Wednesday, October 17, 2007.

Met according to adjournment, at eleven o'clock A.M., 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 of Goodness and Truth, Your gift of wisdom enables us to comprehend and to deal correctly with personal responsibilities and the legislative matters which come before us. We depend upon Your help and guidance in our daily struggle to be fair, wise and ethical in our decision-making process. In this age of globalization, simple answers to our complex issues are not always available. As elected leaders, inspire us to respond in a reasonable manner to the present concerns and future expectations of the people. During these times of worldwide violence and revolutions, teach us to be constantly aware of the dignity, the rights (human, civil and religious) and importance of all members of our society.

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.

Message from the Governor.

Resort casinos. A message from His Excellency the Governor recommending legislation relative to establishing and regulating resort casinos in the Commonwealth (House, No. 4307) was filed in the office of the Clerk on Thursday, October 11.

Mr. Petrolati of Ludlow being in the Chair,— the message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Economic Development and Emerging Technologies. Sent to the Senate for concurrence.

Statement of Representative Miceli of Wilmington.

A statement of Representative Miceli of Wilmington, was spread upon the records of the House, as follows:

Statement of Representative Miceli of Wilmington. MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of today's sitting due to official business in another part of the State House. Any roll that I may have missed was due entirely to the reason stated.

Statement of Representative Naughton of Clinton.

A statement of Representative Naughton of Clinton, was spread upon the records of the House, as follows:

Statement of Representative Naughton of Clinton.

MR. SPEAKER: I would like to call to the attention of the House the fact that I will be unable to be present in the House Chamber for the remainder of today's sitting due to being called away from the State House on a family matter. My missing roll call votes after roll call No. 189 today will be due entirely to the reason stated.

Statement Concerning Representative O'Day of West Boylston.

A statement of Mr. Rogers of Norwood concerning Mr. O'Day of West Boylston, was spread upon the records of the House, as follows:

Statement concerning Representative O'Day of West Boylston.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative O'Day of West Boylston, will not be present in the House Chamber for today's sitting due to a family medical emergency. Any roll calls that he may miss today and tomorrow will be due entirely to the reason stated.

Statement Concerning Representative Sandlin of Agawam.

A statement of Mr. Rogers of Norwood concerning Ms. Sandlin of Agawam, was spread upon the records of the House, as follows:

Statement concerning Representative Sandlin of Agawam.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Sandlin of Agawam, will not be present in the House Chamber for today's sitting due to the death of her son. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement of Representative Walrath of Stow.

A statement of Representative Walrath of Stow, was spread upon the records of the House, as follows:

Statement of Representative Walrath of Stow.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the sitting of Thursday last due to official legislative business in Washington, D.C., regarding health care. Any roll that I may have missed that day was due entirely to the reason stated.

Resolutions.

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

Family-to-Family Project.

Resolutions (filed by Representatives Rushing of Boston and Malia of Boston) recognizing the Family-to-Family Project for twenty years of commitment to the improvement of Massachusetts communities and families;

Angela White.

Resolutions (filed by Mr. Linsky of Natick) congratulating Angela White on the occasion of her retirement from the Natick Police Department as a crossing guard;

John K. Golembeski.

Resolutions (filed by Mr. Mariano of Quincy) honoring John K. Golembeski of Marshfield as Insurance Professional of the Year; and

Robert J. Rappa.

Resolutions (filed by Mr. Vallee of Franklin) honoring Mr. Robert J. Rappa on his retirement from the Thomas F. Keefe Insurance Agency after thirty-four years of service;

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. O'Flaherty of Chelsea, 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

Appliances. Further regulating certain appliances (Senate, No. 1964) (on a petition);

Southampton,—bridge. Designating a certain bridge in the town of Southampton as the Southampton Veterans Memorial Bridge (Senate, No. 2066) (on a petition); and

Plymouth,—Dexter Olsson. Relative to a certain motor vehicle number plate (printed as House, No. 221) (on a petition);

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.

Essex County Alternative Center. A report of the Department of Public Health (under the provisions of sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of Essex County Correctional Alternative Center, in the town of Middleton, was spread upon the records of the House; and returned to the Senate.

Worcester,—bilingual ballots. A petition (accompanied by bill, Senate, No. 2362) of Edward M. Augustus, Jr., Michael V. O'Brien, Konstantina B. Lukes, Harriette L. Chandler and other members of the General Court (with the approval of the mayor and city council) for legislation relative to bilingual ballots in municipal elections in the city of Worcester, was referred, in concurrence, to the committee on Election Laws.

Veterans' benefits. A petition of Scott P. Brown, Anthony J. Verga, Stephen M. Brewer, Richard R. Tisei and other members of the General Court for legislation to promote veterans benefits, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Veterans and Federal Affairs.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2366) was referred, in concurrence, to the committee on Veterans and Federal Affairs.

Reports of Committees.

Tennessee Gas Pipeline,—easements. By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the conveyances of certain easements in the towns of Lynnfield, Saugus and Wakefield to the Tennessee Gas Pipeline Company (Senate, No. 2211) ought to pass with amendments in section 1, in line 1, and also in section 6, in line 1, by striking out the word "The" and inserting in place thereof, in each instance, the words "Notwithstanding any general or special

Tennessee Gas Pipeline,— easements.

law to the contrary, the"; in section 8, in line 1, by striking out the word "There" and inserting in place thereof the words "Notwithstanding any general or special law to the contrary, there"; and in section 9, in line 1, by striking out the word "No" and inserting in place thereof the words "Notwithstanding any general or special law to the contrary, no". 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 with the amendments pending.

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

The amendments recommended by the committee on Ways and Means then were adopted; and the bill (House, No. 2211, amended) was ordered to a third reading.

Rhea Lindstet,— sick leave.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to a sick leave bank for an employee of the Department of Revenue (House, No. 4286) be scheduled for consideration by the House.

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

IT Board advisors.

By Mr. Bosley of North Adams, for the committee on Economic Development and Emerging Technologies, on a petition, a Bill relative to the Information Technology Advisory Board (House, No. 348).

Work family council.

By the same member, for the same committee, on House, No. 361, a Bill establishing a Massachusetts work family council (House, No. 4308).

Economy council,— establish.

By the same member, for the same committee, on House, No. 4227, a Bill establishing the Massachusetts creative economy council (House, No. 4309).

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Mental health services.

By Ms. Balser of Newton, for the committee on Mental Health and Substance Abuse, on a petition, a Bill to improve access to mental health services (House, No. 1873).

Homeless,— mentally ill.

By the same member, for the same committee, on a petition, a Bill relative to the counting of homeless mentally ill individuals by Department of Mental Health area boards (House, No. 1908).

Diabetes supplies,— sales tax.

By Mr. Binienda of Worcester, for the committee on Revenue, on Senate, No. 1811 and House, No. 2842, a Bill providing for an exemption from the sales tax for certain medical devices (House, No. 2842).

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

Salem,— Wine Imports, LTD.

By Mr. Rodrigues of Westport, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill authorizing the city of Salem to issue additional liquor licenses for the sale of alcoholic beverages (House, No. 4274) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the city of Salem to issue additional licenses for the sale of alcoholic beverages (House, No. 4275) [Local Approval Received]. Salem,—New Boston Ventures, LLC.

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

Engrossed Bill.

The engrossed Bill designating a certain bridge in the town of Dalton as the Benjamin-Muraca Memorial Bridge (see House, No. 3503, changed) (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. Bill enacted.

Recess.

At seven minutes after eleven o'clock A.M., on motion of Mr. Donato of Medford (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of one o'clock P.M.; and at seventeen minutes after one o'clock the House was called to order with Mr. Petrolati in the Chair. Recess.

Quorum.

Mr. Donato of Medford thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum. Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 138 members were recorded as being in attendance. Quorum,—yea and nay No. 187.

[See Yea and Nay No. 187 in Supplement.]

Therefore a quorum was present.

Engrossed Bills.

The engrossed Bill relative to joint public libraries (see House, No. 3401) (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. Bill enacted.

The engrossed Bill relative to pension divestment (see Senate, No. 2255, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage. Pension divestment.

Pending the question on passing the bill to be enacted, Mr. Jones of North Reading moved that Rule 40 be suspended.

After debate on the question of suspension of Rule 40, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 20 members voted in the affirmative and 135 in the negative. Motion to suspend Rule 40 negatived,—yea and nay No. 188.

[See Yea and Nay No. 188 in Supplement.]

Therefore the motion to suspend Rule 40 was negatived.

Bill passed to be enacted,—yea and nay No. 189.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 189 in Supplement.]

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

Motion to Discharge a Certain Matter in the Orders of the Day.

Reorganization Plan No. 2 of 2007.

Mr. Cabral of New Bedford moved that the Reorganization Plan No. 2 of 2007 (submitted by His Excellency the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) increasing the efficiency, effectiveness, and fairness of the Commonwealth's labor relations agencies (see House, No. 4244), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

Reorganization Plan No. 2 approved,—yea and nay No. 190.

After debate on the question on approval of the reorganization plan, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 135 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 190 in Supplement.]

Therefore the House approved Reorganization Plan No. 2 of 2007.

Orders of the Day.

House bills

Third reading bills.

Removing an agricultural preservation restriction from a portion of real estate in the town of Raynham known as Borden Colony (House, No. 26, amended);

Exempting the positions of fire chief and deputy fire chief in the town of Hudson from the civil service law (House, No. 3957); and

Establishing a sick leave bank for Karen Rice, an employee of the Massachusetts teachers' retirement system (House, No. 4243) (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.

Senate bills

Second reading bills.

Exempting Timothy R. Grabarz and Thomas E. Cady from the maximum age requirement for appointment as a police officer in the town of Raynham (Senate, No. 1621);

Increasing the minimum age for appointment as a University of Massachusetts police officer (Senate, No. 1639);

Authorizing increased fees for special details performed by public employees in the city of Somerville (Senate, No. 2170);

Relative to the financing of a contract termination charge incurred by the town of Norwood (Senate, No. 2277);

Authorizing the Mashpee Water District to enter into a certain agreement with the town of Sandwich (Senate, No. 2282, changed);

Establishing a community events fund for the town of Wareham (Senate, No. 2287);

Establishing the North Carver Water District (Senate, No. 2308); and

Authorizing the Wachusett Regional School District to borrow money for the cleanup of oil contamination and related costs (Senate, No. 2322); and

House bills

Relative to exempting seniors from certain bank fees (House, No. 975);

Relative to the sale of insurance by credit unions (House, No. 1016);

Relative to the investment of reserves by dental service corporations (House, No. 1042);

Relative to the operation and governance of credit unions (House, No. 1068);

To establish self determination for persons with disabilities (House, No. 1898);

Regarding certain contracting procedures in the city of Boston (House, No. 1933);

Relative to the Old King's Highway District (House, No. 1997);

Relative to mosquito control (House, No. 2116);

Relative to exempting the positions of police and fire chiefs from civil service (House, No. 2363);

Establishing an extended illness leave bank for Trial Court employees (House, No. 2582);

Designating May 24 as Phenylketonuria Awareness Day (House, No. 3174);

Authorizing the Dennis Water District to convey certain land (House, No. 3741);

Relative to water betterment in the town of Brewster (House, No. 3955);

Authorizing superannuation retirement for Leo Senecal (House, No. 4139);

Exempting Kevin Farragher from the maximum age requirement for appointment as a firefighter in the town of North Andover (House, No. 4143);

Establishing a sick leave bank for Sharon Easter, an employee of the Department of Correction (House, No. 4209);

Exempting the positions of police chief and fire chief in the town of North Andover from the civil service law (House, No. 4212);

Establishing a sick leave bank for Dorothy Lafratta, an employee of the Department of Transitional Assistance (House, No. 4249); and

Validating the action taken at the annual town election held in the town of Lanesborough (printed in House, No. 4250);

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

House report.

The House report of the committee on Health Care Financing, ought NOT to pass, on the petition (accompanied by bill, House, No. 832) of Douglas W. Petersen and others for legislation to preserve MassHealth coverage for disabled persons, was accepted.

Order.

Mr. Donato of Medford being in the Chair,—

On motion of Mr. DiMasi of Boston,—

Next sitting.

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-two minutes before four o'clock P.M., on motion of Mr. Rushing of Boston (Mr. Donato being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.