

JOURNAL OF THE HOUSE.

Tuesday, June 19, 2001.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. DiMasi of Boston 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:

Gracious God, the Guiding Light who illuminates the night paths for us to follow on life's journey and helps us to see clearly our goals and priorities, we pray for Your assistance as we carry out our personal and legislative obligations. Inspire us each day to deepen our commitment to our own high ideals and principles. Teach us to respect the dignity and the rights of all people, for we are all members of the one human family, Your family. As elected officials, may we be concerned at all times with the needs of people who cannot care for themselves and depend upon others for their very existence.

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

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

Message from the Acting Governor.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to revising the membership of the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (House, No. 4232) was filed in the office of the Clerk on Thursday, June 14.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Transportation. 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. Loscocco of Holliston) honoring Henry "Hank" Fredette on his retirement from public service;

Resolutions (filed by Mr. Murphy of Burlington) congratulating Anna Larson on earning the prestigious Gold Award;

Resolutions (filed by Mr. Murphy of Burlington) congratulating Meredith McLane on earning the prestigious Gold Award;

Resolutions (filed by Mr. Murphy of Burlington) congratulating Anna Sabella on earning the prestigious Gold Award;

Resolutions (filed by Mr. Petersen of Marblehead) congratulating Carol Pierce on the occasion of her retirement; and

Resolutions (filed by Mrs. Walrath of Stow) congratulating John R. Scichilone;

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. Larkin of Pittsfield, 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 Mr. Nyman of Hanover, petition (accompanied by bill, House, No. 4233) of Robert J. Nyman and Robert S. Creedon, Jr. (by vote of the town) that the licensing authority of the town of Hanover be authorized to issue an additional license for the sale of wines and malt beverages not to be drunk on the premises; and

By Mr. Patrick of Falmouth, petition (accompanied by bill, House, No. 4234) of Matthew C. Patrick (by vote of the town) that the licensing authority of the town of Mashpee be authorized to issue additional licenses for the sale of all alcoholic beverages to be drunk on the premises;

Severally to the committee on Government Regulations.

By Mr. Jones of North Reading, petition (accompanied by bill, House, No. 4235) of Bradley H. Jones, Jr., Paul C. Casey and Richard R. Tisei (by vote of the town) that the town of Reading be authorized to establish an affordable housing trust fund; and

By Mr. Petersen of Marblehead, petition (accompanied by bill, House, No. 4236) of Douglas W. Petersen and Edward J. Clancy, Jr. (by vote of the town) for legislation to provide for the appointment of a town clerk-collector-treasurer in the town of Swampscott;

Severally to the committee on Local Affairs.

By Mr. Quinn of Dartmouth, petition (accompanied by bill, House, No. 4237) of John F. Quinn (by vote of the town) for legislation to authorize the town of Dartmouth to classify the positions of harbor master and natural resource officer in Group 4 of the contributory retirement system. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Binienda of Worcester, petition (subject to Joint Rule 12) of John J. Binienda and Guy W. Glodis relative to the issuance of certain bonds and notes by the Hillcrest Sewer District.

By Mr. Finegold of Andover, petition (subject to Joint Rule 12) of Barry R. Finegold relative to the repossession of motor vehicles by creditors.

By Mr. Hynes of Marshfield, petition (subject to Joint Rule 12) of Frank M. Hynes, Matthew C. Patrick, Mary S. Rogeness, Ellen Story, Paul E. Caron and Shirley Gomes for legislation to exempt the sale of certain motor vehicles from the sales tax.

By Mr. Keenan of Southwick, petition (subject to Joint Rule 12) of Daniel F. Keenan relative to the funding of regional retirement systems of abolished counties.

By Mr. Petersen of Marblehead, petition (subject to Joint Rule 12) of Douglas W. Petersen and Patricia A. Haddad for legislation to require that certain insurance policies provide for patient choice of mental health care providers.

By Mr. Quinn of Dartmouth, petition (subject to Joint Rule 12) of John F. Quinn (by vote of the town) for legislation to authorize the park commission of the town of Dartmouth to lease a certain parcel of land for the purpose of providing a youth soccer program, notwithstanding the uniform procurement law.

By Mr. Walsh of Boston, petition (subject to Joint Rule 12) of Martin J. Walsh for the issuance of an annual proclamation by the Governor establishing the month of April as Autistic Awareness Month.

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

Papers from the Senate.

The House Bill making appropriations for the fiscal year 2002 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4101) 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 1901.

Under suspension of the rules, on motion of Mr. Larkin of Pittsfield, the amendment was considered forthwith.

The House then non-concurred with the Senate in its amendment; and, on motion of Mr. Rogers of Norwood, asked for a committee of conference on the disagreeing votes of the two branches. The Speaker appointed Representatives Rogers of Norwood, Flavin of

Easthampton and Lepper of Attleboro as the committee on the part of the House. Sent to the Senate to be joined.

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

Petition (accompanied by bill, Senate, No. 1889) of James P. Jajuga and Paul E. Tirone (with the approval of the mayor and city council) for legislation to authorize the city of Newburyport to establish certain maintenance and capital investment funds. To the committee on Local Affairs.

Petition (accompanied by bill, Senate, No. 1890) of Marc R. Pacheco and James H. Fagan for legislation to authorize distinctive registration plates bearing the Blue Knights law enforcement club designation. To the committee on Public Safety.

Petition (accompanied by bill, Senate, No. 1891) of Marc R. Pacheco and James H. Fagan for legislation to establish a sick leave bank for Jeffrey Wood, an employee of the Department of Correction. To the committee on Public Service.

Petition (accompanied by bill, Senate, No. 1892) of Stephen M. Brewer and John J. Binienda for legislation to direct the Commissioner of the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center;

Petition (accompanied by bill, Senate, No. 1893) of Stanley C. Rosenberg for legislation to authorize the Department of Environmental Management to convey certain land in the town of Hatfield; and

Petition (accompanied by bill, Senate, No. 1894) of Robert E. Travaglini and Anthony Petruccelli for legislation to authorize the Superintendent of State Office Buildings to install and maintain plaques commemorating the Commonwealth's 236 Congressional Medal of Honor winners;

Severally to the committee on State Administration.

Petition (accompanied by bill, Senate, No. 1895) of Marc R. Pacheco, Stephen Kulik, Michael J. Rodrigues, John F. Quinn and other members of the General Court for legislation to protect local food supplies, farmland and farm viability. To the committee on Taxation.

Petition (accompanied by bill, Senate, No. 1896) of Robert A. Havern and Elizabeth Poirier for legislation relative to motor homes; and

Petition (accompanied by bill, Senate, No. 1897) of Stephen F. Lynch for legislation relative to fair and responsible contracting practice at the Massachusetts Bay Transportation Authority;

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 James H. Fagan for legislation to include employees of churches and other religious organizations under the laws governing unemployment compensation; and

Petition (accompanied by bill) of Daniel E. Bosley relative to authorizing certain minors to operate golf carts in the course of employment;

Severally to the committee on Commerce and Labor.

Petition (accompanied by bill) of Kathi-Anne Reinstein and Robert A. DeLeo relative to including certain land acquisition costs in the calculation of facilities grants under the school building assistance program; and

Petition (accompanied by bill) of Kathi-Anne Reinstein and Robert A. DeLeo relative to reimbursing cities, towns and school districts for the costs of acquiring land under the school building assistance program;

Severally to the committee on Education, Arts and Humanities.

Petition (accompanied by bill) of George Rogers and David L. Flynn relative to requiring the Commissioner for Administration and Finance to report on the progress of the prescription drug bulk purchase program. To the committee on Health Care.

Petition (accompanied by bill) of James H. Fagan and other members of the House relative to the rights of non-biological parents ordered to pay child support; and

Petition (accompanied by bill) of Martin J. Walsh, A. Stephen Tobin, Kevin G. Honan and Brian A. Joyce for legislation to authorize the Trial Court to restore the vacation accrual rate of Gerald F. Warren, an employee of said court;

Severally to the committee on the Judiciary.

Petition (accompanied by bill) of Walter F. Timilty for legislation to place certain state employees in Group 2 of the retirement system. To the committee on Public Service.

Petition (accompanied by bill) of Frank M. Hynes for legislation to provide real estate tax abatements for certain disabled veterans; and

Petition (accompanied by bill) of Carol C. Cleven relative to exempting parking for handicapped state employees from being considered taxable income;

Severally to the committee on Taxation.

Petition (accompanied by bill) of Stephen P. LeDuc and Pamela P. Resor (with the approval of the mayor and city council) relative to designating certain bridges and connector roads in the city of Marlborough;

Petition (accompanied by bill) of Vincent A. Pedone relative to the definition of buses; and

Petition (accompanied by bill) of Martin J. Walsh for legislation pertaining to fair and responsible contracting practices at the Massachusetts Bay Transportation Authority;

Severally to the committee on Transportation.

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. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration of the Resolve providing for an investigation and study by a special commission relative to the workforce in those agencies serving persons with mental retardation (House, No. 2531);

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 jurisdiction of the Energy Facilities Siting Board (House, No. 55, changed);

Of the Bill relative to technical corrections to the laws governing generating facilities (House, No. 61); and

Of the Bill to insure payment for off-duty or special detail work (House, No. 647);

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

Of the Bill validating certain elections held in the town of Essex (printed in House, No. 4052);

Of the Bill relative to elections for town meeting member in Milford (printed in House, No. 4069); and

Of the Bill validating the action taken by the town of Swampscott in certifying certain nomination papers for the April 24, 2001 election in the town of Swampscott (printed in House, No. 4133);

And recommending that the same severally be recommitted to the committee on Election Laws.

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

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. 4231) [Direct Appropriations: \$14,905,149.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

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

By Mr. Toomey of Cambridge, for the committee on Public Safety, on House, No. 3801, a Bill providing for increased organ donations through education and access (House, No. 4238). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Wagner of Chicopee, for the committee on Election Laws, on a petition, a Bill relative to municipal elections (House, No. 4131).

By the same member, for the same committee, on a petition, a Bill authorizing the town of Lancaster to place certain questions regarding the sale of alcoholic beverages on the town's election ballot (House, No. 4181) [Local Approval Received].

By Mr. Toomey of Cambridge, for the committee on Public Safety, on a petition, a Bill relative to recreational facilities (House, No. 313, changed in line 7 by inserting after the word "range" the words "within their existing property boundaries").

By the same member, for the same committee, on House, Nos. 1076 and 1081, a Bill increasing the penalty for passing a school bus (House, No. 4239).

Severally read; and 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:

House bills

Relative to the Dracut Water Supply District (House, No. 428);

Concerning voter registration certificates (House, No. 430);

Relative to special permits (House, No. 2008);

Relative to the sale of gas heating equipment (House, No. 2575);

Relative to dress codes in public schools (House, No. 2670);

Amending provisions of the special home rule charter act of the town of Needham relating to the size of the representative town meeting thereof and to the establishment and revision of precincts in said town (House, No. 3523) [Local Approval Received]; and

Authorizing the town of Plymouth to lease certain land (House, No. 4174);

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. 247) of Bradley H. Jones, Jr., relative to the appointment of unenrolled voters as election officers.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 597) of Bruce J. Ayers for legislation to assure that polling places are accessible to handicapped and elderly voters.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 995) of Alice K. Wolf, Edward G. Connolly, Mary Jane Simmons and Benjamin Swan for legislation to regulate the accuracy of voter listings.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1573) of George Rogers for legislation to allow campaign committees to receive and expend certain contributions.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1574) of George Rogers relative to absentee voting by physically disabled voters.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2145) of Vincent A. Pedone, other members of the House and another for legislation to prohibit election officials from announcing presidential election results prior to eleven o'clock P.M. on the day said election is held.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2690) of Frank M. Hynes relative to the judicial review of appeals of the results of election recounts.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3082) of Gloria L. Fox, Shirley Owens-Hicks, Byron Rushing, Jarrett T. Barrios and Benjamin Swan relative to notifications to registered voters of changes in voting locations.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3086) of Harold P. Naughton, Jr., relative to the use of straight ticket devices in preliminary elections.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3522) of Paul E. Caron relative to the resubmission of absentee ballots returned due to improper postage.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3705) of Joseph C. Sullivan for legislation to expand the hours of operation of the polls in state primary and general elections.

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.

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 twenty-five minutes before twelve o'clock noon, on motion of Mr. Larkin of Pittsfield (Mr. DiMasi of Boston being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.