

JOURNAL OF THE HOUSE.

Tuesday, May 28, 2002.

Met according to adjournment, at eleven o'clock A.M., with Mr. Rodrigues of Westport 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 place our trust and confidence in You and Your always available guidance, if we listen, as we take up the legislative items for today and for the remainder of the week. The challenging, uneasy and stressful times in which we now live demand from us, as legislators, more wisdom than rhetoric, more patient listening than hasty action and more creative planning for the future than mere continuation of the past. Help us to propose and enact legislation which seems in the best interests of people, promotes a civil and orderly society and creates peaceful and prosperous communities in which all people are respected.

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

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

Message from the Acting Governor.

The Speaker being in the Chair,—

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to making certain fund transfers for the fiscal year 2002 (House, No. 5106) was filed in the office of the Clerk on Thursday, May 23.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. Casey of Winchester and Jones of North Reading) congratulating John F. Doherty and the Coolidge School Science Olympiad Team on the occasion of its 10th consecutive state championship;

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

Resolutions (filed by Mr. Fagan of Taunton) congratulating Mr. and Mrs. John Bell on the occasion of their 50th wedding anniversary;

Resolutions (filed by Mr. Fagan of Taunton) congratulating Thomas E. Cosato on the occasion of his retirement;

Resolutions (filed by Mr. Fagan of Taunton) congratulating Judge John A. Tierney on the occasion of his retirement;

Resolutions (filed by Mr. LeDuc of Marlborough) congratulating Vincent James Bucchino on the occasion of his 83rd birthday;

Resolutions (filed by Mr. LeDuc of Marlborough) congratulating William H. Downey III on the occasion of his retirement;

Resolutions (filed by Messrs. O'Brien of Kingston and deMacedo of Plymouth) congratulating David Arruda on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Ms. Polito of Shrewsbury) congratulating Chief Glenn Parker on the occasion of his retirement;

Mr. Scaccia 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. Fagan, 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 Human Resources Division of the Executive Office of Administration and Finance (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a list of Deputy Police Chiefs and Police Chief eligibility lists which were revoked effective May 1, 2002, was placed on file.

Annual and Quarterly Reports.

The annual report of the Statewide Emergency Telecommunications Board (under Section 18B(e) of Chapter 6A of the General Laws) relative to the implementation of the enhanced emergency 9-1-1 public safety answering system and related matters; and

A quarterly report of the Division of Employment and Training (under the provisions of Section 68 of Chapter 233 of the Acts of 1983) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for the period ending March 31, 2002;

Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Mrs. Pope of Wayland, petition (accompanied by bill, House, No. 5093) of Susan W. Pope, Susan C. Fargo and Pamela P. Resor (by vote of the town) relative to establishing a special fund to be used for affordable housing in the town of Sudbury. To the committee on Housing and Urban Development.

By Mr. Flynn of Bridgewater, petition (accompanied by bill, House, No. 5094) of David L. Flynn (by vote of the town) relative to the issuance of bonds by the town of Bridgewater for the construction of a municipal golf course. To the committee on Local Affairs.

By Mr. Turkington of Falmouth, petition (accompanied by bill, House, No. 5095) of Eric Turkington and Robert A. O'Leary (by vote of the town) relative to the operation of mopeds in the town of Oak Bluffs. To the committee on Public Safety.

By Mr. Galvin of Canton, petition (accompanied by bill, House, No. 5096) of William C. Galvin, Brian A. Joyce and Marian Walsh (by vote of the town) relative to the appointment of police officers in the town of Canton. To the committee on Public Service.

By Mrs. Gomes of Harwich, petition (accompanied by bill, House, No. 5097) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to property tax exemptions for certain rental property in the town of Wellfleet; and

By Ms. Khan of Newton, petition (accompanied by bill, House, No. 5098) of Kay Khan, Peter J. Koutoujian, Ruth B. Balsler, Rachel Kaprielian and Cynthia Creem (with the approval of the mayor and city council) relative to property tax deferrals in the city of Newton;

Severally to the committee on Taxation.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Ms. Atkins of Concord, petition (subject to Joint Rule 12) of Cory Atkins relative to the returning of articles purchased with Clean Election funds.

By the same member, petition (subject to Joint Rule 12) of Cory Atkins relative to the disclosure of non-profit corporation campaign contributions.

By the same member, petition (subject to Joint Rule 12) of Cory Atkins relative to lowering the requirement of electronic reporting by ballot committees from twenty-five thousand dollars to five thousand dollars.

By Mr. Binienda of Worcester, petition (subject to Joint Rule 12) of John J. Binienda that the Division of Capital Asset Management and Maintenance be authorized to grant certain easements in the town of North Andover.

By Ms. Flavin of Easthampton, petition (subject to Joint Rule 12) of Nancy Flavin, Cele Hahn and Thomas M. Petrolati relative to parking surcharges in the city of Boston to assist in financing the Big-Dig, so-called.

By Mr. Galvin of Canton, petition (subject to Joint Rule 12) of William C. Galvin, Brian A. Joyce and Marian Walsh (by vote of the town) that the town of Canton be authorized to grant an easement to the town of Stoughton for water supply purposes.

By Mr. George of Yarmouth, petition (subject to Joint Rule 12) of Thomas N. George and Robert A. O'Leary relative to trustees of Jacob Sears Memorial Library in the the town of Dennis.

By Mr. Golden of Lowell, petition (subject to Joint Rule 12) of Thomas A. Golden and Stanley C. Panagiotakos relative to designating Regatta Field in the city of Lowell as the Anne Dean Welcome Field.

By Mr. Loscocco of Holliston, petition (subject to Joint Rule 12) of Paul J. P. Loscocco, Marie J. Parente and Karen Spilka relative to establishing the Massachusetts Turnpike Toll Equity Fund.

By Mr. Naughton of Clinton (by request), petition (subject to Joint Rule 12) of Wayne S. Almstrom relative to firearm safety devices for members of the armed forces.

By Mr. Tirone of Amesbury, petition (subject to Joint Rule 12) of Paul E. Tirone relative to establishing as visitor impact fund to assist cities and towns hosting visitors to state parks, forests and reservations.

By Mr. Vallee of Franklin, petition (subject to Joint Rule 12) of James E. Vallee relative to the taxation of certain tangible property and services purchased through mobile telecommunications.

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

Papers from the Senate.

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 the Brockton 21st Century Corporation (printed in Senate, No. 4) was referred, in concurrence, to the committee on Commerce and Labor.

The House Bill relative to gun ranges (House, No. 313, changed) 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 following:

“Section 7B of chapter 214 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:—

The exemptions from liability and the immunities from prosecution provided in this section shall also extend to any owner who, in order to satisfy a requirement of law, regulation or by-law, relocates his range within the same parcel of land or a contiguous parcel of land, owned by him at the time that the commonwealth or its political subdivision commences enforcement of such a requirement or that the townner voluntarily complies with such a requirement. In order to maintain these exemptions from liability and immunities from prosecution, owners who relocate their ranges pursuant to the preceding sentence shall remain reasonably in compliance with the applicable noise control laws, ordinances or by-laws in existence at the time of the construction of the original range described in the first paragraph.”.

Under suspension of Rule 35, on motion of Mr. Peterson of Grafton, 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.

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 Bristol County Jail and House of Correction, in the town of Dartmouth; and;

Of the David R. Nelson Correctional Addiction Center, in the city of New Bedford;

Severally returned to the Senate to be placed on file.

A petition of Marc R. Pacheco for legislation relative to workers' compensation, physician payment rates and permanent injuries, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Commerce and Labor.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2358) was referred, in concurrence, to the committee on Commerce and Labor.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill clarifying the prohibition against disseminating child pornography (Senate, No. 2297),— and recommending that the same be referred to the committee on Rules; and

Of the Bill clarifying restrictive covenants (House, No. 2532),— 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. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill to clarify the inclusion of guaranteed products issued out of life insurance company separate accounts (printed as Senate, No. 746),— and recommending that the same be recommitted to the committee on Insurance. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 5064) of Thomas N. George relative to the granting of furloughs to committed offenders for the purpose of attending certain funerals,— and recommending that the same be referred to the committee on Public Safety. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Greene of Billerica, for the committee on Commerce and Labor, on a petition, a Bill relative to displaced workers (House, No. 5040). Read; and referred, under Rule 33, to the committee on Counties on the part of the House.

By Mr. Binienda of Worcester, for the committee on Energy, on Senate, No. 2333, a Bill relative to the waste to energy grant program (House, No. 5099).

By Mr. Toomey of Cambridge, for the committee on Public Safety, on House, No. 1087, a Bill further regulating firearms (House, No. 5102).

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a petition, a Bill relative to Mr. Thomas Mellett (House, No. 5072, changed in line 16 by striking out the word “Ms.” and inserting in place thereof the word “Mrs.”).

By the same member, for the same committee, on House, No. 1462, a Bill relative to creditable service in the armed forces of the United States (House, No. 5103).

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

By Mr. Toomey of Cambridge, for the committee on Public Safety, that the following recommitted bills ought to pass:

Relative to speed limit violations in marked construction zones (House, No. 867); and

Relative to mufflers (House, No. 3593);

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

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a message from Her Honor the Lieutenant-Governor, Acting Governor, a Bill exempting the positions of school custodian and school food service worker in the town of North Andover from the civil service law (printed in House, No. 4999).

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for a certain employee of the Department of Social Services (House, No. 5073).

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill relative to historic resources in the Community Preservation Act (printed as Senate, No. 2343).

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

By Mr. Wagner of Chicopee, for the committee on Election Laws, on a petition, a Bill authorizing the town of Dedham to send certain information to the voters of the town (House, No. 5055, changed in section 1, in line 6, by striking out the words “the town counsel” and inserting in place thereof the words “said town cause”, in line 7, by striking out the words “names appear” and inserting in place thereof the words “name appears”, in line 8, by striking out the words “of the” and inserting in place thereof the words “for said”, in line 11, by striking out the word “yeas” and inserting in place thereof the word “yes”, and also by striking out the word “not” and inserting in place thereof the word “no”, and in line 12, by inserting after the word “counsel” the words “of said town”; and in section 2, in line 20, by striking out the word “or” and inserting in place thereof the word “of”, in line 27, by inserting after the word “act,” the word “said”, and in line 32, by inserting after the word “clerk” the words “of said town”) [Local Approval Received].

By Mr. Donnelly of Boston, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Holly Andersen, an employee of the trial court of the commonwealth (House, No. 5047).

Severally read; and 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.

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

Relative to the punishment for the crime of domestic violence (Senate, No. 164); and

Relative to emergency telecommunications (Senate, No. 2349); and

House bills

Relating to the requirement of approval for certain lands formerly appurtenant to railroad right of ways (House, No. 1135);

Relative to claims of adverse possession (House, No. 1793); and

Authorizing the town of Wayland to convey certain park land (House, No. 5059) [Local Approval Received];

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

Engrossed Bills.

Engrossed bills

Relative to a certain employee of the Division of Industrial Accidents (see House, No. 4418, amended); and

Establishing an open space real property acquisition fund in the city known as the town of Franklin (see House, No. 4851);

(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 Speaker and sent to the Senate.

Orders of the Day.

The Senate bill relative to obscene material (Senate, No. 2111, 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 providing for the annual observance of motorcycle safety and awareness time (Senate, No. 2286) (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, in concurrence.

House bills

Designating certain bridges in the town of Saugus and the city of Woburn (House, No. 4612, amended) (its title having been changed by the committee on Bills in the Third Reading); and

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

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.

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); and

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

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

Severally were read a second time; and they were ordered to a third reading.

At twenty-nine minutes after eleven o'clock A.M., on motion of Ms. Jehlen of Somerville (the Speaker being in the Chair), the House recessed until one o'clock P.M.; and at twenty-six minutes before two o'clock the House was called to order with Mr. DiMasi of Boston in the Chair.

The Senate Bill reducing medication waste in certain licensed facilities (Senate, No. 2186, amended) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 1, in line 28, by inserting after the word “Association” the words “, the Long-Term Care Pharmacy Alliance, the Home and Health Care Association of Massachusetts”; and by striking out section 2 and inserting in place thereof the following section:

“SECTION 2. The task force shall submit a report to the joint committee on health care and the house and senate committees on ways and means within 90 days of the day on which the general appropriation act for fiscal year 2003 has the force of law.”,— was considered.

Pending the question on adoption of the amendments, Mr. Marini of Hanson and other members of the House moved that the amendments be amended by striking out proposed section 2 and inserting in place thereof the following section:

“SECTION 2. The task force shall submit a report to the Joint Committee on Health Care and the House Committee on Ways and Means and the Senate Committee on Ways and Means by September 30, 2002.”.

The further amendment was adopted.

The amendments recommended by the committee on Ways and Means, as amended, then also were adopted; and the bill (Senate, No. 2186, amended) was ordered to a third reading.

The House Bill further regulating the licensing of public insurance adjusters (House, No. 1211) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended in section 6, in line 3, by striking out the words “date of enactment” and inserting in place thereof the words “effective date”,— was adopted.

Pending the question on ordering the bill, as amended, to a third reading, Mr. Marini and other members of the House moved that it be amended in section 2, in lines 72 to 80, inclusive, by striking out the paragraph contained therein.

The amendment was adopted; and the bill (House, No. 1211, amended) was ordered to a third reading.

The House Bill relative to enhancing English opportunities for all students in the Commonwealth (House, No. 5010) was read a second time.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Larkin of Pittsfield, until Tuesday, June 18.

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 eight minutes after two o'clock P.M., on motion of Mr. Donato of Medford (Mr. DiMasi of Boston being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.

