

JOURNAL OF THE HOUSE.

Thursday, June 27, 2002.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Correia of Fall River 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, in a spirit of humility, we pray for a great and deep faith in You and in the way of life and spiritual values which You have made known to us for achieving successful living. We know that within Your assistance many of the legislative, political and cultural issues of the present era are beyond our ability to resolve, perhaps even comprehend. In Your goodness, fill our hearts and minds with trust and confidence in You, Our Creator, in our constitutional principles and guarantees and in each other. With Your help and direction, may we continue to build a peaceful, civil and compassionate society in which all are treated with respect and dignity.

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

At the request of the Chair (Mr. Correia), 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 the possession of weapons within secure areas of airports (House, No. 5190) was filed in the office of the Clerk on Wednesday, June 26.

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

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to criminalizing the possession and use of chemical, biological or nuclear weapons (House, No. 5191) was filed in the office of the Clerk on Wednesday, June 26.

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

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to criminalizing the possession and use of a hoax substance (House, No. 5192) was filed in the office of the Clerk on Wednesday, June 26.

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

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to strictly regulating the transfer and storage of explosives (House, No. 5193) was filed in the office of the Clerk on Wednesday, June 26.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Public Safety. 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 acceptance of the municipal early retirement incentive by the town of Westport (House, No. 5194) was filed in the office of the Clerk on Wednesday, June 26.

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

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to safeguarding certain records to ensure public safety (House, No. 5195) was filed in the office of the Clerk on Wednesday, June 26.

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

Statement of Representative Cahill of Beverly.

A statement of Mr. Cahill of Beverly was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of Tuesday's sitting due to official business outside of the Chamber. Had I been present for the taking of Yea and Nay No. 373, on passing to be engrossed, in concurrence, the Senate Bill providing for the preservation and improvement of the environmental assets of the Commonwealth (Senate, No. 2319, amended), I would have voted in the negative. The reason that I missed said roll call is due entirely to the reason stated.

Resolutions.

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

Resolutions (filed by Miss Garry of Dracut) congratulating Amvets Post 247 of Tyngsborough on the Post's remarkable, award-winning growth;

Resolutions (filed by Mr. Kujawski of Webster) congratulating the town of Uxbridge on the occasion of its two hundred and seventy-fifth anniversary celebration;

Resolutions (filed by Mr. Swan of Springfield) congratulating Willie B. Spruell-Williams on the occasion of her one hundredth birthday;

Resolutions (filed by Mr. Turkington of Falmouth) celebrating the four hundredth anniversary of the discovery of Cuttyhunk Island; and

Resolutions (filed by Mr. Verga of Gloucester) commemorating the seventy-fifth anniversary of the St. Peter's Fiesta in Gloucester;

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. Spellane of Worcester, 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. Wagner of Chicopee, petition (accompanied by bill, House, No. 5178) of Joseph F. Wagner, Michael R. Knapik, Stephen J. Buoniconti, Linda J. Melconian and Thomas M. Petrolati (with the approval of the mayor and city council) relative to certain voting precincts in the city of Chicopee. To the committee on Election Laws.

By Mr. Santiago of Lawrence, petition (accompanied by bill, House, No. 5179) of Jose L. Santiago (with the approval of the mayor and city council) relative to amending the charter of the city of Lawrence;

By Ms. Stanley of West Newbury, petition (accompanied by bill, House, No. 5180) of Harriett L. Stanley and Bruce E. Tarr (by vote of the town) relative to certain public safety building construction projects in the town of West Newbury;

By Mr. Toomey of Cambridge, petition (accompanied by bill, House, No. 5181) of Dorothy A. Kelley Gay (mayor) and others (with the approval of the city council) relative to authorizing the city of Somerville to use certain park land for school purposes;

By Mr. Wagner of Chicopee, petition (accompanied by bill, House, No. 5182) of Joseph F. Wagner, Linda J. Melconian, Michael R. Knapik, Stephen J. Buoniconti and Thomas M. Petrolati (with the approval of the mayor and city council) relative to the sale of certain land by the city of Chicopee;

By the same member, petition (accompanied by bill, House, No. 5183) of Joseph F. Wagner, Linda J. Melconian, Michael R. Knapik, Stephen J. Buoniconti and Thomas M. Petrolati (with the approval of the mayor and city council) relative to authorizing the Chicopee Municipal Light Plant to make certain payments to the city of Chicopee;

By Mrs. Walrath of Stow, petition (accompanied by bill, House, No. 5184) of Patricia A. Walrath and Robert A. Antonioni (by vote of the town) relative to validating the actions taken at the special town meeting in the town of Lancaster; and

By the same member, petition (accompanied by bill, House, No. 5185) of Patricia A. Walrath and Robert A. Antonioni (by vote of the town) for legislation to establish a department of finance and budget in the town of Lancaster;

Severally to the committee on Local Affairs.

By Ms. Blumer of Framingham, petition (accompanied by bill, House, No. 5186) of Deborah D. Blumer, Karen Spilka and David P. Magnani (by vote of the town) relative to powers of police officers in the town of Framingham in buildings owned or controlled by the Framingham Housing Authority. To the committee on Public Safety.

By Mrs. Harkins of Needham, petition (accompanied by bill, House, No. 5187) of Lida E. Harkins and Cheryl A. Jacques (by vote of the town) relative to the granting of real estate tax rebates to certain property owners by the town of Needham. To the committee on Taxation.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Buoniconti of West Springfield, petition (subject to Joint Rule 12) of Stephen J. Buoniconti and other members of the House relative to restricting telephone solicitation.

By Mr. Connolly of Everett (by request), petition (subject to Joint Rule 12) of Robert J. VanCampon relative to requiring seatbelts on school buses.

By Mr. Demakis of Boston, petition (subject to Joint Rule 12) of Paul C. Demakis and other members of the General Court relative to minimum energy efficiency standards for certain products sold in the Commonwealth.

By Mr. George of Yarmouth, petition (subject to Joint Rule 12) of Thomas N. George relative to eliminating the phrase "In the Year of Our Lord" on public documents of the Commonwealth.

By Mrs. Harkins of Needham, petition (subject to Joint Rule 12) of Lida E. Harkins relative to designating certain exemptions from local taxation a "local mandate".

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

Papers from the Senate.

The engrossed Bill authorizing the town of Mashpee to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4234) came from the Senate with an amendment adding at the end thereof the following sentence: "Any such license shall be subject to all the provisions of said chapter 138 except said section 17."

Under suspension of Rule 35, on motion of Mr. Patrick of Falmouth, 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.

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

Petition (accompanied by bill, Senate, No. 2380) of Steven A. Tolman, Timothy J. Toomey, Jr., Paul C. Demakis, Robert E. Travaglini, Alice K. Wolf, Jarrett T. Barrios and others (with the approval of the mayor and city council) for legislation to allow citizens of Cambridge who are seventeen years of age or older to vote in local elections. To the committee on Election Laws.

Petition (accompanied by bill, Senate, No. 2381) of Pamela P. Resor and Geoffrey D. Hall (by vote of the town) for legislation to authorize the town of Harvard to employ Peter E. Warren as fire chief for two years after his sixty-fifth birthday. To the committee on Public Service.

Petition (accompanied by bill, Senate, No. 2382) of Robert A. Antonioni and Mary Jane Simmons for legislation to authorize the Department of Environmental Management to take or acquire conservation restrictions in and to lands of the city of Leominster;

Petition (accompanied by bill, Senate, No. 2383) of Linda J. Melconian, Thomas M. Petrolati, Brian P. Lees and Daniel F. Keenan for legislation for the protection of natural resources authorizing the Department of Environmental Management and the Division of Fisheries and Wildlife to acquire conservation restrictions in and to lands of the Springfield Water and Sewer Commission;

Petition (accompanied by bill, Senate, No. 2384) of Richard T. Moore, Paul Kujawski and Mark J. Carron for legislation to designate the town of Oxford as the official “Flag Town of Massachusetts”;

Petition (accompanied by bill, Senate, No. 2385) of Pamela P. Resor, Karyn E. Polito and George N. Peterson, Jr. for legislation to authorize the Division of Capital Asset Management and Maintenance to convey certain property in the town of Westborough to the Division of Law Enforcement;

Petition (accompanied by bill, Senate, No. 2386) of Stanley C. Rosenberg and Nancy Flavin for legislation to release certain land in Hadley from the operation of an agricultural preservation restriction; and

Petition (accompanied by bill, Senate, No. 2387) of Stanley C. Rosenberg and Nancy Flavin for legislation to release certain land in Hadley from the operation of an agricultural preservation restriction;

Severally to the committee on State Administration.

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 William M. Straus and Steven A. Tolman relative to the privacy rights of certain customers of supermarkets. To the committee on Commerce and Labor.

Petition (accompanied by bill) of Robert M. Koczera and Mark C. Montigny relative to absences by public school students due to religious observances. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill) of John A. Lepper, Cheryl A. Jacques, Elizabeth Poirier and Jo Ann Sprague (with the approval of the mayor and city council) relative to amending the charter of the city of Attleboro concerning elections. To the committee on Election Laws.

Petition (accompanied by bill) of Francis L. Marini, Bradley H. Jones, Jr., and George N. Peterson, Jr., relative to the rights of non-custodial parents. To the committee on the Judiciary.

Petition (accompanied by bill) of Arthur J. Broadhurst, Barry R. Finegold and Jose L. Santiago relative to the compensation of the commission members of the Greater Lawrence Sanitary District. To the committee on Local Affairs.

Petition (accompanied by bill) of Salvatore F. DiMasi relative to directing the State Retirement Board to grant certain creditable service to Kent Stasiowski of the city of Boston;

Petition (accompanied by bill) of Paul K. Frost and Guy W. Glodis relative to authorizing the State Retirement Board to grant certain creditable service to Doreen F. Hardy; and

Petition (accompanied by bill) of Marie J. Parente and Richard T. Moore (by vote of the town) relative to authorizing the certification of Alcino Fernandes for appointment as a police officer in the town of Milford, notwithstanding the maximum age requirement;

Severally to the committee on Public Service.

Petition (accompanied by bill) of Peter J. Koutoujian, Robert Correia, Paul Kujawski and Kevin W. Fitzgerald relative to authorizing the Information Technology Division to respond to certain requests for information. To the committee on State Administration.

Petition (accompanied by bill) of Susan W. Pope and other members of the General Court relative to the enforcement of child support obligations. To the committee on Taxation.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, 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, that the Bill relative to an initiative to promote the commercialization of fuel cell technology (House, No. 5063) ought to pass. Referred, under Rule 33, to the committees on Ways and Means.

By Mr. Greene of Billerica, for the committee on Commerce and Labor, on House, No. 3050, a Bill relative to the administrative reform of the unemployment insurance system (House, No. 5188). 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 following bills ought to pass:

Bill relative to the leasing of real property to civic or social organizations by municipalities (House, No. 1685); and

Bill relative to regulations of street excavations by utility companies (House, No. 4993);

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 a recommitted petition, a Bill relative to the exclusive remedy for workers' compensation (House, No. 465).

By the same member, for the same committee, on House, No. 5116, a Bill authorizing the Attorney General to suspend certain labor laws in an emergency (House, No. 5189).

By Mr. Wagner of Chicopee, for the committee on Election Laws, on a message from Her Honor the Lieutenant-Governor, Acting Governor, a Bill validating action taken at the annual town election held by the town of Huntington on May 18, 2002 (printed in House, No. 5140).

By the same member, for the same committee, on a petition, a Bill relative to recall in the town of North Brookfield (House, No. 5150) [Local Approval Received].

By Mr. Bosley of North Adams, for the committee on Government Regulations, on a petition, a Bill authorizing the town of Ware to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 5121) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Adams to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5135) [Local Approval Received].

By Mr. Verga of Gloucester, for the committee on Local Affairs, on a petition, a Bill authorizing the city of Springfield to convey a certain parcel of land (House, No. 5115) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill establishing an affordable housing trust fund in the town of Ipswich (House, No. 5122) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Canton to grant an easement to the town of Stoughton (House, No. 5143).

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 Bill further regulating the sale of insurance by motor vehicle rental companies (House, No. 4636) be scheduled for consideration by the House. Placed in the Orders of the Day for the next

sitting for a second reading, with the amendment previously recommended by the committee on Insurance pending.

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

Facilitating the use of land transfer of development rights (Senate, No. 1011); and

Authorizing the town of Arlington to use a certain parcel of park land for public way purposes (Senate, No. 2023) [Local Approval Received]; and

House bills

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

Further regulating the number of selectmen in towns (House, No. 4981);

Designating a certain bridge in the town of Andover as the Joseph A. Horan Bataan and Corrigidor Veterans Memorial Bridge (House, No. 5022);

Authorizing the town of Rochester to pay a certain unpaid bill (House, No. 5049) [Local Approval Received];

Authorizing the town of Dedham to reimburse certain sewer use fees (House, No. 5058) [Local Approval Received];

Relative to the acceptance of the Community Preservation Act by the town of Buckland (House, No. 5078); and

Providing for liens for molders (House, No. 5079);

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

By Mr. Bosley of North Adams, for the committee on Government Regulations, on a petition, a Bill authorizing the town of Westford to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 5130) [Local Approval Received]. 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; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Verga of Gloucester, for the committee on Local Affairs, ought NOT to pass (for the reason that it would be unconstitutional to enact such special law), on the petition (accompanied by bill, House, No. 5111) of Stephen Kulik and Stanley C. Rosenberg for legislation to provide

for the appointment of a town clerk-collector-treasurer in the town of South Deerfield. 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; and, under said rule, it was placed in the Orders of the Day for the next sitting, the question being on acceptance.

Orders of the Day.

The Senate Bill establishing a municipal police training committee (Senate, No. 1274, changed and amended) (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. Sent to the Senate for concurrence in the amendment previously adopted by the House.

House bills

Relative to the retirement benefits of certain public employees (House, No. 4456); and

Establishing a sick leave bank for a certain employee of the Department of Social Services (House, No. 5073);

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.

Order.

On motion of Mr. Finneran of Boston,—

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

At twenty-nine minutes after eleven o'clock A.M., on motion of Mr. Sullivan of Fall River (Mr. Correia of Fall River being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M.