

Wednesday, June 13, 2007.

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).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

At the opening of today's legislative session, we turn our thoughts and attention to You, God, Our Creator. We believe that Your always available assistance enables us at all times to make reasoned, honorable and the right ethical decisions. Grant us the wisdom, the intellectual and moral courage to remain faithful to our own ideals, principles and our human, spiritual and religious values. As elected officials, teach us to acknowledge and to respect the rights, views and opinions of all people. As members of diverse communities across the Commonwealth we disagree on legislative and public policy issues. May we continue to be open to new data and information in formulating our decisions.

Prayer.

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

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.

Pledge of
allegiance.

Silent Prayer.

At the request of Representatives Creedon of Brockton, Canavan of Brockton and Flynn of Bridgewater, the members, guests and employees stood for a moment of silent prayer in memory of U.S. Marine Staff Sergeant William J. Callahan of Easton who was killed in the line of duty in Al Anbar province, Iraq on April twenty-seventh. Staff Sergeant Callahan was twenty-eight years old.

U.S. Marine
Staff Sergeant
William J.
Callahan.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to implementing the Division of Banks mortgage summit recommendations (House, No. 4085) was filed in the office of the Clerk on Monday, June 11.

Mortgage
summit
recommenda-
tions.

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

Statement Concerning Representative Ayers of Quincy.

A statement of Mr. Rogers of Norwood concerning Mr. Ayers of Quincy, 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 Ayers of Quincy, will not be present in the House Chamber for the remainder of

Statement
concerning
Representative
Ayers of
Quincy.

today's sitting due to a family emergency. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Pedone of Worcester.

A statement of Mr. Rogers of Norwood concerning Mr. Pedone of Worcester, was spread upon the records of the House, as follows:

Statement
concerning
Representative
Pedone of
Worcester.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Pedone of Worcester, will not be present in the House Chamber for today's sitting. Mr. Pedone is attending a legislative hearing at Wheaton College. Any roll calls that he may miss today or tomorrow will be due entirely to the reason stated.

Statement Concerning Representative Sullivan of Fall River.

A statement of Mr. Rogers of Norwood concerning Mr. Sullivan of Fall River, was spread upon the records of the House, as follows:

Statement
concerning
Representative
Sullivan of
Fall River.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Sullivan of Fall River, will not be present in the House Chamber for today's sitting due to illness. Any roll calls that he may miss today or tomorrow will be due entirely to the reason stated.

Resolutions.

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

Elaine F.
Munn.

Resolutions (filed by Ms. Fox of Boston) congratulating Elaine F. Munn on the occasion of her retirement from the Marblehead School System;

Bandstand
Concert Series.

Resolutions (filed by Mr. Nyman of Hanover) congratulating the Bandstand Summer Concert Series on its twentieth anniversary;

Adam
deCarvalho.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Adam deCarvalho of Wrentham upon his elevation to the rank of Eagle Scout;

Matthew
Kowalski.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Matthew Kowalski of Wrentham upon his elevation to the rank of Eagle Scout;

Matthew J.
Shruhan.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Matthew J. Shruhan of Wrentham upon his elevation to the rank of Eagle Scout; and

Lenora
Jennings.

Resolutions (filed by Ms. Wolf of Cambridge) congratulating Lenora Jennings on the occasion of her 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 Mr. Mariano of Quincy, 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.

Phlebotomists,—
registration.

A House petition of Joyce A. Spiliotis and others for legislation to establish a board of registration of phlebotomists, came from the

Senate with the endorsement that said branch had concurred with the House in the suspension of Joint Rule 12, non-concurred in the reference to the committee on Public Health, and that it had been referred, in non-concurrence, to the committee on Consumer Protection and Professional Licensure.

On motion of Mr. Koutoujian of Waltham, the House receded from its reference; and the petition (accompanied by bill, House, No. 4086) was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.

A House petition of Eugene L. O'Flaherty and others for legislation to designate the women's dormitory at the Soldiers' Home of Chelsea as the Christie Serino Ward Area, came from the Senate with the endorsement that said branch had concurred with the House in the suspension of Joint Rule 12, non-concurred in the reference to the committee on Environment, Natural Resources and Agriculture, and that it had been referred, in non-concurrence, to the committee on Veterans and Federal Affairs.

Chelsea
Soldiers'
Home.

On motion of Mr. Smizik of Brookline, the House receded from its reference; and the petition (accompanied by bill, House, No. 4087) was referred, in concurrence, to the committee on Veterans and Federal Affairs.

A report of the committee on Elder Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 395) of Stephen M. Brewer, Anthony J. Verga, Barbara A. L'Italien, Kathi-Anne Reinstein and other members of the General Court for legislation to promote fire safe multiple dwelling residences for elders, infirm, and ailing, 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.

Residences,—
fire safety.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2263) of Edward M. Augustus, Jr. and Paul K. Frost (by vote of the town) for legislation to authorize the town of Auburn to establish an Auburn High School gymnasium health and recreation trust fund; and

Auburn
High School,—
trust fund.

Petition (accompanied by bill, Senate, No. 2264) of Michael W. Morrissey and Robert J. Nyman (by vote of the town) for legislation to authorize the town of Rockland to establish a school building capital trust fund;

Rockland,—
trust fund.

Severally to the committee on Municipalities and Regional Government.

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 following petitions:

Petition (accompanied by bill) of Louis L. Kafka that health insurance policies be required to provide coverage for the treatment of children with cleft lips and palates. To the committee on Financial Services.

Cleft palate,—
insurance.

Donna
Towner,—
sick leave.

Petition (accompanied by bill) of Karyn E. Polito for legislation to establish a sick leave bank for Donna Towner, an employee of the Trial Court. To the committee on the Judiciary.

Banks,—
state
deposits.

Petition (accompanied by bill) of Garrett J. Bradley relative to the listings of banking institutions for the deposit of public funds by departments and agencies of the Commonwealth. To the committee on State Administration and Regulatory Oversight.

Under suspension of the rules, on motion of Mr. Donato of Medford, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Fernald
State School,—
study.

By Ms. Balser of Newton, for the committee on Mental Health and Substance Abuse, asking to be discharged from further consideration 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 Children, Families and Persons with Disabilities. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

College
of Art.

Mr. Murphy of Lowell, for the committee on Higher Education, on House No. 3989, reported, in part, a Bill changing the name of the Massachusetts College of Art (House, No. 4088).

African-
Americans,—
honoring.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill honoring Massachusetts African Americans (House, No. 3193, changed by striking out the sentence contained in lines 1, 2 and 3 and inserting in place thereof the following sentence: "In recognition of the diverse history of the Commonwealth, the superintendent of state office buildings shall place subject to the approval of the art commissioner, a mural, plaques or busts, to honor the contributions made by individuals of African decent in Massachusetts.", and in line 4, by inserting after the word "placed", the words "in an area appropriately designated within the state house").

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

Juneteenth
independence
day.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill setting June 19th as juneteenth independence day (House, No. 3194, changed in line 5 by inserting after the word "Day" the words "to be observed on the Sunday that is closest to June 19th of each year", and in line 6 by striking out the word "Southwest" and inserting in place thereof the words "Southwestern United States. In recognition of the end of slavery in the United States as well as the significant contributions, individuals of African decent have made to the Commonwealth and to the United States said day shall be observed in an appropriate manner by the people"). 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. Correia of Fall River, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Fox of Boston, 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, its title having been changed by said committee to read: "An Act relative to the annual observance of juneteenth independence day." The bill (House, No. 3194, changed) then was sent to the Senate for concurrence.

Orders of the Day.

The House Bill relative to the use of voting machines in the city of Haverhill (House, No. 4040) was read a second time; and it was ordered to a third reading.

Second reading
bill engrossed.

Subsequently, under suspension of the rules, on motion of Ms. Spiliotis of Peabody, 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.

Senate bills

Relative to volunteers at state parks (Senate, No. 786);

Further regulating sewer connections in the town of Charlton (Senate, No. 1152, amended);

Second
reading
bills.

Further regulating water supply connections in the town of Charlton (Senate, No. 1153);

Authorizing the town of Middleborough to use a portion of town-owned land for purposes other than water supply protection and storage (Senate, No. 1189);

Establishing appointed positions of district clerk and district treasurer for the Bernardston Fire and Water District (Senate, No. 1198); and

Relative to property owned by the Boys and Girls Club of Brockton, Inc. (Senate, No. 2175); and

House bills

Streamlining the regional school budget process (House, No. 586, changed);

Establishing the state pharmacy council (House, No. 1138);

Authorizing the town of Belmont to establish another post-employment benefits trust fund (House, No. 1441);

Relative to legislation to protect the privacy of employees of municipalities (House, No. 1935);

Relative to town meeting votes in the town of Lexington (House, No. 1958);

Authorizing the town of Weymouth to make conveyance and sale of certain water supply land (House, No. 1975);

Authorizing the town of Tisbury to incur debt for the purpose of removing overhead utilities and replacing the same with underground facilities (House, No. 1996);

Second
reading
bills.

Relative to the Jacob Sears Memorial Library (House, No. 3787);

Relative to the fines for illegal dumping in the city of Fitchburg (House, No. 3939);

Relative to elections in the town of Merrimac (House, No. 3947);

To authorize the town of Natick to enter into a certain lease agreement (House, No. 3968);

Establishing a sick leave bank for Thomas A. Connolly, an employee of the Department of Correction (House, No. 4023); and

Authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4049);

Severally were read a second time; and they were ordered to a third reading.

Recess.

Recess.

Mr. Donato of Medford being in the Chair,— at twenty-five minutes after eleven o'clock A.M., on motion of Mr. Hynes of Marshfield, the House recessed until one o'clock P.M.; and at thirteen minutes after two o'clock the House was called to order with Mr. Donato in the Chair.

Engrossed Bill — Land Taking.

Boston,—
land
transfer.

The engrossed Bill authorizing the transfer of certain land to the city of Boston (see House, No. 53) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted
(land taking),—
yea and nay
No. 97.

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 Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 97 in Supplement.]

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

Orders of the Day.

Motion
picture
industry.

Mr. Petrolati of Ludlow being in the Chair,— the House Bill amending the law providing incentives to the motion picture industry (printed in House, No. 4043) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a Bill amending the law providing incentives to the motion picture industry (House, No. 4084),— was adopted; and the substituted bill was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Binienda of Worcester, the bill (having been reported by the committee on Bill 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 providing incentives to the motion picture industry."

After debate on the question on passing the bill to be engrossed, Mr. Mariano of Quincy moved to amend it by adding the following section:

“SECTION 11. Section 9 of chapter 158 of the acts of 2005 is hereby amended by striking out the words “and before January 1, 2013, but credits allowed pursuant to this act may be carried forward pursuant to sections 1 and 2 after January 1, 2013.”.

The amendment was rejected.

Mr. Wallace of Boston then moved to amend the bill by inserting after after section 1 the following section:

“SECTION 1A. The definition of ‘Motion picture production company’ in paragraph (1) of subsection (1) of section 62 of the General Laws, as so appearing, is hereby amended by inserting after the first sentence the following 2 sentences:—

A ‘motion picture production company’ includes any company, including its subsidiaries, involved with the financial, technical, and organizational management in which a motion picture, video, digital media project, television series, or commercial is made. It is the company that is responsible for executing the physical production, including the filming or taping.”; and by inserting after section 2 the following section:

SECTION 2A. Subparagraph (ii) of paragraph (5) of subsection (1) of said section 6 of said chapter 62, of the General Laws, as so appearing is hereby amended by adding the following sentence:—

There is no transference liability for the good faith buyer of a credit certificate.”.

The amendments were rejected.

Mr. Mariano of Quincy then moved to amend the bill by adding the following section:

“SECTION 11. (a) For the purposes of this section, a state-certified infrastructure project shall mean an infrastructure project approved by the executive office of housing and economic development. A minimum investment of \$500,000 shall be required for certification as a ‘state-certified infrastructure project’. The term ‘infrastructure project’ shall not include movie theaters or other commercial exhibition facilities.

An applicant for a state-certified infrastructure project shall submit an application to the executive office of housing and of economic development.

(b) Any taxpayer may claim an income tax credit of up to 20 percent for the construction, conversion, or equipping of a state-certified infrastructure project, or any combination of the activities of a motion picture, television, digital media, video gaming, post-production facility or any businesses that support such activity including but not limited to equipment rental, camera rental, film laboratory, or telecine facility. Unused credits may be carried forward 15 succeeding taxable years. All credits cannot reduce a taxpayer’s income tax liability below 0 in any given year.

(c) The secretary of economic development shall promulgate rules, regulations or guidelines relative to the administration and enforcement of this section; provided, however, that said rules, regulations or guidelines shall be promulgated by the secretary no later than December 31, 2007.”.

The amendment was rejected.

Motion
picture
industry.

Mr. Mariano then moved to amend the bill by adding the following section:

"SECTION 11. Section 2 of chapter 58 of the General Laws, as appearing in the 2006 official edition, is hereby amended by inserting after the first paragraph the following paragraph:—

A film, television or new media production facility shall permanently qualify as a manufacturing corporation and shall be entitled to any and all tax benefits, subsidies and other state programs designed and enacted into law for manufacturing corporations."

The amendment was rejected.

Mr. Binienda of Worcester then moved to amend the bill 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 to promote the Massachusetts motion picture industry, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted.

Bill passed
to be
engrossed,—
yea and nay
No. 98.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Binienda; and on the roll call 153 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 98 in Supplement.]

Therefore the bill (House, No. 4084, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bills — Land Takings.

North
Reading,—
land.

The engrossed Bill authorizing the town of North Reading to convey and acquire land (see House, No. 1954) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted
(land taking),—
yea and nay
No. 99.

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 Constitution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 99 in Supplement.]

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

North
Reading,—
park land.

The engrossed Bill authorizing the town of North Reading to convey and acquire land (see House, No. 1955) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted
(land taking),—
yea and nay
No. 100.

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 Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 100 in Supplement.]

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

The engrossed Bill authorizing the town of Wellesley to convey a certain parcel of land (see House bill printed in House, No. 3748) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Wellesley,—
land
conveyance.

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 Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 101.

[See Yea and Nay No. 101 in Supplement.]

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

The engrossed Bill authorizing the town of Wellesley to convey a certain parcel of land (see House, No. 3954) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Wellesley,—
James and
Pamela
Broderick.

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 Constitution); and on the roll call (Mrs. Harkins of Needham being in the Chair) 152 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 102.

[See Yea and Nay No. 102 in Supplement.]

Therefore the bill was passed to be enacted; and it was 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 tomorrow at eleven o'clock A.M.

Next
sitting.

Messrs. Honan of Boston and Moran of Boston then moved that as a mark of respect to the memory of Michael J. Daly, a member of the House from the Brighton section of the city of Boston from 1967 to 1976, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-six minutes after three o'clock P.M., on motion of Mr. Honan of Boston (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.