

JOURNAL OF THE HOUSE.

Thursday, May 23, 2002.

Met according to adjournment, at eleven o'clock A.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:

God, Our Creator, we proclaim our dependence upon You and Your assistance in our daily struggle to serve both You and the people whom we represent faithfully and conscientiously. We believe that our faith in You inspires us to have faith in our neighbors, our trust in You enables us to have trust in our neighbors and our love for You helps us to have a respect and concern for all people. In our solemn observances and celebrations on Memorial Day, Monday, we remember in our prayers and thoughts all the men and women, our neighbors, who died in serving us and this nation. Let the spirit and the significance of this national holiday unite us, as a people and as neighbors, in seeking fairness, compassion and equality for all within our borders.

Grant Your blessings to 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.

Messages from the Acting Governor.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to financing the affordable housing trust (House, No. 5076) was filed in the office of the Clerk on Tuesday, May 21.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Housing and Urban Development. Sent to the Senate for concurrence.

A message from Her Honor the Lieutenant-Governor, Acting Governor

(under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating action taken at the special town meetings held by the town of Manchester-by-the-Sea on April 2, 2001 and April 1, 2002 (House, No. 5077) was filed in the office of the Clerk on Monday, May 20.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Local Affairs. Sent to the Senate for concurrence.

Petition.

Mr. Naughton of Clinton presented a petition (accompanied by bill, House, No. 5092) of Harold P. Naughton, Jr., and Harriette L. Chandler (by vote of the town) relative to the appointment of the positions of treasurer and tax collector in the town of Boylston; and the same was referred to the committee on Local Affairs. 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. Finneran of Boston) congratulating James J. Hartnett, Jr., on the occasion of his retirement;

Resolutions (filed by Mr. Finneran of Boston) honoring William P. Monahan;

Resolutions (filed by Mr. Demakis of Boston) honoring Maurice E. Frye, Jr., for his great contributions to the city of Boston, Beacon Hill and the Back Bay;

Resolutions (filed by Mr. Demakis of Boston) honoring John W. Sears for his contributions to the city of Boston, Beacon Hill and the Back Bay;

Resolutions (filed by Mr. Greene of Billerica) congratulating Marion Elma Potter on the occasion of her 95th birthday;

Resolutions (filed by Mrs. Paulsen of Belmont) congratulating Victor Carpenter on the occasion of his retirement;

Resolutions (filed by Mrs. Simmons of Leominster) congratulating Matthew M. Cote on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mrs. Simmons of Leominster) congratulating Adam S. Mayhew on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Messrs. Smizik of Brookline and DeLeo of Winthrop) congratulating Eugene Robert Eisenberg on the occasion of his eightieth birthday;

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

Papers from the Senate.

The House Bill relative to a certain employee of the Division of Industrial Accidents (House, No. 4418) 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 2347.

Under suspension of Rule 35, on motion of Mr. Ruane of Salem, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Bills

Designating a portion of the Holyoke Heritage State Park as Dinapoli Plaza (Senate, No. 2309) (on a petition);

Directing the Secretary of the Commonwealth to place a certain non-binding question on the biennial state election ballot in the city of Holyoke (Senate, No. 2320, changed in section 1, in lines 1 and 2, by striking out the words "For the purpose of ascertaining the will of the people of the City of Holyoke, the" and inserting in place thereof the word "The"; and in line 4 by striking out the words "said city" and inserting in place thereof the words "the city of Holyoke") (as changed by the Senate committee on Bills in the Third Reading) (on a petition)

[Local Approval Received];

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, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2353) of Kenneth Moulton for legislation to protect public health and safety in regard to toxic mold. To the committee on Health Care.

Petition (accompanied by bill, Senate, No. 2354) of Steven C. Panagiotakos and Robert S. Hargraves for legislation to create a Harley owners group motorcycle license plate. To the committee on Public Safety.

Petition (accompanied by bill, Senate, No. 2355) of David P. Magnani and other members of the General Court [for complete list of petitioners, see printed bill] for legislation relative to a freeze on toll rates, to provide local cities and towns funding for transportation projects, and to provide funding for the central artery/tunnel project; and

Petition (accompanied by bill, Senate, No. 2356) of David P. Magnani and other members of the General Court [for complete list of petitioners, see printed bill] for legislation relative to a temporary freeze on toll rates, and to provide funding for the central artery/ tunnel project;

Severally to the committee on Transportation.

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 Paul C. Casey, Kathi-Anne Reinstein, Edward G. Connolly, Colleen M. Garry, Philip Travis and Christine E. Canavan relative to consent to blood testing solely for medical purposes. To the committee on Health Care.

Petition (accompanied by bill) of Arthur J. Broadhurst and Steven A. Baddour relative to establishing a fund to assist homeowners in the removal of hazardous materials. To the committee on Natural Resources and Agriculture.

Petition (accompanied by bill) of Arthur J. Broadhurst and Steven A. Baddour relative to the suspension or revocation of licenses for knowingly or willfully constructing residential developments on contaminated sites; and

Petition (accompanied by bill) of Harold P. Naughton, Jr., and Garrett J. Bradley for legislation to regulate the operation of electric personal assistive mobility devices;

Severally to the committee on Public Safety.

Petition (accompanied by bill) of Paul E. Tirone relative to authorizing cities and towns to make applications for correction of determinations of value. To the committee on Taxation.

Petition (accompanied by bill) of Michael J. Rodrigues and Joan M. Menard relative to designating a certain bridge in the town of Westport as the Westport Police Officers Memorial Bridge; and

Petition (accompanied by bill) of Demetrius J. Atsalis and other members of the General Court for legislation to designate a certain rest area in the town of Barnstable as the Korean War Veterans Memorial Rest Area;

Severally to the committee on Transportation.

Under suspension of the rules, on motion of Mr. Ruane of Salem, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally 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 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. 1087) of Timothy J. Toomey, Jr., and other members of the General Court for legislation to further regulate the use of firearms,— 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 Bill relative to speed limit violations in marked construction zones (House, No. 867); and

Of the Bill relative to mufflers (House, No. 3593);

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 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. 1462) of John J. Binienda relative to creditable service in the public employee retirement system for veterans of World War II,— and recommending that the same be recommitted to the committee on Public Service. 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. 4655) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2038) of the National Association of Government Employees and Brian S. Dempsey that the Commonwealth be required to pay ninety percent of the monthly premium rate for group health insurance for public employees,— and recommending that the same be recommitted to the committee on Public Service. Under Rule

42, the report was considered forthwith; and it was accepted.

By Mr. Scaccia of Boston, for the committee on Rules, that the following bills ought to pass:

Bill relative to day care providers notifying their local fire department (House, No. 662);

Bill providing for the leasing and construction of improvements to the Coolidge School in the city known as the town of Watertown (House, No. 4424) [Local Approval Received]; and

Bill making technical amendments to the Uniform Commercial Code covering provisions dealing with secured transactions (House, No. 4575);

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

By Mr. Greene of Billerica, for the committee on Commerce and Labor, on House, No. 4855, a Bill providing for liens for molders (House, No. 5079).

By Mrs. Simmons of Leominster, for the committee on Local Affairs, on the Order relative to authorizing the committee on Local Affairs to make an investigation and study of a certain House document concerning the establishment of the Plymouth Development Corporation (House, No. 4983), a Bill establishing the Plymouth Development Corporation (House, No. 4917, changed in section 3, in lines 8 to 14, inclusive, by striking out the sentence contained therein; and in section 18 by adding at the end thereof the following sentence: "All leases shall also provide that the lease shall terminate in the event that the corporation ceases to use the land for the declared public purpose described in section 2.") [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill further regulating the number of selectmen in towns (House, No. 4981).

By the same member, for the same committee, on a petition, a Bill relative to a certain lease agreement of the city known as the town of Methuen (House, No. 5030) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Rochester to pay a certain unpaid bill (House,

No. 5049) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Dedham to reimburse certain sewer user fees (House, No. 5058) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Wayland to convey certain park land (House, No. 5059) [Local Approval Received].

By Mr. Casey of Winchester, for the committee on Taxation, on House, No. 4967, a Bill relative to the acceptance of the Community Preservation Act by the town of Buckland (House, No. 5078).

By Mr. Sullivan of Braintree, for the committee on Transportation, on a petition, a Bill designating a certain bridge in the town of Andover as the Joseph A. Horan Bataan and Corregidor Veterans Memorial Bridge (House, No. 5022).

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

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to grant certain easements to the town of Plymouth (House, No. 4975). Read; and referred, under Rule 33, to the committee on Ways and Means.

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

Senate bills

Designating the official MIA/POW memorial of the Commonwealth (Senate, No. 1607);

Relative to the position of Deputy Fire Chief in the town of Athol (Senate, No. 2251) [Local Approval Received]; and

Authorizing the certification and appointment of Stephen E. Granlund as a police officer in the town of Ware (printed as House, No. 4515) [Local Approval Received]; and

House bills

Relative to the payment of betterment assessments (House, No. 3835);

Providing that a memorial be erected on the USS Massachusetts to honor those individuals from the Commonwealth who were victims of the September 11, 2001 attack on America (House, No. 4974);

Relative to the Provincetown Pier Corporation (House, No. 4976) [Local Approval Received]; and

Relative to certain firearm fees (House, No. 5018);

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

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

Revising the membership of the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (House, No. 4991); and

Relative to enhancing English opportunities for all students in the Commonwealth (House, No. 5010);

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.

Engrossed Bill.

The engrossed Bill relative to veteran registration plates for motorcycles (see House, No. 4334, amended) (which originated in the House), 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.

Orders of the Day.

House bills

Relative to the election of survivor benefits (House, No. 4084);

Relative to the use of asthma inhalers by students in public schools (House, No. 4411); and

Granting the widow and children of Steven F. Greene retirement benefits (House, No. 4625);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill relative to the unemployment insurance system (House, No. 4452), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Greene of Billerica moved that it be amended by striking out section 17 and inserting in place thereof the following section:

“SECTION 17. Sections 7 and 9 of this act shall take effect relative to computation dates occurring not less than 90 days after the effective date of this act. Section 8 shall take effect relative to new initial claims filed on or after October 6, 2002. Section 10 shall take effect relative to computation dates occurring on or after September 30, 2002. Section 11 shall take effect as of December 31, 2000, except that the election of any tribe as defined in section 3306(u) of the Federal Unemployment Tax Act, which is subject to the provisions of chapter 151A of the General Laws as of the effective date of this act, to make payments in lieu of contributions shall not be effective until January 1 following the effective date of this act. Sections 14 and 15 shall take effect relative to benefits paid on or after July 1, 2002.”; 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 to forthwith further regulate the unemployment insurance system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendments were adopted; and the bill (House, No. 4452, 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 Tuesday next at eleven o'clock A.M.

At twenty-eight minutes after eleven o'clock A.M., on motion of Mr. Rodrigues of Westport (Mr. O'Flaherty of Chelsea being in the Chair), the House adjourned, to meet on Tuesday next at eleven o'clock A.M.