

JOURNAL OF THE HOUSE.

Thursday, March 27, 2008.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mrs. Haddad of Somerset 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.

Gracious God, we take a moment to offer a prayer of thanksgiving to You for our material and spiritual blessings which You bestow upon us daily. We are also grateful that You watch over and care for us at all times. We also seek Your gift of wisdom which, we believe, enables us to make right choices in legislative and personal matters and to form a right conscience. Inspire us, as elected leaders, to make thoughtful, reasoned and honorable judgements in all matters. May we, as a society, continue our common effort to build stable, family-friendly, safe and prosperous neighborhoods and communities.

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

Pledge of allegiance.

At the request of the Chair (Mrs. Haddad), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Message from the Acting Governor — Bill Returned with Recommendation of Amendment.

Medway, town charter.

A message from His Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill establishing a charter for the town of Medway [see House, No. 4460] (for message, see House, No. 4923) was filed in the office of the Clerk on Friday, March 21.

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 the Acting Governor, the bill was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Resolutions.

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

Women's History Month.

Resolutions (filed by Mrs. Harkins of Needham and other members of the House) commemorating the national celebration of Women's History Month;

Sally M. Hoyt.

Resolutions (filed by Messrs. Jones of North Reading and Natale of Woburn) commending Sally M. Hoyt of Reading for her 50 years of service to the Massachusetts Business and Professional Women's Organization;

Resolutions (filed by Messrs. Ayers of Quincy, Driscoll of Braintree and Timilty of Milton) honoring Arnold B. Rosenthal for his many years of public service to the town of Randolph;

Arnold B. Rosenthal.

Resolutions (filed by Mrs. Canavan of Brockton and other members of the House) memorializing the Congress of the United States to enact legislation to create an Office of the National Nurse;

Office of the National Nurse.

Resolutions (filed by Mr. deMacedo of Plymouth) congratulating John B. Gallant IV on receiving the Eagle Award of the Boy Scouts of America;

John B. Gallant IV.

Resolutions (filed by Mr. deMacedo of Plymouth) congratulating Joseph M. Osborne on receiving the Eagle Award of the Boy Scouts of America;

Joseph M. Osborne.

Resolutions (filed by Mr. Flynn of Bridgewater) congratulating Carolyn H. Morwick on the occasion of her retirement;

Carolyn H. Morwick.

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Andrew Nordstrom on receiving the Eagle Scout Award of the Boys Scouts of America;

Andrew Nordstrom.

Resolutions (filed by Mr. Ross of Wrentham) recognizing the achievements of the National Youth Science Foundation and the National Youth Science Camp;

National Youth Science.

Resolutions (filed by Mr. Rush of Boston) congratulating Daniel F. Gibson upon achieving the rank of Eagle Scout;

Daniel F. Gibson.

Resolutions (filed by Mr. Sanchez of Boston) congratulating Inquilinos Boricuas En Accion (IBA) on 40 years of building community power and promoting Latino arts in Boston;

Inquilinos Boricuas En Accion.

Resolutions (filed by Mr. Turner of Dennis) congratulating Chief Peter L. Carnes on the occasion of his retirement;

Chief Peter L. Carnes.

Resolutions (filed by Mr. Turner of Dennis) congratulating Zachary "Harry" S. Kamelakis on the occasion of his one hundredth birthday;

Zachary S. Kamelakis.

Resolutions (filed by Mr. Turner of Dennis) congratulating William Joshua West on receiving the Eagle Award of the Boy Scouts of America;

William Joshua West.

Resolutions (filed by Ms. Wolf of Cambridge) congratulating Fran Bragg on the occasion of her one hundredth birthday;

Fran Bragg.

Resolutions (filed by Ms. Wolf of Cambridge) honoring Rabbi Earl A. Grollman, Ph.D; and

Rabbi Earl A. Grollman.

Resolutions (filed by Ms. Wolf of Cambridge) honoring Cathy Hoffman;

Cathy Hoffman.

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

Order.

The following order (filed by Mr. Pedone of Worcester) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be

Municipalities and Regional Government

committee,
extension of
time for
reporting.

granted until Friday, March 28, the time within which to report on current Senate document 1155, relating to the financial control board in the city of Springfield.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Koutoujian of Waltham, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Communications.

Lottery fund
distribution.

Communications

From the Board of Selectmen of the Town of Grafton, recommending positive action on House docket number 4651, a petition of Bradley H. Jones, Jr., for legislation to increase the distribution of funds from the State Lottery to the cities and towns of the Commonwealth; and

From the Board of Selectmen of the Town of Wales, recommending positive action on House docket number 4651, a petition of Bradley H. Jones, Jr., for legislation to increase the distribution of funds from the State Lottery to the cities and towns of the Commonwealth;

Severally were placed on file.

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Petitions.

Historic sites,
liability.

Petitions severally were presented and referred as follows:

By Ms. Callahan of Sutton, petition (subject to Joint Rule 12) of Jennifer M. Callahan for legislation to exempt from liability trustees and representatives of non-profit historical preservation organizations.

By Mr. Fresolo of Worcester, petition (subject to Joint Rule 12) of John P. Fresolo for legislation to authorize public employees to contribute to political committees representing such employees in certain labor negotiations with employers.

By Mr. Guyer of Dalton, petition (subject to Joint Rule 12) of Denis E. Guyer that state agencies or transit authorities be required to return paper dollars as change in certain financial transactions.

By Mr. Rush of Boston, petition (subject to Joint Rule 12) of Michael F. Rush for the issuance of an annual proclamation by the Governor setting a part the month of May as American Stroke Month.

By Mr. Verga of Gloucester, petition (subject to Joint Rule 12) of Anthony J. Verga and others that city and town clerks be directed to include election results in the annual reports published by such clerks.

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

State
employees,
contributions.

State agen-
cies, currency
returns.

Stroke Month,
designation.

Elections
results,
publication.

Papers from the Senate.

Domestic
abuse,
penalties.

A Bill establishing criminal penalties for assault and battery on a family or household member (Senate, No. 62) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Reports

Of the committee on Transportation, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 2035) of Stephen M. Brewer, Kathi-Anne Reinstein, Richard T. Moore, John P. Fresolo and other members of the General Court for legislation to further regulate the sale of distinctive registration plates for veterans; and

Of the petition (accompanied by bill, Senate, No. 2085) of Stanley C. Rosenberg, Scott P. Brown, Steven A. Baddour, Daniel E. Bosley and other members of the General Court for legislation relative to regional transit authorities;

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

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence, insomuch as relates to the discharge of the committee.

Veterans,
registration
plates.

Regional
transit
authorities.

Rail facilities,
security.

A report of the committee on Transportation, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2117) of Steven A. Tolman for legislation relative to the security of rail facilities, and recommending that the same be referred to the committee on Public Safety and Homeland Security,—accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Reports of Committees.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill relative to payment of auto damage claims (House, No. 1002);

Of the Bill to add a compulsory death benefit to automobile liability insurance (House, No. 1056, changed);

Of the Bill increasing the mandatory minimum bodily injury insurance requirements for commercial vehicles (House, No. 1107); and

Of the Bill relative to cancer screening for municipal employees (House, No. 2151);

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.

Auto
insurance.

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Cancer
screening.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill increasing coverage of nonprescription enteral formulas (House, No. 925) be scheduled for consideration by the House.

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

Enteral
formulas.

Public

employees,
study.

By Mr. Kaufman of Lexington, for the committee on Public Service, on House, Nos. 409, 420, 591, 1790, 2047, 2411, 2412, 2413, 2414, 2415, 2416, 2418, 2419, 2421, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2431, 2432, 2434, 2436, 2437, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2450, 2451, 2453, 2454, 2456, 2457, 2458, 2460, 2462, 2464, 2466, 2467, 2468, 2469, 2471, 2472, 2473, 2474, 2475, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2511, 2512, 2514, 2518, 2519, 2521, 2522, 2523, 2526, 2527, 2528, 2529, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2549, 2551, 2552, 2554, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2565, 2566, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2579, 2580, 2581, 2583, 2584, 2585, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2595, 2596, 2597, 2600, 2605, 2607, 2608, 2609, 2611, 2612, 2613, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2639, 2640, 2642, 2643, 2644, 2645, 2648, 2649, 2650, 2651, 2652, 2653, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2665, 2667, 2668, 2669, 2670, 2671, 2672, 2674, 2675, 2676, 2678, 2679, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2692, 2693, 2694, 2697, 2698, 2699, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2715, 2716, 2717, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2729, 2730, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2766, 2767, 2768, 2769, 2770, 2771, 2773, 2774, 2775, 2776, 2778, 2780, 2781, 2783, 2784, 2785, 2786, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2799, 2800, 2802, 2803, 2805, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2817, 2818, 2819, 2820, 2822, 2823, 2824, 2825, 2827, 2978, 3533, 3564, 3765, 3805, 3806, 3807, 3808, 3809, 3892, 3893, 3894, 3895, 3896, 3897, 4004, 4009, 4028, 4029, 4030, 4031, 4032, 4057, 4058, 4059, 4061, 4196, 4295, 4303, 4321, 4323, 4371, 4379, 4419, 4465 and 4480, an Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4607).

Revenue,
study.

By Mr. Binienda of Worcester, for the committee on Revenue, on House, Nos. 178, 717, 718, 1211, 2322, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2841, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, 2969, 2970, 2971, 2972,

2973, 2975, 2976, 2977, 2982, 2983, 2984, 2985, 2986, 2987, 2988, 2989, 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 3000, 3001, 3002, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3038, 3039, 3041, 3042, 3043, 3044, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3055, 3056, 3057, 3058, 3060, 3061, 3062, 3063, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3135, 3136, 3137, 3138, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3166, 3167, 3168, 3227, 3402, 3444, 3695, 3766, 3811, 3812, 3814, 3815, 3898, 3899, 3900, 3901, 3902, 3903, 3904, 3905, 3906, 3907, 3908, 3909, 3910, 3911, 3958, 3959, 3960, 4081, 4109, 4197, 4239, 4240, 4253, 4356, 4380, 4381 and 4466, an Order relative to authorizing the committee on Revenue to make an investigation and study of certain House documents concerning the raising of revenue, tax credits, tax exemptions, local property taxes and other related matters (House, No. 4608).

Severally 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, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, that the Bill financing improvements to the Commonwealth's transportation system (House, No. 4562) ought to pass with an amendment substituting therefor a Bill with the same title (House, No. 4609) [Bond Authorization: \$2,930,486,500.00 – Total Amount of Authorization: \$4,822,486,500.00]. Referred, under Rule 33, to the committee on Ways and Means with the amendment pending.

Transportation
bond.

By Ms. Coakley-Rivera of Springfield, for the committee on Children, Families and Persons with Disabilities, on House, No. 1876, a Bill to change the title of the Department of Mental Retardation (House, No. 4610).

Department of
Mental
Retardation.

By the same member, for the same committee, on House, No. 3466, a Bill regarding families and children engaged in services (House, No. 4611).

Children and
families,
services.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, No. 833, a Bill to protect the rivers and streams of the Commonwealth (House, No. 4612).

Rivers,
protection.

Group

marketing
plans.

Disabled
veterans,
taxes.

Devens,
renewable
energy.

Hazardous
material, trans-
portation.

Military
discharges,
benefit
equity.

By Mr. Mariano of Quincy, for the committee on Financial Services, on House, Nos. 1024 and 1103, a Bill relative to group marketing plans (House, No. 4613).

By Mr. Binienda of Worcester, for the committee on Revenue, on a petition, a Bill relative to sales and excise tax exemptions for disabled veterans (House, No. 4313).

By the same member, for the same committee, on a joint petition, a Bill to promote the development of a renewable energy facility at Devens (House, No. 4443).

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill relative to uniform hazardous material transportation procedures (House, No. 3597).

By Mr. Verga of Gloucester, for the committee on Veterans and Federal Affairs, on a petition, a Bill relative to veterans' benefits equity (House, No. 3725, changed in line 11, by striking out the words "Executive Office of Veterans Affairs" and inserting in place thereof the words "Department of Veterans' Services", in lines 13 and 14, by striking out the words "qualify for and receive benefits" and inserting in place thereof the following: "may appeal their eligibility status for Chapter 115 benefits that", and by adding at the end thereof the following sentence: "Any veteran and/or same-sex spouse of a veteran, whose discharge is determined to be the result of consensual behavior between legal adult persons or anyone discharged solely under Chapter 37 of Title 10 of the US Code, Section 654, shall be eligible for and receive benefits under this section.").

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

Marie Silva,
sick leave.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for a certain employee of the Department of Mental Retardation (House, No. 4567).

Carol A.
Wall,
sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Carol A. Wall, an employee of the Department of Mental Retardation (House, No. 4912).

Marya
Panzica,
sick leave.

By the same member, for the same committee, on a petition, a Bill relative to a sick leave bank for an employee of the Commonwealth (House, No. 4924).

Condo-
miniums,
taxes.

By Mr. Binienda of Worcester, for the committee on Revenue, on a petition, a Bill relative to charges associated with condominiums in tax title (House, No. 2990).

Cambridge,
abatement.

By the same member, for the same committee, on a petition, a Bill authorizing the late filing of a tax abatement application for the owners of Three Fuller Place in Cambridge (House, No. 4226) [Local Approval Received].

Lexington,
tax deferrals.

By the same member, for the same committee, on a petition, a Bill relative to real property tax deferrals in the town of Lexington (House, No. 4262) [Local Approval Received].

Real estate,
taxation.

By the same member, for the same committee, on a petition, a Bill relative to the local taxation of certain real estate (House, No. 4372).

Motor
vehicles,
child safety.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill relative to the restriction of certain children as passengers in front seats of motor vehicles (House, No. 3474).

Motor

By the same member, for the same committee, on a petition, a Bill relative to red and blue flashing, rotating or oscillating lights (House, No. 3615).

vehicles,
emergency lights.
Falmouth,
Raleigh D.
Costa Bridge.

By the same member, for the same committee, on a petition, a Bill relative to the designation of a certain bridge in the town of Falmouth the Raleigh D. Costa Memorial Bridge (House, No. 4435).

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

Engrossed Bills.

Engrossed bills

Bills
enacted.

Authorizing the establishment of the Whitin Reservoir Watershed District in the town of Douglas (see Senate, No. 2344) (which originated in the Senate);

Relative to the membership of the board of public works in the town of Whitman (see House, No. 4044);

Further regulating the resale of mattresses (see House, No. 4299); and

Authorizing the city of Salem to grant an additional liquor license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 4457);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate Resolve providing for an investigation and study by a special commission relative to the establishment of a cranberry heritage area (Senate, No. 2496), 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
resolve.

House bills

Third
reading
bills.

Further regulating parking for handicapped persons (House, No. 3499, changed);

Designating a certain street in the city of Boston as Reverend Paul A. Phinn Way (House, No. 3620);

Exempting all positions in the town of Franklin's department of public works from the civil service law (House, No. 4103); and

Authorizing the city of Salem to grant an additional liquor license to Upper Crust (House, No. 4456);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

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

Next
sitting.

At seventeen minutes after eleven o'clock P.M., on motion of Mr. Koutoujian of Waltham (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.