

## JOURNAL OF THE HOUSE.

Tuesday, June 24, 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:

Gracious God, we are grateful for our daily blessings which we believe enrich our personal lives and broaden our intellectual vision. We are also grateful, as citizens of this Commonwealth and country, for the traditional education opportunities which all people enjoy. The conclusion of the current academic year reminds us of the importance of education in our society and the need for new skills in our changing world and workplace. We are thankful, too, for the dedication of our teachers and their commitment to excellence in all aspects of education as they work with students and parents in reaching their goals. May excellence in education enable all students to utilize their talents and gifts wisely and to reason clearly in reaching our daily decisions.

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

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:

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Felicita Bermingham on the occasion of her retirement from the Natick District Court; and

Resolutions (filed by Mr. Miceli of Wilmington) honoring Linda Ricardo-Brabant for her twenty-five years of dedicated service as director of the Council on Aging in Tewksbury, Massachusetts;

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

### *Communications.*

#### Communications

From the Executive Office for Administration and Finance (under the provisions of Section 3B of Chapter 7 of the General Laws) relative to proposed changes in a certain fees to be charged by the Division of Professional Licensure;

From the Massachusetts Bay Transportation Authority (under the provisions of Section 11 of Chapter 161 of the General Laws relative to the efforts of said authority to maximize non-transportation revenue; and

From the Massachusetts Dairy Farm Revitalization Task Force (under Section 17 of Chapter 42 of the Acts of 2007) relative to the dairy industry in the Commonwealth;

Severally were placed on file.

### *Annual and Special Reports.*

#### Annual reports

Of the Division of Health Care Finance and Policy (under the provisions of Chapter 139 of the Acts of 2006) submitting its annual report for the year 2007;

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Of the Health Care Quality and Cost Council (under the provisions of Section 16L(k) of Chapter 6A of the General Laws) submitting its annual report for the year 2007;

Of the Massachusetts Bay Transportation Authority (under the provisions of Subsection 5 (h) of Section 151 of the Chapter 127 of the Acts of 1999) submitting a report of its operations for the calendar year 2007; and

Of the Department of Telecommunications & Energy (under the provisions of Section 3 of Chapter 239 of the Acts of 2002) submitting its report relative to a long term plan for funding enhanced 9-1-1 services;

Monthly report of the Division of Unemployment Assistance (under the provisions of Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for February, March and April for the calendar year 2008; and

**Reports**

Of the Department of Higher Education submitting its report on the Massachusetts, Science, Technology & Engineering Grant Fund (the STEM Pipeline Fund); and

Of the Committee for Public Council Services (under the provisions of item 0321-1500 of Chapter 61 of 2007) submitting its report for the year 2008;

Severally were placed on file.

*Petitions.*

Petitions severally were presented and referred as follows:

By Ms. Polito of Shrewsbury, petition (accompanied by bill, House, No. 4874) of Karyn E. Polito (by vote of the town) that the town of Westborough be authorized to issue a license for the sale of alcoholic beverages to Anyu Cai d/b/a Chef Sun Restaurant, Inc.; and

By Representative Speliotis of Danvers and Senator Berry, joint petition (accompanied by bill, House, No. 4875) of Theodore C. Speliotis and Frederick E. Berry (by vote of the town) for legislation to authorize the town of Danvers to issue an additional license for the sale of wine and malt beverages to Sawasdee Restaurant, Inc.;

Severally to the committee on Consumer Protection and Professional Licensure.

By Mr. Garballey of Arlington, petition (accompanied by bill, House, No. 4876) of Sean Garballey (by vote of the town) that the town of Arlington be authorized to issue pension obligation bonds or notes;

By Mr. McMurtry of Dedham, petition (accompanied by bill, House, No. 4877) of Paul McMurtry (by vote of the town) for legislation to provide for certain changes in the charter of the town of Dedham to clarify the methods of organizing agencies under the supervision of the administrator of said town; and

By Ms. Polito of Shrewsbury, petition (accompanied by bill, House, No. 4878) of Karyn E. Polito and others (by vote of the town) relative to the appointment of a deputy moderator in the town of Westborough;

Severally to the committee on Municipalities and Regional Government.

By Representative Eldridge of Acton and Senator Resor, joint petition (accompanied by bill, House, No. 4870) of James B. Eldridge, Pamela P. Resor and another (by vote of the town) for legislation to remove the deputy chief of police of the town of Acton from the civil service law and rules;

By Mr. Garballey of Arlington, petition (accompanied by bill, House, No. 4871) of Sean Garballey (by vote of the town) for legislation to authorize certain residents of the town of Arlington to take a civil service examination for the position of fire fighter in said town, notwithstanding the maximum age requirements;

By the same member, petition (accompanied by bill, House, No. 4872) of Sean Garballey (by vote of the town) that certain residents of the town of Arlington be authorized to take a civil service examination for the position of police officer in said town, notwithstanding the maximum age requirements; and

By Ms. Polito of Shrewsbury, petition (accompanied by bill, House, No. 4873) of Karyn E. Polito and others (by vote of the town) for legislation to regulate the suspension or removal from office of employees of the town of Westborough;

Severally to the committee on Public Service.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

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By Mr. Flynn of Bridgewater, petition (subject to Joint Rule 12) of David L. Flynn for legislation to prohibit the imposition of a tax based on the amount of mileage accumulated by motor vehicles.

By Representative Verga of Gloucester and Senator McGee, joint petition (subject to Joint Rule 12) of Anthony J. Verga, Thomas M. McGee and others for legislation to provide for a contribution by the Commonwealth to the Disabled Veterans' Life Memorial Foundation located in Washington, D.C.

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

### *Papers from the Senate.*

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2763) of Stephen M. Brewer (by vote of the town) for legislation to authorize the town of Winchendon to count the cost of school department retirees health insurance to be considered part of the school districts net school spending and the general government provides the required (50%) cost of said insurance in addition to the amount prescribed by the Department of Education as minimal local contribution. To the committee on Education.

Petition (accompanied by bill, Senate, No. 2762) of Bruce E. Tarr, Steven A. Baddour, David M. Torrisi and Barbara L'Italien (by vote of the town) for legislation to modify a conservation restriction in the town of North Andover. To the committee on Environment, Natural Resources and Agriculture.

### *Reports of Committees.*

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the city of Westfield to convey a conservation restriction to the Department of Fish and Game (Senate, No. 2674) ought to pass. 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 Rule 7A, on motion of Mr. Spellane of Worcester, the bill was read a second time forthwith; and it was ordered to a third reading.

Under suspension of the rules, on motion of Mr. deMacedo of Plymouth, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Kocot of Northampton moved to amend it in section 1, in line 16, by inserting after the figures "79" the following: "; provided, however, that the city of Westfield, the town of Montgomery, the division of fisheries and wildlife, members of the general court representing said communities and representatives of organizations promoting the conservation of and appropriate recreational use of said parcels may convene an working group to discuss and plan for public access, law enforcement, open space and habitat protection, water supply protection, forest management, abutting property owner rights, recreation regulations and the future acquisition of parcels by the town of Montgomery, provided further, that said working group shall be convened on a regular basis to address the concerns of residents relating to constructive and compatible public access to said parcels and other land use issues".

The amendment was adopted; and the bill (Senate, No. 2674, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

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, the question being on passing the bill to be engrossed.

Under suspension of Rule 7A, on motion of Mr. Spellane of Worcester, the bill was considered forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to rental vehicle and replacement vehicle transactions and services (House, No. 933) be scheduled for consideration by the House, with the amendment previously recommended by the committee on Ways

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and Means,-- that the bill be amended by substitution of a bill with the same title (House, No. 4795),-- pending.

Under suspension of Rule 7A, on motion of Mr. Spellane of Worcester, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

By Mr. Honan of Boston, for the committee on Housing, on a joint petition, a Bill relative to affordable housing in the town of Chelmsford (House, No. 4758). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Recess.*

At ten minutes before twelve o'clock noon, on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at one minute before three o'clock P.M. the House was called to order with Mr. Donato in the Chair.

*Engrossed Bill.*

The engrossed Bill making certain appropriations for fiscal year 2009 before final action on the General Appropriation Bill (see House bill printed in House, No. 4863) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, 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.

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At one minute after three o'clock P.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.

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