

JOURNAL OF THE HOUSE.

Monday, May 6, 2002.

Met according to adjournment, at one o'clock P.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:

Lord God, we look to You for guidance and direction at the beginning of this new (perhaps painful) legislative workweek. Let this momentary pause in our daily routine assist us in clearing our minds and hearts of the usual ever-present burdens, concerns and challenges. Inspire us to be open to a greater appreciation of spiritual values, sound philosophical principles and high ethical goals as we craft legislation to meet the needs and expectations of the people. In our diverse society and cultures, teach us to set standards which are just, honorable and reasonable so that our communities will be peaceful, civil and compassionate.

Bestow Your blessings on 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 Mrs. Hahn of Westfield) congratulating Daniel Flechsig on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Miceli of Wilmington) on the observance of National Nurses Week at the Tewksbury Hospital; and

Resolutions (filed by Ms. Wolf of Cambridge) congratulating the home-based Early Childhood Program of the Cambridge Public Schools;

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 Ms. Wolf, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

A communication from the Executive Office for Administration and Finance, Division of Capital Asset Management and Maintenance, submitting a copy of the Commonwealth of Massachusetts Real Property Report for the year 2002, was placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Ms. Lewis of Dedham, petition (accompanied by bill, House, No. 5055) of Maryanne Lewis and Marian Walsh (by vote of the town) that the town of Dedham be authorized to send certain information to the voters of said town. To the committee on Election Laws.

By Mr. Bradley of Hingham, petition (accompanied by bill, House, No. 5056) of Garrett J. Bradley (by vote of the town) that the town of Hingham be authorized to issue additional licenses for the sale of alcoholic beverages. To the committee on Government Regulations.

By Ms. Lewis of Dedham, petition (accompanied by bill, House, No. 5058) of Maryanne Lewis and Marian Walsh (by vote of the town) that the town of Dedham be authorized to pay a certain sum of money to Anisia Gifford for overpaid sewer user fees; and

By Mrs. Pope of Wayland, petition (accompanied by bill, House, No. 5059) of Susan W. Pope, Susan C. Fargo and Cheryl A. Jacques (by vote of the town) that the town of Wayland be authorized to convey certain park land to be used for highway purposes;

Severally to the committee on Local Affairs.

By Ms. Lewis of Dedham, petition (accompanied by bill, House, No. 5060) of Maryanne Lewis and Marian Walsh (by vote of the town) relative to the residency requirement for the position of town administrator in the town of Dedham. To the committee on Public Service.

By Mrs. Gomes of Harwich, petition (accompanied by bill, House, No. 5057) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to the acceptance of the community preservation act by the town of Provincetown;

By the same member, petition (accompanied by bill, House, No. 5061) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to the acceptance of the community preservation act by the town of Provincetown; and

By Ms. Lewis of Dedham, petition (accompanied by bill, House, No. 5062) of Maryanne Lewis and Marian Walsh (by vote of the town) that the town of Dedham be authorized to pay a certain sum of money to Albert Tays for overpaid real estate taxes;

Severally to the committee on Taxation.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Bradley of Hingham, petition (subject to Joint Rule 12) of Garrett J. Bradley relative to the certification and appointment of David E. Jones as a police officer, notwithstanding the maximum age requirements.

By Mrs. Gomes of Harwich, petition (subject to Joint Rule 12) of Shirley Gomes and Robert A. O’Leary that the Department of Highways be directed to discontinue the use of a certain portion of Route 6 in the town of Provincetown as a safe highway.

By Mrs. Paulsen of Belmont, petition (subject to Joint Rule 12) of Anne M. Paulsen and Stephen A. Tolman that the Metropolitan District Commission be authorized to lease a certain parcel of land in the town of Belmont to Belmont Hill Schools, Inc.

By Mr. Vallee of Franklin, petition (subject to Joint Rule 12) of James E. Vallee, David P. Magnani and Cheryl A. Jacques for legislation to simplify the procedures for municipalities to accept the subdivision of roads.

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

Papers from the Senate.

The House Bill relative to veteran registration plates for motorcycles (House, No. 4334) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2294; and by inserting before the enacting clause the following emergency preamble:

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to extend the right to display certain ‘veteran’ registration plates and emblems to qualified owners of motorcycles, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

Under suspension of Rule 35, on motion of Mr. Toomey of Cambridge, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

The House Bill providing for an early retirement incentive program for certain employees of the Springfield Water and Sewer Commission (House, No. 4685) came from the Senate passed to be engrossed, in concurrence, with certain amendments in section 2, in lines 33 and 34, and also in line 37, striking out the words “December thirty-first, two thousand and one” (as printed) and inserting in place thereof, in each instance, the following: “July 1, 2003”.

Under suspension of Rule 35, on motion of Mr. Swan of Springfield, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

The House Bill providing for local government workforce reduction through an early retirement incentive program for certain employees (House, No. 5007, amended) came from the Senate

passed to be engrossed, in concurrence, with certain amendments in section 1, in line 11, inserting after the word “system” the words “or shall be an employee of a regional school district and an active member in service of the state retirement system, but not a member of the teacher’s retirement system or Boston teacher’s retirement system on the date of the regional school district’s acceptance of this section”, in line 35, inserting after the word “authority.” the following sentence: “Any additional retirement benefits provided by this act for employees of regional school districts who are active members in service of the state retirement system shall be funded by the appropriate regional school district”, and in line 37, inserting after the word “county” the word “, state”; in section 4 (as inserted by amendment by the House), at the end thereof, striking out the year “1977” and inserting in place thereof the year “1986”; and by adding at the end thereof the following two sections:

“SECTION 4A. Section 19 of chapter 34B of the General Laws, as so appearing, is hereby amended by striking out, in line 19, the word ‘three-year’ and inserting in place thereof the following word:— 6-year.

SECTION 5. Section 3 of chapter 71 of the acts of 1996 is hereby amended by inserting after the second paragraph, as amended by section 45 of chapter 88 of the acts of 1997, the following paragraph:—

Members of the retirement system of a political subdivision who were eligible to apply for creditable service pursuant to this chapter, but failed to do so within 180 days of the acceptance of the act by the local legislative body may apply for such creditable service within 180 days of a vote by the local legislative body to allow such members an additional period of time to apply for such creditable service. A local legislative body shall be as defined in this section but the local legislative body for a regional retirement system shall be the regional retirement system advisory board. A local legislative body may vote to allow the additional time period under this paragraph only once.”.

Under suspension of Rule 35, on motion of Mr. Dempsey of Haverhill, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

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 Paul E. Caron and other members of the House relative to the reporting of child abuse by certain medical personnel to local law enforcement officials. Under suspension of the rules, on motion of Mr. Hynes of Marshfield, 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 the Residential Contractor’s Guaranty Fund (House, No. 2157);

Of the Bill relative to the sounding of certain warning devices in the town of Concord (House, No. 4226);

Of the Bill relative to regulations of street excavations by utility companies (House, No. 4993);
and

Of the Bill relative to jet skis, surf jets, wet bikes, and other personal watercraft in municipalities (House, No. 5019);

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

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

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill to regulate train crews relating to the minimum number of persons required on train crews and granting rulemaking authority (House, No. 2637),— and recommending that the same be recommitted to the committee on Transportation. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mrs. Parente of Milford, for the committee on Long-Term Debt and Capital Expenditures, that the Bill relative to providing additional funding for the Central Artery/Ted Williams Tunnel Project (printed in House, No. 4561) ought to pass [General Obligation Bonds: \$150,000,000.00]. Referred, under Rule 33, to the committee on Ways and Means.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on a petition, a Bill relative to funding for the adult foster care program (House, No. 3868).

By the same member, for the same committee, on a petition, a Bill relative to the adult foster care program (House, No. 3869).

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

By Mr. Binienda of Worcester, for the committee on Energy, on House, No. 5020, a Bill relative to an initiative to promote the commercialization of fuel cell technology (House, No. 5063). Read; and referred, under Rule 33B, to the committee on Science and Technology.

By Mr. Sullivan of Braintree, for the committee on Transportation, on a petition, a Bill relating to the requirement of approval for certain lands formerly appurtenant to railroad right of ways (House, No. 1135). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

The engrossed Bill designating the Old Suffolk County Courthouse as the John Adams Courthouse (see House bill printed in House, No. 4984), 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.

Engrossed Bill.

The engrossed Bill providing for the 2002 special election in the city of Woburn (see Senate, No. 2317) (which originated in the Senate), 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.

Order.

On motion of Mr. Finneran of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at ten o'clock A.M.; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to print a Calendar for said sitting containing only the General Appropriation Bill.

At fourteen minutes after one o'clock P.M., on motion of Mr. Fagan of Taunton (Mr. O'Flaherty of Boston being in the Chair), the House adjourned, to meet on Wednesday next at ten o'clock A.M.