

JOURNAL OF THE HOUSE.

Thursday, July 12, 2001.

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

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

Almighty God, we take a moment to thank You for the material and spiritual blessings which You offer to us and bestow upon us daily. Inspire us to focus our thoughts and attention on You and Your gifts, not only now but during the course of this day. In a spirit of humility, we ask You to enlighten our minds so that we see clearly the legislative and personal options and opportunities which come our way for serving the people and You. In carrying out our responsibilities, grant us the patience to listen to others, to be open to the reasonable suggestions of others and to enlist the help of others in proposing relevant, ethical and timely legislation.

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.

Order.

The following order (filed by Ms. Stanley of West Newbury) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Health Care be granted until Saturday, December 1, 2001, the time within which to make its final report on current Senate documents numbered 556, 591 and 1813; and current House documents numbered 2526, 3310, 3722 and 3928.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Ms. Stanley, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Special Report.

A report of the Department of Telecommunications and Energy (under the provisions of Section 1E(d) of Chapter 164 of the General Laws) on the status of mediation claims reviewed by said department for the period January 1, 2001 to June 30, 2001, was placed on file.

Papers from the Senate.

A petition of Robert A. Havern, J. James Marzilli, Jr., and Anne M. Paulsen for legislation to authorize the town of Arlington to change the use of a certain parcel of land in the town

adjacent to Summer Street from park to public way purposes, came from the Senate referred, under suspension of Joint Rule 7B, to the committee on Local Affairs.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2023) was referred, in concurrence, to the committee on Local Affairs.

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

Petition (accompanied by bill, Senate, No. 2000) of Debbie Campanile for legislation relative to the wrongful injury or death of animal companions. To the committee on Criminal Justice.

Petition (accompanied by bill, Senate, No. 2001) of Stephen M. Brewer, Reed V. Hillman, James P. Jajuga, Stephen F. Lynch and other members of the General Court for legislation relative to criminal offender record information for substitute teachers. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill, Senate, No. 2002) of Frederick E. Berry and John P. Slattery (with the approval of the mayor and city council) for legislation to authorize the city of Peabody to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises;

Petition (accompanied by bill, Senate, No. 2003) of Stephen M. Brewer for legislation to further regulate home improvement contractors; and

Petition (accompanied by bill, Senate, No. 2004) of Stanley C. Rosenberg for legislation to further regulate licenses to sell alcoholic beverages;

Severally to the committee on Government Regulations.

Petition (accompanied by bill, Senate, No. 2005) of Jeffrey Mankiewicz for legislation to regulate the medical treatment of chronic intractable pain. To the committee on Health Care.

Petition (accompanied by bill, Senate, No. 2006) of Robert A. O'Leary and Eric Turkington (by vote of the town) for legislation to establish affordable housing covenants on Nantucket Island. To the committee on Housing and Urban Development.

Petition (accompanied by bill, Senate, No. 2007) of Pamela P. Resor, Susan C. Tucker, James P. Jajuga, Anne M. Paulsen and other members of the General Court for legislation to promote the healthy development of children and youth. To the committee on Human Services and Elderly Affairs.

Petition (accompanied by bill, Senate, No. 2008) of Stephen M. Brewer and David C. Bunker, Jr., for legislation relative to vehicle weight limitation requirements;

Petition (accompanied by bill, Senate, No. 2009) of Cheryl A. Jacques, David P. Linsky, Cynthia S. Creem, Dianne Wilkerson and other members of the General Court for legislation relative to closing the assault weapons loophole;

Petition (accompanied by bill, Senate, No. 2010) of Stephen F. Lynch and Timothy J. Toomey, Jr., for legislation relative to the Massachusetts Fallen Firefighters Memorial; and

Petition (accompanied by bill, Senate, No. 2011) of Edward Brassil and Steven A. Tolman for legislation to provide for an inquiry into the safety of low pressure boilers;

Severally to the committee on Public Safety.

Petition (accompanied by bill, Senate, No. 2012) of Robert A. Havern and J. James Marzilli, Jr. (by vote of the town) for legislation to authorize the review of the appropriateness of the ordinary disability retirement of retired Arlington Police Officer Albert Spina;

Petition (accompanied by bill, Senate, No. 2013) of James Thivierge for legislation relative to an ombudsman board for state managers;

Petition (accompanied by bill, Senate, No. 2014) of Brian A. Joyce for legislation to authorize creditable service for Patricia A. Fredericksen;

Petition (accompanied by bill, Senate, No. 2015) of Michael R. Knapik and Cele Hahn (with the approval of the mayor and the city council) for legislation to exempt certain positions in the city of Westfield from the civil service law;

Petition (accompanied by bill, Senate, No. 2016) of Linda J. Melconian and Daniel F. Keenan for legislation to provide creditable service for certain public officials;

Petition (accompanied by bill, Senate, No. 2017) of Robert A. O'Leary for legislation to extend creditable service for teacher corps service;

Petition (accompanied by bill, Senate, No. 2018) of Stanley C. Rosenberg and Nancy Flavin for legislation to allow Bernard Gelinas an application for retirement buy back;

Petition (accompanied by bill, Senate, No. 2019) of Stanley C. Rosenberg and John F. Merrigan for legislation relative to employees at the Franklin County Jail and House of Corrections; and

Petition (accompanied by bill, Senate, No. 2020) of Thomas G. Ambrosino, mayor, Robert E. Travaglini, Robert A. DeLeo and other members of the General Court (with the approval of the mayor and city council) for legislation to further regulate the rights of certain employees of the city of Revere who were laid off in the years 1981 and 1982;

Severally to the committee on Public Service.

Petition (accompanied by bill, Senate, No. 2021) of Susan C. Fargo, J. James Marzilli, Jr., Stanley C. Rosenberg, Mark J. Carron and other members of the General Court for legislation to establish a green building income tax credit; and

Petition (accompanied by bill, Senate, No. 2022) of Steven A. Tolman (by vote of the town) for legislation to provide for property tax relief for citizens of Watertown;

Severally to the committee on Taxation.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of Massachusetts Correctional Institution Bridgewater, located in the town of Bridgewater, was spread upon the records of the House; and returned to the Senate.

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 Barry R. Finegold relative to further regulating consumer credit reporting agencies. To the committee on Commerce and Labor.

Petition (accompanied by bill) of Emile J. Goguen and other members of the House relative to the penalties for attempting to entice or enticing a minor to enter a motor vehicle under false pretenses; and

Petition (accompanied by bill) of Nev Moore relative to establishing criminal liability for certain actions of employees of the Department of Social Services;

Severally to the committee on Criminal Justice.

Petition (accompanied by bill) of Thomas N. George relative to reimbursing municipalities for the cost of educating certain students; and

Petition (accompanied by bill) of Marietta Poras relative to reimbursements to cities and towns for the cost of special education;

Severally to the committee on Education, Arts and Humanities.

Petition (accompanied by bill) of Barry R. Finegold relative to the filling of ballot vacancies upon the withdrawal of candidates from elections, and

Petition (accompanied by bill) of Geoffrey D. Hall, Pamela P. Resor and another relative to annual street lists in cities and towns;

Severally to the committee on Election Laws.

Petition (accompanied by bill) of A. Stephen Tobin, Michael W. Morrissey and Bruce J. Ayers relative to the leasing of a certain parcel of recreational land in the city of Quincy under the control of the Metropolitan District Commission to Mini-Fenway Park, Inc. To the committee on Housing and Urban Development.

Petition (accompanied by bill) of Demetrius J. Atsalis that employees of the Department of Social Services be required to wear photo identification. To the committee on Human Services

and Elderly Affairs.

Petition (accompanied by bill) 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. To the committee on Insurance.

Petition (accompanied by bill) of Peter J. Koutoujian relative to the incarceration of alleged juvenile offenders; and

Petition (accompanied by bill) of Peter J. Koutoujian relative to authorizing trial by jury in domestic relations cases in the probate courts of the Commonwealth;

Severally to the committee on the Judiciary.

Petition (accompanied by bill) of Barry R. Finegold for legislation to require providers of commercial mobile radio services to file notices of tower locations with municipal clerks. To the committee on Local Affairs.

Petition (accompanied by bill) of Arthur J. Broadhurst and James P. Jajuga that the State Retirement Board be directed to retire Richard K. Tabacco, a former environmental police officer;

Petition (accompanied by bill) 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 Correction;

Petition (accompanied by bill) of David C. Bunker, Jr., and Harriette L. Chandler relative to directing the Teachers' Retirement Board to refund excess amounts paid by Linda Miller;

Petition (accompanied by bill) of Kristina A. Duboul relative to eligibility lists for appointment to the position of fire fighter;

Petition (accompanied by bill) of Robert A. DeLeo, Michael W. Morrissey and Kathi-Anne Reinstein relative to increasing the retirement allowance of certain former state police officers and metropolitan district police officers;

Petition (accompanied by bill) of Edward Santa Maria relative to the pension benefits for certain veterans;

Petition (accompanied by bill) of Christopher G. Fallon relative to the creditable service of certain employees of educational collaboratives;

Petition (accompanied by bill) of Christopher G. Fallon relative to providing creditable service for persons who have served on zoning boards or conservation commissions;

Petition (accompanied by bill) of Nancy Flavin and Stanley C. Rosenberg relative to retirement benefits for teachers;

Petition (accompanied by bill) of John P. Fresolo, John J. Binienda and Guy W. Glodis relative to Francis X. Sena, an employee in the Division of Industrial Accidents;

Petition (accompanied by bill) of Paul K. Frost relative to the retirement rights of power plant engineers and steam firemen;

Petition (accompanied by bill) of Geoffrey D. Hall and Pamela P. Resor relative to the unreasonable discharge from employment of volunteer fire fighters;

Petition (accompanied by bill) of Evelyn Garrettporter that the State Retirement Board be directed to refund said Evelyn Garrettporter a portion of her accumulated retirement deductions;

Petition (accompanied by bill) of Michael F. Kane for legislation to authorize the District Court Department to establish a sick leave bank for Rachel A. Joyce, an employee of said department;

Petition (accompanied by bill) of Rachel Kaprielian and Steven A. Tolman relative to extending maternity benefits to retired teachers;

Petition (accompanied by bill) of Rachel Kaprielian and Steven A. Tolman relative to providing partial adjustment to retired teachers' pensions;

Petition (accompanied by bill) of Rachel Kaprielian and Steven A. Tolman that the Teachers' Retirement Board be directed to grant creditable service to Jeanne Wilson for service in an overseas school;

Petition (accompanied by bill) of Daniel F. Keenan relative to the funding of regional retirement systems of abolished counties;

Petition (accompanied by bill) of Kay Khan and Cynthia S. Creem relative to granting creditable service to certain teachers in the city of Newton;

Petition (accompanied by bill) of Brian Knuuttila, Robert A. Antonioni and others that the State Retirement Board be authorized to grant certain creditable service to Stephen F. Allard, a member of the state employees retirement system;

Petition (accompanied by bill) of Peter J. Koutoujian for legislation to include dedicated fire apparatus mechanics under the provisions of Group 2 of the contributory retirement system for public employees;

Petition (accompanied by bill) of James B. Leary, Richard T. Moore and Harriette L. Chandler for legislation to authorize and direct the reinstatement of Mary A. Ryan as a member in service of the teachers' retirement system;

Petition (accompanied by bill) of Elizabeth A. Malia for legislation to authorize the Department of Public Health to establish a sick leave bank for Ellen Coleman, an employee of said department;

Petition (accompanied by bill) of James R. Miceli for legislation to direct the reinstatement of

Robert W. Aylward as a member in service of the teachers' retirement system;

Petition (accompanied by bill) of Eugene L. O'Flaherty relative to the eligibility of Robert Better for death and disability benefits under the cancer law, so-called;

Petition (accompanied by bill) of Marie J. Parente relative to the retirement benefits of certain former correction officers;

Petition (accompanied by bill) of Vincent A. Pedone relative to pension benefits for persons returning to public service;

Petition (accompanied by bill) of John F. Quinn for legislation to authorize the Department of Correction to establish a sick leave bank for Jeffrey Wood, an employee of said department;

Petition (accompanied by bill) of John A. Stefanini for legislation to authorize the teachers' retirement system to grant certain retirement benefits to the surviving spouse of Patrick Chichetto;

Petition (accompanied by bill) 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;

Petition (accompanied by bill) of A. Stephen Tobin, Garrett J. Bradley, Cheryl A. Jacques, Frank M. Hynes and Robert C. Hedlund that the State Retirement Board be directed to grant a retirement pension to Gerald McLaughlin, a police officer in the state police injured in the line of duty;

Petition (accompanied by bill) of Patricia A. Walrath and Pamela P. Resor for legislation to authorize the Teachers' Retirement Board to grant certain creditable service to Ethel de Bakker; and

Petition (accompanied by bill) of Patricia A. Walrath and Pamela P. Resor relative to granting creditable service to teachers for certain service outside of the Commonwealth;

Severally to the committee on Public Service.

Petition (accompanied by bill) of William C. Galvin for legislation to authorize the Superintendent of State Office Buildings to install a plaque in the State House honoring Lieutenant Frances Y. Slinger;

Petition (accompanied by bill) of Harold P. Naughton, Jr., and James B. Leary (by vote of the town) relative to authorizing the Division of Capital Asset Management and Maintenance to convey certain land formerly owned by Worcester County in the town of West Boylston to said town; and

Petition (accompanied by bill) of Thomas J. O'Brien, Therese Murray and another for the annual issuance of a proclamation by the Governor establishing the third Sunday in October as

Arthritis Awareness Day;

Severally to the committee on State Administration;

Under suspension of the rules, on motion of Mr. Jones of North Reading, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally 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 that administrative law judges in workers' compensation cases be subject to the Code of Judicial Conduct (House, No. 2648, changed); and

Of the Bill to increase the amount that can be appropriated from the balance of a capital project fund (House, No. 3575);

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, that the House Bill relative to the appointing of alternate members to the conservation commission of the town of North Andover (House, No. 4017) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Bosley of North Adams, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Dempsey of Haverhill, for the committee on Public Service, on House, No. 336, a Bill providing a minimum pension for certain retired municipal employees (House, No. 4333). Read; and referred, under Rule 33, to the committee on Counties on the part of the House.

By Mr. Donnelly of Boston, for the committee on the Judiciary, on a petition, a Bill relative to the employee benefits of a certain employee of the Trial Court (House, No. 4249).

By Mr. Toomey of Cambridge, for the committee on Public Safety, on House, Nos. 136 and 141, a Bill relative to amusement devices (House, No. 141, changed by adding at the end thereof the following paragraph:

“No minor shall operate any such amusement device.”).

By the same member, for the same committee, on Senate, No. 1180 and House, No. 2058, a Bill establishing the rank of first lieutenant (House, No. 2058).

By the same member, for the same committee, on a petition, a Bill relative to the Massachusetts Military Reservation (House, No. 2589).

By the same member, for the same committee, on a petition, a Bill relative to overweight permits, so called (House, No. 3790).

By the same member, for the same committee, on Senate, Nos. 1182, 1184 and 1268 and House, Nos. 2394, 2588 and 3782, a Bill relative to veteran registration plates for motorcycles (House, No. 4334).

By the same member, for the same committee, on Senate, No. 1159 and House, Nos. 228 and 314, a Bill allowing widows of veterans to retain ownership of veteran plates (House, No. 4335).

By Mr. Dempsey of Haverhill, for the committee on Public Service, on House, Nos. 209 and 212, a Bill amending the membership of the Public Employee Retirement Administration Commission (House, No. 212).

By the same member, for the same committee, on a petition, a Bill relative to the retirement benefits of certain widows and surviving spouses (House, No. 339).

By the same member, for the same committee, on a petition, a Bill providing creditable service for teaching service rendered in Bureau of Indian Affairs schools (House, No. 352).

By the same member, for the same committee, on a petition, a Bill relative to disability retirement benefits (House, No. 917).

By the same member, for the same committee, on a petition, a Bill relative to indemnity of probation and court officers (House, No. 1097).

By the same member, for the same committee, on a petition, a Bill relative to retirement systems (House, No. 2048).

By the same member, for the same committee, on a petition, a Bill authorizing the State Retirement Board to reinstate Anthony Taverna as a member of the teachers retirement system (House, No. 2243).

By the same member, for the same committee, on a petition, a Bill authorizing leaves of absence for certain employees participating in Red Cross emergencies (House, No. 2405).

By the same member, for the same committee, on a petition, a Bill relative to certain members of the teachers' retirement system (House, No. 2977).

By the same member, for the same committee, on a petition, a Bill providing leave for state employees donating bone marrow or organs (House, No. 4187).

By the same member, for the same committee, on House, No. 320, a Bill to allow creditable service for diploma school teachers of state nursing education (House, No. 4336).

By the same member, for the same committee, on House, No. 870, a Bill relative to the

classification of clerk magistrates and clerks of court (House, No. 4337).

By the same member, for the same committee, on House, No. 884, a Bill further regulating the retirement benefits of certain public safety employees (House, No. 4338).

By the same member, for the same committee, on House, No. 1491, a Bill to amend retirement benefits for certain employees of the Department of Correction (House, No. 4339).

By the same member, for the same committee, on House, No. 2066, a Bill relative to the oversight of disability pension benefits (House, No. 4340).

By Mr. Casey of Winchester, for the committee on Taxation, on a petition, a Bill expanding access of health care, reducing youth smoking and the use of tobacco products, and improving the public health in the Commonwealth (printed as Senate, No. 1703, changed in section 4, in line 45, by striking out the figure: “30” and inserting in place thereof the figure: “10”).

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

By Mr. Toomey of Cambridge, for the committee on Public Safety, on a petition, a Bill relative to the establishment of municipal police technology funds (House, No. 3583). Read; and referred, under Rule 33B, to the committee on Science and Technology.

By Mr. Greene of Billerica, for the committee on Commerce and Labor, on a petition, a Bill relative to farmstand labor (House, No. 399). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bill.

The engrossed Bill making certain appropriations for the fiscal year ending June 30, 2002, before final action on the General Appropriation Bill for that fiscal year (see House, No. 4314) (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 Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill designating the intersection of state highway Routes 3A and 53 in the city of Quincy as the William P. Draicchio Square (Senate, No. 1777, changed), 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.

House bills

Designating a certain bridge in the city of Lawrence as the Representative Lawrence Smith bridge (House, No. 2100); and

Authorizing the town of Hingham to convey certain conservation land (House, No. 4201);

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.

On motion of Mr. Jones of North Reading,—

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

At twenty-five minutes after eleven o'clock A.M., on motion of Ms. Kaprielian of Watertown, the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.