

JOURNAL OF THE HOUSE

Thursday, January 10, 2002.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. O'Flaherty of Chelsea 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:

Eternal God, whose compassion and forgiveness are without limits, we proclaim our trust in You and in Your mysterious ways, which often we find difficult to understand, accept or follow. We humbly ask You to strengthen our belief in You and our commitment to implement Your teachings in our daily living. In these uneasy and changing times, teach us to continue to respect the dignity of each person and to recognize the eternal destiny of all we meet. In our daily struggle to form a right conscience, to legislate wisely and to meet the human and spiritual needs of people, we depend upon Your assistance. Grant us the wisdom, the maturity and the integrity to make sound and ethical legislative 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. O'Flaherty), 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 Marini of Hanson, Peterson of Grafton, Jones of North Reading and Rogeness of Longmeadow) congratulating President Ronald Wilson Reagan on the occasion of his ninety-first birthday;

Resolutions (filed by Mr. Connolly of Everett) honoring John DiBiaso, Head Coach of the Everett High School Football Program;

Resolutions (filed by Mr. Hart of Boston) honoring Gertrude Sullivan;

Resolutions (filed by Mr. Koczera of New Bedford) congratulating Doctor Joseph S. Silva, Jr., on the occasion of his retirement as superintendent of schools for the city of New Bedford;

Resolutions (filed by Ms. Stanley of West Newbury) on the occasion of the three hundredth anniversary of the Byfield Parish Church;

Resolutions (filed by Representatives Teahan of Whitman and Patrick of Falmouth) congratulating Judith A. Riordan on her retirement from the East Bridgewater Public Schools

after 32 years of outstanding service;

Resolutions (filed by Messrs. Tobin of Quincy, Ayers of Quincy and Mariano of Quincy) congratulating Gentech on hosting “Family history at the speed of Light”, its tenth annual conference in Boston from January 24 through January 26, 2002;

Resolutions (filed by Mr. Travis of Rehoboth) recognizing Donald J. Robillard for his many years of dedicated service to the town of Seekonk;

Resolutions (filed by Mr. Travis of Rehoboth) recognizing John L. Tobin for his many years of dedicated service to the town of Seekonk; and

Resolutions (filed by Mrs. Walrath of Stow) congratulating Justin Oliveria on receiving the Eagle Award of the Boy Scouts of America;

Mr. Honan 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. Connolly, 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 Department of Education relative to the implementation of a grant program to serve students in the Class of 2003 by virtue of a special earmark in the academic support services budget; and

From Wonderland Greyhound Park, Inc. (under the provisions of Paragraph 7 of Section 2 of Chapter 128C of the General Laws) submitting copies of contracts for the simulcasting of dog races;

Severally were placed on file.

Annual and Special Reports.

Annual reports

Of the Joint Labor-Management Committee for Municipal Police and Fire (under the provisions of Clause (a) of Subdivision 3 of Section 1 of Chapter 589 of the Acts of 1987) relative to the results of invoking the special provisions for the resolution of a dispute over the provisions of collective bargaining agreements; and

Of the Massachusetts Water Pollution Abatement Trust (under the provision of Section 17 of Chapter 29C of the General Laws) of the operations, properties and expenditures of said trust; and

Report of the Massachusetts Convention Center Authority (under the provisions of Section 5L

of Chapter 152 of the Acts of 1997) relative to all contracts regarding the Boston Convention and Exhibition Center project entered into by said authority;

Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. O'Brien of Kingston, petition (accompanied by bill, House, No. 4845) of Thomas J. O'Brien and Therese Murray (by vote of the town) relative to the administration of rent regulations and the control of evictions in manufactured housing communities in the town of Kingston;

By Mr. Kujawski of Webster, petition (accompanied by bill, House, No. 4846) of Paul Kujawski (by vote of the town) that the town of Douglas be authorized to convey a certain parcel of land; and

By Mr. O'Brien of Kingston, petition (accompanied by bill, House, No. 4847) of Thomas J. O'Brien and Therese Murray (by vote of the town) relative to the zoning requirements of vacant lots in the town of Kingston;

Severally to the committee on Local Affairs.

By Mr. Broadhurst of Methuen, petition (accompanied by bill, House, No. 4853) of Arthur J. Broadhurst (with the approval of the mayor and city council) relative to authorizing Herbert Stacey and Timothy Getchell to apply for a civil service appointment in the city known as the town of Methuen, notwithstanding the maximum age requirements;

By Mr. Hill of Ipswich, petition (accompanied by bill, House, No. 4852) of Bradford Hill and Bruce E. Tarr (by vote of the town) relative to authorizing the appointment of Robert Bowen, Dennis Howes, Keith LeBlanc and Roland Martineau as fire fighters in the town of Ipswich, notwithstanding the maximum age requirements;

By the same member, petition (accompanied by bill, House, No. 4854) of Bradford Hill and Bruce E. Tarr (by vote of the town) relative to authorizing Donald Clapp, Christopher Gregory and Kevin Lombard to take the civil service examination for the position of fire fighter in the town of Ipswich, notwithstanding the maximum age requirements; and

By Mr. Swan of Springfield, petition (accompanied by bill, House, No. 4848) of Benjamin Swan and other members of the House (with the approval of the mayor and city council) that the retirement board of the city of Springfield be authorized to pay certain surviving spouse benefits to Joyce M. Brown;

Severally to the committee on Public Service.

By Mr. Hill of Ipswich, petition (accompanied by bill, House, No. 4849) of Bradford Hill and Bruce E. Tarr (by vote of the town) that the town of Ipswich and the Commonwealth be

authorized to enter into a lease agreement for the use of the former town hall as a courthouse. To the committee on State Administration.

By Mr. Kujawski of Webster, petition (accompanied by bill, House, No. 4850) of Paul Kujawski and Richard T. Moore (by vote of the town) relative to authorizing the town of Douglas to establish an economic development fund and impose betterments and special assessments; and

By Mr. Vallee of Franklin, petition (accompanied by bill, House, No. 4851) of James E. Vallee and David P. Magnani (by vote of the town) that the city known as the town of Franklin be authorized to establish an open space real property acquisition fund;

Severally to the committee on Taxation.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Atsalis of Barnstable (by request), petition (subject to Joint Rule 12) of Ken Moulton relative to certain claims against governmental agencies.

By Mr. Coppola of Foxborough, petition (subject to Joint Rule 12) of Michael J. Coppola, other members of the General Court and another for an investigation and study by a special commission (including members of the General Court) relative to the feasibility of full day kindergarten.

By Mr. deMacedo of Plymouth, petition (subject to Joint Rule 12) of Viriato Manuel deMacedo, Thomas J. O'Brien and Therese Murray relative to authorizing the Division of Capital Asset Management and Maintenance to convey certain easements to the town of Plymouth.

By Mr. Fagan of Taunton, petition (subject to Joint Rule 12) of James H. Fagan for legislation to authorize the Department of Mental Retardation to establish a sick leave bank for Jean Grealish, an employee of said department.

By Mr. Flynn of Bridgewater, petition (subject to Joint Rule 12) of David L. Flynn for legislation to authorize the Old Colony Correctional Facility in the town of Bridgewater to establish a sick leave bank for Justin Joyce, an employee of said facility.

By Mr. Hargraves of Groton, petition (subject to Joint Rule 12) of Robert S. Hargraves, Christine E. Canavan and Shirley Gomes relative to requiring state agencies to submit reports supporting said agencies' appropriations.

By Mr. Hill of Ipswich, petition (subject to Joint Rule 12) of Bradford Hill and Bruce E. Tarr relative to operation of certain satellite emergency health care facilities.

By the same member, petition (subject to Joint Rule 12) of Bradford Hill and Bruce E. Tarr (by vote of the town) that the Essex Regional Retirement Board be directed to grant certain creditable service to Robert L. Irvine, a fire fighter in the town of Ipswich.

By the same member, petition (subject to Joint Rule 12) of Bradford Hill and Bruce E. Tarr relative to authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Ipswich.

By Miss Reinstein of Revere, petition (subject to Joint Rule 12) of Kathi-Ann Reinstein and other members of the General Court relative to eliminating transit fares for certain members of the armed forces and their dependents.

By Mr. Rogers of New Bedford, petition (subject to Joint Rule 12) of Donald Posiviata and George Rogers relative to the protection of seniority in the transferring of state employees.

By Mrs. Walrath of Stow, petition (subject to Joint Rule 12) of Patricia A. Walrath and Robert S. Antonioni relative to the issuance of an annual proclamation by the Governor setting apart March 7 as Luther Burbank Day.

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

Papers from the Senate.

A Bill authorizing the Trial Court to establish a sick leave bank for Roseanne Moore, an employee of the Trial Court (Senate, No. 2188) (on a petition), passed to be engrossed by the Senate, was read.

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

Bills

Reducing medication waste in certain licensed facilities (Senate, No. 2186, amended in section 2, in lines 4 and 5, by striking out the following: “90 days of the day on which the general appropriations act for fiscal year 2002 has the force of law” and inserting in place thereof the following: “120 days after the passage of this act”) (on Senate, No. 2154);

Providing support to individuals with disabilities and their families (Senate, No. 2218) (on Senate bill, No. 686); and

Relative to Nora O’Reilly (Senate, No. 2219) (on Senate resolve, No. 997);

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

Relative to the recreation revolving fund in the town of Rutland (Senate, No. 2195) (on a petition) [Local Approval Received]; and

Relative to the regulation of motor vehicle livery services and the licensing of livery operators (Senate, No. 2221) (on Senate bill, No. 1275);

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 of Marc R. Pacheco, Thomas J. O'Brien and William M. Straus for legislation to allow the Department of Highways to construct or implement any project or road widening at the intersection of South Main Street and Route 28 in Middleborough, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Transportation.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2224) was referred, in concurrence, to the committee on Transportation.

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 Rules 12 and 9 be suspended on the petition of Brian S. Dempsey (with the approval of the mayor and city council) for legislation to change a portion of the Merrimack River harbor line along the waterfront of the city of Haverhill. Under suspension of the rules, on motion of Mrs. Paulsen of Belmont, the report was considered forthwith. Joint Rules 12 and 9 were suspended; and the petition (accompanied by bill) was referred to the committee on Natural Resources and Agriculture. Sent to the Senate for concurrence.

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 petition of John J. Binienda and other members of the General Court (with the approval of the mayor and city council) relative to authorizing the Division of Capital Asset Management and Maintenance to enter into a long term lease for the provision of court and program space with the city of Worcester. Under suspension of the rules, on motion of Mrs. Paulsen of Belmont, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration. Sent to the Senate for concurrence.

By Mr. Dempsey of Haverhill, for the committee on Public Service, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4515) of Reed V. Hillman and Stephen M. Brewer (by vote of the town) relative to authorizing the appointment of Steven E. Granlund as a police officer in the town of Ware, notwithstanding the maximum age requirements,— and recommending that the same be referred to the Senate committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted, inasmuch as relates to the discharge of the committee. Sent to the Senate for concurrence.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill relative to the rights of adopted persons under a certain instrument (Senate, No. 825); and

Of the Bill clarifying tastings (House, No. 4814);

And recommending that the same severally be referred to the committee on Rules; and

Of the Resolve providing for the creation of a special commission relative to the impact on the Commonwealth of Massachusetts of the World Trade Organization (WTO) and the North American Free Trade Agreement (NAFTA) (House, No. 2119),— and recommending that the same be referred to the House committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4312) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1107) of John F. Quinn and William M. Straus for legislation to provide for the funding of certain collective bargaining agreements for public employees,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4655) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1670) of the Professional Fire Fighters of Massachusetts and Thomas P. Kennedy relative to labor relations agreements for fire and police personnel under the public employees collective bargaining law,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Taxation to make an investigation and study of certain House documents concerning income tax rates and incentives (House, No. 4678) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4218) of Marc R. Pacheco, Steven Kulik and other members of the General Court relative to promoting the sale of local farm products through tax incentives and other methods,— and recommending that the same be recommitted to the committee on Taxation. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill exempting the position of deputy chief of police in the town of Webster from the civil service law (House, No. 4758) [Local Approval Received] be scheduled for consideration by the House.

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. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill establishing the position of director of finance in the town of Dedham (House, No. 4822) [Local Approval Received] be scheduled for consideration by the House.

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

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill designating the Boston Cream Donut as the official donut of the Commonwealth (Senate, No. 1606) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, the question being on ordering the bill to a third reading.

Emergency Measures.

The engrossed Bill establishing Congressional districts (see House Bill printed in House, No. 4778, Appendix A, amended), 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 22 to 0. Sent to the Senate for concurrence.

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.

The engrossed Bill relative to group marketing plans (see House, No. 4796), 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 16 to 0. Sent to the Senate for concurrence.

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.

Engrossed Bills.

Engrossed bills

Relative to the disposition of certain property in the city of Lowell (see House bill printed as Senate, No. 1599, amended);

Relative to the granting of licenses for the sale of wines and malt beverages to be drunk on the premises in the town of Sharon (see House, No. 3701, amended);

Authorizing the town of Needham to establish a post retirement insurance liability fund (see House, No. 4306, amended); and

Relative to town meeting members in the town of Burlington (see House, No. 4704, amended);
(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.

Orders of the Day.

House bills

Providing for alternate members to the city of Methuen Community Development Board
(House, No. 2007);

Relative to providing for increased safety at pedestrian crosswalks (House, No. 2642, amended);

Authorizing the town of Ware to extend health insurance to retired town employees (House, No. 4245, changed); and

Establishing a sick leave bank for Mary O'Neil, an employee of the Department of Correction
(House, No. 4746);

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. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. Casey of Winchester,—

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

At twenty-nine minutes before twelve o'clock noon, on motion of Mr. Casey (Mr. O'Flaherty of Chelsea being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.