

Monday, May 14, 2007.

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.

Eternal God, in our prayers this morning, we thank You for the material and spiritual blessings on this and every day. We ask for forgiveness if and when we take these gifts for granted. We also believe that You fill our hearts and minds with hope, courage and eagerness as we address the items before us. Your assistance helps us to evaluate correctly the many, often sensitive, suggestions and proposals of constituents and associates in a fair and objective manner. May we continue to build a society and communities which are stable, drug-free, peaceful and family-friendly.

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.

Resolutions.

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

Tewksbury,—
Knights of
Columbus.

Resolutions (filed by Mr. Miceli of Wilmington) congratulating the Tewksbury Knights of Columbus Father Francis X. Coppens Council Number 4336 on the occasion of its fiftieth anniversary;

John
D'Auria.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating John D'Auria on the occasion of completing his tenure as Wellesley Middle School principal;

Brookline,—
Edward
Devotion
School.

Resolutions (filed by Mr. Smizik of Brookline) congratulating the third grade students at the Edward Devotion School in Brookline on their participation in the Edward Devotion School twenty-third annual essay and poetry contest;

Abraham
and Lillian
Shulman.

Resolutions (filed by Mr. Smizik of Brookline) honoring Mr. and Mrs. Abraham and Lillian Shulman for their service to Temple Sinai and the community; and

Joe
Dart.

Resolutions (filed by Mr. Walsh of Boston) congratulating Joe Dart on the occasion of his retirement;

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

Papers from the Senate.

Bills

Further regulating the placement of certain children (Senate, No. 75) (on a petition); Children,—
placement.

Establishing the public libraries fund (Senate, No. 2232) (on Senate, No. 1997); Public
libraries
fund.

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

Bills

Further regulating sewer connections in the town of Charlton (Senate, No. 1152, amended in section 1 by adding the following paragraph: Charlton
water and
sewer.

“In exercising its discretion under this section, the Commission shall consider matters involving the capacities and capabilities of the town’s wastewater treatment plant, sewerage and other infrastructure and equipment, and the desirability of prioritizing connections for commercial and residential properties within the original planned service area, as well as those with on-site septic systems that are in failure or at risk of failing.”) (on a petition) [Local Approval Received];

Further regulating water supply connections in the town of Charlton (Senate, No. 1153) (on a petition) [Local Approval Received]; Id.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A petition (accompanied by bill, Senate, No. 2233) of Pamela P. Resor and James B. Eldridge (by vote of the town of Harvard) for legislation relative to property tax exemptions for registered affordable accessory apartments in the town of Harvard used as affordable housing, was referred, in concurrence, to the committee on Revenue. Harvard,—
property
tax.

Recess.

At a quarter after eleven o’clock A.M., on motion of Mr. Lepper of Attleboro (Mr. Donato of Medford being in the Chair), the House recessed until the hour of twelve o’clock noon; and at twenty-five minutes after twelve o’clock the House was called to order with Mr. Donato in the Chair. Recess.

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 to amend the fine for failing to obtain, renew or violating the terms of a license to operate an open air parking lot (House, No. 2002),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted. Open-air
parking
lots.

By Mr. Bosley of North Adams, for the committee on Economic Development and Emerging Technologies, asking to be discharged from further consideration

- Faxing. Of the petition (accompanied by bill, Senate, No. 247) of Stephen M. Brewer, Edward M. Augustus, Jr., Christine E. Canavan, James E. Timilty and other members of the General Court for legislation relative to faxing,— and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure;
- Collection agencies,— debt assignment. Of the petition (accompanied by bill, House, No. 354) of Brian S. Dempsey for legislation to allow collection agencies to accept assignment of debts,— and recommending that the same be referred to the committee on Financial Services;
- Extended care,— initiatives. Of the petition (accompanied by bill, Senate, No. 256) of Brian A. Joyce, Stephen M. Brewer, Michael R. Knapik, Gale D. Candaras and other members of the General Court for legislation to improve the extended care career ladders initiative;
- Extended care,— career ladder program. Of the petition (accompanied by bill, Senate, No. 260) of Mark C. Montigny, Harriette L. Chandler, Christine E. Canavan and Robert M. Koczera for legislation relative to the extended care career ladder program;
- Employers,— wage withholdings. Of the petition (accompanied by bill, Senate, No. 266) of Marc R. Pacheco for legislation to clarify employer sanctions for improper expenditure of withholdings or deductions from wages;
- Limited liability companies,— wages. Of the petition (accompanied by bill, Senate, No. 269) of Steven A. Tolman for legislation to make the members of limited liability companies liable for violations of the payment of wages statute; and
- Economic Development. Of the joint petition (accompanied by bill, House, No. 355) of Lewis G. Evangelidis and Stephen M. Brewer relative to the posting of orders and rules by the Department of Economic Development; And recommending that the same severally be referred to the committee on Labor and Workforce Development; and
- Fernald State School,— study. Of the petition (accompanied by resolve, House, No. 382) 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,— and recommending that the same be referred to the committee on Mental Health and Substance Abuse.
- Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.
- Supplemental appropriations. Mr. DeLeo of Winthrop, for the committee on Ways and Means, on House No. 4020, reported, in part, a Bill making appropriations for the fiscal year 2007 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4022) [Total Appropriation: \$88,438,711.00]. 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 Mrs. Walrath of Stow, the bill was read a second time forthwith; and it was ordered to a third reading.
- Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Spellane of Worcester, the bill (having been 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.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the transfer of certain land to the city of Boston (House, No. 53) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Boston,—
DCR land.

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

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

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill relative to the maximum age restriction for police officers for the city of Boston (House, No. 4016) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Boston,—
police
age.

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing a sick leave bank for Yaniris Cabrera, an employee of the Trial Court (Senate, No. 2181) ought to pass with an amendment by striking out, in lines 5 and 6, the words “the balance of sick leave shall be transferred to the trial court paid leave bank” and inserting in place thereof the words “the balance of the sick leave time shall be transferred to the trial court paid leave bank”. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending. Yaniris
Cabrera,—
sick leave.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing a sick leave bank for Jacqueline C. Russo, an employee of the Department of Housing and Community Development (Senate, No. 1614) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Jacqueline C.
Russo,—
sick leave.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

Mrs. Walrath of Stow, for the committee on Health Care Financing that the recommitted Bill requiring public notice prior to restricting MassHealth coverage (House, No. 1167), ought NOT to pass. MassHealth,—
notices.

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; and, under said rule, it was placed in the Orders of the Day for the next sitting, the question being on rejection.

Congressional
redistricting.

By Mr. Bradley of Hingham, for the committee on Election Laws, ought NOT to pass, on the joint petition (accompanied by bill, House, No. 662) of Bradley H. Jones, Jr., and others establishing an independent redistricting commission and criteria for redistricting for congressional districts [Senator Brown, and Representatives Frost of Auburn and Rogeness of Longmeadow, dissenting]. 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; and, under said rule, it was placed in the Orders of the Day for the next sitting, the question, being on acceptance.

Patient
confidentiality.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill protecting patient confidentiality (House, No. 1315) ought to pass. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Pharmacy
council,—
establish.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on a petition, a Bill establishing the state pharmacy council (House, No. 1138) [Cost: \$52,040.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Recess.

Recess.

At twenty-seven minutes after twelve o'clock noon, on motion of Mr. Spellane of Worcester (Mr. Donato of Medford being in the Chair), the House recessed, subject to the call of the Chair; and at fourteen minutes after three o'clock the House was called to order with Mr. Donato in the Chair.

Emergency Measure.

Supplemental
appropriations.

The engrossed Bill making appropriations for the fiscal year 2007 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4022), 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.

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 2 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

Next
sitting.

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

Mr. Webster of Hanson then moved that as a mark of respect to the memory of Robert Gillette, a member of the House from Pembroke from 1971 to 1980, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty minutes before four o'clock P.M., on motion of Mr. Lepper of Attleboro (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Wednesday next at one o'clock P.M.