

## **JOURNAL OF THE HOUSE.**

Monday, April 29, 2002.

Met according to adjournment, at one o'clock P.M., in an Informal Session, with Mr. Wagner of Chicopee 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:

Gracious God, in spirit of humility we pray to You, Our Creator, for the gift of wisdom and the intellectual skill to make sound legislative and personal decisions as we begin a new workweek. Grant us the grace and serenity to live and take each day one at a time. As elected leaders, inspire us to form a good and correct conscience as we struggle, often without thanks, to select reasonable legislative options which are fair, ethical and prudent. In Your goodness, teach us to be open to the new and creative ideas and the insights of others, but faithful to our own priorities, human and spiritual values and basic societal institutions which unite people and communities. In planning for future generations, help us to be thoughtful, imaginative and compassionate in advocating new ideas and programs.

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

At the request of the Chair (Mr. Wagner), 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 terms of certain bonds to be issued by the Commonwealth (House, No. 5046) was filed in the office of the Clerk on Friday, April 26.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Long-Term Debt and Capital Expenditures.

### *Statement of Representative St. Fleur of Boston.*

A statement of Ms. St. Fleur of Boston was spread upon the records of the House, as follows:

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 last week's sittings due to illness. Any roll calls that I missed last week is due entirely to the reason stated.

*Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Atsalis of Barnstable, petition (subject to Joint Rule 12) of Demetrius J. Atsalis relative to creditable service of certain county employees.

By Mr. Bosley of North Adams, petition (subject to Joint Rule 12) of Daniel E. Bosley relative to providing insurance coverage for lactation consultation for new mothers.

By Mr. Correia of Fall River, petition (subject to Joint Rule 12) of Robert Correia and Joan M. Menard for legislation to authorize the Department of Social Services to establish a sick leave bank for Natalia Arrance.

By Ms. Donovan of Woburn, petition (subject to Joint Rule 12) of Shannon P. O'Brien and Carol A. Donovan for an investigation by a special commission (including members of the General Court) relative to the termination of retirement allowances.

By Mr. Fennell of Lynn, petition (subject to Joint Rule 12) of Robert F. Fennell relative to the authority and identification of trustees.

By Mr. Galvin of Canton, petition (subject to Joint Rule 12) of William C. Galvin and other members of the General Court relative to the school building assistance program.

By Mr. George of Yarmouth, petition (subject to Joint Rule 12) of Thomas N. George and other members of the General Court for legislation to exempt sales of certain books from the sales tax.

By Mr. Kulik of Worthington, petition (subject to Joint Rule 12) of Stephen Kulik and Stanley C. Rosenberg relative to pay scales for environmental police officers.

By Mr. Marini of Hanson, petition (subject to Joint Rule 12) of Francis L. Marini, Bradley H. Jones, Jr., and George N. Peterson, Jr., relative to the rights of non-custodial parents.

By Mr. Murphy of Burlington, petition (subject to Joint Rule 12) of Charles A. Murphy and other members of the General Court relative to regulating the use of the Internet in public libraries.

By Mr. Naughton of Clinton, petition (subject to Joint Rule 12) of Harold P. Naughton, Jr., and Garrett J. Bradley for legislation to regulate the operation of electric personal assistive mobility devices.

By Mr. Peterson of Grafton, petition (subject to Joint Rule 12) of George N. Peterson, Jr., and other members of the House relative to the purchase and use of pepper spray.

By Mr. Turkington of Falmouth, petition (subject to Joint Rule 12) of Eric Turkington (by vote of the town) that the town of Oak Bluffs be authorized to withdraw from membership in the Martha's Vineyard Commission.

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

*Papers from the Senate.*

Bills

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Waltham (Senate, No. 1879) (on a petition);

Relative to farmer distillery licenses (Senate, No. 2328) (on Senate bill, No. 366);

Establishing a comprehensive wastewater reuse and greywater management plan (Senate, No. 2329) (on Senate bill, No. 1083, changed);

Relative to the conveyance of a certain parcel of land in Grafton (Senate, No. 2330) (on Senate bill, No. 1532);

Providing health care coverage for certain prosthetic devices (Senate, No. 2331) (on House, No. 4576);

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 punishment for the crime of domestic violence (Senate, No. 164) (on Senate, No. 182);

Further regulating advertising on motor fuel dispensing devices (Senate, No. 2327) (on Senate bill, No. 92);

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.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2324) of Susan C. Fargo and Jay R. Kaufman (by vote of the town) for legislation to authorize the town of Lincoln to grant real estate tax rebates to certain property owners; and

Petition (accompanied by bill, Senate, No. 2325) of Robert A. O'Leary and Shirley Gomes (by vote of the town) for legislation relative to property tax exemptions for rental properties in the town of Provincetown used as affordable housing;

Severally to the committee on Local Affairs.

A petition of Robert A. O'Leary, Cynthia S. Creem, Andrea F. Nuciforo, Jr., Bruce E. Tarr and other members of the General Court for legislation to enable retirement and college education savings in conformity with federal law, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Taxation.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2339) was referred, in concurrence, 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 Rule 12 be suspended on the petition of Bradford Hill and Bruce E. Tarr relative to operation of certain satellite emergency health care facilities. Under suspension of the

rules, on motion of Mr. Hill of Ipswich, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Health Care. 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 civil commitment of sexually dangerous persons (House, No. 4915),— and recommending that the same be referred to the House committee on Rules; and

Of the Bill authorizing the town of Lexington to establish a post retirement insurance liability fund (House, No. 4856),— and recommending that the same be referred to the committee on Ways and Means.

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

By Mr. Donnelly of Boston, for the committee on the Judiciary, on a message from Her Honor the Lieutenant-Governor, Acting Governor, a Bill designating the renovated Old Suffolk County Courthouse as the John Adams Courthouse (printed in House, No. 4984). 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.

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

By Mr. Quinn of Dartmouth, for the committee on Banks and Banking, on Senate, No. 20 and House, No. 574, an Order relative to authorizing the committee on Banks and Banking to make an investigation and study concerning the imposition of a moratorium on banks conversions (House, No. 5042).

By the same member, for the same committee, on Senate, No. 21 and House, No. 575, an Order relative to authorizing the committee on Banks and Banking to make an investigation and study of certain Senate and House documents concerning mutual holding companies (House, No. 5043).

By the same member, for the same committee, on House, Nos. 8, 16, 1145, 3664, 3665 and 3667, an Order relative to authorizing the committee on Banks and Banking to make an investigation and study of certain House documents concerning the issuance and use of credit cards (House, No. 5044).

By the same member, for the same committee, on House, Nos. 229 and 3036, an Order relative to authorizing the committee on Banks and Banking to make an investigation and study of certain House documents concerning the privacy rights of consumers of certain financial institutions (House, No. 5045).

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

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

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

By Mr. Scaccia of Boston, for the committee on Rules, that the Resolve providing for an investigation and study of crosswalks in the Commonwealth (House, No. 4989) ought to pass.

By Mr. Broadhurst of Methuen, for the committee on Science and Technology, that the Bill to ban the use of methyl tertiary butyl ether (House, No. 4359) ought to pass.

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

By Mr. Donnelly of Boston, for the committee on the Judiciary, on a petition, a Bill relative to claims of adverse possession (House, No. 1793). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Report of the Committee on Education, Arts and Humanities  
on*

*Bill Introduced into the General Court by Initiative Petition.*

By Mr. Larkin of Pittsfield, for the committee on Education,

Arts and Humanities, that the Act relative to the teaching of English in public schools (House, No. 4839) (introduced into the General Court by the initiative petition of Lincoln J. Tamayo and others) ought NOT to pass.

The majority report of the committee (House, No. 5023) is as follows:

#### MAJORITY REPORT.

It is the unanimous opinion of the Legislature's Joint Committee on Education, Arts and Humanities to oppose and reject this initiative petition.

THIS PETITION PROVIDES AN INFLEXIBLE AND OVERLY SIMPLISTIC APPROACH. By requiring one single approach to teaching English to all limited English speaking students, the supporters of this initiative petition would falsely lead the public to believe that these students enter the classroom with the same needs. In fact, children arrive in the Commonwealth at different ages, with different backgrounds, with different levels of education and English proficiency. Some come to our shores from war torn countries, others come from stable, well-educated households; some are literate in their native language and may even know some English; others may be totally illiterate. Yet this petition mandates a single approach to address all of these needs.

THERE IS MORE THAN ONE PROVEN METHOD TO TEACH ENGLISH. This petition ignores the fact that there is more than one successful approach to effectively teach English to limited English speaking students. This initiative mandates a single approach for all students. Education reform has taught us that students have different educational needs and learn in different ways.

THIS PETITION REPEATS THE MISTAKES OF THE PAST BY NOT ALLOWING CHOICE BY YOUR LOCAL SCHOOL DISTRICTS. The current law mandates a single approach to teach English to limited English speaking students: transitional bilingual education. The petition replaces that with yet another single approach: structured English immersion. Rather than locking one single approach into law, we need to allow local school districts choice in deciding how best to meet the needs of the students in their districts. In fact, a district may decide to offer a variety of programs to teach English. This initiative petition refuses to

allow each local community to make the appropriate educational choices for its children.

THIS PETITION WOULD ENFORCE EDUCATION POLICY THROUGH THREAT OF LAWSUIT. This initiative allows parents to sue our teachers, principals, superintendents and school committee members. The Committee believes that learning English and being academically successful will be best achieved when administrators, teachers, and parents work cooperatively and districts are held accountable for results. A threat of personal lawsuit may discourage people from entering the teaching profession at a time of teacher shortages.

BILINGUAL EDUCATION REFORM SHOULD ULTIMATELY CLOSE THE ACHIEVEMENT GAP. There was no clear testimony presented to the Committee to suggest that the implementation of a similar petition in California achieved the goal of closing the achievement gap between English and limited English speaking children. In fact, some testimony indicated that the achievement gap has actually increased since the California petition was adopted.

THE COMMITTEE SUPPORTS REFORM OF BILINGUAL EDUCATION WHICH ALLOWS DISTRICTS TO CHOOSE THE APPROACHES THEY WILL TAKE TO TEACH ENGLISH TO LIMITED ENGLISH SPEAKING STUDENTS, WHILE HOLDING THEM ACCOUNTABLE FOR THEIR CHOICES. Our goal is to ensure that every child acquires English within a reasonable period of time and succeeds academically. This requires a more comprehensive approach to education than is offered in this petition.

THE JOINT COMMITTEE ON EDUCATION, ARTS AND HUMANITIES, THEREFORE, STRONGLY AND UNANIMOUSLY REJECTS THIS INITIATIVE PETITION.

Senators.

ROBERT A. ANTONIONI MARIAN WALSH  
JO ANN SPRAGUE

Representatives.

PETER J. LARKIN BRIAN PAUL GOLDEN  
KEVIN J. MURPHY EUGENE L. O'FLAHERTY  
ALICE K. WOLF JOSE L. SANTIAGO

MARIE P. ST. FLEUR DAVID M. TORRISI  
DAVID C. BUNKER, JR. ROBERT S. HARGRAVES  
KARYN E. POLITO

Placed in the Orders of the Day for the next sitting, the question (under Article XLVIII as amended by Article LXXXI of the Amendments of the Constitution) being “upon enactment of such law in the form in which it stands in such petition”.

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

Relative to reporting of criminal convictions of certain professionals (House, No. 39, changed);

Relative to furnishing false name, social security number or address to a police officer when stopped or detained (House, No. 1920);

Making technical corrections to the ownership affidavit law (House, No. 3436);

Relative to school safety (House, No. 4745);

Amending the city charter of the city of Lawrence to delete the residency requirement for city employees (House, No. 4806) [Local Approval Received];

Authorizing the city of Worcester to place a conservation restriction on Green Hill Park (House, No. 4939) [Local Approval Received];

To punish flights from arrest (printed in House, No. 4944);

Relative to the donation of bone marrow by certain minors (House, No. 4970); and

Relative to the penalties for killing, maiming or poisoning of an animal (House, No. 4986);

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

By Mr. Koczera of New Bedford, for the committee on

Natural Resources and Agriculture, ought NOT to pass, on the petition (accompanied by bill, House, No. 5001) of Shirley Gomes and Robert A. O'Leary that the towns of Harwich and Eastham be authorized to regulate the operation of herring runs in said towns. 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. Placed in the Orders of the Day for the next sitting, the question being on acceptance.

### *Engrossed Bills.*

Engrossed bills

Relative to contracts between court reporters and an attorney, party or party having a financial interest in an action (see Senate, No. 978) (which originated in the Senate); and

Relative to the commitment of mentally ill persons (see House, No. 3359) (which 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.*

The Senate Bill designating Civilian Conservation Corps Day (Senate, No. 409, amended), 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, in concurrence. Sent to the Senate for concurrence in the amendment previously adopted by the House.

The Senate Bill relative to the town of Holliston and the establishment of a cemetery care fund (Senate, No. 2144, changed), 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, in concurrence.

The House Bill relative to the licensing of sign installers (House, No. 4067, amended), 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.

*Order.*

On motion of Mr. Finneran of Boston,—

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

At twenty-seven minutes after one o'clock P.M., on motion of Mr. Dempsey of Haverhill (Mr. Wagner of Chicopee being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.