

JOURNAL OF THE HOUSE.

Monday, May 21, 2001.

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

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God Our Creator, the Author of Life and the Source of Countless Spiritual and Material Blessings and Gifts to Us, we focus our attention, for a moment, on You and on our own personal relationship with You. Help us to recognize Your generosity towards us and to deepen our commitment to You and Your ways which offer us peace of mind and personal happiness. As we address and explain to the electorate the varied and often complex issues of our society and our culture, grant us the wisdom and knowledge to be articulate leaders who respond prudently to the signs of the times and the demands of this technological era. May we keep all legislative issues and potential conflicts in perspective and see them as opportunities and challenges for building a responsive and responsible society.

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

At the request of the Speaker, 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 Ms. Blumer of Framingham) honoring Peter Dittami on his retirement as Principal of Barbieri Elementary School;

Resolutions (filed by Mr. Connolly of Everett) congratulating Paul B. Peters on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Coppola of Foxborough) congratulating Timothy Connelly on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Coppola of Foxborough) congratulating Michael Wall on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Representatives Kelly of Dalton, Kulik of Worthington, Merrigan of Greenfield and Story of Amherst) commending Marilyn Lee for her 28 years of dedicated service to the Franklin Law Library;

Resolutions (filed by Mr. Koutoujian of Newton) congratulating Peter Koutoujian on the occasion of his retirement;

Resolutions (filed by Ms. Lewis of Dedham) congratulating Evan Robert King on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Locke of Wellesley) congratulating Jacob Galginaitis Barrett on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Murphy of Burlington) congratulating Andrew J. Churella on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Murphy of Burlington) congratulating Eric J. Rogers on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Murphy of Burlington) congratulating Brad H. Vatter on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Pedone of Worcester) congratulating Frances “Frankie” Nugent;

Resolutions (filed by Mr. Smizik of Brookline) congratulating the third grade students at the Edward Devotion School in Brookline and Our Lady of the Valley School in Uxbridge on their participation in the Edward Devotion School 16th Annual Essay and Poetry Program;

Resolutions (filed by Mrs. Walrath of Stow) congratulating William J. Hofmann, Jr., on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mrs. Walrath of Stow) congratulating David B. Hyde on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mrs. Walrath of Stow) congratulating Peter C. Merritt on receiving the Eagle Award of the Boy Scouts of America;

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

Petitions.

Petitions severally were presented and referred as follows:

By Ms. Candaras of Wilbraham, petition (subject to Joint Rule 12) of Gale D. Candaras relative to the requirement of passing the Massachusetts Comprehensive Assessment System test prior to graduation.

By Mr. Donnelly of Boston (by request), petition (subject to Joint Rule 12) of Edward Santa Maria relative to the pension benefits for certain veterans.

By Mr. Leary of Worcester, petition (subject to Joint Rule 12) of James B. Leary, Richard T. Moore and Harriette L. Chandler for legislation to authorize and direct the reinstatement of Mary A. Ryan as a member in service of the teachers' retirement system.

By Mr. Tobin of Quincy, petition (subject to Joint Rule 12) of A. Stephen Tobin, Michael

W. Morrissey and Bruce J. Ayers relative to the leasing of a certain parcel of recreational land in the city of Quincy under the control of the Metropolitan District Commission to Mini-Fenway Park, Inc.

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

Papers from the Senate.

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 spread upon the records of the House, as follows:

Of the Hampden County Sheriff's Department and Correctional Center, in the town of Ludlow; and

Of the Southeastern Correctional Center, in the town of Bridgewater;

Severally returned to the Senate to be placed on file.

A petition (accompanied by bill, Senate, No. 1862) of Stanley C. Rosenberg and John F. Merrigan (by vote of the town) for legislation to allow for recall of elected officials in the town of Bernardston, was referred, in concurrence, to the committee on Election Laws.

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

Petition (accompanied by bill, Senate, No. 1869) of Robert A. Antonioni and Brian Knuuttila for legislation to create the public safety officers' catastrophic injury fund. To the committee on Public Safety.

Petition (accompanied by bill, Senate, No. 1870) of Steven A. Tolman and Rachel Kaprielian for legislation relative to continued taxability of real property purchased by charitable organizations. 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 following petitions:

Petition (accompanied by bill) of Patricia A. Walrath and Pamela P. Resor relative to the establishment of voting precincts in towns. To the committee on Election Laws.

Petition (accompanied by bill) of Emile J. Goguen and Brian Knuuttila that the Division of Capital Asset Management and Maintenance be authorized to convey a certain easement in the city of Fitchburg to Francis Driscoll and Carleta Driscoll; and

Petition (accompanied by bill) of James R. Miceli for legislation to authorize the Division of Capital Asset Management and Maintenance to convey certain land located in the town of

Tewksbury to the Eagle Point Development Corporation;

Severally to the committee on State Administration.

Petition (accompanied by bill) of Gerald S. Doyle, Jr. (mayor), Peter J. Larkin, Shaun P. Kelly, Andrea F. Nuciforo, Jr., and Christopher J. Hodgkins (with the approval of the city council) relative to establishing a finance advisory board in the city of Pittsfield. To the committee on Taxation.

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

By Mr. Mariano of Quincy, for the committee on Insurance, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1039) of Nancy Flavin, Daniel E. Bosley, Thomas J. O'Brien and Kathleen M. Teahan for legislation to include pharmacists in the definition of health care provider in medical malpractice actions; and

Of the petition (accompanied by bill, House, No. 1780) of Nancy Flavin and Ronald Mariano relative to supplemental medical care for certain disabled persons;

And recommending that the same severally be referred to the committee on Ways and Means.

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

By Ms. Stanley of West Newbury, for the committee on Health Care, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 609) of Bruce J. Ayers for legislation to determine the liability and remediate the negative effects caused by the manufacture and sale of lead based paint products,— and recommending that the same be referred to the committee on the Judiciary; and

By Mr. Mariano of Quincy, for the committee on Insurance, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 465) of Jay R. Kaufman, Robert A. Havern and Susan C. Fargo relative to the remedy for personal injury or wrongful death under the workers' compensation laws,— and recommending that the same be referred to the committee on Commerce and Labor; and

Of so much of the recommendations of the Executive Office of Public Safety (House, No. 136) as relates to amusement devices (accompanied by bill, House, No. 141),— and recommending that the same be referred to the committee on Public Safety.

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

Severally sent to the Senate for concurrence.

By Mr. Mariano of Quincy, for the committee on Insurance, on a petition, a Bill relative to insurance assessments (House, No. 1161, changed in section 3, in line 8, by striking out the words “two hundred thousand dollars” and inserting in place thereof the words “two hundred eighty-five thousand eight hundred and eighty-two dollars”, and in lines 16 and 17, by striking out the words “three hundred sixty-eight thousand six hundred and two dollars” and inserting in place thereof the words “two hundred eighty-five thousand eight hundred and eighty-two dollars”). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill relative to the sale of gas heating equipment (House, No. 2575) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

The Senate Bill further regulating the licensing of certain home inspectors (Senate, No. 1856); and

House bills

Establishing the office of treasurer-collector in the town of Carlisle (House, No. 645) [Local Approval Received];

Authorizing the park commissioners of the town of Rochester to change the use of a certain parcel of municipal land acquired for outdoor recreational and athletic uses (House, No. 855) [Local Approval Received];

Relative to expenditures of certain municipal and district monies (House, No. 1624);

To accommodate the patriotic expressions of the citizens of the Commonwealth (House, No. 2614);

Authorizing the town of Walpole to use certain forest land for school purposes (House, No. 4055) [Local Approval Received]; and

Establishing a sick leave bank for a certain employee of the Department of Correction (House, No. 4094);

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

By Mr. Wagner of Chicopee, for the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 1572) of William W. White for legislation to provide for “none of the above” option on election ballots.

By the same member, for the same committee, ought NOT to pass, on the petition

(accompanied by bill, House, No. 2686) of Antonio F. D. Cabral and other members of the General Court relative to the annual street list.

By Mrs. Parente of Milford, for the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, House, No. 646) of Edward G. Connolly relative to further regulating parking spaces for disabled persons.

By Mr. Toomey of Cambridge, for the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 316) of David B. Sullivan for legislation to further regulate the repossession of motor vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 502) of Philip Travis relative to motor vehicle accidents involving public employees.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 505) of Philip Travis relative to independent investigators of motor vehicle accidents involving police officers.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1071) of James H. Fagan relative to the suspension of licenses to operate motor vehicles for driving under the influence of intoxicating liquor.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1268) of Stephen P. LeDuc relative to the use of out-of-state motor vehicle licenses as valid identification.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1273) of David H. Tuttle relative to the registration of boat transporters and trailers by nonresidents.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1451) of John J. Binienda, John P. Fresolo, James B. Leary and Robert Spellane for legislation to establish a “prevent blindness” fund through the office of the Registrar of Motor Vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1453) of John J. Binienda, John P. Fresolo, James B. Leary and Robert Spellane for legislation to authorize the Registrar of Motor Vehicles to issue distinctive registration plates commemorating the 173rd Airborne Brigade, the Sky Soldiers.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1636) of Geoffrey D. Hall, Steven C. Panagiotakos and another for legislation to require a certain decal to be displayed on motor vehicles operated by persons with learner’s permits.

By the same member, for the same committee, ought NOT to pass, on the petition

(accompanied by bill, House, No. 1639) of Veronica Whitehouse relative to the penalty for operation of motor vehicles after the suspension or revocation of a license to operate such motor vehicle.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1641) of Edward M. Williams for legislation to authorize the Registrar of Motor Vehicles to issue distinctive registration plates to active or former members of the United States Marine Corps.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1651) of Ruth W. Provost and Eric Turkington that persons charged with vehicular homicide forfeit the license to operate a motor vehicle upon pleading guilty to a lesser charge.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1849) of Nancy Flavin that the Registrar of Motor Vehicles be authorized to issue a mortuary registration plate.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2020) of Robert F. Fennell, Mary Jane Simmons, Emile J. Goguen, Stephen M. Brewer, Martin J. Walsh and Kathi-Anne Reinstein that the Registrar of Motor Vehicles be directed to issue distinctive license plates to persons who were listed as missing in action by the armed forces of the United States.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2397) of Ronald Mariano relative to the testing of blood and urine in motor vehicle homicides.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2584) of Paul C. Casey, Thomas N. George, Anthony J. Verga and Edward G. Connolly relative to the revocation of motor vehicle drivers' licenses without a hearing.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2585) of Paul C. Casey, Anthony J. Verga and Edward G. Connolly for legislation to require that motor vehicle accident reports contain information of the use of mobile telephones at the time of the accident.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2593) of John A. Locke relative to increasing the age requirement for persons to be licensed to operate a motor vehicle.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2776) of Stephen P. LeDuc relative to the payment of outstanding fines in the registration of motor vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2961) of Marie J. Parente that the Registrar of Motor

Vehicles be authorized to revoke the licenses of certain persons convicted of the crime of rape.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3408) of John F. Carr for legislation to further regulate motor vehicle license suspensions for certain traffic law violations.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by resolve, House, No. 3411) of Peter J. Larkin relative to reviving and continuing the special commission (including members of the General Court) established to make an investigation and study of the effectiveness of driver education programs.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3585) of Paul E. Caron relative to penalties and punishments for three or more speeding convictions within a twelve month period.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3594) of J. James Marzilli, Jr., Thomas M. Stanley and Patricia D. Jehlen for legislation to regulate the idling of motor vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3596) of Theodore C. Speliotis for legislation to further regulate the inspections of motor vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3781) of Demetrius J. Atsalis that the Registrar of Motor Vehicles be directed to issue distinctive motor vehicle plates for recipients of the Combat Infantry Badge.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3783) of Demetrius J. Atsalis that the Commissioner for Administration and Finance be directed to establish a fee for the renewal of registration of motorcycles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3803) of Veronica Whitehouse relative to the surrendering of motor vehicle registration plates at hearings conducted by the Registry of Motor Vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3804) of Thomas P. Kennedy that the Registrar of Motor Vehicles be directed to issue certain decals to Lao/Hmong veterans.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3882) of Frank M. Hynes, other members of the House and another relative to speed limits on certain city and town ways.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3883) of James R. Miceli for legislation to regulate the

height of motor vehicles operating on public ways.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3885) of Elizabeth Poirier, Bruce E. Tarr, Michael J. Coppola and Jo Ann Sprague relative to the issuance of identification cards by the Registrar of Motor Vehicles.

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, the question, in each instance, being on acceptance.

Reconsiderations.

Mr. Travis of Rehoboth moved that the vote be reconsidered by which the House, on Tuesday, May 15, accepted the House report of the committee on Government Regulations, ought NOT to pass, on the petition (accompanied by bill, House, No. 438) of Philip Travis for legislation to authorize examiners of plumbers and gas fitters to promulgate rules and regulations for the requirements of continuing education programs for all plumbing and gas fitting inspectors; and the motion to reconsider was entertained, and it prevailed.

Pending the recurring question on acceptance of the report, the petition was recommitted, on further motion of Mr. Travis.

Mr. Greene of Billerica moved that the vote be reconsidered by which the House, on Tuesday, May 15, accepted the House report of the committee on Government Regulations, ought NOT to pass, on the petition (accompanied by bill, House, No. 3283) of Lois N. Sarno relative to permanently extending daylight savings time; and the motion to reconsider was entertained, and it prevailed.

Pending the recurring question on acceptance of the report, the petition was recommitted, on further motion of Mr. Greene.

Mr. Caron of Springfield moved that the vote be reconsidered by which the House, on Tuesday, May 15, accepted the House report of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 3588) of Paul E. Caron and other members of the House for legislation to provide for the construction and rehabilitation of police and fire station facilities in the Commonwealth; and the motion to reconsider was entertained, and it prevailed.

Pending the recurring question on acceptance of the report, the petition was recommitted, on further motion of Mr. Caron.

Orders of the Day.

The House Bill relative to elderly abuse (House, No. 2533, changed) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee 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. Ruane of Salem,—

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

At twenty minutes after eleven o'clock A.M., on motion of Mr. Connolly of Everett, the House adjourned, to meet on Wednesday next at eleven o'clock A.M.

