

JOURNAL OF THE HOUSE.

Thursday, March 8, 2001.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, 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:

Lord God, the Ultimate Source of Wisdom and Forgiveness, we pray today and everyday for Your assistance as we address our legislative and personal responsibilities. Help us to make thoughtful, reasonable and responsible decisions in resolving each day's issues and challenges. Teach us, as legislators, sound ethical principles and the needs of the common good. Grant us the wisdom and the know-how to eliminate the sources and roots of violence in our society and culture. May we continue to insist on the personal dignity and rights of each person, personal responsibility for personal decisions, and the relevance of the Golden Rule in dealing with each other.

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) recommending legislation relative to validating absentee ballots for the March 12, 2001 annual election in the town of Westport (House, No. 4026) was filed in the office of the Clerk on Wednesday, March 7.

The message was read; and it was referred, on motion of Mr. Rodrigues of Westport, 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 validating absentee ballots for the March 12, 2001 annual election in the town of Westport (printed in House, No. 4026), which was read.

Under suspension of the rules, on motion of Mr. Rodrigues, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. 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 Mr. Marini of Hanson) congratulating Matthew Briggs on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mr. Marini of Hanson) congratulating Fire Chief Peter Huska on the occasion of his retirement;

Mr. Nagle of Northampton, 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. Flynn of Bridgewater, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Mr. Kane of Holyoke presented a petition (accompanied by bill, House, No. 4027) of Michael F. Kane and Michael R. Knapik (with the approval of the mayor and city council) that the retirement board of the city of Holyoke be directed to retire John Daly, a fire fighter of said city, for injuries sustained in the line of duty; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Bosley of North Adams, petition (subject to Joint Rule 12) of Daniel E. Bosley that the Division of Capital Asset Management and Maintenance be authorized to convey certain property located in the city of North Adams to said city.

By Mr. Bradley of Hingham, petition (subject to Joint Rule 12) of Garrett J. Bradley relative to emergency medical care in the towns of Cohasset, Hanover, Hingham, Hull, Norwell and Scituate.

By Mr. Broadhurst of Methuen, petition (subject to Joint Rule 12) of Arthur J. Broadhurst that municipal retirement boards be authorized to establish a health insurance trust fund.

By Mrs. Gomes of Harwich, petition (subject to Joint Rule 12) of Shirley Gomes and Robert O'Leary (by vote of the town) relative to authorizing the town of Truro to convey certain conservation land located in said town to Albert R. Silva and Nancy B. Silva.

By Mr. Hall of Westford, petition (subject to Joint Rule 12) of Geoffrey D. Hall, Pamela P.

Resor and another relative to annual street lists in cities and towns.

By Mr. Hargraves of Groton (by request), petition (subject to Joint Rule 12) of James Flanders for legislation to further regulate the use of jet skis, surf jets and wetbikes.

By Miss Reinstein of Revere, petition (subject to Joint Rule 12) of Kathi-Anne Reinstein relative to regulating the use of physical restraint on students in the public schools.

By the same member, petition (subject to Joint Rule 12) of Kathi-Anne Reinstein that certain licensed establishments be required to provide security personnel with protective covering.

By the same member, petition (subject to Joint Rule 12) of Kathi-Anne Reinstein, Robert A. DeLeo and another relative to motor vehicle insurance surcharges.

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

Papers from the Senate.

The House Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4021) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1824.

Under suspension of the rules, on motion of Mr. Larkin of Pittsfield, the amendment was considered forthwith; and it was adopted, in concurrence.

Reports

Of the Special Commission on Forest Management Practices (under the provisions of Section 341 of Chapter 38 of the Acts of 1995, as most recently amended by Section 195 of Chapter 127 of the Acts of 1999) on forest management practices (Senate, No. 1823); and

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 the Massachusetts Correctional Institution, in the town of Concord;

Severally read for the information of the House; and returned to the Senate.

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:

Petition (accompanied by bill) of Viriato Manuel deMacedo, Therese Murray and Thomas J. O'Brien for legislation to authorize the Department of Mental Health to establish a sick leave bank for Elizabeth Menslage, an employee of said department; and

Petition (accompanied by bill) of George Rogers for legislation to authorize the Juvenile Court Department to establish a sick leave bank for Michael Sylvia, an employee of said department;

Severally to the committee on Public Service.

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

By Mr. Rogers of Norwood, for the committee on Ways and Means, asking to be discharged from further consideration of the Bill reinstituting the death penalty in the Commonwealth (printed in House, No. 4003),— and recommending that the same be referred to the committee on Rules. Under Rule 42, the report was considered forthwith. The House then refused to accept the report; and the bill was placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3109) of Arthur J. Broadhurst and other members of the House relative to the technology requirements for non profit human services providers in the Commonwealth,— and recommending that the same be referred to the committee on Science and Technology. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the discharge of the committee.

By Mr. Greene of Billerica, for the committee on Commerce and Labor, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1724) of Daniel E. Bosley relative to the board of directors of the Massachusetts Technology Park Corporation,— and recommending that the same be referred to the committee on Government Regulations;

Of the petition (accompanied by bill, House, No. 4005) of Patricia D. Jehlen and other members of the General Court for legislation to establish family temporary disability benefits and leaves of absence for employees providing care and assistance for family

members,— and recommending that the same be referred to the committee on Insurance;

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3542) of Elizabeth A. Malia, Kathleen M. Teahan and Kay Khan for legislation to establish a loan forgiveness and tuition reimbursement program for dentists, dental assistants and dental hygienists for services to high-risk populations,— and recommending that the same be referred to the committee on Education, Arts and Humanities;

Of the petition (accompanied by bill, House, No. 280) of Angelo M. Scaccia, Kevin W. Fitzgerald, Lida E. Harkins, Benjamin Swan, Mary S. Rogeness and John A. Stefanini for legislation to provide that network hospitals be compensated for behavioral health services to certain MassHealth patients; and

Of the petition (accompanied by resolve, House, No. 3543) of Elizabeth A. Malia and other members of the General Court for an investigation by a special commission (including members of the General Court) relative to the consumption and abuse of alcoholic beverages;

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

Of the petition (accompanied by bill, House, No. 1203) of Christine E. Canavan and other members of the General Court for legislation to further define licensed mental health professional,— and recommending that the same be referred to the committee on Insurance;

Of the petition (accompanied by bill, Senate, No. 670) of Susan C. Fargo, John A. Lepper, Charles E. Shannon, Kevin W. Fitzgerald and other members of the General Court for legislation relative to the disclosure of vital statistics; and

Of the petition (accompanied by bill, Senate, No. 701) of Therese Murray, Cynthia S. Creem, Patricia D. Jehlen, Brian A. Joyce and other members of the General Court for legislation to establish a public guardian commission;

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

Of the petition (accompanied by bill, Senate, No. 710) of Charles E. Shannon, Robert M. Penta and Paul J. Donato for legislation relative to the community siting process,— and recommending that the same be referred to the committee on Local Affairs;

Of the petition (accompanied by bill, House, No. 267) of R. William Perron relative to the staffing of facilities operated by the Department of Correction,— and recommending that the same be referred to the committee on Public Safety; and

Of the petition (accompanied by bill, House, No. 3873) of Cheryl A. Rivera that persons in arrears in child support payments be ineligible for employment by state agencies,— and

recommending that the same be referred to the committee on Taxation.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Tirone of Amesbury, for the committee on State Administration, on House, Nos. 103 and 113, a Bill establishing an interstate commission on cooperation (House, No. 113).

By the same member, for the same committee, on House, Nos. 103 and 114, a Bill further regulating the establishment and administration of certain funds by state agencies (House, No. 114).

By the same member, for the same committee, on House, Nos. 103 and 116, a Bill regulating related party transactions in state contracts (House, No. 116).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Tirone of Amesbury, for the committee on State Administration, on House, Nos. 103 and 115, a Bill to improve procedures for the issuance of public debt (House, No. 115). Read; and referred, under Rule 32A, to the committee on Long-Term Debt and Capital Expenditures.

By Mr. Tirone of Amesbury, for the committee on State Administration, on House, Nos. 103 and 110, a Bill making a technical change regarding the Office of the Inspector General (House, No. 110). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the following bills ought to pass:

Relative to telecommunications lines (House, No. 1753); and

Relative to the terms of certain bonds issued by the Commonwealth (House, No. 3907);

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

Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Bill authorizing the town of Warren to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 260) be scheduled for consideration by the House [Local Approval Received]. Placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measure.

Mr. Larkin of Pittsfield being in the Chair,—

The engrossed Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4021, 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 6 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 Bill.

The engrossed Bill validating absentee ballots for the March 12, 2001 annual election in the town of Westport (see House bill printed in House, No. 4026) (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 (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. Peterson of Grafton,—

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

At twenty-two minutes after twelve o'clock noon, on motion of Mr. Peterson, (Mr. Larkin of Pittsfield being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M.