

JOURNAL OF THE HOUSE.

Thursday, June 28, 2001.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Bosley of North Adams 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, we begin this morning's legislative session by offering a prayer of thanksgiving for the material and spiritual blessings which this new day presents to us. Teach us to use wisely the wonderful gifts which You make available to us on a daily basis. In this changing world, guide all who seek and treasure truth, strengthen the commitment to public service all who are addressing the current and future needs of society and the people, and deepen the spirit of kindness and consideration in the hearts of all people. Even in the midst of busy schedules, may we take the time to make thoughtful and not merely emotional decisions and choices.

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

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

Resolutions.

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

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Pauline Antil on the occasion of her retirement from the Barnstable school system;

Resolutions (filed by Mr. Donnelly of Boston) on the occasion of Probation Officer Recognition Week; and

Resolutions (filed by Representatives Fitzgerald of Boston, Malia of Boston and Rushing of Boston) commending Jorge Arce;

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

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules, that Joint Rules 7B and 9 be suspended on the petition of Matthew C. Patrick relative to establishing the Mashpee economic

development and industrial corporation. Under suspension of the rules, on motion of Mr. Connolly of Everett, the report was considered forthwith. Joint Rules 7B and 9 were suspended; and the petition (accompanied by bill) was referred to the committee on Local Affairs. Sent to the Senate for concurrence.

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 James E. Vallee and David P. Magnani (by vote of the town) that the city known as the town of Franklin be authorized to establish an open space land bank fund. Under suspension of the rules, on motion of Mr. Honan of Boston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Taxation. Sent to the Senate for concurrence.

By Mr. Dempsey of Haverhill, for the committee on Public Service, recommending that the annual report of the Public Employee Retirement Administration Commission (under Sections 21, 102 and 103 of Chapter 32 of the General Laws) relative to the percentum change in the average cost-of-living as shown by the United States consumer price index for the year 2000 compared with such index for the year 1999 (House, No. 1720) be placed on file.

Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill providing for a certain fund in cities and towns (House, No. 2757),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to municipal elections (House, No. 4131),— and recommending that the same be recommitted to the committee on Election Laws. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to certain agricultural provisions of the zoning enabling act (House, No. 1245),— and recommending that the same be referred to the committee on Natural Resources and Agriculture. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the reference.

By Mr. Greene of Billerica, for the committee on Commerce and Labor, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3252) of Karyn E. Polito, David H. Tuttle and William G. Greene, Jr., relative to the labeling of certain food products containing or produced using genetically engineered materials,— and recommending that the same be referred to the committee on Science and Technology; and

By Mr. Cahill of Beverly, for the committee on Housing and Urban Development, asking to be

discharged from further consideration

Of the petition (accompanied by bill, House, No. 820) of John A. Hart, Jr., and Stephen F. Lynch that the Metropolitan District Commission be directed to acquire certain parcels of land in the South Boston district of the city of Boston;

Of the petition (accompanied by bill, House, No. 822) of Angelo M. Scaccia that the Metropolitan District Commission be authorized to acquire a certain parcel of land in the Hyde Park section of the city of Boston;

Of the petition (accompanied by bill, House, No. 1023) of Douglas W. Petersen that the Department of Housing and Community Development be directed to expend certain funds for the delivery of local services;

Of the petition (accompanied by bill, House, No. 1764) of Robert A. DeLeo and other members of the General Court relative to the Metropolitan District Commission Watershed Division;

Of the petition (accompanied by bill, House, No. 2173) of Kevin W. Fitzgerald and Robert Correia relative to assistance for water and sewer rates for low and moderate income households;

Of the petition (accompanied by bill, House, No. 3106) of Angelo M. Scaccia, Shirley Owens-Hicks and Martin J. Walsh for legislation to rehabilitate certain recreational land in the city of Boston under the control of the Metropolitan District Commission; and

Of the petition (accompanied by bill, House, No. 3311) of Garrett J. Bradley and Robert L. Hedlund for legislation to provide funding to the Metropolitan District Commission for repairs of a sea wall in the town of Hull; and

Of the petition (accompanied by bill, House, No. 3730) of Christopher G. Fallon for legislation to provide assistance for water and sewer rates for low-income and moderate income persons;

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. 3743) of Mary Jane Simmons and Bradford Hill for an appropriation of a certain sum of money for operation of the Hero's Homestead Veterans' Hospice and the mobile health van in Northern Worcester County;

By Mr. Toomey of Cambridge, for the committee on Public Safety, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1637) of Geoffrey D. Hall, Steven C. Panagiotakos and another relative to the use of seat belts on school buses in the Commonwealth;

Of the petition (accompanied by bill, House, No. 1847) of Robert A. DeLeo that school buses be equipped with passenger safety belts for students;

Of the petition (accompanied by bill, House, No. 2396) of Ronald Mariano relative to the use of seat belts in vehicles used to transport pre-school students; and

Of the petition (accompanied by bill, House, No. 3392) of Michael P. Cahill, Ruth W. Provost, Robert A. DeLeo and Anne M. Paulsen for legislation to require the use of seat belts on school buses;

By Mr. Rogers of Norwood, for the joint committee on Ways and Means, asking to be discharged from further consideration

Of so much of the recommendations of the Department of the State Treasurer (House, No. 209) as relates to reducing the debt burden of the Commonwealth (accompanied by bill, House, No. 210);

Of so much of the recommendations of the Department of the State Treasurer (House, No. 209) as relates to amending the investment laws of the Commonwealth (accompanied by bill, House, No. 221);

Of the petition (accompanied by bill, House, No. 948) of Jay R. Kaufman and other members of the General Court relative to the information contained in the budgetary requests of each agency of the Commonwealth;

Of the petition (accompanied by bill, House, No. 950) of Vincent A. Pedone for legislation to authorize an appropriation of a certain sum of money for a program of analyses of narcotic drugs, synthetic substitutes, poisons, drugs, medicines or chemicals at the University of Massachusetts Medical Center;

Of the petition (accompanied by bill, House, No. 1337) of the National Association of Government Employees and Brian S. Dempsey relative to the Commonwealth Stabilization Fund;

Of the petition (accompanied by bill, House, No. 1908) of David M. Torrisi for legislation to provide funding for high-speed telecommunications and economic growth in the Commonwealth; and

Of the petition (accompanied by bill, House, No. 3998) of Christopher M. Perry for payment from the state treasury of a certain sum of money to Brendan J. Perry & Associates, P.C.;

And recommending that the same severally be referred to the House committee on Ways and Means.

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 committees.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on a petition, a Resolve providing for an investigation and study by a special commission relative to the needs of persons with agoraphobia and related disorders (House, No. 626).

By the same member, for the same committee, on a petition, a Resolve providing for a special commission to study the feasibility of establishing assisted living facilities for veterans in federal hospitals (House, No. 2334).

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on a petition, a Bill to begin the process to establish a life care center at Lemuel Shattuck Hospital (House, No. 277).

By the same member, for the same committee, on a petition, a Bill to require the Division of Medical Assistance to reimburse hospitals for the costs of psychiatric patients on medical units (House, No. 279).

By the same member, for the same committee, on a petition, a Bill authorizing a retroactive veteran's annuity to Ann Femino of the town of Clinton (House, No. 455).

By the same member, for the same committee, on a petition, a Bill further defining Vietnam veterans (House, No. 456).

By the same member, for the same committee, on a petition, a Bill providing benefits for certain parents and spouses of veterans (House, No. 618).

By the same member, for the same committee, on a petition, a Bill to develop an office to prevent sexual harassment against members of the armed forces (House, No. 620).

By the same member, for the same committee, on a petition, a Bill relative to the definition of veteran (House, No. 3111).

By the same member, for the same committee, on a petition, a Bill relating to veterans' annuities (House, No. 3338).

By the same member, for the same committee, on a petition, a Bill relative to Bridgewater State Hospital (House, No. 3342).

By the same member, for the same committee, on a petition, a Bill assuring fairness for clients of Department of Mental Health residential programs (House, No. 3741, changed by striking out the title and inserting in place thereof the following title: "relative to community residency assuring fairness for clients of the Department of Mental Health residential programs.").

By the same member, for the same committee, on Senate, No. 669 and House, No. 1206, a Bill relative to the provision of services to children and adolescents with mental health needs (House, No. 4277).

By the same member, for the same committee, on Senate, Nos. 692, 693, 694, 708, 716 and 717 and House, Nos. 458, 622, 1197, 1198, 1199, 2182, 2915 and 3340, a Bill amending the

definition of a veteran (House, No. 4278).

By the same member, for the same committee, on Senate, No. 709 and House, No. 2186, a Bill relative to veteran's agents and veterans' benefits (House, No. 4279).

By Mr. Mariano of Quincy, for the committee on Insurance, on House, Nos. 8, 28 and 2358, a Bill relative to the licensing of insurance producers (House, No. 28, changed in section 1 by inserting after line 151 the following paragraph:

“(8) A person, and an officer, director or employee of said person, who has obtained a class 1 or class 2 license pursuant to the provisions of sections 58 and 59 of chapter 140, and who sells, solicits, or negotiates credit life, credit disability, and guaranteed automobile protection (gap) insurance in conjunction with an executed sales or lease contract for a motor vehicle.”; and by striking out subsection 162S contained in lines 442 to 468, inclusive.).

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

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a petition, a Bill exempting Dennis J. Mahoney of Arlington from maximum age requirements for applying for civil service appointment as a police officer in the town of Arlington (printed as Senate, No. 1911) [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. 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 fire insurance (House, No. 2348); and

Further regulating the use of non-public personal information by insurance companies (House, No. 2356);

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

Mr. Mariano of Quincy for the committee on Insurance that the Bill relative to anti-rabies vaccine reimbursement (House, No. 2856), ought NOT to pass.

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 rejection.

By Mr. Greene of Billerica, for the committee on Commerce and Labor, ought NOT to pass, on the petition (accompanied by bill, House, No. 2109) of Rachel Kaprielian, Steven A. Tolman, Susan C. Fargo, Bruce E. Tarr and Emile J. Goguen for legislation to create a loan pool for the promotion of job training programs in the Commonwealth.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2654) of Christopher J. Hodgkins, John F. Merrigan, Benjamin Swan, Patricia D. Jehlen, Shirley Gomes and Edward G. Connolly for legislation to require safety conditions in commercial establishments.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3048) of Francis L. Marini and other members of the House relative to the development of a campaign to encourage entry into the technology workforce.

By Mr. Wagner of Chicopee, for the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 798) of Brian S. Dempsey and James P. Jajuga for legislation to further regulate the solicitation of campaign contributions in certain buildings.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 800) of Timothy J. Toomey, Jr., other members of the House and others (with the approval of the mayor and city council) relative to initiative and referendum petitions in the city of Cambridge.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1179) of Joel D'Errico for legislation to authorize certain non-residents to vote in municipal elections.

By the same member, for the same committee, ought NOT to pass, on the recommitted 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. 1937) of Francis L. Marini, Bradley H. Jones, Jr., Mary S. Rogeness, Paul K. Frost, Paul J. P. Loscocco and George N. Peterson, Jr., relative to voting procedures of presidential electors.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2304) of Ronald Mariano relative to the method of conducting recounts of elections in the Commonwealth.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2687) of Antonio F. D. Cabral and David C. Bunker, Jr., for legislation to reform the election recount law with a particular emphasis on the standards for

judicial review.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3524) of Bernard Kansky for legislation to regulate voting in local elections by persons who are not in principal residences.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3863) of Frank M. Hynes, Viriato Manuel deMacedo and Carol A. Donovan for legislation to regulate voting in local elections by property owners with a principal residence in a different municipality.

By Ms. Stanley of West Newbury, for the committee on Health Care, ought NOT to pass, on the petition (accompanied by bill, House, No. 1762) of Brian Paul Golden and another relative to nuclear pharmacy.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1943) of Salvatore F. DiMasi relative to nuclear pharmacy.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3535) of Paul E. Caron that providers of durable medical equipment be authorized to retain discounts offered by manufacturers, subject to the approval of the Division of Medical Assistance.

By Mr. Mariano of Quincy, for the committee on Insurance, ought NOT to pass, on the petition (accompanied by bill, House, No. 470) of Leonard H. Golder for legislation to provide medical insurance for prescription and dental services.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1033) of Maureen Fritchey relative to insurance coverage for emergency room care.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1413) of Raeburn Cameron for legislation to repeal the law providing for establishment of motor vehicle insurance rates by the Commonwealth.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1783) of Nancy Flavin relative to increasing reinsurance capacity in the Commonwealth.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2543) of Matthew C. Patrick and other members of the General Court relative to health insurance benefits for health wellness examinations and counselling.

By Mrs. Parente of Milford, for the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, House, No. 296) of Jay R. Kaufman, Susan C. Fargo and Robert A. Havern (by vote of the town) relative to the non-criminal disposition of violations by the

historic districts commission in the town of Lexington.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 297) of Jay R. Kaufman, Susan C. Fargo and Robert A. Havern (by vote of the town) relative to the construction of underground lateral wires and conduits in the town of Lexington.

By the same member, for the same committee, ought NOT to pass, on the 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.

By the same member, for the same committee, ought NOT to pass, on the 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.

By Mr. Toomey of Cambridge, for the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 267) of R. William Perron relative to the staffing of facilities operated by the Department of Correction.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 603) of Edward G. Connolly, Scott P. Brown, Brian Knuuttila and another relative to notifications by building inspectors to owners of buildings deemed to be unsafe.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1100) of Thomas P. Kennedy that the Registrar of Motor Vehicles be directed to issue distinctive license plates for combat veterans [Representatives Hill of Ipswich and Coppola of Foxborough dissenting].

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1266) of Bradford Hill, Bruce E. Tarr, Edward J. Clancy and Robert E. Travaglini that the Secretary of Public Safety be directed to promote child safety in all public elementary schools and at state parks, forests and reservations.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1644) of Francis L. Marini and other members of the House relative to establishing reasonable fees for haircuts provided to inmates of correctional facilities.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1648) of Francis L. Marini and other members of the House for legislation to require operators of motor vehicles to maintain a safe distance when operating behind a school bus.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1652) of George Rogers and Mary S. Rogeness for legislation

to eliminate the head injury fund surcharge on certain motor vehicle violations.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2769) of Antonio F. D. Cabral, Patricia D. Jehlen, Benjamin Swan, John A. Stefanini, Deborah D. Blumer and George Rogers for legislation to authorize the Registrar of Motor Vehicles to administer alternative language tests to applicants for commercial drivers licenses.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3094) of William M. Straus and Marc R. Pacheco relative to the licensing and certification of stationary gas turbine operators.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3394) of Christopher G. Fallon for legislation to provide that all classrooms have two direct means of egress to the hallways.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3584) of Paul E. Caron relative to the granting of special police powers to school bus operators and monitors.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3969) of Robert F. Fennell, Thomas M. McGee, Emile J. Goguen, Susan W. Pope and another for legislation to regulate the renewal of licenses to operate motor vehicles of persons who have not complied with certain liens in cities and towns.

By the same member, for the same committee, ought NOT to pass, on a message from His Excellency the Governor recommending legislation relative to establishing certain attendance requirements for minors to obtain a driver's license (accompanied by bill, House, No. 4063).

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4167) of George Rogers (with the approval of the mayor and city council) relative to animal control vehicles in the city of New Bedford.

By Mr. Dempsey of Haverhill, for the committee on Public Service, ought NOT to pass, on the petition (accompanied by bill, House, No. 888) of AFSCME Council 93 and David Paul Linsky relative to the retirement rights of forest and park supervisors.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 899) of AFSCME Council 93 and John A. Stefanini relative to the retirement rights of power plant employees at public higher education institutions.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1279) of AFSCME Council 93, Vincent P. Ciampa, Thomas J. O'Brien and Susan C. Fargo that tree linemen be placed in Group 4 of the contributory retirement system.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1286) of the National Association of Government Employees

and Brian S. Dempsey for legislation to regulate the retirement of public employees from cities, towns, counties and from the Commonwealth.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1291) of Bradford Hill for legislation to include certain forestry specialists in Group 2 of the contributory retirement system.

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.

Engrossed Bill.

The engrossed Bill relative to the operation of sewers in the town of Rockport (see House, No. 489) (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; and it was signed by the acting Speaker and sent to the Senate.

Reconsideration.

Mr. Miceli of Wilmington moved that the vote be reconsidered by which the House, at the preceding sitting, accepted the House report of the committee on Insurance, ought NOT to pass, on the petition (accompanied by bill House, No. 632) of James R. Miceli relative to the conservation of certain group life insurance policies; and the motion to reconsider was entertained, and it prevailed.

Pending the recurring question on acceptance of the report, the petition was recommitted, on further motion of Mr. Miceli.

Orders of the Day.

The Senate Bill relative to gas or electric companies declaring stock or scrip dividend (Senate, No. 416), 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.

The House Bill relative to written warnings (House, No. 4242), 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.

At twenty-six minutes after eleven o'clock A.M., on motion of Mr. Frost of Auburn (Mr. Bosley of North Adams being in the Chair) the House adjourned, to meet on Monday next at eleven o'clock A.M.