

JOURNAL OF THE HOUSE.

Thursday, June 7, 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:

Eternal God, Our Creator, Protector and Judge, we open our hearts and minds to You and to Your assistance and guidance as we begin today's legislative session. In a spirit of humility, we pray that You will continue to be our guiding light, the source of our moral and intellectual courage in dealing with people and issues and the foundation upon which we build our principles and values. Teach us to utilize fully the talents and gifts (both human and spiritual) which You have given to each one of us, so that our personal and legislative priorities and agenda will be thoughtful, honorable and relevant. May we always be alert to the solid suggestions and insights of others in addressing political and public policy issues, but firmly committed to our own kept standards, ideals and commitments.

Grant Your blessings to 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.

Messages from the Acting Governor.

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 the acts and proceedings of the 2001 annual spring town meeting held in the town of Walpole (House, No. 4210) was filed this day in the office of the Clerk.

The message was read; and it was referred, on motion of Mr. Jones of North Reading, with the accompanying draft of a bill, to the committee on Rules.

Mr. Scaccia of Boston, for said committee, reported on the foregoing message, a Bill validating the acts and proceedings of the 2001 annual spring town meeting held in the town of Walpole (printed in House, No. 4210), which was read.

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

Subsequently under suspension of the rules, on motion of Mr. Brown of Wrentham, the bill (having been 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.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to certain capital spending authorizations (House, No. 4212) was filed this day in the office of the Clerk.

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.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to providing for capital facility improvements and repairs for the Commonwealth (House, No. 4213) was filed this day in the office of the Clerk.

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.

Resignation of Representative William P. Nagle, Jr.

of Northampton

The following communication, received by the Clerk from the office of the Speaker of the House, was read for the information of the House; and placed on file.

June 4, 2001.

The Honorable THOMAS M. FINNERAN

Speaker of the House

Room 356, State House

Boston, MA 02133

Dear Mr. Speaker:

I am writing to submit my resignation as State Representative from the First Hampshire District, effective June 4, 2001. I intend to accept the position of Clerk Magistrate of the Ware District Court.

I wish to take this opportunity to thank you, the members of the House, and the House staff for all of your kindness and help over the years. I would also like to thank the citizens of the First Hampshire District who chose me to serve as their Representative since 1974.

I consider myself fortunate to have had the opportunity to fight for the best interests of my constituents for these many years and I greatly appreciate the opportunity you gave me to serve on your leadership team. Good luck in all future endeavors.

Sincerely yours,

WILLIAM P. NAGLE, JR.,

State Representative,

First Hampshire District.

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) on the occasion of the dedication of the Carol Getchell Nature Trail in the town of Framingham;

Resolutions (filed by Mr. Bunker of Rutland) congratulating the town of Holden on the occasion of its fiftieth anniversary of the selectmen-town manager form of government;

Resolutions (filed by Mr. Demakis of Boston) congratulating Dermot P. Shea for his service to consumers;

Resolutions (filed by Messrs. Koutoujian of Newton and Stanley of Waltham) on the occasion of 20 years of concerts on Waltham Common presented by the Waltham Arts Council;

Resolutions (filed by Messrs. Kujawski of Webster and Fitzgerald of Boston) recognizing Justice for Janitors Day;

Resolutions (filed by Mr. Nyman of Hanover) congratulating Thomas R. Nee on the occasion of his retirement;

Resolutions (filed by Mr. Pedone of Worcester) congratulating Lou D'Acri;

Resolutions (filed by Messrs. Pedone of Worcester and Fresolo of Worcester) congratulating Vite Pigaga;

Resolutions (filed by Mr. Pedone of Worcester) congratulating J.P. Ricciardi;

Resolutions (filed by Mr. Pedone of Worcester) congratulating John Ricciardi, Sr.;

Resolutions (filed by Mr. Pedone of Worcester) congratulating Ronald Silvestri;

Resolutions (filed by Mrs. Provost of Sandwich) congratulating the Wareham Council on Aging on the occasion of Volunteer Recognition Day;

Resolutions (filed by Mr. Ruane of Salem) congratulating Immaculate Conception Church in Salem on the occasion of its one hundred and seventy-fifth anniversary;

Resolutions (filed by Mr. Ruane of Salem) congratulating Saint Anne's Church in Salem on the occasion of its one hundredth anniversary;

Resolutions (filed by Mrs. Simmons of Leominster) in recognition of Aldrich V. Cousins on being honored as the Male Citizen of the Year at the 2001 Annual Starburst Event in Leominster;

Resolutions (filed by Mrs. Simmons of Leominster) in recognition of Anna Maria Hamblin on being honored as the Female Citizen of the Year at the 2001 Annual Starburst Event in Leominster;

Resolutions (filed by Mr. Smizik of Brookline) commending the Boston Ronald McDonald House and the Boston Harley Owners Group on their tenth anniversary ride for their outstanding support for children with cancer and their families;

Resolutions (filed by Mr. Tirone of Amesbury) congratulating Denise L. MacAlony on the occasion of her retirement as President of the Massachusetts Town Clerks Association; and

Resolutions (filed by Mrs. Walrath of Stow) congratulating Steven Lauritano 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 Mr. Tirone, 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 Mrs. Pope of Wayland, petition (accompanied by bill, House, No. 4200) of Susan W. Pope and Pamela P. Resor (by vote of the town) that the licensing authority of the town of Maynard be authorized to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises. To the committee on Government Regulations.

By Mr. Bradley of Hingham, petition (accompanied by bill, House, No. 4201) of Katharine W. Reardon, Garrett J. Bradley, Robert L. Hedlund and others (by vote of the town) relative to authorizing the town of Hingham to convey a certain parcel of conservation land located in said town for housing, recreational and open space purposes;

By Mr. Finegold of Andover, petition (accompanied by bill, House, No. 4202) of Barry R. Finegold, Susan C. Tucker, David M. Torrissi, Jose L. Santiago and others (with the approval of the mayor and city council) for legislation to authorize the city of Lawrence to borrow money outside of its debt limit for certain approved school projects;

By Mr. Hargraves of Groton, petition (accompanied by bill, House, No. 4203) of Robert S. Hargraves (by vote of the town) for legislation to authorize the conservation commission of the town of Lunenburg to impose fees for the employment of outside consultants; and

By Mr. Spellane of Worcester, petition (accompanied by bill, House, No. 4204) of Robert Spellane (by vote of the town) for legislation to provide for the appointment of a treasurer-collector in the town of Paxton;

Severally to the committee on Local Affairs.

By Ms. Kaprielian of Watertown, petition (accompanied by bill, House, No. 4205) of Rachel Kaprielian (by vote of the town) relative to the continued taxability of certain real and personal property located in the city known as the town of Watertown; and

By Mrs. Paulsen of Belmont, petition (accompanied by bill, House, No. 4206) of Anne M. Paulsen, Thomas M. Stanley and Steven A. Tolman (by vote of the town) to authorize a tax check-off in the town of Belmont for the creation of a senior center furnishings and accessories fund;

Severally to the committee on Taxation.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Broadhurst of Methuen, petition (subject to Joint Rule 12) of James P. Jajuga, Arthur J. Broadhurst and others (with the approval of the mayor and city council) for legislation to authorize the city known as the town of Methuen to enter into a lease agreement with Dispatch Communications of Londonderry, New Hampshire, notwithstanding the provisions of the uniform procurement law.

By Mr. Cahill of Beverly (by request), petition (subject to Joint Rule 12) of Danah Quaderi for legislation to further define the natural process of dying in health care proxies.

By Mr. George of Yarmouth, petition (subject to Joint Rule 12) of Thomas N. George relative to reimbursing municipalities for the cost of educating certain students.

By Mr. Hargraves of Groton (by request), petition (subject to Joint Rule 12) of Gregory Dupont relative to the issuance of firearm identification cards.

By Mr. Hart of Boston, petition (subject to Joint Rule 12) of John A. Hart, Jr., relative to the

cancellation of insurance policies.

By the same member, petition (subject to Joint Rule 12) of John A. Hart, Jr., for legislation to require creditors to have a payment center or post office box in the Commonwealth.

By Mrs. Parente of Milford, petition (subject to Joint Rule 12) of Marie J. Parente relative to the retirement benefits of certain former correction officers.

By Mrs. Poirier of North Attleborough, petition (subject to Joint Rule 12) of Elizabeth Poirier and other members of the General Court relative to the discrimination against veterans in employment.

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

Papers from the Senate.

A Bill validating actions taken at the annual town election of the town of Longmeadow on May 23, 2000 (Senate, No. 1817) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A petition of Andrea F. Nuciforo, Jr., and Shaun P. Kelly for legislation to authorize the Division of Fisheries and Wildlife to take or acquire conservation restrictions in and to lands of the Dalton Fire District, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Natural Resources and Agriculture.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1884) was referred, in concurrence, to the committee on Natural Resources and Agriculture.

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 Christopher G. Fallon for legislation to require that the Massachusetts Bay Transportation Authority measure sound pressure levels of surface level service areas. Under suspension of the rules, on motion of Mr. Fallon of Malden, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration

Of the Bill extending the time for the Commission on Alternative Medicine to report (Senate, No. 528, changed);

Of the Resolve relative to county lands (House, No. 237, changed);

Of the Resolve providing for the creation of a special commission relative to a new seal and new motto for the Commonwealth (House, No. 2260);

Of the Resolve providing for an investigation and study by a special commission on county jails and houses of correction (House, No. 3060);

Of the petition (accompanied by bill, House, No. 3185) of Paul C. Demakis, Michael E. Festa and Kay Khan for legislation to regulate the taking of votes by the General Court upon enactment of certain environmental issues under the Constitution; and

Of the Resolve investigating heating oil supply in the Commonwealth (House, No. 3920);

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 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. 3096) of Christopher G. Fallon and other members of the House for legislation to prohibit the science of cloning; and

Of the petition (accompanied by bill, House, No. 3719) of Christopher G. Fallon and Philip Travis for legislation to prohibit the science of cloning;

And recommending that the same severally be referred to the committee on Science and Technology.

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, Senate, No. 492) of Cynthia S. Creem, J. James Marzilli, Jr., Ruth B. Balser and Patricia D. Jehlen for legislation relative to health care for

disabled youth;

Of the petition (accompanied by bill, House, No. 448) of Philip Travis and Patricia A. Haddad for legislation to increase the personal needs allowance contributions of Medicaid recipients;

Of the petition (accompanied by bill, House, No. 1185) of Christine E. Canavan, Steven A. Tolman, Ruth W. Provost, Mary Jane Simmons and Cory Atkins relative to private duty nursing care for developmentally disabled children;

Of the petition (accompanied by bill, House, No. 3102) of William M. Straus, Thomas M. McGee, Steven A. Tolman, Edward J. Clancy, Jr., David Paul Linsky and Douglas W. Petersen that the Department of Public Health be directed to make an investigation and study of the incidence of autism in children up to the age of five years;

Of the petition (accompanied by bill, House, No. 3868) of Shirley Gomes and other members of the House relative to the funding of certain adult foster care programs through the Division of Medical Assistance; and

Of the petition (accompanied by bill, House, No. 3869) of Shirley Gomes and other members of the House relative to the funding of certain adult foster care programs through the Division of Medical Assistance;

And recommending that the same severally be referred to the committee on Human Services and Elderly Affairs;

Of the petition (accompanied by bill, House, No. 1588) of Carol A. Donovan and other members of the General Court for legislation to regulate prescription drug coverage for certain children under the age of three,— and recommending that the same be referred to the committee on Insurance; and

Of the petition (accompanied by bill, Senate, No. 501) of James P. Jajuga, David T. Donnelly and Arthur J. Broadhurst for legislation to require health care employers to develop and implement programs to prevent workplace violence,— 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.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House No. 3024, reported, in part, a Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4211) [Direct Appropriations: \$17,485,575.00], which was read.

Under suspension of the rules, on motion of Mr. Lepper of Attleboro, the bill was read a

second time forthwith; and it was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill (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.

By Mr. Bosley of North Adams, for the committee on Government Regulations, on Senate, Nos. 380, 439, 441 and 470 and House, Nos. 8, 48, 49, 50, 51, 250, 251, 997, 2159, 2306, 2515, 2516, 2518, 3288 and 3289, a Bill providing for improvements to the horse and greyhound racing industry in the Commonwealth and the regulation thereof (House, No. 4197). Read; and referred, under Joint Rule 29, to the committee on Rules of the two branches, acting concurrently.

Subsequently, Mr. Scaccia of Boston, for said committee, reported that the foregoing bill ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

By Mr. Cahill of Beverly, for the committee on Housing and Urban Development, on House, Nos. 2175, 2909 and 3902, a Bill relative to the development and preservation of affordable housing (House, No. 4198) [Bond Issue: \$508,500,000.00]. Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Dempsey of Haverhill, for the committee on Public Service, on House, No. 4029, a Bill directing the Plymouth County Retirement Board to retire Dennis C. Malloy, a police officer of the town of Hanover (House, No. 4207). Read; and referred, under Rule 33, to the committee on Counties on the part of the House.

By Mr. Quinn of Dartmouth, for the committee on Banks and Banking, on House, Nos. 8 and 23, a Bill relative to certain licensees of the Division of Banks (House, No. 4208).

By Mr. Bosley of North Adams, for the committee on Government Regulations, on House, Nos. 8 and 60, a Bill reducing filing requirements of motor vehicle towing companies (House, No. 60).

By the same member, for the same committee, on a petition, a Bill relative to farmer-brewery licenses (House, No. 606).

By the same member, for the same committee, on a petition, a Bill authorizing fines in lieu of certain suspensions (House, No. 2896).

By the same member, for the same committee, on a petition, a Bill providing for the licensing and regulation of farmer-fruit brandy distilleries (House, No. 3287).

By the same member, for the same committee, on a petition, a Bill relative to the licensing of amusement parks (House, No. 3529).

By Mr. Toomey of Cambridge, for the committee on Public Safety, on House, Nos. 136 and 160, a Bill relative to certain tanks used for the storage of fluids (House, No. 4209).

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

By Mr. Bosley of North Adams, for the committee on Government Regulations, that the recommitted Bill authorizing the town of Natick to grant licenses for the sale of wines and malt beverages to be drunk on the premises (House, No. 3923) ought to pass [Local Approval Received]. 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 establishing uniform primary procedures for unenrolled voters (House, No. 431).

By the same member, for the same committee, on a petition, a Bill relative to reprecincting (House, No. 993).

By the same member, for the same committee, on Senate, No. 341 and House, Nos. 432 and 994, a Bill relative to undistributed ballots (House, No. 994).

By the same member, for the same committee, on House, Nos. 429 and 2501, a Bill relative to activities at election polling places (House, No. 2501).

By the same member, for the same committee, on a petition, a Bill regarding contributions by ward, town and city committees (House, No. 2684).

By the same member, for the same committee, on a petition, a Bill authorizing cities, towns and regional districts to send certain information to registered voters (House, No. 2685).

By the same member, for the same committee, on a petition, a Bill relative to the right of incarcerated felons to vote (House, No. 2883).

By Mr. Bosley of North Adams, for the committee on Government Regulations, on House, Nos. 8 and 9, a Bill regarding the suspension of licenses (House, No. 9).

By the same member, for the same committee, on a petition, a Bill relative to the illegal sale of alcohol from a dwelling (House, No. 807).

By the same member, for the same committee, on a petition, a Bill authorizing the board of selectmen of the town of Plymouth to operate as a crematory corporation (House, No. 4004).

By Mr. Toomey of Cambridge, for the committee on Public Safety, on House, Nos. 1080, 1458, 1635 and 3393, a Bill relative to child passenger safety (House, No. 4199).

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

Engrossed Bill.

The engrossed Bill further regulating the licensing of certain home inspectors (see Senate, No. 1856, amended) (which originated in the Senate), 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 Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill relative to the practice of public accountancy (Senate, No. 369), 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.

Recess.

At twenty-one minutes before twelve o'clock noon, the Speaker declared a recess subject to the call of the Chair; and at twenty-six minutes before one o'clock P.M. the House was called to order with the Speaker in the Chair.

Paper from the Senate.

The House Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4211) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end of section 2 the following two items:

“Department of Mental Health.

5011-0100 916,123

[A] Berkshire Sheriff

8910-0145 606,741”.

Under suspension of Rule 35, on motion of Mr. Jones of North Reading, the amendment

(reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

Mr. Rogers of Norwood then moved that the House concur with the Senate in its amendment with a further amendment by striking out [at “A”] item 8910-0145.

The further amendment was adopted. The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Recess.

At twenty-two minutes before one o’clock P.M., the Speaker declared a recess subject to the call of the Chair; and at twenty-three minutes after one o’clock the House was called to order with the Speaker in the Chair.

Engrossed Bill.

The engrossed Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4211, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted.

Mr. Jones of North Reading moved that this vote be reconsidered; and the motion to reconsider was considered forthwith; and it was negatived. The bill then was signed by the Speaker and sent to the Senate.

Order.

On motion of Mr. Jones of North Reading,—

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

At twenty-five minutes after one o’clock P.M., on motion of Mr. Jones, the House adjourned, to meet on Monday next at eleven o’clock A.M., in an Informal Session.

