

JOURNAL OF THE HOUSE.

Tuesday, May 31, 2005.

Met according to adjournment, at eleven o'clock A.M., 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).

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.

Messages from the Governor.

Drunk driving.

A message from His Excellency the Governor recommending legislation relative to protecting the citizens of the Commonwealth from drunk drivers (House, No. 4099) was filed in the office of the Clerk on Friday, May 27.

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.

Firearm License Review Board.

A message from His Excellency the Governor recommending legislation relative to the Firearm License Review Board (House, No. 4100) was filed in the office of the Clerk on Friday, May 27.

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

Statement of Representative Festa of Melrose.

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A statement of Mr. Festa of Melrose 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 Thursday last, May 19, due to personal circumstances that had been previously scheduled and unavoidable. Had I been present for the taking of ye and nay numbers 63 to 66, inclusive, I would have voted, in each instance, in the negative. Had I been present for the taking of ye and nay number 67, I would have voted in the affirmative. Any roll calls that I missed that day is due entirely to the reason stated.

Statement Concerning Representative Kennedy of Brockton.

Statement concerning Representative Kennedy of Brockton.

A statement of Mrs. Harkins of Needham concerning Mr. Kennedy of Brockton 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 one of our colleagues, Representative Kennedy of Brockton, was not present in the House Chamber for today's sitting due to his hospitalization. Had he been present, he would have voted in the negative on Roll Call No. 69, on overriding the Governor's veto of the engrossed Bill enhancing regenerative medicine in the

Commonwealth (see Senate, No. 2039, amended). Any roll calls that he missed today is due entirely to the reason stated.

Statement Concerning Representative Khan of Newton.

A statement of Mrs. Harkins of Needham concerning Ms. Khan of Newton 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 one of our colleagues, Representative Khan of Newton, will not be present in the House Chamber for today's sitting due to attending to her daughter, who is in labor in the hospital. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement concerning Representative Khan of Newton.

Resolutions.

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

Resolutions (filed by Mr. DiMasi of Boston) commemorating Paraguay's independence from Spain in 1811;

Paraguay, independence.

Resolutions (filed by Mr. Fagan of Taunton) congratulating James and Alice Pacheco on the occasion of their fiftieth wedding anniversary;

James and Alice Pacheco.

Resolutions (filed by Mr. Kafka of Stoughton) honoring Lillian Savage on the occasion of her eighty-fifth birthday;

Lillian Savage.

Resolutions (filed by Messrs. Stanley of Waltham and Koutoujian of Waltham) congratulating Paul McGovern on his retirement from the Waltham Public Schools;

Paul McGovern.

Resolutions (filed by Mr. Swan of Springfield) congratulating Harry James Cournoties on his retirement after fifty-nine years of dedicated service as president of American International College; and

Harry James Cournoties.

Resolutions (filed by Mrs. Walrath of Stow) congratulating Casey T. Ruggiero on receiving the Eagle Award of the Boy Scouts of America;

Casey T. Ruggiero.

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. O'Brien of Kingston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Dempsey of Haverhill, petition (accompanied by bill, House, No. 4101) of Brian S. Dempsey and others (with the approval of the mayor and city council) relative to a certain precinct for voting in the city of Haverhill. To the committee on Election Laws.

Haverhill, voting precincts.

By Mr. Petruccelli of Boston, petition (accompanied by bill, House, No. 4127) of Anthony Petruccelli (with the approval of the mayor and city council) that the city of Boston be authorized to regulate the rents of certain governmentally-involved housing. To the committee on Housing.

Boston, housing.

Dedham, land transfer. By Mr. Coughlin of Dedham, petition (accompanied by bill, House, No. 4102) of Robert K. Coughlin (by vote of the town) that the town of Dedham be authorized to transfer certain parcel of land located in said town;

Eastham, charter of. By Mrs. Gomes of Harwich, petition (accompanied by bill, House, No. 4103) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to the charter of the town of Eastham;

Truro, charter. By the same member, petition (accompanied by bill, House, No. 4104) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to the charter of the town of Truro;

Boylston, open space land. By Mr. Leary of Worcester, petition (accompanied by bill, House, No. 4105) of James B. Leary (by vote of the town) for legislation to convey certain open space land in the town of Boylston;

Arlington, special account. By Mr. Marzilli of Arlington, petition (accompanied by bill, House, No. 4106) of J. James Marzilli, Jr., and others (by vote of the town) relative to establishing a special account in the generated by the sale of the Symmes site in the town of Arlington;

Rockland, capital planning. By Mr. Nyman of Hanover, petition (accompanied by bill, House, No. 4107) of Robert J. Nyman and Michael W. Morrissey (by vote of the town) for legislation to include a capital planning committee in the charter of the town of Rockland;

Rockland, town collector. By the same member, petition (accompanied by bill, House, No. 4108) of Robert J. Nyman and Michael W. Morrissey (by vote of the town) relative to the office of town collector in the town of Rockland;

Rockland, administrator. By the same member, petition (accompanied by bill, House, No. 4109) of Robert J. Nyman and Michael W. Morrissey (by vote of the town) relative to the appointment of the town administrator of the town of Rockland;

Rockland, finance committee. By the same member, petition (accompanied by bill, House, No. 4110) of Robert J. Nyman and Michael W. Morrissey (by vote of the town) relative to the finance committee of the town of Rockland;

Mashpee, easement. By Mr. Patrick of Falmouth, petition (accompanied by bill, House, No. 4111) of Matthew C. Patrick and others (by vote of the town) that the town of Mashpee be authorized to grant a certain easement to the United States Corp of Engineers;

Brookline, revolving funds. By Mr. Smizik of Brookline, petition (accompanied by bill, House, No. 4112) of Frank I. Smizik and others (by vote of the town) that the town of Brookline be authorized to increase the expenditure cap on revolving funds established by said town;

Brookline, land lease. By the same member, petition (accompanied by bill, House, No. 4113) of Frank I. Smizik and others (by vote of the town) for legislation to authorize the town of Brookline to lease a certain parcel of land;

Milton, wage adjustments. By Mr. Timilty of Milton, petition (accompanied by bill, House, No. 4114) of Walter F. Timilty and others (by vote of the town) that the town of Milton be authorized to appropriate money for retroactive wage adjustments;

North Andover, board of health. By Mr. Torrissi of North Andover, petition (accompanied by bill, House, No. 4115) of David M. Torrissi and others (by vote of the town) relative to the membership of the board of health of the town of North Andover;

By the same member, petition (accompanied by bill, House, No. 4116) of David M. Torrissi and others (by vote of the town) that the town of North Andover be authorized to grant a certain easement to Comcast to be used for utility purposes; and

By Mr. Wagner of Chicopee, petition (accompanied by bill, House, No. 4117) of Joseph F. Wagner and others (with the approval of the mayor and city council) relative to the city solicitor in the city of Chicopee;

Severally to the committee on Municipalities and Regional Government.

By Mr. Broadhurst of Methuen, petition (accompanied by bill, House, No. 4118) of Arthur J. Broadhurst and another (with the approval of the mayor and city council) relative to the certification and appointment of Scott Lemay as a firefighter of the city of Methuen, notwithstanding the maximum age requirement;

By Mr. Dempsey of Haverhill, petition (accompanied by bill, House, No. 4119) of Brian S. Dempsey and others (with the approval of the mayor and city council) for legislation to authorize Julio Perez to take the civil service examination for the position of fire fighter in the city of Haverhill, notwithstanding the maximum age requirements;

By Mr. Honan of Boston, petition (accompanied by bill, House, No. 4120) of Kevin G. Honan (with the approval of the mayor and city council) relative to authorizing the city of Boston to grant disability retirement benefits to Zenaida Flores, a police officer in the city of Boston;

By the same member, petition (accompanied by bill, House, No. 4121) of Kevin G. Honan (with approval of the mayor and city council) that the State-Boston Retirement Board be authorized to retire Robert Welby, a police officer in said city;

By Mr. Smizik of Brookline, petition (accompanied by bill, House, No. 4122) of Frank I. Smizik and others (by vote of the town) that the town of Brookline be authorized to establish a medical expenses trust fund for police officers and fire fighters injured in the line of duty;

By Mr. Timilty of Milton, petition (accompanied by bill, House, No. 4123) of Walter F. Timilty and others (with the approval of the mayor and city council) relative to the disability retirement of William I. Griffiths, a police officer in the city of Boston; and

By Mr. Walsh of Boston, petition (accompanied by bill, House, No. 4124) of Martin J. Walsh (with the approval of the mayor and city council) relative to reduction in rank for members of the fire department in the city of Boston;

Severally to the committee on Public Service.

By Mr. Verga of Gloucester, petition (accompanied by bill, House, No. 4125) of Anthony J. Verga and Bruce E. Tarr (with the approval of the mayor and city council) relative to real estate tax abatements in city of Gloucester. To the committee on Revenue.

By Mr. Coughlin of Dedham, petition (accompanied by bill, House, No. 4126) of Robert K. Coughlin (by vote of the town) relative to prohibiting truck traffic on a portion of East Street in the town of Dedham. To the committee on Transportation.

Severally sent to the Senate for concurrence.

North Andover, easement.

Chicopee, city solicitor.

Scott Lemay, age exemption.

Haverhill, Julio Perez.

Boston, Zenaida Flores.

Robert Welby, retirement.

Brookline, medical expenses.

Boston, William I. Griffiths.

Boston Fire Department, rank reduction.

Gloucester, abatements.

Dedham, truck traffic.

Petitions severally were presented and referred as follows:

By Mr. Atsalis of Barnstable, petition (subject to Joint Rules 12 and 7B) of Matthew C. Patrick and others for legislation to validate certain actions on appropriation orders taken by the town council of the town of Barnstable.

Elder abuse, reports.

By the same member, petition (subject to Joint Rule 12) of Demetrius J. Atsalis and Robert A. O’Leary for legislation to extend the period of time for retention of unsubstantiated elder abuse assessment reports by the Department of Elder Affairs and other agencies of the Commonwealth.

Web sites, candidates.

By Mr. Binienda of Worcester, petition (subject to Joint Rule 12) of John J. Binienda and others for legislation to regulate the registration of certain web sites by political parties and committees and candidates for public office.

Elderly, housing.

By the same member, petition (subject to Joint Rule 12) of John J. Binienda and Edward M. Augustus, Jr., for legislation to regulate the width of stairways in housing constructed for elderly persons.

Pre-paid cellular phones, sale.

By the same member, petition (subject to Joint Rule 12) of John J. Binienda and others relative to the sale of pre-paid cellular phones.

Public charities.

By Mr. Bosley of North Adams, petition (subject to Joint Rule 12) of Daniel E. Bosley relative to the financial integrity of public charities.

Military tax fund.

By Mr. Bradley of Hingham, petition (subject to Joint Rule 12) of Lida E. Harkins and others relative to establishing the military tax audit fund.

Autism, reporting.

By the same member, petition (subject to Joint Rule 12) of Barbara A. L’Italien that medical and health personnel be directed to report the examination or treatment of patients afflicted with autism to the Department of Public Health.

No-fault vehicle insurance.

By Mr. Broadhurst of Methuen, petition (subject to Joint Rule 12) of Arthur J. Broadhurst for legislation to repeal the law relative to no-fault motor vehicle insurance.

Uniform procurement, regulating.

By Mr. Cabral of New Bedford, petition (subject to Joint Rule 12) of Dianne Wilkerson and Emile J. Goguen relative to increasing services or supplies in certain contracts with vendors by public agencies.

Sheriff s Association.

By the same member, petition (subject to Joint Rule 12) of Emile J. Goguen and Jeffrey Davis Perry relative to the appointment of certain directors to the Massachusetts Sheriffs’ Association.

Elected officials, creditable service.

By the same member, petition (subject to Joint Rule 12) of J. Mark Treadup relative to creditable service for uncompensated elected officials.

Private detectives, licensing.

By the same member, petition (subject to Joint Rule 12) of Antonio F. D. Cabral for legislation to further regulate the licensing of private detectives.

Voters, street listings.

By the same member, petition (subject to Joint Rule 12) of Emile J. Goguen relative to the annual street listing of voters in the Commonwealth.

Counties, retirement systems.

By the same member, petition (subject to Joint Rule 12) of Emile J. Goguen for legislation to establish the economically tar-

geted investment authority to generate returns on investments of public pension funds.

Creditable service, early retirement.

By the same member, petition (subject to Joint Rule 12) of Antonio F.D. Cabral relative to creditable service for Jose Antonio Raposo.

Limited liability companies.

By Ms. Callahan of Sutton, petition (subject to Joint Rule 12) of Jennifer M. Callahan for legislation to reduce the fee for filing for certificates of organization by limited liability companies.

Disabled veterans.

By Ms. Candaras of Wilbraham (by request), petition (subject to Joint Rule 12) of Robert Duffy relative to protecting displaced disabled veterans.

Walkways, electrical hazards.

By Mr. Casey of Winchester, petition (subject to Joint Rule 12) of Paul C. Casey and another relative to undetected live electrical wiring on walkways and streets.

M.B.T.A., local payments.

By Mr. Connolly of Everett, petition (subject to Joint Rule 12) of Edward G. Connolly for an investigation by a special commission (including members of the General Court) relative to the feasibility of the Massachusetts Bay Transportation Authority making certain payments to cities and towns in lieu of taxes.

Mystic Valley Development Commission.

By the same member, petition (subject to Joint Rule 12) of Edward G. Connolly relative to the Mystic Valley Development Commission.

Everett, Port Authority.

By the same member, petition (subject to Joint Rule 12) of Edward G. Connolly that the Port Authority be directed to provide certain discount fares for residents of the city of Everett.

Everett, Ralph Cecere.

By the same member, petition (subject to Joint Rule 12) of Edward G. Connolly relative to the retirement allowance payable to Ralph Cecere, a former teacher in the city of Everett.

Children, court testimony.

By Mr. DeLeo of Winthrop, petition (subject to Joint Rule 12) of Robert A. DeLeo and others for legislation to further regulate the testimony of children in certain criminal proceedings.

Coaches, retirement.

By Mr. Dempsey of Haverhill, petition (subject to Joint Rule 12) of Brian S. Dempsey relative to certain members of the teachers’ retirement system.

Carolyn Whittaker, creditable service.

By the same member (by request), petition (subject to Joint Rule 12) of Carolyn J. Whittaker that the State Retirement Board be directed to grant certain creditable service to Carolyn J. Whittaker.

Open burning.

By Mr. Donelan of Orange, petition (subject to Joint Rule 12) of Christopher J. Donelan relative to the granting of permits for open burning during certain months of the year.

Standardbred program.

By the same member, petition (subject to Joint Rule 12) of Christopher J. Donelan and Daniel E. Bosley relative to the Standardbred Breeding Program.

Volunteer firefighters, death benefits.

By Mr. Eldridge of Acton, petition (subject to Joint Rule 12) of Harold P. Naughton, Jr., and James B. Eldridge relative to death benefits for volunteer fire fighters and other volunteer public safety personnel.

Workers compensation, benefits.

By Mr. Evangelidis of Holden, petition (subject to Joint Rule 12) of Lewis G. Evangelidis relative to benefits for dependents of recipients of workers’ compensation.

By the same member, petition (subject to Joint Rule 12) of Lewis G. Evangelidis relative to the continuation of workers’ compensation benefits.

Breaking and entering, penalties.

Employees, health insurance.

Minors, criminal records.

Leonard F. X. Beaton, retirement.

Southborough, Linda Miller.

UMass memorial health care.

Rpil transportation.

Hepatitis A, food handlers.

Elementary principals, salaries.

Custodians, Group 2 retirement.

Pawn shops.

Children, employment.

Municipal boards, meetings.

Toxic biological agents.

Cord blood banking.

Poet laureate, designation.

Joint bank accounts.

By the same member, petition (subject to Joint Rule 12) of Lewis G. Evangelidis for legislation to increase the penalties for breaking and entering dwellings during the daytime with intent to commit a felony.

By the same member, petition (subject to Joint Rule 12) of Lewis G. Evangelidis relative to health insurance claims of injured employees under the workers' compensation law.

By the same member, petition (subject to Joint Rule 12) of Lewis G. Evangelidis relative to criminal offender records of certain minors.

By the same member (by request), petition (subject to Joint Rule 12) of Leonard F. X. Beaton that the State Retirement Board be directed to grant certain creditable service to said Leonard F. X. Beaton.

By the same member, petition (subject to Joint Rule 12) of Linda Miller that the Teachers' Retirement Board be directed to reimburse Linda Miller, a former teacher in the town of Southborough, for excess payments paid into the retirement system.

By the same member, petition (subject to Joint Rule 12) of Lewis G. Evangelidis relative to the continuation of workers' compensation benefits.

By the same member, petition (subject to Joint Rule 12) of Lewis G. Evangelidis relative to the transportation of pupils.

By Mr. Fallon of Malden, petition (subject to Joint Rule 12) of Christopher G. Fallon relative to the testing of food handlers for Hepatitis A.

By the same member, petition (subject to Joint Rule 12) of Christopher G. Fallon for legislation to restrict salary increases for elementary school principals for non-performance scores under the Massachusetts Comprehensive Assessment System.

By Mr. Falzone of Saugus, petition (subject to Joint Rule 12) of Mark V. Falzone for legislation to place custodians in Group 2 of the public employees retirement law.

By Mr. Fennell of Lynn, petition (subject to Joint Rule 12) of Robert F. Fennell relative to regulating licensed pawnbrokers.

By Mr. Festa of Melrose, petition (subject to Joint Rule 12) of Michael E. Festa and Vincent A. Pedone relative to certain employment practices in connection with children's marketing activities.

By Mr. Finegold of Andover, petition (subject to Joint Rule 12) of Barry R. Finegold and others for legislation to further regulate meetings of municipal boards.

By Ms. Fox of Boston, petition (subject to Joint Rule 12) of Gloria L. Fox and others relative to health, safety and environmental protection from toxic biological agents.

By Mr. Frost of Auburn, petition (subject to Joint Rule 12) of Paul K. Frost and others relative to cord blood banking.

By the same member, petition (subject to Joint Rule 12) of Paul K. Frost for legislation to establish the position of poet laureate of the Commonwealth.

By Mr. Galvin of Canton (by request), petition (subject to Joint Rule 12) of Joanne Wheeler relative to joint bank accounts.

By Miss Garry of Dracut, petition (subject to Joint Rule 12) of Colleen M. Garry and Susan C. Tucker relative to the credentialing of sonographers and vascular technologists providing ultrasound diagnostic services.

By Ms. Gobi of Spencer, petition (subject to Joint Rule 12) of Anne M. Gobi and others relative to reduced tolls for motorcycles.

By the same member, petition (subject to Joint Rule 12) of Daniel Simkewicz and others relative to hunting on Sundays.

By the same member, petition (subject to Joint Rule 12) of Virginia Rowland and others relative to the use of certain insurance underwriting guidelines for homeowners with dogs living on such insured property.

By Mr. Goguen of Fitchburg, petition (subject to Joint Rule 12) of Anthony J. Verga and others relative to the penalty for sexual exploitation of children.

By Mr. Golden of Lowell, petition (subject to Joint Rule 12) of Thomas A. Golden, Jr., and others relative to the penalties for enticing a child under the age of sixteen.

By the same member, petition (subject to Joint Rule 12) of Thomas A. Golden, Jr., and others relative to required coverage for ambulance service by the Division of Medical Assistance.

By the same member, petition (subject to Joint Rule 12) of Thomas A. Golden, Jr., and others relative to the definition of the term medical peer review committee.

By the same member, petition (subject to Joint Rule 12) of Thomas A. Golden, Jr., and others relative to the certification of emergency medical technicians.

By Mrs. Gomes of Harwich, petition (subject to Joint Rule 12) of Shirley Gomes that the Teachers' Retirement Board be directed to grant certain creditable service to Marguerite Russell for retirement purposes.

By Mr. Greene of Billerica, petition (subject to Joint Rule 12) of Michael E. Festa and others for legislation to designate the "beaver" as the official rodent of the Commonwealth.

By Mr. Guyer of Dalton, petition (subject to Joint Rule 12) of Andrea F. Nuciforo, Jr., for legislation to designate a certain bridge in the town of Dalton as the Patrick-John Muraca and Gary Thomas Benjamin Bridge.

By Mrs. Harkins of Needham, petition (subject to Joint Rule 12) of Lida E. Harkins and others for legislation to improve the quality of teaching and leadership in the public schools.

By Mr. Hargraves of Groton (by request), petition (subject to Joint Rule 12) of John Hynes relative to creditable service for certain veterans.

By Mr. Hill of Ipswich, petition (subject to Joint Rule 12) of Bradford Hill relative to the negligent operation of grocery carts.

By Mr. Honan of Boston, petition (subject to Joint Rule 12) of Kevin G. Honan relative to the recovery of certain attorney's fees for restriction enforcement.

By Mr. Hynes of Marshfield, petition (subject to Joint Rule 12) of Frank M. Hynes relative to federal firearm licensees.

Sonographers and vascular technologists.

Motorcycles, reduced tolls.

Hunting, Sundays.

Dogs, insured property.

Children, sexual exploitation.

Entice, definition.

Ambulance service, coverage.

Medical peer review.

Reciprocity, EMT.

Marguerite Russell, retirement.

Beaver, official rodent.

Muraca-Benjamin Bridge.

Teacher and administrative quality.

Veterans, creditable service.

Grocery cart, negligent operation.

Restriction enforcement, attorney's fees.

Federal firearms licensees.

Louis M. Greco, exoneration.

Floor finishing, licensing.

Controlled substances.

Motorcycles, insurance.

Retailers, rebates.

James Banks, retirement.

Nurses, creditable service.

Safe driver insurance.

Local option sales tax.

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Tax proposition 2%.

Public school sports.

State primaries.

Men's accessory, official.

Air conditioning units, inspection.

Independent, insurance producers.

Marriages, solemnization.

By Ms. Jehlen of Somerville, petition (subject to Joint Rule 12) of Patricia D. Jehlen for adoption of resolutions by the General Court relative to the indictment, trial and imprisonment of Louis M. Greco for first degree murder and conspiracy to murder in the year nineteen hundred and sixty-eight.

By the same member, petition (subject to Joint Rule 12) of Patricia D. Jehlen and others relative to the licensing for companies engaged in floor finishing.

By Mr. Kennedy of Brockton, petition (subject to Joint Rule 12) of Thomas P. Kennedy relative to the filling of prescriptions for class three testosterone medication.

By Mr. Kafka of Sharon, petition (subject to Joint Rule 12) of Louis L. Kafka for legislation to regulate the classification or risks for insurance for operators of motorcycles.

By the same member, petition (subject to Joint Rule 12) of Louis L. Kafka that retailers be required to provide rebates at the time of purchases by consumers.

By Mr. Kaufman of Lexington, petition (subject to Joint Rule 12) of Jay R. Kaufman relative to retirement benefits for James Banks.

By Mr. Kennedy of Brockton (by request), petition (subject to Joint Rule 12) of Frances Johnson relative to creditable service for school nurses.

By the same member, petition (subject to Joint Rule 12) of Thomas P. Kennedy relative to the safe driver insurance plan.

By Mr. Knuutila of Gardner (by request), petition (subject to Joint Rule 12) of Nowell Francis relative to a local option gas-line tax.

By the same member (by request), petition (subject to Joint Rule 12) of Nowell Francis relative to a local option sales and use tax.

By Mr. Kocot of Northampton, petition (subject to Joint Rule 12) of Richard Tracy and Peter V. Kocot relative to tax proposition two and one-half, so-called, in towns with an open town meeting form of government.

By Mr. Koutoujian of Waltham, petition (subject to Joint Rule 12) of Peter J. Koutoujian and Cynthia S. Creem the science of sports psychology be taught to participants in athletic programs of middle schools and high schools in the Commonwealth.

By Mr. Lantigua of Lawrence, petition (subject to Joint Rule 12) of William Lantigua relative to the date for holding state primaries.

By Ms. L'Italien of Andover, petition (subject to Joint Rule 12) of Barbara A. L'Italien and others for legislation to designate the "necktie" as the official men's accessory of the Commonwealth.

By Mr. Mariano of Quincy, petition (subject to Joint Rule 12) of Ronald Mariano relative to inspection requirements for certain refrigeration and air conditioning units.

By the same member, petition (subject to Joint Rule 12) of Ronald Mariano relative to independent licensed insurance providers.

By Mr. Murphy of Lowell, petition (subject to Joint Rule 12) of Kevin J. Murphy relative to the solemnization of marriages.

By Mr. Murphy of Weymouth, petition (subject to Joint Rule 12) of James M. Murphy relative to cardiac angioplasty.

By the same member, petition (subject to Joint Rule 12) of James M. Murphy and others for an investigation by a special commission (including members of the General Court) relative to a tsunami early warning system.

By the same member, petition (subject to Joint Rule 12) of James M. Murphy relative to the protection of inland waters.

By the same member, petition (subject to Joint Rule 12) of James M. Murphy for legislation to establish the lake restoration and preservation fund and program within the Department of Environmental Protection.

By Mr. Murphy of Lowell, petition (subject to Joint Rule 12) of Kevin J. Murphy and others relative to certain findings by clerk magistrates and justices.

By Mr. Nangle of Lowell, petition (subject to Joint Rule 12) of David M. Nangle relative to the taxation of telecommunication services and bundled telecommunication services.

By Mr. Naughton of Clinton, petition (subject to Joint Rule 12) of Harold P. Naughton, Jr., relative to concurrent jurisdiction of certain properties by the towns of Harvard and Ayer at the former Devens Army Base.

By Mr. O'Brien of Kingston, petition (subject to Joint Rule 12) of Thomas J. O'Brien for legislation to require annual audits of health insurance claims trust funds in subdivisions of the Commonwealth.

By Mr. O'Flaherty of Chelsea, petition (subject to Joint Rule 12) of Eugene L. O'Flaherty relative to liens by attorneys in cases involving contingent fee agreements with clients.

By Mrs. Parente of Milford, petition (subject to Joint Rule 12) of Marie J. Parente and Richard T. Moore relative to the financial responsibility for non-covered services provided by nursing homes.

By the same member, petition (subject to Joint Rule 12) of Marie J. Parente that level 3 sex offenders be banned from the vicinity of certain schools and playgrounds.

By Mr. Patrick of Falmouth, petition (subject to Joint Rule 12) of David Rich relative to inspections of automatic sprinkler systems.

By the same member, petition (subject to Joint Rule 12) of Matthew C. Patrick relative to public employees in the armed forces.

By the same member, petition (subject to Joint Rule 12) of Matthew C. Patrick and others for legislation to further regulate the billing for use of electricity and the transmission and supply of such energy in the Commonwealth.

By the same member, petition (subject to Joint Rule 12) of Matthew C. Patrick relative to terminating residency agreements in long-term care facilities upon the death of patients.

By the same member, petition (subject to Joint Rule 12) of Matthew C. Patrick relative to the assessment of real property of certain elderly persons.

By the same member, petition (subject to Joint Rule 12) of Matthew C. Patrick for legislation to establish a trust fund administered by the Department of Public Health for the prevention of domestic violence and sexual assault.

Cardiac angioplasty.

Tsunami warning system.

Inland waters, protection.

Lakes, restoration.

Citations, issuance.

Telecommunications.

Devens Army Base.

Health insurance, trust funds.

Attorney fees, liens.

Nursing facilities, repayments.

Sex offenders, level 3.

Sprinklers, inspection.

Public employees.

Electricity, supplies.

Long-term care facilities.

Elderly, real property assessments.

Domestic violence, trust fund.

Commuter
rail,
defibrillators.

Animal
traps,
regulating.

Children,
services.

East Warner
Mountain.

State police,
survivor
benefits.

Voter
registration.

ri

Greyhounds,
racing.

Residences,
fire
extinguishers.

Needle
exchange
programs.

Oil tanks,
removal.

Indigent
persons,
counsel.

Vanessa
Scott-Brown,
sick leave
bank.

Special
elections.

Police
dispatchers.

Femald
State School,
study.

By Ms. Peisch of Wellesley, petition (subject to Joint Rule 12) of Alice Hanlon Peisch relative to the installation of defibrillators on commuter rail trains.

By Mr. Peterson of Grafton, petition (subject to Joint Rule 12) of George N. Peterson, Jr., for legislation to further regulate the trapping of fur-bearing animals.

By the same member, petition (subject to Joint Rule 12) of George N. Peterson, Jr., for legislation to increase the age of children in need of services in the Commonwealth.

By Mr. Pignatelli of Lenox, petition (subject to Joint Rule 12) of William Smitty Pignatelli relative to authorizing the Division of Capital Asset Management and Maintenance to lease certain property in the town of Great Barrington.

By the same member, petition (subject to Joint Rule 12) of William Smitty Pignatelli and others for legislation to provide benefits for surviving spouses of certain state police officers.

By Mrs. Pope of Wayland, petition (subject to Joint Rule 12) of Susan W. Pope and others relative to the registration of voters.

By the same member, petition (subject to Joint Rules 12 and 7B) of Susan W. Pope and others for legislation to further regulate the registration of voters in the Commonwealth.

By the same member, petition (subject to Joint Rule 12) of Susan W. Pope and others for legislation to prohibit dog racing and the wagering on such racing in the Commonwealth.

By Miss Reinstein of Revere, petition (subject to Joint Rule 12) of Timothy J. Toomey, Jr., and others for legislation to require certain residential buildings to be equipped with fire extinguishers.

By Mr. Rodrigues of Westport, petition (subject to Joint Rule 12) of Michael J. Rodrigues and Mary S. Rogeness relative to the approval of needle exchange programs in cities and towns.

By Ms. Rogeness of Longmeadow, petition (subject to Joint Rule 12) of Mary S. Rogeness for legislation to grant an income tax credit for the removal of oil tanks.

By Mr. Rogers of Norwood, petition (subject to Joint Rule 12) of John Rogers relative to the special commission on the provision of counsel services to indigent persons.

By Mr. Sánchez of Boston, petition (subject to Joint Rule 12) of Jeffrey Sanchez for legislation to authorize the Supreme Judicial Court to establish a sick leave bank for Vanessa Scott-Brown, an employee of said court.

By Mr. Smizik of Brookline, petition (subject to Joint Rule 12) of Frank I. Smizik and others relative to special elections for vacancies in the General Court.

By Mr. Smola of Palmer (by request), petition (subject to Joint Rule 12) of Brian McNally relative to reclassifying emergency telecommunicators police dispatchers in certain cities and towns of Hampden County in Group 2 of the public employees retirement system.

By Mr. Stanley of Waltham, petition (subject to Joint Rule 12) of Thomas M. Stanley and others for an investigation by a special commission (including members of the General Court) relative to the

misclassification and misdiagnosis of former residents of the Fernald State School.

By the same member, petition (subject to Joint Rule 12) of Thomas M. Stanley relative to the consolidation of certain mental health facilities for the purpose of creating surplus land.

By Mr. Straus of Mattapoisett, petition (subject to Joint Rule 12) of William M. Straus and others relative to allowing hybrid electric vehicles to operate in high occupancy vehicle lanes in the Commonwealth.

By the same member, petition (subject to Joint Rule 12) of Matthew C. Patrick for legislation to further regulate the discharge of sewage from marine vessels into waters of the Commonwealth.

By Mrs. Teahan of Whitman, petition (subject to Joint Rule 12) of Kathleen M. Teahan and others for legislation to authorize the State Retirement Board to grant certain benefits to the son of John A. Nee, a former public employee.

By Mr. Timilty of Milton, petition (subject to Joint Rule 12) of Walter F. Timilty and others relative to the penalties for selling a certain controlled substance to persons under the age of eighteen.

By the same member, petition (subject to Joint Rule 12) of Walter F. Timilty relative to establishing the Massachusetts law enforcement memorial fund.

By Mr. Tobin of Quincy, petition (subject to Joint Rule 12) of A. Stephen Tobin for legislation to establish a sick leave bank for Vanessa Scott-Brown, an employee of the Supreme Judicial Court, and Sean Glennon, an employee of the Trial Court of the Commonwealth.

By Mr. Travis of Rehoboth, petition (subject to Joint Rule 12) of Philip Travis and others for adoption of resolutions by the General Court requesting the Governor (with the approval of the Council) to remove from office Margaret H. Marshall, Chief Justice of the Supreme Judicial Court.

By the same member, petition (subject to Joint Rule 12) of Philip Travis and Robert L. Hedlund for legislation to further regulate the licensing of check cashers for the safety and security of customers.

By the same member, petition (subject to Joint Rule 12) of Philip Travis relative to real estate tax exemptions for certain veterans.

By the same member, petition (subject to Joint Rule 12) of Philip Travis and another relative to child support.

By the same member, petition (subject to Joint Rule 12) of Philip Travis relative to imposing a penalty for committing perjury in obtaining restraining orders.

By the same member, petition (subject to Joint Rule 12) of Philip Travis relative to court proceedings in certain domestic abuse allegations.

By the same member, petition (subject to Joint Rule 12) of Philip Travis for legislation to regulate special motions to dismiss complaints alleging abuse of process or malicious prosecution relative to strategic litigation against public participation in certain judicial proceedings.

Mental
health
facilities.

Electric/
hybrid
vehicles.

Marine
vessels,
sewage
discharge.

Brendan
Nee,
retirement
benefits.

Over the
counter
substances.

Law
Enforcement
Memorial
Fund.

V. Scott-Brown
and
S. Glennon,
sick leave
bank.

Justice
Margaret
Marshall,
removal.

Check
cashers,
licensing.

Real property
tax exemption.

Emancipation
age.

Restraining
orders,
perjury.

Domestic
abuse,
judicial
proceedures.

Strategic
litigation,
motions.

Accidents, leaving scene.

By Mr. Vallee of Franklin, petition (subject to Joint Rule 12) of James E. Vallee and others relative to the penalties for leaving the scene of an accident after causing serious bodily injury.

Public employee, definition.

By the same member, petition (subject to Joint Rule 12) of James E. Vallee relative to the definition of "public employee" under the claims and indemnity procedures of the Commonwealth.

Drugs, clinical trials.

By Mr. Verga of Gloucester, petition (subject to Joint Rule 12) of Anthony J. Verga and others relative to clinical trials of drugs.

Family planning, federal reimbursement.

By Mrs. Walrath of Stow, petition (subject to Joint Rule 12) of Patricia A. Walrath that the Division of Medical Assistance be directed to apply for increased federal reimbursement for family planning services.

National Guard, health insurance.

By Mr. Welch of West Springfield, petition (subject to Joint Rule 12) of James T. Welch relative to health insurance for certain members of the National Guard.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

General Appropriation Bill.

The House Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4001) 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 2101.

Under suspension of the rules, on motion of Mr. DeLeo of Winthrop, the amendment was considered forthwith.

Committee of conference.

The House then non-concurred with the Senate in its amendment; and, on further motion of Mr. DeLeo, asked for a committee of conference on the disagreeing votes of the two branches. The Speaker appointed Representatives DeLeo, St. Fleur of Boston and deMacedo of Plymouth as the committee on the part of the House. Sent to the Senate to be joined.

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Subsequently the bill came from the Senate with the endorsement that said branch had insisted on its amendment, concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Murray, Panagiotakos and Knapik had been joined as the committee on the part of the Senate.

Reports

Of the committee on Community Development and Small Business, asking to be discharged from further consideration

Affordable housing, development.

Of the petition (accompanied by bill, Senate, No. 150) of Harriette L. Chandler, Susan C. Fargo, Dianne Wilkerson and Benjamin Swan for legislation relative to appeals of affordable housing development determination; and

Housing workforce opportunities, expand.

Of the petition (accompanied by bill, Senate, No. 151) of Harriette L. Chandler, Richard T. Moore, Bruce E. Tarr, Brian Knuuttilla and other members of the General Court for legislation to expand housing and workforce opportunities for elders, veterans and families;

And recommending that the same severally be referred to the committee on Housing;

Of the petition (accompanied by bill, Senate, No. 146) of Edward M. Augustus, Jr., Robert P. Spellane, Mark C. Montigny, Harriette L. Chandler and other members of the General Court for legislation to clean up toxic sites, spurring economic development and revitalizing communities,— and recommending that the same be referred to the committee on Environment, Natural Resources and Agriculture; and

Toxic sites, develop.

Of the committee on Municipalities and Regional Government, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1183) of Michael R. Knapik, William Smitty Pignatelli and Daniel F. Keenan for legislation relative to the payment of taxes by the Springfield Water and Sewer Commission to the towns of Blandford, Granville and Russell,— and recommending that the same be referred to the committee on Revenue.

Springfield water commission, payments.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

A petition (accompanied by bill, Senate, No. 2067) of Richard T. Moore, Paul K. Frost, Peter J. Koutoujian and Mark J. Carron (by vote of the town) for legislation to authorize the town of Oxford to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises, was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.

Oxford, liquor license.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2071) of Michael W. Morrissey and Joseph R. Driscoll for legislation to establish a sick leave bank for Zenaida Correia, an employee of the Trial Court; and

Zenaida Correia, sick leave bank.

Petition (accompanied by bill, Senate, No. 2072) of Pamela P. Resor and Robert S. Hargraves for legislation to establish a sick leave bank for Dawn Heinle-Kimball, an employee of the Trial Court;

Dawn Heinle-Kimball, sick leave bank.

Severally to the committee on the Judiciary.

Reports of Committees.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the stabilization fund of the town of Leicester (House, No. 3847) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Leicester, stabilization fund.

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

Springfield,
police
cadets.

Report of the committee on Steering, Policy and Scheduling, that the Senate Bill relative to police cadets in Springfield (Senate, No. 1362) be scheduled for consideration by the House, the time within which said committee was required to report having expired.

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

Dracut,
bonds.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the issuance of certain bonds by the town of Dracut (House, No. 3231, changed) be scheduled for consideration by the House.

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

Chelsea
Public
Schools.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the Chelsea public schools (House, No. 3839) be scheduled for consideration by the House.

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

William F.
Felton.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing William F. Felton to receive workers' compensation benefits without offset against his retirement allowance (House, No. 4058) be scheduled for consideration by the House.

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

Widows,
retirement
allowance.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill providing for the annual allowance for widows and widowers of certain public employees (House, No. 291).

Superannuation
retirement.

By the same member, for the same committee, on a petition, a Bill relative to superannuation retirement (House, No. 3989).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Alexander G.
Gray, Jr.,
sick leave
bank.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing a sick leave bank for Alexander G. Gray, Jr., an employee of the Trial Court (Senate, No. 2054, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Lowell,
land
easement.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to authorizing the city of Lowell to grant permanent easement of park land (approximately 1426 square feet) to abutters (House, No. 3227) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill amending an act relative to the water commissioners of the town of Spencer (House, No. 3229) [Local Approval Received].

Spencer,
water
commissioners.

By the same member, for the same committee, on a petition, a Bill authorizing Spencer to lease certain property (House, No. 3230) [Local Approval Received].

Spencer,
property
lease.

By the same member, for the same committee, on a petition, a Bill relative to the Swansea Water District (House, No. 3557).

Swansea
water district.

By the same member, for the same committee, on a petition, a Bill relative to appropriations to municipal stabilization funds (House, No. 3609).

Municipal
stabilization
funds.

By the same member, for the same committee, on a petition, a Bill relative to local mandates (House, No. 3610).

Local
mandates.

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

Orders of the Day.

The Senate Bill authorizing the town of Abington to establish a capital improvement trust fund (Senate, No. 2025), 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.

Third
reading
bill.

The House Bill relative to certain elections in the city of Medford (House, No. 3846), 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.

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Recess.

At ten minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Petrolati of Ludlow being in the Chair) the House recessed until one o'clock P.M.; and at seven minutes after one o'clock the House was called to order with Mr. Petrolati in the Chair.

Recess.

Emergency Measure.

The engrossed Bill providing for capital repairs to the Jim Roche Memorial Rink in the West Roxbury section of the city of Boston (see Senate, No. 2050), 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.

West Roxbury,
Roche Rink.

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 6 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 Senate) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the

Bill enacted
(land taking),
yea and nay
No. 68.

Constitution); and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 68 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At twenty-eight minutes after one o'clock P.M., on motion of Mr. Mariano of Quincy (Mr. Petrolati of Ludlow being in the Chair) the House recessed until two o'clock; and at eight minutes after two o'clock the House was called to order with Mr. Petrolati in the Chair.

Paper from the Senate.

Regenerative medicine.

The engrossed Bill enhancing regenerative medicine in the Commonwealth (see Senate, No. 2039, amended), which had been returned to the Senate by His Excellency the Governor, with his objections thereto in writing (for message, see Senate, No. 2068), was considered, under suspension of the rules, on motion of Mr. Bosley of North Adams.

Bill passed over veto, yea and nay No. 69.

The question on passing the bill, in concurrence, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 112 voted in the affirmative and 42 in the negative.

[See Ye and Nay No. 69 in Supplement.]

Therefore the bill was passed, in concurrence, notwithstanding the objections of the Governor (more than two thirds of the members having agreed to pass the same).

Subsequently a statement of Mr. Walsh of Boston was spread upon the records of the House, as follows:

Statement of Representative Walsh of Boston.

MR. SPEAKER: During the taking of the above yeas and nays, I was present in the House Chamber and voted in the affirmative. However, I now find that my vote had been recorded as being in the negative. Had the voting machine been in proper working order, I would have been recorded in the affirmative.

Engrossed Bills.

Engrossed bills

Bills enacted.

Authorizing the town of Abington to establish a capital improvement trust fund (see Senate, No. 2025) (which originated in the Senate); and

Relative to certain elections in the city of Medford (see House, No. 3846) (which 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.

Order.

On motion of Mr. DiMasi of Boston,—
Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M. Next sitting.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at fourteen minutes before three o'clock P.M., on motion of Mr. Fagan of Taunton (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.