

# JOURNAL OF THE HOUSE.

Thursday, April 3, 2008.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford 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, in Whom we place our trust and hope, we take this moment to focus our thoughts and attention on You and spiritual realities. We believe that You, Your ways and precepts give meaning and direction to our busy lives. Your assistance also enables us to cope with and to address fairly the many requests for help which come from our constituents. As elected leaders, inspire us to unite constituents in resolving current complex social, economic and political issues in an honorable and constructive manner. May we be thankful for the blessings which we enjoy as citizens of this Commonwealth and country.

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. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### Appointments to House Standing Committees.

The Speaker announced appointments to House standing committees, to fill existing vacancies, as follows:

Appointments to House standing committees.

Representative Garballey of Arlington to the ninth position on the committee on Post Audit and Oversight; and

Representative Ehrlich of Marblehead to the ninth position on the committee on Steering, Policy and Scheduling.

### Appointments to Joint Standing Committees.

The Speaker announced appointments to joint standing committees, to fill existing vacancies, as follows:

Appointments to joint standing committees.

Representative Aguiar of Fall River to the ninth position on the committee on Higher Education and the ninth position on the committee on Public Safety and Homeland Security;

Representative Clark of Melrose to the ninth position on the committee on Children, Families and Persons with Disabilities and the ninth position on the committee on Education;

Representative Ehrlich of Marblehead to the ninth position on the committee on Environment, Natural Resources and Agriculture; and

Representative Garballey of Arlington to the ninth position on the committee on Municipalities and Regional Government.

### Resolutions.

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

Resolutions (filed by Mr. Calter of Kingston) congratulating Wayne F. Carlson on receiving the Eagle Award of the Boy Scouts of America;

Wayne F. Carlson.

Resolutions (filed by Mr. Turner of Dennis) joining with the town of Brewster as it celebrates May, 2008, as Older Americans Month;

Older Americans Month.

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

### Orders.

The following order (filed by Mr. Bosley of North Adams) 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 Economic Development and Emerging Technologies be granted until Thursday, July 31, 2008 to make its final report on current Senate documents numbered 248, 249, 251, 252, 253, 255, 257, 259, 261, 262, 263, 264, 265, 267 and 268 and currently House documents numbered 349, 350, 351, 352, 353, 356, 359, 360, 363, 364, 365, 366, 367, 368, 369, 370, 376, 381, 383, 3773, 3924, 4027 and 4222, relative to economic development and emerging technologies.

Economic Development and Emerging Technologies committee, extension of time for reporting.

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. Bosley, the order was considered forthwith.

Pending the question on adoption of the order, Mr. Bosley moved to amend it by striking out the date: "July 31" and inserting in place thereof the date: "May 15"; and by striking out the following figures: ", 356", ", 360", ", 363", ", 366", ", 371" and ", 4027".

The amendments were adopted.

The order, as amended, then also was adopted. Sent to the Senate for concurrence.

Subsequently, under suspension of the rules, on motion of Mr. Bosley of North Adams, reports of said committee on Economic Development and Emerging Technologies, ought NOT to pass (under Joint Rule 10), were considered on the following petitions:

Petition (accompanied by bill, House, No. 356) of Christopher G. Fallon relative to permitting the use of "slot machines" in cities and towns in the Commonwealth;

Slot machines.

Petition (accompanied by bill, House, No. 360) of Paul K. Frost for legislation to require an agreement between Native Americans and the Commonwealth prior to the location of certain casinos;

Casinos.

Gaming.

Petition (accompanied by bill, House, No. 363) of Bradley H. Jones, Jr., and others for legislation to establish a gaming commission and further regulate gaming in the Commonwealth;

Casinos.

Petition (accompanied by bill, House, No. 366) of Robert M. Koczera and others relative to establishing casinos in the Massachusetts;

Gaming control act.

Petition (accompanied by bill, House, No. 371) of Kathi-Anne Reinstein and others relative to the establishment of the Massachusetts gaming control act; and

Casino, permit.

Petition (accompanied by bill, House, No. 4027) of Charles Pettiti relative to the issuance of a permit for the temporary operation of a casino in the Commonwealth;

Pending the question, in each instance, on acceptance of the report, the petitions were recommitted, on further motion of Mr. Bosley, to the committee on Economic Development and Emerging Technologies.

The following orders were referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Order (filed by Mr. Walsh of Lynn), to wit:—

Community Development and Small Business committee, extension of time for reporting.

*Ordered.* That, notwithstanding the provisions of Joint Rule 10, the committee on Community Development and Small Business be granted until Friday, April 25, 2008, the time with which to report on current Senate documents numbered 130, 131, 134, 135, 137, 139, 141, 143, 144, 146, 148, 149, 150, 151, 152, 153, 154, 155, 157, 158 and 224 and House documents numbered 147, 151, 152, 156, 157, 158, 161, 162, 163, 164, 165, 166, 167, 168, 171, 175, 177, 179, 180, 181, 183, 184, 185, 186, 187, 193, 2351, 3840 and 4519.

Order (filed by Mrs. Haddad of Somerset), to wit:—

Education, extension of time for reporting.

*Ordered.* That, notwithstanding the provisions of Joint Rule 10, the committee on Education be granted until April 30, 2008, the time with which to report on current Senate documents numbered 284, 293 and 298 and House documents numbered 397, 406, 415, 443, 451, 466, 502, 508, 560 and 3776, relative to education.

Order (filed by Mr. Bradley of Hingham), to wit:—

Election Laws, extension of time for reporting.

*Ordered.* That, notwithstanding the provisions of Joint Rule 10, the committee on Election Laws be granted until Wednesday, May 21, 2008, within which to report on current House document numbered 705, relative to campaign finance.

Order (filed by Mr. Smizik of Brookline), to wit:—

Environment, Natural Resources and Agriculture committee, extension of time for reporting.

*Ordered.* That, notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture be granted until Friday, May 30, 2008, the time with which to report on current Senate document numbered 485.

Order (filed by Mr. Smizik of Brookline), to wit:—

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*Ordered.* That, notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture be granted until Tuesday, April 15, 2008, the time within which to report on the current House document numbered 4541.

Order (filed by Mr. Mariano of Quincy), to wit:—

Financial Services,

*Ordered.* That, notwithstanding the provisions of Joint Rule 10, the committee on Financial Services be granted until Wednesday, April 9,

2008, the time within which to make its final report on Senate documents numbered 590, 624 and 625 and House documents numbered 909, 919, 920, 992, 1054, 1062, 1067, 1089, 1099, 1119 and 3740.

extension of time for reporting.

Order (filed by Mr. Torrisi of North Andover), to wit:—

*Ordered.* That, notwithstanding the provisions of Joint Rule 10, the committee on Labor and Workforce Development be granted until Friday, April 18, 2008, the time within which to report on current House document numbered 1803 and Senate document numbered 1073, relative to paid sick days; House documents numbered 1819 and 1853 and Senate documents numbered 1090 and 1093, relative to electronic monitoring in the workplace; Senate document numbered 1099, relative to tax and insurance fraud; Senate document numbered 1055, relative to apprentice training; Senate document numbered 2476, relative to high school plumbing projects; and House documents numbered 1866 and 3797 and Senate document numbered 1088, relative to workplace safety.

Labor and Workforce Development committee, extension of time for reporting.

Order (filed by Mr. Cabral of New Bedford), to wit:—

*Ordered.* That, notwithstanding the provisions of Joint Rule 10, the committee on State Administration and Regulatory Oversight be granted until Friday, April 18, 2008, the time within which to report on Senate documents numbered 1872, 1854, 1888 and 1900 and House documents numbered 38, 3171, 3172, 3182, 3205, 3209, 3249, 3260 and 4450, relative to state administration.

State Administration and Regulatory Oversight committee, extension of time for reporting.

Order (filed by Mr. Wagner of Chicopee), to wit:—

*Ordered.* That, notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Thursday, May 1, 2008, within which time to make its final report on current House document numbered 3592.

Transportation committee, extension of time for reporting.

Order (filed by Mr. Wagner of Chicopee), to wit:—

*Ordered.* That, notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Thursday May 1, 2008, within which time to make its final report on current House documents numbered 3661, 3682, 3691 and 4305.

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Mr. Scaccia of Boston, for the committees on Rules, then reported, in each instance, that the orders ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Finegold of Andover, the orders were considered forthwith; and they were adopted. Severally sent to the Senate for concurrence.

*Papers from the Senate.*

The following orders (having been reported by the committees on Rules of the two branches, acting concurrently) came from the Senate with the endorsement that they had been adopted by said branch:

*Ordered.* That notwithstanding the provisions of Joint Rule 10, the committee on Consumer Protection and Professional Licensure be granted until Friday, May 23, 2008 in which to make its final report on Senate documents numbered 174, 205, 217, 220, 2410 and 2256 and House documents numbered 203, 240, 296, 328, 331, 341, 3926, 3983, 4092, 4215 and 4427, relative to consumer protection related issues in the commonwealth.

Consumer Protection and Professional Licensure, extension of time for reporting.

Public Service,  
extension of  
time for  
reporting.

*Ordered.* That notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Friday, May 30, 2008 within which time to make its final report on current Senate number 1581, relative to public service (as amended by the Senate by striking out the date: "Wednesday, December 31" and inserting said date: "Friday, May 30").

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*Ordered.* That notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Friday, May 30, 2008 within which time to make its final report on current Senate number 1654, relative to public service (as amended by the Senate by striking out the date: "Wednesday, December 31" and inserting said date: "Friday, May 30").

State  
Administration  
and Regulatory  
Oversight,  
extension of  
time for  
reporting.

*Ordered.* That notwithstanding the provisions of Joint Rule 10, the committee on State Administration and Regulatory Oversight be granted until Friday, April 18th within which time to make its final report on current Senate documents numbered 1854, 1888, 1900 and 1872, relative to state administration.

Telecommunica-  
tions, Utilities  
and Energy,  
extension of  
time for  
reporting.

*Ordered.* That notwithstanding the provisions of Joint Rule 10, the joint committee on Telecommunications, Utilities and Energy be granted until Friday, May 30, 2008 in which to make its final report on Senate documents numbered 204, 1982, 1990 and 1993, relative to telecommunication licensing, cellular phones, double poles and energy issues in the Commonwealth.

Transportation,  
extension of  
time for  
reporting.

*Ordered.* That notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Thursday, May 1, 2008 within which time to make its final report on current Senate document numbered 2065, relative to safe driving.

Under suspension of the rules, in each instance, on motion of Mr. Finegold of Andover, the orders were considered forthwith; and they were adopted, in concurrence.

Melrose,  
pension  
funding.

A petition (accompanied by bill, Senate, No. 2602) of Richard R. Tisei, Thomas M. McGee and Katherine M. Clark (with the approval of the mayor and city council) for legislation to authorize the city of Melrose to issue pension funding bonds or notes, was referred, in concurrence, to the committee on Municipalities and Regional Government.

#### *Report of a Committee.*

East Boston,  
DiLorenzo  
Park.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill designating a portion of the Bremen Street Park in East Boston as the Representative George DiLorenzo Playground (Senate, No. 2393) be scheduled for consideration by the House.

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

#### *Engrossed Bills.*

Bill  
re-enacted.

The engrossed Bill providing for recall elections in the town of Wrentham (see Senate, No. 2290, amended) (which originated in the Senate) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

#### Engrossed bills

Bills  
enacted.

Relative to child passenger safety (see Senate, No. 2018);  
Authorizing the Mashpee Water District to enter into a certain agreement with the town of Sandwich (see Senate, No. 2282, changed); and  
Authorizing the town of Dedham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 2336, amended);  
(Which severally originated in the Senate);  
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.*

Medway,  
charter.

The engrossed Bill establishing a charter for the town of Medway (see House, No. 4460), which had been returned to the House by His Honor the Lieutenant-Governor, Acting Governor with recommendation of amendment (for message, see House, No. 4923), was considered.

The amendment recommended by the Lieutenant-Governor then was adopted in the following form (as approved by the committee on Bills in the Third Reading):

In section 1, by striking out subsection 3-12-3 and inserting in place thereof the following subsection:

"3-12-3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with this certificate to the board of selectmen without delay, and the board of selectmen shall forthwith give written notice to such officer of the receipt of said certificate and shall, if the officer sought to be removed does not resign within 5 days thereafter, thereupon order a removal election to be held on a day fixed by them not less than 64 nor more than 90 days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within 100 days after the date of said certificate, the board of selectmen may, in their discretion, postpone the holding of the removal election to the date of such other election. If a vacancy occurs in said office after a removal election has been so ordered, the election shall nevertheless proceed as provided in this section."

Sent to the Senate for concurrence.

Third

reading  
bill.

The Senate Bill establishing a community events fund for the town of Wareham (Senate, No. 2287), 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.

*Order.*

Next  
sitting.

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.

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At twenty-six minutes before twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.