

JOURNAL OF THE HOUSE.

Tuesday, December 20, 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:

Prayer.

God, Our Creator, we try to begin each day of the week with the intention of serving You, our families and our constituents faithfully and conscientiously. We depend upon Your assistance and direction to achieve our goals as we carry out our daily and varied responsibilities. Help us to remain clearly focused as we evaluate the many legislative and public policy suggestions and proposals which come to us. Inspire us to accept and implement those legislative matters which are reasonable, fair, relevant and ethical. Teach us to recognize and address the current and the immediate needs of people in our neighborhoods and districts. Grant us the good sense and the courage to reach out to all people in our common efforts to make our communities safe, peaceful and prosperous.

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.

Papers from the Senate.

Emergency  
drug  
coverage.

A Bill providing emergency prescription drug coverage for seniors and the disabled (Senate, No. 2310, amended by striking out section 6; and 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 provide emergency drug coverage for seniors and the disabled, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.") (on Senate, No. 401), passed to be engrossed by the Senate, was read and referred, under Joint Rule 1E, to the committee on Health Care Financing.

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

School  
performance,  
Commonwealth.

Petition (accompanied by bill, Senate, No. 2320) of Steven A. Baddour, Robert A. Havern, Martin J. Walsh, Michael R. Knapik and others for legislation to establish the Commonwealth turnaround collaborative to improve school performance; and

Manchester  
Essex School  
District.

Petition (accompanied by bill, Senate, No. 2321) of Bruce E. Tarr, Anthony J. Verga and Bradford Hill for legislation to relate to

the term of certain bonds of the Manchester Essex Regional School District to be issued to finance the construction of a new district high school/middle school;

Severally to the committee on Education.

Petition (accompanied by bill, Senate, No. 2322) of Michael W. Morrissey and Ronald Mariano for legislation to amend the sharing between the town of Randolph and the town of Holbrook if the costs incurred by said towns when acting jointly. To the committee on Municipalities and Regional Government.

Randolph-  
Holbrook,  
shared  
costs.

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 Lewis G. Evangelidis for legislation to regulate the construction of windmills in certain restrictive areas of the Commonwealth. Under suspension of the rules, on motion of Mr. Smizik of Brookline, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the Senate for concurrence.

Windmills,  
regulating.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Groton to lease or otherwise transfer a portion of the Groton town forest to the West Groton Water Supply District (House, No. 4523, changed by striking out section 2 and inserting in place thereof the following two sections:

Groton,  
land lease.

"SECTION 2. No document transferring care, custody, control, and management of the property described in section 1 shall be valid unless such document provides that said property shall be used solely for public water supply purposes as described in section 1. The document shall include a reversionary clause that stipulates that the property will revert back to the Town of Groton for town forest and water supply protection purposes if the property ceases to be utilized for the express purposes for which it was transferred."; and

"SECTION 3. This act shall take effect upon its passage.") [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, on motion of Mr. Hargraves of Groton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mrs. Haddad of Somerset, for the committee on Education, on Senate, Nos. 310 and 363 and House, Nos. 1023, 1039 and 1170, an Order relative to authorizing the committee on Education to make an investigation and study of certain Senate and House documents concerning special education funding (House, No. 4581). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Education  
funding,  
study.

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.

Early  
education  
care.

By Mrs. Haddad of Somerset, for the committee on Education, on Senate, Nos. 295 and 303 and House, Nos. 1064, 1175 and 1724, a Bill relative to early education and care (House, No. 4582). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Indigent  
persons.

By Mrs. Owens-Hicks of Boston, for the committee on Children and Families, on Senate, Nos. 74, 89 and 142 and House, Nos. 2827 and 2837, a Bill relative to deceased poor and indigent persons (House, No. 2827, changed in section 5, in line 5, by inserting after the figures: "1,100" the word "toward").

Children,  
aid.

By the same member, for the same committee, on House, No. 2824, a Bill relative to aid to dependent children (House, No. 4583).

Domestic  
abuse  
program.

By the same member, for the same committee, on House, No. 3870, a Bill making an appropriation for a pilot domestic abuse prevention program (House, No. 4584).

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

#### *Engrossed Bills.*

##### *Engrossed bills*

Bills  
enacted.

Relative to the Montachusett Regional Planning Commission (see Senate, No. 1405) (which originated in the Senate); and

Authorizing the city of Gardner to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4558) (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.

#### *Orders of the Day.*

Third  
reading  
bill.

The House Bill relative to group marketing plans (House, No. 4577), 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.

Recess.

At half past eleven o'clock A.M., on motion of Mr. Flynn of Bridgewater (Mr. Petrolati of Ludlow being in the Chair), the House recessed until half past twelve o'clock noon; and at twelve minutes before one o'clock P.M. the House was called to order with Mr. Petrolati in the Chair.

The House Bill extending the simulcast expiration date for the horse and greyhound racing industry in the Commonwealth (House, No. 4571) was considered,— the main question being on ordering it to a third reading.

Horse and  
greyhound  
simulcast  
extension.

The amendment previously offered by Mr. Flynn of Bridgewater,— that the bill be amended by inserting after section 16 the following three sections:

"SECTION 16A. Section 3 of chapter 128A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended, by striking in line 71, the words 'June 15 and October 15.' and inserting in place thereof the following:— March 1 and December 15; provided further, that no racing meeting licensee in Plymouth county shall conduct live racing meeting performances in connection with a state or county fair during the live racing season of the running horse racing meeting licensee in Suffolk county; provided further, that notwithstanding any general or special law to the contrary an application to conduct live running horse racing meetings in Plymouth county in connection with a state or county fair may be filed until May 31 in the calendar year in which such live racing performances are to occur, subject to approval by the commission within 30 days of said filing.

SECTION 16B. Section 2 of Chapter 128C of the General Laws, as so appearing, is hereby amended by striking, in lines 45 and 46, inclusive, the words '2 interstate running horse simulcasts prior to 4:00 p.m.' and inserting in place thereof the following:— unlimited interstate running horse simulcasts.

SECTION 16C. Section 2A of said chapter 128C, as so appearing, is hereby amended, by striking, in line 27, the figure '15' and inserting in place thereof the following:— 30."— was adopted.

Mr. Pedone of Worcester then moved that the bill be amended by inserting after section 16C (inserted by amendment) the following two sections:

"SECTION 16D. Section 3 of Chapter 128A of the General Laws, as appearing in the 2004 Official Edition, as amended, is hereby amended by striking subsection (d) and inserting in place thereof the following new subsection:-

(d) Licenses shall permit racing meetings only between the hours of 10:00 a.m. and 12:00 midnight. The commission shall grant authorized dates at such times that are consistent with the best interests of racing and the public; provided, however, that dates for racing meetings held in connection with a state or county fair may only be awarded during the period between March 1 and December 15 provided that no county racing meeting licensee shall conduct live racing performances in connection with a state or county fair during the live racing season of the running horse racing meeting licensee in Suffolk county; provided further that the commission shall authorize not more than one state or county fair in Plymouth county to conduct live racing; provided further, the commission may accept any application to conduct live running horse racing meetings in Plymouth county in connection with a state or county fair may be filed by May 31 of the year that the live racing performance is to be

Horse and  
greyhound  
simulcast  
extension.

occurred, and said application shall be approved or disapproved by the commission within 30 days. The commission may, in its discretion, on written application from a racing licensee made at least 7 days prior to the date of any proposed change of time stated in the racing license and without necessity for further public hearing, change the hours of conducting such racing meeting between any of the aforesaid hours, notwithstanding the hours set forth on the license; provided, however, that, if by reason of state or national emergency, night illumination is forbidden by public authority, then the commission may, in its discretion, issue a license to permit racing at such hours as the commission shall determine between the hours of 10:00 a.m. and 12:00 midnight. For the purpose of imposing the fee provided for in section 4, computing the sums payable to the commission pursuant to section 5 and counting the number of days authorized by clauses (a), (b) and (c), any racing meeting held after 7:00 p.m. on the same day on which a racing meeting is held at the same race track prior to 7:00 p.m. shall be considered a separate day of racing.

SECTION 16E. Section 2A of the Chapter 128C of the General Laws, as appearing in the 2004 Official Edition, as amended, is hereby amended by striking out the first paragraph and inserting in place thereof the following new paragraph:—

Notwithstanding section 2, not more than one running horse racing meeting licensee in Plymouth county authorized to conduct live racing performances pursuant to subsection (d) of section 3 of chapter 128A, which is conducting running horse racing meeting in connection with a state or county fair, may, with the permission of the commission and subject to the approval of the city council and mayor or board of selectmen and town meeting of the city or town where the fair is located, and following a demonstration by the licensee of its ability to complete not less than 50 per cent of the live racing performances approved by the commission, simulcast unlimited interstate thoroughbred horse races except for the bridge signal and the intrastate live races of the racing meeting licensee in the commonwealth on (i) each Sunday, Tuesday, Thursday, and Saturday during the live racing performances only, but any simulcast signal commenced during a live racing performance shall be broadcast to the conclusion of the simulcast racing performance or simulcast racing card, and, in addition, on (ii) July 3 and 4 in any calendar year when they fall on a day of the week other than said specified days and a live racing performance is conducted in connection with a state or county fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the commonwealth; but, if the commission determines that a licensee cannot conduct 50 per cent of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for said reasons. The total number of days of simulcast at the state or county fair, which is licensed for live running horse racing meetings, shall not exceed the total number of days the live racing licensee is licensed to operate or 30 consecutive

days when there is live racing. The licensee in Plymouth county shall pay a premium of 3 per cent for the receipt of any simulcasts of thoroughbred horse racing into said licensee's purse account which shall be in addition to any amounts dedicated to purses under chapter 128A and chapter 128C and shall simulcast its live racing performances to the greyhound racing meeting licensee located in Bristol county, the greyhound racing meeting licensee located in Suffolk county, the running horse racing meeting licensee located in Suffolk county, and the harness horse racing meeting licensee located in Norfolk county and receive a fee therefor of 11 per cent; the simulcast shall not be considered a live in-state racing performance for purposes of the sixth paragraph of section 2."

The amendment was adopted; and the bill, as amended, was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Pedone, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: An Act extending simulcasting for the horse and greyhound racing industry in the Commonwealth.

Pending the question on passing the bill to be engrossed, Messrs. Pedone and Flynn moved that it be amended by striking out sections 16A through 16E (inserted by amendment) and inserting in place thereof the following three sections:

"SECTION 16A. Section 3 of the chapter 128A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:—

(d) Licenses shall permit racing meetings only between the hours of 10:00 a.m. and 12:00 midnight. The commission shall grant authorized dates at such times that are consistent with the best interests of racing and the public; provided, however, that dates for racing meetings held in connection with a state or county fair may only be awarded during the period between March 1 and December 15; provided, further, that no racing meeting licensee in Plymouth county shall conduct live racing performances in connection with a state or county fair during the live racing season of the running horse racing meeting licensee located in Suffolk county; provided further that the commission shall authorize no more than 1 state or county fair in Plymouth county to conduct live racing; provided further, the commission shall accept any application, filed by May 31 of the year in which the live racing performance is to occur, to conduct live running horse racing meetings in Plymouth county for no more than 30 days in connection with a state or county fair, and said application shall be approved or disapproved by the commission within 30 days. The commission may, in its discretion, on written application from a racing meeting made at least 7 days prior to the date of any proposed change of time stated in the racing license and without necessity for further public hearing, change the hours of conducting such racing meeting between any of the aforesaid hours, notwithstanding the hours set forth on the license; provided, however, that, if by reason of state or national emergency,

Horse and  
greyhound  
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extension.

night illumination is forbidden by public authority, then the commission may, in its discretion, issue a license to permit racing at such hours as the commission shall determine between the hours of 10:00 a.m. and 12:00 midnight. For the purpose of imposing the fee provided for in section 4, computing the sums payable to the commission pursuant to section 5 and counting the number of days authorized by clauses (a), (b) and (c), any racing meeting held after 7:00 p.m. on the same day on which a racing meeting is held at the same race track prior to 7:00 p.m. shall be considered a separate day of racing.

SECTION 16B. Section 2 of chapter 128C of the General Laws, as so appearing, is hereby amended by striking out, in lines 45 and 46, inclusive, the words '2 interstate running horse simulcasts prior to 4:00 p.m.' and inserting in place thereof the following:— unlimited interstate running horse simulcasts.

SECTION 16C. Section 2A of said chapter 128C, as so appearing, is hereby amended, by striking out, in line 27, the figure '15' and inserting in place thereof the following figure:— 30.”.

The amendment was adopted; and the bill was passed to be engrossed. Mr. Pedone of Worcester moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 4585, printed as amended) then was sent to the Senate for concurrence.

*Order.*

On motion of Mr. DiMasi of Boston,—

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

Next  
sitting.

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At twenty minutes before two o'clock P.M., on motion of Mr. Peterson of Grafton (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.