

JOURNAL OF THE HOUSE.

Monday, May 9, 2005.

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:

God Our Creator, guided by our faith in You and by accepting and implementing Your always available assistance this Monday morning we begin to organize our schedules and to evaluate our personal and legislative goals and priorities for the week. In Your goodness help us to make rational and prudent choices and decisions. With the many demands which are made on our time and energy, my our family responsibilities remain our number one priority. Teach us to be leaders who comprehend correctly the real needs of people and society in these changing times. In our diverse communities with a diversity of opinions and values on all issues, teach us to respect the rights of all to articulate their insights and feelings freely. Inspire us to remain faithful to our precepts, values and our religious beliefs and commitments on a twenty four seven basis.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

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.

Pledge of
allegiance.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to providing capital facility repairs, grants and improvements for the Commonwealth (House, No. 3842) was filed in the office of the Clerk on Thursday, May 5.

Capital
repairs and
improvements.

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

Statement of Representative Fox of Boston.

A statement of Ms. Fox of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the sitting of Wednesday last, May 4, due to personal matters. If I had been present for the taking of roll calls 59, 60 and 61, I would have voted in the affirmative, in each instance. Any roll calls that I missed that day is due entirely to the reason stated.

Statement of
Representative
Fox of Boston.

Resolutions.

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

Susan I.
Evans.

Resolutions (filed by Messrs. Rogers of Norwood, Kafka of Stoughton, Coughlin of Dedham and Ross of Wrentham) congratulating Susan I. Evans on the occasion of her retirement;

Beverly
Brown.

Resolutions (filed by Representatives Callahan of Sutton and Frost of Auburn) on the occasion of the retirement of superintendent Beverly Brown;

Holbrook
Rotary Club
and Rotary
International.

Resolutions (filed by Messrs. Mariano of Quincy and Driscoll of Braintree) recognizing the Holbrook Rotary Club on the occasion of its fiftieth anniversary and Rotary International on the occasion of its one hundredth anniversary;

Leo J.
Donovan.

Resolutions (filed by Messrs. Nyman of Hanover and Murphy of Weymouth) congratulating Leo J. Donovan on the occasion of his eighty-fifth birthday;

Rod
Pickard.

Resolutions (filed by Mr. Petersen of Marblehead) on the occasion of the retirement of Rod Pickard;

Diane
Ferrero.

Resolutions (filed by Mr. Pignatelli of Lenox) congratulating Diane Ferrero on the occasion of her retirement;

Brian
Holland.

Resolutions (filed by Mr. Rush of Boston) congratulating Brian Holland on receiving the Eagle Award of the Boy Scouts of America;

Mary K.
Murphy.

Resolutions (filed by Mr. Rush of Boston) congratulating Mary K. Murphy upon her retirement from the Massachusetts School of Professional Psychology after more than twenty years of dedicated service;

Kristopher R.
Keller.

Resolutions (filed by Mr. Linsky of Natick) congratulating Kristopher R. Keller on receiving the Eagle Award of the Boy Scouts of America; and

Michael
Gregory
Stanoch.

Resolutions (filed by Mr. Linsky of Natick) congratulating Michael Gregory Stanoch on receiving the Eagle Award of the Boy Scouts of America;

Mr. Petrolati of Ludlow, 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. Flynn of Bridgewater, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Orders.

The following order (filed by Mr. Kaufman of Lexington) was adopted:

Constitutional
Officers.

Ordered, That the House of Representatives hereby calls for a joint session of the two Houses, conformably to the provisions of Article LXVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering the proposal for a legislative amendment to the Constitution relative to Constitutional Officers (Senate, No. 8),— with reference to which the committee on Election Laws has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass.

The following order (filed by Mr. Jones of North Reading) was adopted:

Ordered, That the House of Representatives hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering the proposal for a legislative amendment to the Constitution relative to a vacancy in the office of Governor or Lieutenant-Governor (House, No. 38),— with reference to which the committee on Election Laws has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass.

Governor or
Lieutenant-
Governor,
vacancy.

Petitions.

Mr. Stanley of Waltham presented a petition (subject to Joint Rule 12) of Anne M. Paulsen, Jay R. Kaufman and Thomas M. Stanley that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of formerly under the care custody and control of the Middlesex County Hospital; and the same was referred, under Rule 24, to the committee on Rules.

Middlesex
County
Hospital.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Verga of Gloucester, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Bonding, Capital Expenditures and State Assets. Sent to the Senate for concurrence.

Messrs. Jones of North Reading and Stanley of Waltham presented a petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., Thomas M. Stanley and others relative to the disposition of surplus property owned by the Commonwealth; and the same was referred, under Rule 24, to the committee on Rules.

Surplus
property.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Verga of Gloucester, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Bonding, Capital Expenditures and State Assets. Sent to the Senate for concurrence.

Mr. O'Brien of Kingston presented a petition (subject to Joint Rule 12) of Thomas J. O'Brien and others for legislation to establish a sick leave bank for Mary M. Putney, and employee of the Trial Court; and the same was referred, under Rule 24, to the committee on Rules.

Mary M.
Putney,
sick leave
bank.

Papers from the Senate.

The following order was adopted, in concurrence:

Ordered, That, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitu-

Constitutional
convention.

tion, a joint session of the two Houses be held on Wednesday, May 11, 2005, at one o'clock P.M., for the purpose of considering proposals for amendments to the Constitution.

Insofar as applicable, the special rules of procedure, in effect in the preceding General Court, shall govern said joint session, and any further sessions called for the purpose of considering amendments to the Constitution.

Bills

Carol G. Davis, sick leave bank.

Establishing a sick leave bank for Carol G. Davis, an employee of the George Fingold Library (Senate, No. 2029, amended by adding at the end thereof the following sentence: "Whenever Carol G. Davis terminates employment with the library or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the extended illness leave bank.") (on a petition); and

Granby, covenant release.

Partially releasing a non-development covenant restriction on certain land in the town of Granby and authorizing certain agreements for the Daly Memorial Rink in Brighton (Senate, No. 2038, amended by adding at the end thereof the following 2 sections:

"SECTION 4. The last sentence of the first paragraph of subsection (a) of section 279 of chapter 149 of the acts of 2004 is hereby amended by striking out the word 'and Veterans Memorial Rink, Waltham' and inserting in place thereof the following words:—Veterans Memorial Rink, Waltham; and Daly Memorial Rink, Brighton district of the city of Boston.

SECTION 5. Section 121 of chapter 352 of the acts of 2004 is hereby repealed."; by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to partially release a non-development covenant restriction on certain land in the town of Granby and to authorize certain agreements for the Daly Memorial Rink, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and by striking out the title and inserting in place thereof a new title) (on a petition);

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

Petitions were referred, in concurrence, as follows:

Somerville, affordable housing.

Petition (accompanied by bill, Senate, No. 2044) of Jarrett T. Barrios and Timothy J. Toomey, Jr. (with approval of the mayor and city council) for legislation to establish a project mitigation contribution ("linkage") program for affordable housing in the city of Somerville. To the committee on Housing.

Somerville, historic preservation.

Petition (accompanied by bill, Senate, No. 2045) of Jarrett T. Barrios and Timothy J. Toomey, Jr. (with approval of the mayor and city council) for legislation to establish a project mitigation contribution ("linkage") program for open space and historic preservation in the city of Somerville; and

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Petition (accompanied by bill, Senate, No. 2046) of Jarrett T. Barrios and Timothy J. Toomey, Jr. (with approval of the mayor and

city council) for legislation to authorize the establishment of a municipal open space and historic preservation trust fund in the city of Somerville;

Severally to the committee on Tourism, Arts and Cultural Development.

A petition of Marian Walsh and Michael F. Rush for legislation relative to the Jim Roche Memorial Rink in West Roxbury, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Senate Ethics and Rules.

West Roxbury ice rink.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2050) was referred, in concurrence, to the committee on Senate Ethics and Rules.

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

May 9, 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 following proposals for legislative amendments to the Constitution have been ordered to the Joint Session calendar for May 11, 2005:

Proposal for a legislative amendment to the Constitution establishing an independent redistricting commission and criteria for redistricting (Senate, No. 12), with reference to which the committee on Election Laws has reported recommending said amendment ought NOT to pass; and

Redistricting commission.

Proposal for a legislative amendment to the Constitution authorizing the General Court to provide for absentee voting by any voter (Senate, No. 2034), with reference to which the committee on Election Laws has reported recommending said amendment ought to pass.

Absentee voting.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Engrossed Bill.

The engrossed Bill validating the actions taken at an annual town meeting and special town meeting of the town of Rockland (see House bill printed in House, No. 999) (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 (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

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 nineteen minutes before twelve o'clock noon, on motion of Mr. Flynn of Bridgewater (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.