

## **JOURNAL OF THE HOUSE.**

Monday, July 9, 2001.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session.

Prayer was offered by Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Almighty God, we place our trust and confidence in You and in the assistance and guidance which You offer us as we begin this week's legislative session. We pray for Your gift of wisdom which enables us to make thoughtful and reasoned decisions in our struggle to meet the needs of people and of our communities in these changing times. Inspire us to keep our ideals lofty, our motives noble, our legislative priorities fair, and commitments firm. In Your kindness, grant us the courage and integrity to remain faithful to You, to our principles and to our spiritual and human values.

Bestow Your blessings on 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.

### *Resolutions.*

Resolutions (filed with the Clerk by Mr. Loscocco of Holliston) honoring Jo Dee Messina, were referred, under Rule 85, to the committee on Rules.

Mr. DiMasi of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Loscocco, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### *Communications.*

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From the Executive Office of Health and Human Services, Division of Medical Assistance (under the provisions of Section 63 of Chapter 236 of the Acts of 2000) submitting a copy of an independent study entitled "Analysis of the Reimbursement Rate for Acute Hospitals, Nonacute hospitals, and Community Health Centers";

From the Office of the Inspector General submitting its report on the privatization of wastewater facilities in the city of Lynn; and

From Wonderland Greyhound Park, Inc. (under the provisions of Section 2 of Chapter 128C of

the General Laws) submitting copies of contracts for the simulcasting of dog races;  
Severally placed on file.

*Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Straus of Mattapoisett, petition (accompanied by bill, House, No. 4321) of Winfred A. Eckenreiter, Marc C. Montigny and another (by vote of the town) that the licensing authority of the town of Fairhaven be authorized to issue an additional license for the sale of beer and wine to be drunk on the premises to Excel Restaurant Group, Inc., d/b/a Hickory Creek. To the committee on Government Regulations.

By Mr. Rodrigues of Westport, petition (accompanied by bill, House, No. 4322) of Michael J. Rodrigues and Joan M. Menard (by vote of the town) for legislation to establish a preservation trust fund in the town of Westport. To the committee on Taxation.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Brown of Wrentham, petition (subject to Joint Rule 12) of Scott P. Brown relative to directing the Personnel Administrator of the Commonwealth to conduct civil service examinations for certain employees of the Department of Corrections.

By Mr. Donnelly of Boston (by request), petition (subject to Joint Rule 12) of Howard Kahalas for legislation to increase awards of personal injuries or property damage from defective ways.

By Mr. Locke of Wellesey, petition (subject to Joint Rule 12) of John A. Locke, Cynthia S. Creem and Cheryl A. Jacques that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land in the town of Wellesley.

By Mr. Mariano of Quincy , petition (subject to Joint Rule 12) of Richard Bororvicy relative to child support.

By Mr. O'Flaherty of Chelsea, petition (subject to Joint Rule 12) of Eugene L. O'Flaherty relative to the eligibility of Robert Better for death and disability benefits under the cancer law, so-called.

By Mr. Rogers of New Bedford, petition (subject to Joint Rule 12) of George Rogers relative to the banning of motor scooters.

By Mrs. Teahan of Whitman, petition (subject to Joint Rule 12) of Kathleen M. Teahan, Robert S. Creedon, Jr., Reed V. Hillman and James P. Jajuga relative to authorizing the State Retirement Board to pay certain retirement benefits to the son of John A. Nee.

By Mr. Tirone of Amesbury, petition (subject to Joint Rule 12) of Paul E. Tirone and another

relative to property tax exemptions for homeowners who keep fire hydrants clear during snow storms.

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

*Reports of Committees.*

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 needs of persons with agoraphobia and related disorders (House, No. 626); and

Of the Resolve providing for a special commission to study the feasibility of establishing assisted living facilities for veterans in federal hospitals (House, No. 2334);

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.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Insurance to make an investigation and study of certain Senate and House documents concerning insurance regulations in the Commonwealth (House, No. 4170) reported, in part, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1412) of Barry R. Finegold and Charles A. Murphy relative to liquor legal liability insurance; and

Of the petition (accompanied by bill, House, No. 1787) of John P. Fresolo and other members of the General Court relative to liquor liability insurance;

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

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

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. 3748) of Cele Hahn for legislation to further regulate the sale of insurance by motor vehicle rental companies,— and recommending that the same be recommitted to the committee on Insurance. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from Her Honor the Lieutenant-Governor, Acting Governor, a Bill making certain appropriations for the fiscal year ending June 30, 2002, prior to final action on the General Appropriation Bill for said fiscal year (printed in House, No. 4314) [Cost: \$905,000,000.00], which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second time

forthwith; and it was ordered to a third reading.

Under suspension of the rules, on motion of Mrs. Rogeness of Longmeadow, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Larkin of Pittsfield, for the committee on Education, Arts and Humanities, on House, Nos. 66, 67, 68, 69, 213, 242, 243, 245, 246, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 425, 593, 594, 595, 783, 784, 785, 786, 788, 791, 793, 794, 795, 968, 969, 970, 971, 973, 974, 975, 976, 977, 978, 979, 981, 982, 983, 985, 986, 987, 988, 989, 990, 991, 1173, 1174, 1175, 1176, 1177, 1178, 1350, 1351, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1365, 1543, 1544, 1545, 1547, 1548, 1549, 1550, 1552, 1553, 1554, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1569, 1570, 1729, 1730, 1732, 1733, 1734, 1735, 1736, 1737, 1739, 1924, 1925, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 2128, 2129, 2132, 2133, 2135, 2136, 2137, 2140, 2141, 2142, 2295, 2296, 2297, 2300, 2301, 2302, 2303, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2671, 2672, 2673, 2674, 2675, 2676, 2678, 2680, 2681, 2682, 2683, 2862, 2863, 2864, 2865, 2867, 2868, 2869, 2870, 2872, 2873, 2875, 2876, 2877, 3025, 3067, 3068, 3069, 3070, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3262, 3263, 3264, 3265, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3504, 3505, 3506, 3507, 3510, 3511, 3513, 3515, 3516, 3517, 3518, 3519, 3520, 3521, 3542, 3685, 3686, 3687, 3688, 3689, 3690, 3691, 3692, 3693, 3695, 3696, 3697, 3698, 3699, 3700, 3859, 3860, 3861, 4001, 4025, 4042, 4043, 4051, 4059, 4061 and 4160, an Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of certain House documents concerning education reform and other related matters (House, No. 4315). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on a petition, a Bill relative to the protection of children in cases of domestic violence (House, No. 1407).

By the same member, for the same committee, on a petition, a Bill to end child hunger in Massachusetts (House, No. 2183).

By the same member, for the same committee, on a petition, a Bill pertaining to certain licenses alcohol and drug counselors (House, No. 2184).

By the same member, for the same committee, on Senate, Nos. 681, 696 and 697 and House, Nos. 3112 and 3332, a Bill providing for compensation to providers of human services and health services for compliance with certain mandates (House, No. 3332).

By the same member, for the same committee, on House, Nos. 1769 and 2912, a Bill increasing the amount of money allowed for certain burial expenses (House, No. 4316).

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

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on House, Nos. 826 and 1408, a Bill relative to the Department of Social Services' notification procedures and penalties relating to criminal record screening for foster parents (House, No. 1408). Read; and referred, under Rule 33B, to the committee on Science and Technology.

By Mr. Quinn of Dartmouth, for the committee on Banks and Banking, on House, No. 1060, a Bill relative to notification requirements in foreclosures (House, No. 4317).

By Mrs. Parente of Milford, for the committee on Local Affairs, on a petition, a Bill authorizing the conservation commission of the town of Lunenburg to impose certain fees (House, No. 4203) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the appointment of certain town officials (House, No. 4215).

By the same member, for the same committee, on a petition, a Bill authorizing the town of Hull to lease certain property (House, No. 4224) [Local Approval Received].

By the same member, for the same committee, on a message from Her Honor the Lieutenant-Governor, Acting Governor, a Bill validating the actions taken at the 2001 annual town meeting of the town of Eastham (printed in House, No. 4230).

By the same member, for the same committee, on a petition, a Bill authorizing the town of Reading to establish an affordable housing trust fund (House, No. 4235) [Local Approval Received].

By Mr. Toomey of Cambridge, for the committee on Public Safety, on a petition, a Bill modifying the Governor's Highway Safety Committee (printed as Senate, No. 1205, changed in line 3 by striking out the word "one" and inserting in place thereof the word "two").

By the same member, for the same committee, on a petition, a Bill relative to secure coverage and enclosure of certain loads on motor vehicles using public ways (House, No. 1271).

By the same member, for the same committee, on a petition, a Bill relative to increasing the availability of protective gear for renters of recreational sports equipment (House, No. 2283).

By the same member, for the same committee, on House, Nos. 2398 and 3172, a Bill relative to the regulation of ice cream trucks and ice cream vendors (House, No. 3172).

By the same member, for the same committee, on a petition, a Bill requiring audible warning devices for certain motor vehicles (House, No. 3780, changed in section 1, in line 6, by striking out the figures: "5,000" and inserting in place thereof the figures: "7,500").

By the same member, for the same committee, on a petition, a Bill relative to the operation of motor vehicles by unlicensed operators (House, No. 3802, changed in line 4, by striking out the following: "\$1,000" and inserting in place thereof the following: "\$100").

By the same member, for the same committee, on a petition, a Bill relative to safety precautions after a motor vehicle accident (House, No. 4130).

By the same member, for the same committee, on Senate, Nos. 1188 and 1291 and House, Nos. 3396, 3592, 3797, 3811, 3882 and 4092, a Bill relative to speed limits in cities and towns (House, No. 4318).

By the same member, for the same committee, on Senate, No. 1213, a Bill relative to the penalties for certain traffic offenses (House, No. 4319).

By the same member, for the same committee, on House, No. 3171, a Bill relative to cooking facilities in lodging houses (House, No. 4320).

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

Regarding the suspension of licenses (House, No. 9);

Relative to recreational facilities (House, No. 313, changed);

Relative to the illegal sale of alcohol from a dwelling (House, No. 807);

Relative to undistributed ballots (House, No. 994);

Establishing an open space fund in the town of Wareham (House, No. 1707) [Local Approval Received];

Relative to activities at election polling places (House, No. 2501);

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) [Local Approval Received];

Establishing the position of town manager in the town of Weston (House, No. 4016) [Local Approval Received];

Regulating eligibility to hold the office of selectman in the town of Westborough (House, No. 4146) [Local Approval Received];

Authorizing the conservation commission of the town of Dennis to establish fees for the

employment of consultants (House, No. 4188) [Local Approval Received];

Relative to the transfer of land in the town of Littleton (House, No. 4189) [Local Approval Received]; and Relative to child passenger safety (House, No. 4199);

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

By Mr. Quinn of Dartmouth, for the committee on Banks and Banking, ought NOT to pass, on the petition (accompanied by bill, House, No. 572) of Bruce J. Ayers that banks be required to issue monthly statements to mortgage loan customers.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1146) of Vincent P. Ciampa and other members of the General Court relative to fees charged to depositors of insufficient funds checks.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1148) of John P. Slattery relative to mortgages on manufactured homes.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3478) of Paul E. Caron relative to prohibiting the imposition of fees for insufficient funds checks by certain depository banks.

By Mr. Koczera of New Bedford, for the committee on Natural Resources and Agriculture, ought NOT to pass, on the petition (accompanied by bill, House, No. 1629) of George Rogers and John F. Quinn relative to the establishment of rules and regulations by the Department of Environmental Protection for non-public water systems.

By Mr. Dempsey of Haverhill, for the committee on Public Service, ought NOT to pass, on the petition (accompanied by bill, House, No. 341) of the Retired State, County and Municipal Employees Association of Massachusetts, J. Michael Ruane and other members of the General Court relative to the election of options for benefits of surviving spouses or other beneficiaries of veterans.

By Mr. Casey of Winchester, for the committee on Taxation, ought NOT to pass, on so much of the recommendations of the Department of Revenue (House, No. 189) as relates to clarifying the confidentiality of tax returns (accompanied by bill, House, No. 191).

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 370) of John P. Fresolo and another for legislation to eliminate the requirement that responses to property tax valuation requests be made by certified mail.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 548) of Carol C. Clevon, other members of the General Court and another relative to the procedures for the collection of overdue taxes.

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

(accompanied by bill, House, No. 560) of Ellen Story relative to the certification of property tax assessments.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 738) of Bruce J. Ayers that certain gas tax revenues be credited to the Harbors and Inland Waters Maintenance Fund.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 748) of Bruce J. Ayers for legislation to establish a county substance abuse services fund from a portion of the Deed's Excise Fund within each county.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 749) of Marvin W. Kushner relative to the filing of estate tax returns by executors.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1317) of Peter Glass relative to the deferral of property taxes.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1326) of David H. Tuttle for legislation to provide a credit against income taxes imposed on the value of real estate donated to cities and towns for community purposes.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1327) of David H. Tuttle relative to the sales tax exemption for certain vehicles used in inter-state commerce.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1694) of Geoffrey D. Hall that the Commissioner of Revenue be required to report certain tax information to cities and towns.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1695) of Geoffrey D. Hall, Steven C. Panagiotakos and another relative to the classification of real property.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1701) of Francis L. Marini and other members of the House for legislation to provide tax incentives to corporations donating resources to schools.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1702) of Francis L. Marini and other members of the House for legislation to provide a one-time tax credit for joining the organ donor program or for becoming certified to perform cardiopulmonary resuscitation.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1708) of George Rogers and Jose L. Santiago for legislation to further regulate the local aid distribution formula.



By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1886) of Kevin W. Fitzgerald, Ronald Mariano, Paul Kujawski and Guy W. Glodis for legislation to clarify the exemption from local property taxation of certain equipment owned by domestic corporations.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1887) of Kevin W. Fitzgerald, Ronald Mariano, Paul Kujawski and Guy W. Glodis relative to the tax valuation of certain land contaminated by oil and hazardous materials in cities and towns.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2087) of the Associated Industries of Massachusetts, Peter J. Larkin, other members of the General Court and another for legislation to update the tax code.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2093) of Francis L. Marini, other members of the House and another relative to including a check-off box on income tax forms allowing individual taxpayers the option of paying income taxes at a rate of 5.85 percent [Representative deMacedo of Plymouth dissenting].

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2268) of Patricia D. Jehlen and other members of the General Court relative to the establishment of an alcohol health protection fund with certain proceeds from the cigarette excise tax.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2274) of Vincent A. Pedone relative to posting the names of certain delinquent taxpayers on the Internet.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2460) of Walter J. Ziobro, Jr., for legislation to repeal the tax on the storage, use or other consumption of certain tangible personal property.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2624) of Maryanne Lewis, Louis L. Kafka, William C. Galvin, James E. Vallee, Ronald Mariano and Lida E. Harkins for legislation to establish open space, park and recreation funds in the cities and towns of Norfolk County.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2808) of Frank M. Hynes for legislation to provide a tax credit for the costs of subsurface septic systems.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2817) of Jose L. Santiago and other members of the General Court relative to real estate tax liens.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3832) of Paul K. Frost for legislation to provide for a tax

deduction for certain home heating costs.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3890) of Shirley Gomes that income received from the United Nations Joint Staff Pension be exempted from the state income tax.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3896) of Cheryl A. Rivera that persons delinquent in the payment of real estate taxes be prohibited from purchasing additional property.

By the same member, for the same committee, ought NOT to pass, on a message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to promoting fiscal responsibility in the Commonwealth (accompanied by bill, House, No. 4106).

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. Jones of North Reading,—

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

At twenty-one minutes after eleven o'clock A.M., on motion of Ms. Atkins of Concord, the House adjourned, to meet on Wednesday next at eleven o'clock A.M.