

JOURNAL OF THE HOUSE.

Monday, April 8, 2002.

Met at seven minutes after one o'clock P.M., in an Informal Session, with Mr. DiMasi of Boston 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 take a moment for prayerful reflection and to thank You for Your gift of life to us, for the daily personal and legislative opportunities to serve constituents and for the intellectual and moral strength to meet and address our responsibilities. In this technological age in which vast amounts of information are available — some accurate with others inaccurate — guide our efforts to search for truth and to speak the truth at all times. In Your goodness, assist our good faith efforts to propose and to evaluate legislation which is relevant, beneficial and serves the needs of people. As we go about our daily routine, let our minds and hearts be filled with the virtues of peace, joy and thanksgiving.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

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

Message from the Acting Governor.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to the creation of the Massachusetts advanced materials and biotechnology tax benefit certificate pilot program (House, No. 5005) was filed in the office of the Clerk on Thursday, April 4.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Taxation. 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 Representatives Casey of Winchester, Festa of Melrose and Donovan of Woburn) congratulating Faith Hardy Jenkins on the occasion of her retirement;

Resolutions (filed by Mr. Hillman of Sturbridge) congratulating Lieutenant Colonel Glenn B. Anderson on the occasion of his retirement;

Resolutions (filed by Messrs. Kafka of Sharon and Galvin of Canton) congratulating Stephen

James Ernst on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Knuutila of Gardner) congratulating the Gardner High School girls swim team on winning the Division 2 State Championship; and

Resolutions (filed by Mr. Kujawski of Webster) congratulating Joseph Vincent Montanari 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. Travis of Rehoboth, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

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From the Massachusetts Bay Transportation Authority (under Subsection 11 of Section 151 of Chapter 127 of the Acts of 1999) detailing the actual net operating investment per passenger mile ratio for fiscal years 2000 through 2004;

From the Massachusetts Bay Transportation Authority (under Subsection 5(h) of Section 151 of Chapter 127 of the Acts of 1999) submitting a report of its operations for the year ending December 31, 2001; and

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

Severally placed on file.

Bi-Monthly Report.

A bi-monthly report of the Massachusetts Turnpike Authority (under Section 178 of Chapter 653 of the Acts of 1989) of the cost of the Central Artery/Third Harbor Tunnel Project, was placed on file.

Papers from the Senate.

A Bill authorizing an increase in the maximum parking fines in the city of Somerville (Senate, No. 1819) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A report of the Massachusetts Capital Resource Company (under the provisions of Section 20 of Chapter 816 of the Acts of 1977) submitting its twenty-fifth annual report (Senate, No. 2306) was referred, in concurrence, to the committee on Taxation.

A petition (accompanied by bill, Senate, No. 2307) of Michael W. Morrissey, Ronald Mariano, A. Stephen Tobin and Bruce J. Ayers (with the approval of the mayor and city council) for legislation to authorize and direct the retirement board of the city of Quincy to grant creditable service to James J. Dentremont, was referred, in concurrence, to the committee on Public Service.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2309) of Michael R. Knapik and Michael F. Kane for legislation to designate a certain parcel of land within the Holyoke Heritage State Park as the DiNapoli Plaza. To the committee on State Administration.

Petition (accompanied by bill, Senate, No. 2310) of Cynthia S. Creem, Andrea F. Nuciforo, Jr., Robert A. O'Leary, Robert M. Koczera and other members of the General Court for legislation to update and clarify the tax laws regarding individual retirement accounts and to study the impact of recent changes to federal tax laws; and

Petition (accompanied by bill, Senate, No. 2311) of Michael W. Morrissey and Robert J. Nyman for legislation to increase the motel-hotel maximum tax rate from 4.5 per cent to 6.0 per cent;

Severally to the committee on Taxation.

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 7A be suspended on the petition of John F. Quinn (by vote of the town) (with the approval of the county commissioners) that the Bristol County Retirement Board be directed to increase the retirement allowance paid to Louis Caton, a retired police officer of the town of Dartmouth. Under suspension of the rules, on motion of Ms. Balsler of Newton, the report was considered forthwith. Joint Rules 12 and 7A were suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning motorized scooters, motorcycle awareness and training programs, the regulation of jet skis and snowmobiles and other related matters (House, No. 4580) reported, in part, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1267) of Bradford Hill and other members of the General Court that motorcycle awareness programs be included in driver education courses;

Of the petition (accompanied by bill, House, No. 3170) of Thomas J. O'Brien and other members of the General Court that cities and towns be authorized to establish regulations for the control of jet skis, surf jets and other personal watercraft;

Of the petition (accompanied by bill, House, No. 3810) of Thomas J. O'Brien, Viriato Manuel

deMacedo and Michael E. Festa for legislation to further regulate the operation of jet skis; and

Of the petition (accompanied by bill, House, No. 3815) of Eric Turkington, Matthew C. Patrick, Shirley Gomes and Ruth W. Provost relative to further regulating jet skis;

And recommending that the same severally be recommitted to the committee on Public Safety.

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 Safety to make an investigation and study of certain House documents concerning the issuance of firearm identification cards and licenses, the use of chemical mace and the sale of handguns in the Commonwealth (House, No. 4581) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3169) of Thomas J. O'Brien, other members of the General Court and another relative to the quarterly payment of certain firearms license fees,— and recommending that the same be recommitted to the committee on Public Safety. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Scaccia of Boston, for the committee on Rules, asking to be discharged from further consideration of the residue of the Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning the issuance of distinctive license plates in the Commonwealth (House, No. 4582),— and recommending that the same be recommitted to the committee on Public Safety. 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 Safety to make an investigation and study of certain House documents concerning speed limit violations, pedestrian safety, state police, lock-up facilities and other related public safety matters (House, No. 4593) reported, in part, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2580) of Paul C. Casey relative to the establishment of regional lock-up facilities; and

Of the petition (accompanied by bill, House, No. 2587) of Thomas N. George relative to authorizing the use of the correctional facility in Barnstable County as a regional lockup facility;

And recommending that the same severally be recommitted to the committee on Public Safety.

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 Safety to make an investigation and study of certain House documents concerning various boards within the Executive Office of Public Safety, school bus safety, Registry of Motor Vehicles rebate programs and other related matters (House, No. 4599) reported, in part, asking to be discharged from further consideration of so much of the recommendations of the Registry of Motor Vehicles (House, No. 173) as relates to the

establishment of registration rebate rules and provisions (accompanied by bill, House, No. 185),— and recommending that the same be recommitted to the committee on Public Safety. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration of the Bill protecting the natural and historic resources of the Commonwealth (Senate, No. 2281),— and recommending that the same be referred to the committees on Rules. 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. 4312) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2072) of John H. Rogers relative to the retirement rights of school committee appointees,—and recommending that the same be referred to the committee on Ways and Means. 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 establishing a certain voting subprecinct in the city of Newton (House, No. 4977) [Local Approval Received] be scheduled for consideration by the House.

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

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill providing for local government workforce reduction through an early retirement incentive program for certain employees (House, No. 4978) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5007).

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

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading, with the amendments previously recommended by the committee on Counties on the part of the House; and the amendment recommended by the committee on Ways and Means, pending.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill including employees of the Central Massachusetts Regional Planning Commission in the group insurance plan (Senate, No. 2131) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was 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

following matters be scheduled for consideration by the House:

House bills

Requiring the posting of security for the seizure and impoundment of animals (House, No. 2202);

Authorizing the town of Plymouth to use certain land for public way purposes (House, No. 4865) [Local Approval Received];

Exempting the position of chief of police in the city of Fitchburg from the provisions of the civil service law (House, No. 4881) [Local Approval Received];

Validating the action taken at the 2000 annual town meeting of the town of Amherst (printed in House, No. 4890);

Authorizing the appointment of Luann M. Tomaso as a police officer in the town of Milford (House, No. 4921) [Local Approval Received];

Relative to the police department of the town of Milford (House, No. 4987) [Local Approval Received];

Relative to local infrastructure (House, No. 4992); and

Further regulating business practices between motor vehicle manufacturers, distributors and dealers (House, No. 4997);

Severally placed in the Orders of the Day for the next sitting for a second reading.

Mr. Rogers of Norwood, for the committee on Ways and Means, under the provisions of House Rule 30, reported a Bill making appropriations for the fiscal year 2002 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5006) Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House; and, under said Rule 7A, the bill was placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills.

The engrossed Bill designating a certain bridge in the town of Sharon as the Lance Corporal Daniel J. Dabreu Memorial Bridge (see Senate, No. 2190, amended) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to a voting precinct in the town of Dracut (see House bill printed in House, No. 4954) (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.

Engrossed bills

Providing for a charter for the town of Sandwich (see Senate, No. 2192, changed) (which originated in the Senate);

Providing for the establishment and administration of rent regulations and the control of evictions in manufactured housing communities in the town of Kingston (see House, No. 4845); and

Authorizing the city of Easthampton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4871);

(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.

Mr. Travis of Rehoboth being in the Chair,—

The engrossed Bill relative to the financial conditions in the town of Swansea (see House, No. 4935) (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.

Orders of the Day.

Mr. DiMasi of Boston having returned to the Chair,—

The House Bill appointing the clerk of the town of Brookfield to the board of selectmen of the town (printed in House, No. 4998), 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.

The House Bill relative to reduction of sewer fee liability in the town of Dedham in exchange for volunteer services by persons over age sixty (House, No. 4445) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by striking out section 2.

The amendment was adopted; and the bill (House, No. 4445, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. Finneran of Boston,—

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

At twenty-three minutes after one o'clock P.M., on motion of Mr. Travis of Rehoboth (Mr. DiMasi of Boston being in the Chair), the House adjourned, to meet on Wednesday next at eleven o'clock A.M.