

JOURNAL OF THE HOUSE.

Wednesday, February 14, 2001.

Met according to adjournment, at one o'clock P.M., with Mr. Nagle of Northampton 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, the Ultimate Source of all Wisdom, we open our hearts and minds to You in prayer and reflection as we begin today's legislative session. We depend upon Your assistance as we strive each day to serve both You and the people who depend upon us for sound, honorable and rational decisions. In Your kindness, deepen our commitment to speak and seek truth, to high political and ethical ideals and standards, and to serve the reasonable needs of people and of our communities. During these times of rapid political and cultural change, teach us to be open and to be aware of the advances of technology on all levels of human endeavor and to be open to the insights and experiences of others. May we continue to hold in the highest esteem those human and spiritual values which enhance human dignity and respect for each individual person who has a temporal and eternal destiny.

Bestow Your blessings on the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Nagle), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) relative to the board of selectmen of the town of Reading (House, No. 3999) was filed in the office of the Clerk on Tuesday, February 13.

The message was read; and it was referred, on motion of Mr. Jones of North Reading, with the accompanying draft of a bill, to the committee on Rules.

Mr. Scaccia of Boston, for said committee, reported on the foregoing message, a Bill relative to the board of selectmen of the town of Reading (printed in House, No. 3999), which was read.

Under suspension of the rules, on motion of Mr. Sullivan of Braintree, 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. Jones, the bill (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.

Distinguished Guests of the House.

Prior to his remarks, the Speaker introduced Governor Argeo Paul Cellucci, Lieutenant-Governor Jane M. Swift, Attorney General Thomas F. Reilly, Auditor A. Joseph DeNucci, Treasurer and Receiver-General Shannon P. O'Brien, Executive Councillors Michael J. Callahan, Marilyn Petitto Devaney, Carole A. Fiola, Christopher A. Iannella, Jr., and Mary Ellen Manning, Boston Mayor Thomas M. Menino, Berkshire County District Attorney Gerard D. Downing, Cape and Islands District Attorney Philip A. Rollins, Plymouth County District Attorney Michael J. Sullivan, Bristol County District Attorney Paul F. Walsh, Jr., Chief Justice for Administration and Management Barbara A. Dortch-Okara, Chief Justice of the Superior Court Suzanne V. Del Vecchio, Chief Justice of the Land Court Department of the Trial Court Peter W. Kilborn, Chief Justice of the Boston Municipal Court of the Department of the Trial Court William J. Tierney, Clerk of the Supreme Judicial Court Maura Sweeney Doyle, former Representative and Senator W. Paul White, former Representatives Barbara Gardner, Paul R. Haley and M. Joseph Manning, the Speaker's wife — Donna Finneran and the Speaker's daughter — Shannon Finneran.

Address of Speaker Thomas M. Finneran of Boston

To the Citizens of the Commonwealth.

The Address of Speaker Finneran of Boston to the Citizens of the Commonwealth was spread upon the records of the House, on motion of Ms. Rivera of Springfield, as follows:

To my fellow citizens I offer the greetings of the membership of the Massachusetts House of Representatives.

To my legislative colleagues, new and old, I offer my congratulations for your many public achievements and my thanks for your willingness to enter the public arena in the service of others.

To our judges and Constitutional Officers, I extend the welcome of the members and my thanks for your presence here today.

And finally, to my friend Joe Moakley who cannot be with us today but whose spirit fills this special place — Joe, your example of looking to the future, of always moving forward, of building people up, of investing in ordinary people so that extraordinary things can occur — your example has been remarkable and it will be our guide in the years ahead.

During the campaign months of last year, I thought that this year's address, the first

Speaker's Address of the new millennium, would be a fitting occasion to cite and recite the extraordinary progress of Massachusetts during the past decade. Without a trace of political boast, it is truly enlightening to reflect upon where we were and where we are and your role in achieving this incredible transformation of Massachusetts.

As we moved from economic difficulty to economic strength, as we discarded fiscal gimmicks and embraced fiscal responsibility, your thoughtful and very generous responses to the needs of Massachusetts and her citizens has created a legacy which is the equivalent of a lifetime of work. Your children will be proud. You have served and served well. You have served, we have served, so successfully that even our most hopeful citizens have been astonished at the pace of our progress. None among them could have dreamed that we would emerge from those dangerous and depressing circumstances of the early 90's to this new period of energy, enthusiasm, hope, and opportunity.

The return of honestly prepared and honestly presented balanced budgets, the transformation of our state's economic attitude and atmosphere, and your unstinting generous support of education and local aid, as well as health care and human services have created a foundation and a framework to which Governor Cellucci made appropriately proud reference in his recent state of the state address. Whether intended or not, he was saluting *your* handiwork and *your* achievements.

The roll call of those many achievements which I once thought should make up this address seems no longer appropriate. Circumstances have changed, and are changing quickly. We may no longer have the luxury of dwelling upon past success, for new challenges loom ahead.

The economic and fiscal uncertainty created by a number of events beyond our borders and our control will require a swift and skillful adjustment on our part. The task ahead seems to be more a task of safeguarding the gains and generosity of the past several years rather than on the pronouncement of ambitious new programs.

Within the parameters of appropriate fiscal discipline, we can still make important progress in areas that will improve our children's chances for success. For the coming term, I envision a program of positive actions which will emphasize *preparation* and *prevention*.

The *prevention* of a variety of social, medical, or educational ills can pay astounding dividends to the citizens and taxpayers of Massachusetts.

Similarly, the proper *preparation* of our citizens, younger and older, those just entering school and those already in the workforce, can provide Massachusetts solid and special advantages.

In the Governor's State of the State Address, he cited the uncertainty of our economic present and future. The flashing yellow lights and warning signs abound and we would be wise to heed his words.

The Governor also cited the need for fiscal discipline and restraint. Here too is a message we

should heed.

The Governor's warning words have been amplified and published by the Massachusetts Taxpayers Foundation. The Foundation's two most recent publications should be read and re-read by every citizen in Massachusetts. Here, in these reports, in chilling detail, in words and figures that eclipse any cautionary remarks that I might utter, is highly credible and independent evidence of a major shift in our economic and fiscal circumstances. For today, I defer to their warning words. In the weeks ahead, we will seek credible independent economic information and advice.

Whether that advice is cheering or chilling however, I must comment on some of the specific proposals within the Governor's budget.

I seek no quarrel with the Governor or his administration. Nor do I seek quarrel with either the senate or the members of the minority party in this Chamber. But experience, analysis, and candor compel me to share a few observations:

- It is not fiscally responsible or prudent to drain the Tobacco Trust Fund in order to address a revenue shortfall;
- It is not fiscally responsible or prudent to subvert a seriously negotiated and hard fought compromise on the amount of settlement funds to be annually allocated to the Tobacco Trust Fund in order to go on a spending spree at the expense of future generations; and
- It is not fiscally responsible or prudent to reduce the funding committed to our future pension obligations.

I fully understand the collision which is occurring between spending trends and declining tax revenues. I know that the members of this House understand that collision too. Last year, during the debates on tax cuts, you showed the political courage and the economic wisdom to propose and pass a continuing tax cut which would have achieved the twin goals of economic competitiveness and budgetary balance. Although we lost that debate, I want to publicly commend you for that political courage and that economic wisdom.

Now however, in the aftermath of Question 4, it seems wise to anticipate a much different economic and fiscal environment than the one we have enjoyed over the past few years. Under the paramount responsibility of fiscal prudence, several areas beckon us with promises of substantial returns.

The issues of welfare reform, sentencing reform, education, health care, housing, and hunger offer unique opportunities for *prevention* and *preparation* investments.

Health care opportunities and challenges top the list.

Our health care industry has experienced remarkable change over the past decade. We have witnessed the growth of managed care, and the ongoing restructuring of health care organizations. We passed a modest patient's bill of rights, we expanded health insurance coverage and benefits for low-income individuals, and we passed a pilot prescription

insurance plan for senior citizens.

In addition, we significantly strengthened consumer protections, we improved patient access to health information and medical care, and most importantly, we expanded consumer choice in selecting medical care and health insurance options.

Our health care system continues to serve as the standard for other states for its quality of care. Yet that system is under financial stress. Health care costs are rising, hospitals are struggling, nursing homes are operating on non-existent margins, doctors and nurses are facing increasing caseloads, the health care labor force is shrinking, and our health maintenance organizations are struggling to properly manage our care.

We recognize these challenges and we are doing everything in our power to address them. As part of that effort, we have convened the health care task force, an impressive body made up of leaders from the state's health care industry. The expertise, collaboration and analysis of this body should enable us to make intelligent adjustments to the evolving health care landscape in Massachusetts.

We must continue to explore new ways of providing people with high quality, responsibly priced care in an efficient and timely manner. This will require the promotion of a system that works to *prevent* disease, that provides care to patients in the most appropriate setting, that maximizes the efficiencies of information technology, and that provides its consumers with balanced choices.

An immediate and specific goal, quite worthy of our continued attention and quite apropos to the themes of *prevention* and *preparation*, will be continued progress on the recommendations made by the Special Commission on Oral Health.

Last year, that commission reported that for many of our state's uninsured and low-income citizens, access to affordable dental care is a chronic problem and that the delay of treatment leads to higher-cost services. The commission also found that the majority of dentists in Massachusetts did not participate in the MassHealth program due to extremely low reimbursement rates. The commission's findings are disturbing and unacceptable.

The social and financial implications of insufficient access to dental services and oral health are not trivial. They affect health care outcomes. They affect school readiness. They affect social relationships. In short, they affect our children's development and we should commit ourselves to a successful resolution of this gap in our health care services.

In the area of women's health, we have a new and exceptional opportunity to make notable progress on the scourges of breast and cervical cancers.

Last year, Congress authorized the states to expand their Medicaid programs in order to offer comprehensive health care coverage for these diseases. As part of that initiative, Congress offers those states that choose to participate in this effort an enhanced funding match of 65%. We now have a unique chance to move from periodic breast and cervical cancer screening services to comprehensive and systematic health coverage for such cancers. We should act upon this unique opportunity. In return for a modest *prevention* expenditure, we

can achieve vastly improved health care outcomes for the women of Massachusetts.

Another challenge for our consideration should be the proper *preparation* of families moving from welfare to self-sufficiency.

Our past efforts at welfare reform have been highly successful. Caseloads are down and programs and opportunities for self-improvement are in place. More importantly, our conscious decision to reverse the incentives of the old welfare programs have sent an unmistakable signal that perseverance and work bring rewards, that no able-bodied individual can or should lay claim to taxpayers' funds, and that we will require people to take responsibility — for themselves, their decisions, and their lives.

All of these changes in expectation have changed the psychology and the substance of the welfare program from one of entitlement to one of personal effort, from one of claimed “rights” to one of real responsibility.

However, honest self-assessment will concede that we have benefited enormously from the recent economic expansion. Employers, once desperate for virtually anyone to fill a position, may soon have the opportunity to be much more selective. As unemployment figures rise, those folks with fewer or minimal skills are most at risk of being laid off or not hired. Two areas therefore call upon our attention more so than in recent years.

First, the Department of Transitional Assistance should advance its comprehensive assessment of a recipient's skills and needs. Rather than have such an assessment occur at the very end of the recipient's eligibility period, the assessment should be performed at the outset in order to provide a fair chance to address any skill deficits.

Second, if the economy should weaken and job opportunities begin to shrink, we should consider some additional allotment of education and training hours as counting toward a portion of the recipient's work requirements.

These changes are not intended to undermine the department's emphasis on work as the most essential element of welfare reform. I hope that we can work with the department to forge a balance between an undiminished emphasis on work and an enhanced emphasis on efforts to attain long-term self-sufficiency. The *preparation* of recipients for lives of self-sufficiency is a worthy goal.

On another front, the issue of housing costs has become a challenging policy question for us during our recent economic boom. Job growth has created strong demand across the entire housing spectrum. Attempts to address such demand are delayed, often interminably, or denied, sometimes unfairly, and thus the supply shortfall is exacerbated.

Three opportunities beckon us in this area. Two are of statewide significance and one is more local in nature. All will be helpful in balancing the distorted supply/demand equation and the resulting price and rent pressures we are experiencing.

The local matter involves Mayor Menino's enhanced linkage bill, which I hope can be resolved in a timely fashion. Its passage would help the Mayor and the city to accelerate his

program for housing growth. The linkage fees in the present city ordinance should be enhanced before economic contraction sets in or the Boston Harbor waterfront is built out.

A second housing initiative should be the passage of the housing bond bill. This bond will allow us to sustain the progress of the previous housing bond passed in 1998, particularly in the areas of modernization and maintenance of our existing supply of public housing. This is a *prevention* initiative well worth the associated costs for it will allow us to preserve a prized asset.

A third housing initiative will be to consider proposals such as:

- Allowing cities and towns to use tax-increment financing for the production of market rate housing; and
- The remediation of brownfields for housing uses;

It is in our economic interest to explore any other ideas that might address our housing supply problems. Therefore, I will ask the members of the Banking and Housing committees as well as the members of the committees on Taxation and Natural Resources to assist us in addressing this challenge.

Another subject for your consideration will be sentencing reform and criminal corrections. I have waited, for some consensus to develop in this area. That wait is over. We must now make decisions.

The controversy surrounding the bill of address filed last fall has not gone away. The tension that exists between mandatory minimum sentences and judicial discretion is more pronounced than ever. A desire to see inmates better prepared to re-enter society after serving their criminal sentences cuts across philosophical and party lines. All of these matters will require debate and decision.

A good starting point for such debate is the proposal set forth by the Sentencing Guidelines Commission. All parties, including judges, the district attorneys, and other law enforcement and corrections agencies, will be invited to comment and advise us as we move forward on these initiatives. Our goal of course is the *prevention* of crime. Such *prevention* can pay enormous dividends, and thus lays claim to our attention.

The issue of public education remains a paramount and vexing concern. I am delighted to acknowledge the presence and the work of Commissioner Driscoll, Chairman Peyser, our good friend and former colleague Barbara Gardner, Joe Giannino, and the staff of the Department of Education. Their efforts on behalf of students are too often criticized and too little appreciated.

Detailed proposals regarding the maintenance of school funding must await the conclusion of ongoing efforts of the committees on Ways and Means and Education. However, three facets of education reform warrant comment today.

First, the early childhood literacy initiative, which was the centerpiece of the House budget

last year, is about to begin. I am confident that it will quickly reduce referrals to special education and that it will provide great confidence and personal satisfaction in our teachers and students. Our decision to adopt this program is one of the wisest decisions we have made in many years. It too is a program driven by the notions of *preparation* and *prevention*. You should be proud of it and we will, resources permitting, try to expand upon it.

Second, school violence and intimidation are out of control. It is impossible to contemplate the challenge of teaching in an atmosphere of abusive language and criminal conduct. Such language and conduct cannot be tolerated, condoned, or excused by anyone for any reason. Such conduct endangers the teacher and it destroys any chance at education for all the other students in that classroom and school.

I know that I can safely express the concerns and pledge the attention and support of all the members regarding the elimination of violence against teachers. We owe every teacher a complete effort on this issue. I will ask the members of the committees on Education and Judiciary to explore every available means to accomplish this goal.

The third area of educational interest involves the misplaced criticism of MCAS and efforts to undermine its implementation.

MCAS is a *system* of education. It is not a single test. As a system, it incorporates resources for curriculum, teaching, study, and yes, a diagnostic test with both open end and multiple-choice questions. The test is an essential part of the system, for without it we cannot properly evaluate the needs and the progress of our students or the progress of our education reform efforts.

MCAS is also part and parcel of a bargain, a contract if you will, which was reached between the teachers, leaders, and taxpayers of Massachusetts back in 1993. It was an expensive contract but the taxpayers lived up to and went well beyond the claims made on them for billions of dollars in additional resources. Now, the rest of that contract, the accountability aspect, must be fulfilled if we are to live up to our obligations as adults acting on behalf of children.

Any educational system is only as good as its *results* in meeting the hopes and dreams of parents and children. All of us cherish the mystery and the magic of children as they start to learn. Their curiosity, their innocence and their enormous potential move us in very powerful ways. I know that for Donna and me, it has often been a spiritual event.

Every parent harbors the highest aspirations for their student sons and daughters. Those sons and daughters harbor special hopes and dreams of their own. But these dreams of parents and children can only be realized by effort, theirs and ours, and by a system which challenges and stretches and tests their minds and imaginations. We owe these children — our children — such an effort and such a system. We do them no favors — indeed, we will do them great harm — should we choose to leave them ill prepared for life. We should not, by conscious act, put all their hopes and dreams away in an attic that will never be opened. We are better than that. It is important to these children that we act upon our better instincts.

I commend the recent efforts of Lieutenant-Governor Swift and the Department of Education to confirm the availability of multiple MCAS re-test opportunities and to make appropriate accommodations regarding the concerns of special needs students and parents.

I also commend you for your support of MCAS remediation programs. These efforts are positive and productive responses to the challenges of our children and they are in keeping with our better instincts.

A final area which will draw our attention is the promise of several modest and no-cost changes we might make to our food stamp program. It is important to note that this is a program of the federal government. Any increases we realize in participation rates will be paid for by the federal government. Thus, the obvious gains which we will realize — in social outcomes, health care outcomes, and educational outcomes — will not be constrained by our limited resources. These changes too reflect the themes of *preparation* and *prevention* which I have emphasized and which will animate this term.

There it is — a blueprint for human development which will focus on education, crime prevention, health care, housing, and hunger.

Though modest in number and in cost, all of these proposals present meaningful opportunities to us as we strive to improve human development and the quality of life in Massachusetts.

I believe that these are causes in which all members can join. I invite and hope that all members will participate and contribute to the human development of our citizens.

Governance and leadership require the recognition of and adaptation to ever changing circumstances. In the challenging term which lies ahead, as we are challenged by new realities, let us commit ourselves to a stewardship which respects the limits of the public purse and which honors our duty to prepare the next generation of citizens and leaders. I thank you in advance for your consideration of these proposals and I wish you and your families health and happiness in the term ahead.

Thank you.

Communications.

Communications

From the Executive Office for Administration and Finance, Operational Services Division (under the provisions of Section 445 of Chapter 159 of the Acts of 2000) submitting a study of the effects of appropriations made to increase the annual compensation of persons employed by private human services providers under contract with the Executive Offices of Health and Human Services and Elder Affairs;

From the Community Economic Development Assistance Corporation (under the provisions

of Section 6 of Chapter 40H of the General Laws) submitting its annual report for the year ending December 31, 2000;

From the Devens Enterprise Commission submitting a five year review of the activities and accomplishments within the Devens Regional Enterprise Zone;

From the Department of Environmental Protection (under the provisions of Item 2010-0100 of Chapter 194 of the Acts of 2000) submitting recommendations regarding the costs of operating redemption centers in the Commonwealth;

From the Office of the Inspector General submitting its report on the Central Artery/Tunnel Project: Management Issues and Recommendations for the period 1993 through 2000;

From the Office of the Inspector General submitting a review of the Central Artery/Tunnel Project cost recovery program;

From the Office of the Inspector General submitting its report on the Metropolitan District Commission's swimming pool maintenance and repair contracts;

From the Division of Local Mandates, Office of the Auditor of the Commonwealth (under the provisions of Section 3 of Chapter 248 of the Acts 2000) submitting a report on the financial impact on the cities and towns relative to minimum standards for public bathing waters;

From the Massachusetts Bay Transportation Authority (under the provisions of Section 151(11) of Chapter 127 of the Acts of 1999) submitting a summary of its efforts to maximize non-transportation revenues of said authority;

From the Massachusetts Turnpike Authority (under the provisions of Section 12(i) of Chapter 81A of the General Laws) submitting copies of agreements between said authority, the Massachusetts Port Authority and the Massachusetts Highway Department relative to the Metropolitan Highway System;

From the Massachusetts Water Resources Authority submitting its annual report for the fiscal year 1999; and

From Wonderland Greyhound Park, Inc. (under Section 2 of Chapter 128C of the General Laws) submitting a copy of all contracts, agreements or conditions pursuant to which simulcast events are broadcast, transmitted or received.

Severally were read for the information of the House; and were placed on file.

Petition.

A petition (subject to Joint Rule 9) of Cory Atkins and Pamela P. Resor relative to establishing the Acton economic development and industrial corporation (deposited with the

Clerk previously to five o'clock in the afternoon on Wednesday, December 6, 2000) was transmitted to the State Secretary under Chapter 3 of the General Laws.

Papers from the Senate.

Reports

Of the committee on Government Regulations, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 377) of Harriette L. Chandler for legislation to amend the composition of the membership of the Board of Registration in Dentistry;

Of the petition (accompanied by bill, Senate, No. 395) of Cheryl A. Jacques, William Rodenbaugh, John A. Lepper and Elizabeth A. Poirier for legislation to provide for greater consumer protection in pharmacies; and

Of the petition (accompanied by bill, Senate, No. 401) of Joan M. Menard and Frederick E. Berry for legislation relative to the certification of speech language pathology assistants and audiology assistants;

And recommending that the same severally be referred to the committee on Health Care.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

Reports of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities in the Commonwealth, severally were read for the information of the House, as follows:

Of the Massachusetts Boot Camp, in the town of Bridgewater; and

Of the Massachusetts Treatment Center, in the town of Bridgewater;

Severally returned to the Senate to be placed on file.

Order.

On motion of Mr. Buoniconti of West Springfield,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven

o'clock A.M.

At one minute after two o'clock P.M., on motion of Mr. Stefanini of Framingham (Mr. Nagle of Northampton being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.