

JOURNAL OF THE HOUSE.

Thursday, September 11, 2008.

Met according to adjournment, at twelve o'clock noon, 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:

God, our Creator, we open our hearts and minds to You at the beginning of today's legislative session. We are grateful to You for the material and spiritual blessings which You offer to us daily. As citizens of this great nation we are thankful for the freedoms and the personal dignity and the constitutional rights which we enjoy. The pages of our nation's history are filled with names and accomplishments of men and women who have served our society in a generous and heroic manner. Today, September 11, we remember in our prayers and thoughts the innocent victims of the catastrophic event, their families and loved ones, the volunteers and the men and women in blue who served the needs of the community spontaneously at a critical and tragic moment. We pray that peace and reasoned actions will fill the minds of all people throughout the world.

Prayer.

Grant Your blessings to the Speaker, 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.

Pledge of
allegiance.

Message from the Governor — Sections and Items in Environmental Bond Bill Disapproved or Reduced.

A message from His Excellency the Governor returning with his disapproval of certain items contained in section 2A and sections 11, 27, 31 and 37 and his reductions and disapproval of certain wording of various items contained in section 2A and item 2890-7010 in section 2C of the engrossed Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth [see House, No. 5054] (for message, see House, No. 5078) was filed in the Office of the Clerk on Thursday, August 14.

Environmental
bonds.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

Message from the Governor — Sections of Environmental Bond Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment sections 8, 9, 33 and 36 (printed as House, No. 5080) of the engrossed Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth [see House, No. 5054] (for message, see House, No. 5079) was filed in the office of the Clerk on Thursday August 14.

Environmental
bonds.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the sections (printed as House, No. 5080) were thereupon “before the General Court and subject to amendment and re-enactment”.

Pending the question on adoption of the amendment recommended by His Excellency, the bill (House, No. 5080) was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to providing the terms of certain bonds and notes to be issued by the Commonwealth to finance broadband access, bridge repairs, higher education, transportation, energy and environmental needs and certain other general governmental needs of the Commonwealth (House, No. 5095) was filed in the office of the Clerk on Thursday, August 21.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Bonding, Capital Expenditures and State Assets. Sent to the Senate for concurrence.

Resolutions.

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

Resolutions (filed by Messrs. Binienda of Worcester, Fresolo of Worcester, O’Day of West Boylston, Pedone of Worcester and Spellane of Worcester) congratulating James A. Caradonio on his fifteen years of outstanding service to the Worcester Public Schools and the Worcester community;

Resolutions (filed by Ms. Callahan of Sutton) recognizing Ocular Inflammatory Disease Awareness Month;

Resolutions (filed by Mr. D’Amico of Seekonk) congratulating the Seekonk Lions Club on the occasion of its fiftieth anniversary;

Resolutions (filed by Mr. Fresolo of Worcester) recognizing the Central Massachusetts Center for Women and Enterprise in September, Woman of Achievement Month;

Resolutions (filed by Mr. Miceli of Wilmington) honoring the Glenice Sheehan Program on its twentieth anniversary;

Resolutions (filed by Mr. Nyman of Hanover) congratulating Mr. and Mrs. Andrew Triantafellow on the occasion of their fiftieth wedding anniversary;

Resolutions (filed by Messrs. Pedone of Worcester, O’Day of West Boylston, Spellane of Worcester, Fresolo of Worcester and Binienda of Worcester) recognizing AIDS Project Worcester on its twentieth anniversary;

Resolutions (filed by Mr. Ross of Wrentham) congratulating Jeffrey P. Andrade of Norfolk upon his elevation to the rank of Eagle Scout;

Resolutions (filed by Mr. Ross of Wrentham) congratulating Jason A. Rafferty of Norfolk upon his elevation to the rank of Eagle Scout;

Land
donations,
tax credits.

Bonds and
notes,
terms.

James A.
Caradonio.

Eye disease
awareness.

Seekonk,
Lions Club.

Center for
Women and
Enterprise.

Glenice
Sheehan
Program.

Andrew and
Helen
Triantafellow.

Worcester,
AIDS Project.

Jeffrey P.
Andrade.

Jason A.
Rafferty.

Resolutions (filed by Mr. Rush of Boston and other members of the House) congratulating the Irish Cultural Centre of New England upon the eighteenth annual Irish Connections Festival;

Resolutions (filed by Mr. Speliotis of Danvers) honoring Myrna Fearer for her twenty five years of service as a reporter and editor at the Danvers Herald; and

Resolutions (filed by Messrs. Stanley of Waltham and Koutoujian of Waltham) congratulating Mr. and Mrs. William Stanley on the occasion of their fiftieth wedding anniversary;

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. Cabral of New Bedford, 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. 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 granted until Friday, September 12, 2008, the time within which to make its final report on current House document numbered 4867, relating to vacant lots.

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 Mrs. Walrath of Stow, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Verga of Gloucester) 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 joint committee on Veterans and Federal Affairs be granted until Monday, December 1, 2008, within which to make its report on current House document numbered 4980.

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 Mrs. Walrath of Stow, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Papers from the Senate.

The House Bill establishing the Massachusetts Creative Economy Council (House, No. 4965, amended) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 10, striking out the figures “24” (inserted by amendment by the House) and inserting in place thereof the figures: “25”; and in line 37, inserting after the word “Initiative;” (as printed) the following: “1 of whom shall be the executive director of the Worcester Cultural Coalition;”.

Irish
Cultural
Centre.

Myrna
Fearer.

William and
Roberta
Stanley.

Municipalities
and Regional
Government
committee,
extension of
time for
reporting.

Veterans and
Federal Affairs
committee,
extension of
time for
reporting.

Economy
council.

Under suspension of Rule 35, on motion of Mr. Bosley of North Adams, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Mashpee
Water
District,
elections.

A Bill authorizing the Mashpee Water District to hold elections for the board of water commissioners concurrently with the Mashpee town elections (Senate, No. 2879) (on Senate bill No. 2738), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

The following order (having been approved by the committees on Rules of the two branches, acting concurrently) came from the Senate with the endorsement that it had been adopted by said branch as follows:

Municipalities
and Regional
Government
committee,
extension of
time for
reporting.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be granted until Friday, September 12, 2008 in which to make its final report on current Senate documents numbered 2801 and 2802, relative to various local issues.

Under suspension of the rules, on motion of Ms. Khan of Newton, the order was considered forthwith; and it was adopted, in concurrence.

The following order (having been approved by the committees on Rules of the two branches, acting concurrently) came from the Senate with the endorsement that it had been adopted by said branch as follows:

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Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be granted until Monday, September 22, 2008 in which to make its final report on current Senate document numbered 2844, relative to various local issues.

Under suspension of the rules, on motion of Mr. DiNatale of Fitchburg, the order was considered forthwith; and it was adopted, in concurrence.

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:

John Vitale,
sick leave.

Petition (accompanied by bill) of Barry R. Finegold for legislation to establish a sick leave bank for John Vitale, an employee of the land court. To the committee on Judiciary.

Millbury,
R.J. Dwinell
Bike Path.

Joint petition (accompanied by bill) of Paul K. Frost and Edward M. Augustus, Jr., for legislation to designate a certain bike path in the town of Millbury as the Honorable Richard J. Dwinell Memorial Blackstone Valley Bike Path. To the committee on Transportation.

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

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 the regulation of snow and recreation vehicles (Senate, No. 2772),— and recommending that the same be referred to the committee on Public Safety and Homeland Security. Under Rule 42, the report was considered forthwith; and it was NOT accepted.

Snow,
recreation
vehicles,
regulate.

Under suspension of the rules, on motion of Mr. deMacedo of Plymouth, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill designating a certain portion of land in the town of in Barre as Trifilo Square (Senate, No. 2039) be scheduled for consideration by the House.

Barre,
Trifilo
Square.

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. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill designating the community colleges collectively as the Governor Foster Furcolo Community Colleges (Senate, No. 2581) be scheduled for consideration by the House.

Furcolo
Community
College
system.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing the Walpole Economic Development and Industrial Corporation (Senate, No. 2786) [Local Approval Received] be scheduled for consideration by the House.

Walpole,
economic
development.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Framingham to erect a maintenance facility (House, No. 5082) be scheduled for consideration by the House.

Framingham,
maintenance
facility.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a Charles River water quality commission (House, No. 897) be scheduled for consideration by the House, with the amendment previously recommended by the committee on Ways and Means,— to amend the bill by substitution of a Bill establishing a Charles River water quality commission (House, No. 5041), pending.

Charles
River,
water
quality.

Under suspension of Rule 7A, on motion of Ms. Wolf of Cambridge, the bill was read a second time forthwith.

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

Weston,
Josiah Smith
Tavern.

The House report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 5021) of Alice Hanlon Peisch (by vote of the town) that the town of Weston be authorized to issue a license for the sale of alcoholic beverages to be drunk on the premises to Josiah Smith Tavern and Barn, was considered forthwith, under suspension of the rules, on motion of Mrs. Walrath of Stow.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Ms. Peisch of Wellesley.

Louis
Cataldo.

By Mr. Kaufman of Lexington, for the committee on Public Service, on House, No. 4295, a Bill relative to the retirement allowance of Louis Cataldo a retired employee of the Barnstable County Sheriff's Office and retired chief of police of the town of Dennis (House, No. 5094). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

Engrossed bills

Authorizing certain persons to take the civil service examination for appointment as firefighters in the town of Arlington notwithstanding the maximum age requirement (see House, No. 4871);

Authorizing certain persons to take the civil service examination for appointment as police officers in the town of Arlington notwithstanding the maximum age requirement (see House, No. 4872);

Authorizing the town of Arlington to issue pension obligation bonds or notes (see House, No. 4876); and

Providing for a ballot question in the town of Arlington relative to the sale of all alcoholic beverages in certain restaurants (see House, No. 4936);

(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.

Students,
parental
participation.

The engrossed Bill providing access to information for parents' of a child with special education needs (see House, No. 391, amended) (which originated in the House), having been rightly and truly prepared for final passage, was considered.

Pending the question on passing the bill to be enacted, Mr. Golden of Lowell moved that Rule 40 be suspended; and the motion prevailed. The same member then moved to amended the bill by striking out the title and inserting in place thereof the following title: "An Act providing access to information for parents of a child with special needs."; and in the last sentence (as engrossed) by striking

out the words "parent of a designee." and inserting in place thereof the words "parent or a designee."

The amendments were adopted. Sent to the Senate for concurrence.

Orders of the Day.

Senate bills

Designating the Fitchburg District Courthouse as the Gelinas Courthouse (Senate, No. 2846); and

Relative to public parking in the city of Fitchburg (Senate, No. 2866);

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, in concurrence.

House bills

Designating a certain bridge in the city of Medford as the Sergeant Anthony P. Annino Bridge (House, No. 4962) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the Commissioner of Capital Asset Management to convey certain land to the city of Newburyport (House, No. 5038); and

Authorizing the town of Maynard to borrow money for certain remediation work (House, No. 5065) (its title having been changed by the committee on Bills in the Third Reading);

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

The House Bill establishing a sick leave bank for Linda McKinley, an employee of the Department of Transitional Assistance (House, No. 5045), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Kaufman of Lexington moved to amend it 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 establish forthwith a sick leave bank for a certain employee of the department of transitional assistance, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (House, No. 5045, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Third
reading
bills.

Third
reading
bills.

Linda
McKinley,
sick leave.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At a quarter before one o'clock P.M., 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.