoisett and Canessa of New Bedford) congratulating Steven William Frederick Albert on receiving the Eagle Award of the Boy Scouts of America;

Steven William Frederick Albert.

Resolutions (filed by Mr. O'Brien of Kingston) congratulating Michael Fiske on receiving the Eagle Award of the Boy Scouts of America;

Michael Fiske.

Resolutions (filed by Mr. O'Brien of Kingston) congratulating Ryan Murphy on receiving the Eagle Award of the Boy Scouts of America;

Ryan Murphy.

Resolutions (filed by Mr. O'Brien of Kingston) congratulating Sean Murphy on receiving the Eagle Award of the Boy Scouts of America; and

Sean Murphy.

Resolutions (filed by Mr. O'Brien of Kingston) congratulating Jason Rice on receiving the Eagle Award of the Boy Scouts of America;

Jason Rice.

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. Petrucci 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.

A Bill authorizing the town of Milton to grant a license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (Senate, No. 2324) (on Senate, No. 2261), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Milton, liquor license

Subsequently, Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

The following notice was received from the Clerk of the Senate, to wit:

December 27, 2005.

Honorable Salvatore F. DiMasi
Speaker of the House of Representatives

Room 356, State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Robert E. Travaglini, President of the Senate, has announced the re-appointment of Kathy Casavant to the Commission on the Status of Women (established pursuant to Chapter 138 of the Acts of 1998) for the term of January 2006 to January 2009.

Senate appointment.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

A petition (accompanied by bill, Senate, No. 2325) of Robert S. Creedon, Jr., Geraldine Creedon, Thomas P. Kennedy and Christine E. Canavan (with approval of mayor and city council) for legislation relative to illegal dumping and the imposition of court order fines in the city of Brockton, was referred, in concurrence, to the committee on the Judiciary.

Brockton, illegal dumping.

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 John A. Lepper for legislation to establish a sick leave bank for Michael German, an employee of the Department of Mental Retardation. Under suspension of the rules, on motion of Mr. Petrucci of Boston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Michael German, sick leave.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, asking to be discharged from further consideration

Of the message from His Excellency the Governor recommending legislation relative to witness intimidation (House, No. 28); and

Witness intimidation.

Of the message from His Excellency the Governor recommending legislation relative to witness protection (House, No. 29);

Witness protection.

And recommending that the same severally be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence in the discharge of the committee.

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. 2572) of Matthew C. Patrick relative to establishing a health coverage tax credit for persons sixty-five years of age and older,— and recommending that the same be referred to the committee on Public Health. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Health coverage tax credit.

Special
education,
study.

By Mrs. Haddad of Somerset, for the committee on Education, on Senate, No. 369, an Order relative to authorizing the committee on Education to make an investigation and study of a certain Senate document concerning special education and funding (House, No. 4613). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

Gang
violence

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill to reduce gang violence (Senate, No. 2242, amended) 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 4615. [Cost: Direct Appropriation \$750,000.00]. 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; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading with the amendment pending.

Methuen,
Matthew A.
Kraunelis.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the appointment of Matthew A. Kraunelis to the position of chief of staff to the mayor of the city of Methuen (House, No. 4580) [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; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

Nursing.

Establishing the Massachusetts Nursing and Allied Health Workforce Development Trust Fund (Senate, No. 737);

Schools fires.

Relative to the reporting of fires in schools (Senate, No. 1381);

Plymouth.

Designating a certain bridge in the town of Falmouth as the Raleigh D. Costa memorial bridge (Senate, No. 1935);

Carver.

Designating a certain bridge in the town of Carver as the SFC Robert Rooney Bridge (Senate, No. 1944);

Auburn.

Authorizing the town of Auburn to convey a certain parcel of land (Senate, No. 2162) [Local Approval Received];

Wine.

Relative to the on-premises consumption of wine (Senate, No. 2213);

Elevator
licenses.

Relative to elevator license examinations (Senate, No. 2216, amended); and

To provide remedies to consumers for clearing title after payoff of mortgages (Senate, No. 2278, amended); and

House bills

Establishing a primary seat belt law (House, No. 229);

Relative to sick leave banks (House, No. 271);

Relative to state police bargaining (House, No. 366);

Relative to the rights of school nurses (House, No. 1087);

Relative to the Environmental Trust (House, No. 1283);

Relative to the standard fire insurance policy (House, No. 1552);

Relative to fire insurance (House, No. 1553);

Relative to bicycle safety (House, No. 1867);

Relative to issuing a license to carry firearms to law enforcement officers (House, No. 1875);

Relative to bullet-proof vests (House, No. 1920);

Relative to the license of school bus operators (House, No. 2025);

Regulating the use of recording devices in motor vehicles (House, No. 2092);

Prohibiting driving under the influence while operating snowmobiles, all terrain vehicles, and other recreational vehicles (House, No. 2241);

To discourage fraud (House, No. 3013);

Further regulating annual meetings of condominiums (House, No. 3159);

Relative to information sharing (House, No. 3503);

Authorizing the town of Brookline to establish a public safety injured on duty medical expenses trust fund (House, No. 4122) [Local Approval Received];

Authorizing the town of Franklin to establish a post employment health insurance trust fund (House, No. 4150) [Local Approval Received];

Authorizing the town of Shrewsbury to lease certain land (House, No. 4205) [Local Approval Received];

Exempting the school custodian in the town of Hull from the civil service law (House, No. 4208) [Local Approval Received];

To remove all secretarial staff in the school system of the town of Arlington from the provisions of Chapter 31 of the General Laws, the civil service law (House, No. 4273) [Local Approval Received];

Exempting the position of superintendent of streets of the town of Hull from civil service law (House, No. 4309);

Relative to the release of a conservation restriction in the town of Bedford (House, No. 4317) [Local Approval Received];

Relative to the appointment of retired police officers as special police officers in the town of Millis (House, No. 4318) [Local Approval Received];

To designate "Mitochondrial Disease Awareness Week" (House, No. 4358);

Authorizing the town of Sudbury to establish a post employment health insurance liability fund (House, No. 4391) [Local Approval Received];

Relative to the charter of the town of Westborough (House, No. 4392) [Local Approval Received];

Mortgage
payoffs.

Seat belts.

Sick leaves.

State police.

School nurses.

Environment.

Fire insurance.

It

Bicycles.

Firearms.

Bullet proof.

School buses.

Motor
vehicles.

Drunk
driving.

Fraud.

Condominiums.

Public records.

Brookline.

Franklin.

Shrewsbury.

Hull.

Arlington.

Hull.

Bedford.

Millis.

Mitochondrial
disease week.

Sudbury.

Westborough.

Malden. Establishing a department of public facilities in the city of Malden (House, No. 4458) [Local Approval Received];

Westborough. Relative to the treatment of waste water in the town of Westborough (House, No. 4484) [Local Approval Received];

Shrewsbury. Relative to the treatment of waste water in the town of Shrewsbury (House, No. 4485) [Local Approval Received];

Provincetown. Relative to the historic district commission of the town of Provincetown (House, No. 4501); [Local Approval Received];

Hanson. Establishing a town administrator in the town of Hanson (House, No. 4524) [Local Approval Received];

Kingston. Relative to the sewer commission of the town of Kingston (House, No. 4528) [Local Approval Received];

Burlington. Relative to the charging of a fee for records in the town of Burlington clerk's office (House, No. 4549);

Amusements. Relative to the improvement of amusement park safety (House, No. 4550);

Target shooting. Protecting the rights of target shooters (House, No. 4552); and

Westborough. Authorizing the town of Westborough to grant an additional license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 4559) [Local Approval Received];

Severally placed in the Orders of the Day for the next sitting for a second reading.

Civil rights and liberties. By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Resolutions affirming the civil rights and liberties of the people of Massachusetts (House, No. 1881) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting the question, being on adoption.

U.S. Senate vacancy. By Mr. Petrucci of Boston, for the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 50) of John A. Lepper and others relative to the filling of vacancies in the office of United States Senator.

Voter identification procedures. By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 51) of Viriato Manuel deMacedo and Paul J. P. Loscocco that voters be required to produce identification at election polling places.

Election laws, violations. By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 52) of Paul K. Frost relative to the identification requirements of persons registering to vote.

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Presidential electors. By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 59) of Scott P. Brown and others relative to the selection of Presidential electors.

President of the United States, election. By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 77) of Anne M. Paulsen and others relative to nomination requirements for statewide offices and Presidential electors.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 97) of Bradley H. Jones, Jr., and others relative to the filling of vacancies in the office of United States Senator and Representative in Congress.

Congressional vacancies.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 105) of Bradley H. Jones, Jr., and others relative to the voting procedures of Presidential electors.

Presidential electors.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 112) of Colleen M. Garry relative to the identification requirements for voters.

Voter identification.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 121) of Bruce E. Tarr and Emile J. Goguen relative to the selection of Presidential electors in the Commonwealth.

Presidential electors, reform.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 132) of Geoffrey D. Hall and others for legislation to require proper identification to election officers prior to voting.

Voter identification.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3545) of Bradford Hill and others for legislation to further regulate the identification process of persons registering to vote.

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By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3884) of Allison Stoddart for legislation to apportion Presidential electors by Congressional district.

Presidential electors.

By Mr. Wagner of Chicopee, for the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 1971) of Philip Travis relative to school bus safety.

School bus safety.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1975) of Philip Travis relative to independent investigators of motor vehicle accidents involving police officers.

Motor vehicle accidents, investigations.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1977) of Philip Travis relative to motor vehicle accidents involving public employees.

Public employees, accidents.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1983) of Demetrius J. Atsalis that cities and towns be prohibited from adopting rules or regulations banning the use of motorcycles on public ways.

Motorcycles, access to public roads.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1987) of Demetrius J. Atsalis for legislation to further regulate the wearing of helmets for passengers and operators of motorcycles.

Motorcycle helmets.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1988) of Demetrius J. Atsalis for legislation to regulate the use of protective headgear for persons riding on motorcycles.

Motorcyclists, head gear.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2018) of Anne M. Gobi and Robert L. Hedlund relative to protective headgear while operating or riding as a passenger on a motorcycle.

Helmet law, modify.

Volunteer
firefighters.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2026) of John J. Binienda and others relative to the fee for flashing light permits to volunteer firefighters, police or emergency medical technicians.

School
buses.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2036) of Ellen Story and others relative to the requirements for flashing red signal lamps on school buses.

Police
vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2056) of John Walsh relative to equipment required on vehicles operated by law enforcement officials and certain other agencies.

Suspended
motor vehicle
licenses.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2068) of J. James Marzilli, Jr. that the Registry of Motor Vehicles be directed to implement an electronic process regulating suspended or revoked motor vehicle licenses.

Motor
vehicles,
immobilize.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2131) of Timothy J. Toomey, Jr. and others for legislation to allow motor vehicles to be immobilized to reduce incidence of drunk driving.

Motor
vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2170) of Colleen M. Garry for legislation to allow motor vehicles to be immobilized to reduce incidence of drunk driving.

School
buses.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2204) of Steven M. Walsh for legislation to require monitors on school buses.

Work zone
safety.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2228) of David Paul Linsky and others relative to motor vehicle infractions on public ways marked as construction zones.

Snow
vehicle,
define.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2230) of Stephen Kulik for legislation to further define the term "snow vehicle".

Hybrid
vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3338) of Paul C. Casey and others relative to the operation of hybrid vehicles on certain highways of the Commonwealth.

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

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Engrossed Bill.

Bill
enacted.

The engrossed Bill amending the charter of the town of Southbridge (see House, No. 4382) (which originated in the House), 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.

Recesses.

At seventeen minutes after eleven o'clock A.M., on motion of Mr. Donato of Medford (Mr. Petrolati of Ludlow being in the Chair), the House recessed until twelve o'clock noon; and at that time the House was called to order with Mr. Donato in the Chair.

Recesses.

The House thereupon took a further recess, on motion of Mr. Golden of Lowell, until one o'clock P.M.; and at ten minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

Orders.

An order (filed this day by Mr. Scaccia of Boston) relative to special procedures for consideration of the House Bill relative to in-state tuition rates and fees at public higher education institutions [see House, No. 1230] (House, No. 4616), was referred to the committee on Rules.

In-state
tuition
bill,
procedures.

Mr. Scaccia, for said committee, then reported, under the provisions of House Rule 7B, recommended that the order ought to be adopted. Placed in the orders of the day for the next sitting, the question being on adoption.

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 eleven minutes after one o'clock P.M., on motion of Ms. Wolf of Cambridge (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.