

JOURNAL OF THE HOUSE.

Monday, July 16, 2001.

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

Lord God, for a moment we clear our minds and hearts of the many personal concerns and the often complex political issues which we carry into this historic Chamber. These next couple of minutes offer us an opportunity to focus our thoughts on You and on the importance of basic human and spiritual values. We pray for Your gift of fortitude which strengthens us in our efforts to serve You and the people who depend upon our reasoned, fair and sound ethical decisions. Teach us to be mindful of the reality that we cannot resolve or address all the issues which come before us, but with Your never-failing assistance, we offer You and the people our best service. May we all be grateful each day for the gifts and blessings which You bestow upon us.

Grant Your blessings to 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.

Message from the Acting Governor.

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 validating action taken at the May 7, 2001 town election held in the town of Buckland (House, No. 4341) was filed in the office of the Clerk on Friday, July 13.

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

Resolutions.

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

Resolutions (filed by Mr. Marini of Hanson) congratulating Matthew vanBuren Cleveland on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Representatives Coppola of Foxborough and Poirier of North Attleborough) congratulating Mr. and Mrs. Arthur A. Anderson on the occasion of their fiftieth wedding anniversary;

Resolutions (filed by Representatives Fox of Boston, Barrios of Cambridge, Owens-Hicks of Boston, Rushing of Boston, Swan of Springfield and St. Fleur of Boston) congratulating the

descendants of Mary McLeod Bethune on the celebration of her heritage;

Resolutions (filed by Mr. Nyman of Hanover) congratulating Mary McDonald on the occasion of her ninetieth birthday; and

Resolutions (filed by Ms. Stanley of West Newbury) honoring Phyllis “Penny” Sheldon;

Mr. Honan 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 Mrs. Walrath of Stow, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

The House Order relative to extending until Tuesday, July 31, 2001, the time within which joint standing committees and the committees on Rules of the two branches, acting concurrently, are authorized to make final reports on all matters referred to them, came from the Senate with the endorsement that it had been adopted, in concurrence, by said branch, with an amendment inserting after the words “joint standing committees” the following: “except the committee on Health Care as it relates to Senate document numbered 1813”.

Under suspension of the Rule 35, on motion of Mr. Rodrigues of Westport, the amendment was considered forthwith; and it was adopted, in concurrence.

A Bill relative to electronic communication with shareholders (Senate, No. 1792, changed in section 25, in line 11, by striking out the words “of the” and inserting in place thereof the words: “or the signature of the stockholder’s”) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33B, to the committee on Science and Technology.

Bills

Relative to health care coverage (Senate, No. 760) (on a petition);

To ensure eligibility for unemployment insurance for victims of domestic violence (Senate, No. 1984) (on Senate bill, No. 1881); and

Authorizing the Department of Environmental Management to acquire conservation restrictions in lands of the town of Hatfield and the Hatfield Water Commission (Senate, No. 1985) (on Senate bill, No. 1943);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

A Bill relative to municipal light plant contracts (Senate, No. 421) (on House, No. 1369), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules, that Joint Rule 7B be suspended on the petition of George Rogers that the city of New Bedford be authorized to establish a schedule of parking fines in said city. Under suspension of the rules, on motion of Mr. Rogers of New Bedford, the report was considered forthwith. Joint Rule 7B was 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 following petitions:

Petition (accompanied by bill) of Harold P. Naughton, Jr., relative to merging the Boylston and Morningdale water districts. To the committee on Local Affairs.

Petition (accompanied by bill) of William Francis Galvin and Robert M. Koczera relative to the use of coal ash as solid waste. To the committee on Natural Resources and Agriculture.

Petition (accompanied by bill) of Francis L. Marini, Bradley H. Jones, Jr., and Mary S. Rogeness relative to the issuance of notices by municipal collectors of taxes. To the committee on Taxation.

Under suspension of the rules, on motion of Mr. Straus of Mattapoisett, 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 relative to establishment of a land acquisition fund (House, No. 3958),— and recommending that the same be referred to the committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Greene of Billerica, for the committee on Commerce and Labor, on House, Nos. 117, 120, 1151, 1156, 1535, 1910, 1913, 2105, 2106, 2832, 2841, 2848, 2850, 3040 and 3053, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain House documents concerning various labor standards and other related matters (House, No. 4342).

By the same member, for the same committee, on House, Nos. 233, 778, 953, 1164, 2834 and 3484, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain House documents concerning health and safety matters (House, No. 4343).

By the same member, for the same committee, on House, Nos. 403, 1160, 2113 and 3668, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain House documents concerning child labor (House, No. 4344).

By the same member, for the same committee, on House, Nos. 767 and 3043, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain House documents concerning employment and job training (House, No. 4345).

By the same member, for the same committee, on House, Nos. 768, 1534, 2652, 2836 and 3049, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain House documents concerning economic development and other related matters (House, No. 4346).

Severally 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, in each instance, asking to be discharged from further consideration of said orders; 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. Greene of Billerica, for the committee on Commerce and Labor, on House, Nos. 8 and 54, a Bill affirming the standard for commercially used weights and measures devices (House, No. 54).

By the same member, for the same committee, on House, Nos. 117 and 118, a Bill concerning the removal of lead on non-residential property and the assessment of civil administrative penalties (House, No. 118).

By the same member, for the same committee, on House, Nos. 117 and 122, a Bill transferring responsibility for issuing employment permits forms from the Department of Labor and Workforce Development to the Office of the Attorney General (House, No. 122).

By the same member, for the same committee, on House, Nos. 117 and 123, a Bill transferring responsibility for light, ventilation, cleanliness, sanitation and heat in workplaces from the Office of the Attorney General to the Department of Labor and Workforce Development (House, No. 123).

By the same member, for the same committee, on House, Nos. 117 and 124, a Bill transferring responsibility for investigations as to lighting conditions in workplaces from the Office of the Attorney General to the Department of Labor and Workforce Development (House, No. 124).

By the same member, for the same committee, on Senate, No. 98 and House, No. 1725, a Bill relative to health care finance and policy (House, No. 4347).

By Mr. Rodrigues of Westport, for the same committee, on House, Nos. 230, 398, 772 and 2104, a Bill relative to workers' compensation coverage for sole proprietors, partnerships and corporate officers (House, No. 4348).

By Ms. Stanley of West Newbury, for the committee on Health Care, on Senate, No. 510 and House, No. 2163, a Bill to support a birth defects monitoring program (House, No. 2163).

Mrs. Walrath of Stow, for the committee on Long-Term Debt and Capital Expenditures, on House, No. 2298, reported in part, a Bill facilitating low interest financing for Massachusetts

charitable institutions (House, No. 4351).

The same member, for the same committee, on House, No. 4213, reported, in part, a Bill providing for capital facility improvements and repairs for the Commonwealth (House, No. 4352) [General Obligation Bonds: \$343,000,000.00—Deauthorization of General Obligation Bonds: \$103,000,000.00].

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

By Mr. Greene of Billerica, for the committee on Commerce and Labor, on a petition, a Bill relative to minority business enterprises (House, No. 1909).

By the same member, for the same committee, on a petition, a Bill clarifying charitable contributions (House, No. 2280).

By the same member, for the same committee, on a petition, a Bill prohibiting intentional misrepresentation by a business of its location (House, No. 2285, changed in line 3 by striking out the following: “Section 114” and inserting in place thereof the following: “Section 115”).

By the same member, for the same committee, on a petition, a Bill relative to retail sales (House, No. 2655).

By the same member, for the same committee, on a petition, a Bill further regulating two-for-one sales of retail merchandise (House, No. 2656).

By the same member, for the same committee, on a petition, a Bill relative to consumer product pricing practices (House, No. 2837).

By the same member, for the same committee, on a petition, a Bill relative to consumer product pricing practices (House, No. 2838).

By the same member, for the same committee, on a petition, a Bill relative to minors under the age of eighteen (House, No. 4310).

By the same member, for the same committee, on House, No. 1157, a Bill relative to the definition and labeling of certain food products and dietary supplements (House, No. 4353).

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 promoting energy efficiency and conservation (House, No. 4006) 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 Rules 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:

House bills

Designating the tourist information center on state highway Route 2 in the town of Lancaster as the Johnny Appleseed visitor center (House, No. 1136);

Providing for behavioral science representation on the Parole Board (House, No. 2574, changed);

Relative to convictions of motor vehicle violations and license suspensions and revocations in other states or countries (House, No. 2773, changed);

Increasing the number of days to appeal the decisions of a zoning variance permitting body in a municipality from twenty (20) to forty (40) (House, No. 3128);

Relative to assistant town clerks in certain towns (House, No. 3151);

Relative to municipal bonding for underground utilities (House, No. 3576);

Authorizing the town of Sherborn to convey certain forest land (House, No. 4191) [Local Approval Received];

Validating the results of the 2001 annual town election held in the town of Dennis (printed in House, No. 4229); and

Validating the actions taken at the 2001 annual town meeting of the town of Eastham (printed in House, No. 4230);

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

By Mr. Tobin of Quincy, for the committee on Criminal Justice, ought NOT to pass, on petitions for legislation relative to providing for mandatory minimum sentences for the illegal sale of drugs, and the establishment of drug free zones [based on petitions of John P. Fresolo and others, accompanied by bill, House, No. 965; Kevin W. Fitzgerald and another, accompanied by bills, House, Nos. 2122 and 2123; Vincent A. Pedone, accompanied by bill, House, No. 2126; Carol A. Donovan and others, accompanied by bill, House, No. 2288; J. Michael Ruane, accompanied by bill, House, No. 2667; and Robert M. Koczera, accompanied by bill, House, No. 2858].

By Mr. Casey of Winchester, for the committee on Taxation, ought NOT to pass, on petitions for legislation relative to exempting certain products and services from the sales tax, real estate tax abatements, and abatement of taxes on behalf of certain taxpayers [based on petitions of Abigail Brezinski, accompanied by bill, House, No. 363; Philip Travis, accompanied by bill, House, No. 566; Brian S. Dempsey, accompanied by bill, House, No. 937; Arthur J. Broadhurst and others, accompanied by bill, House, No. 2080; and Lida E. Harkins, accompanied by bill, House, No. 3645].

By the same member, for the same committee, ought NOT to pass, on petitions relative to the taxation of certain corporations [based on petitions of George N. Peterson, Jr., accompanied by

bill, House, No. 379; Paul K. Frost and another, accompanied by bill, House, No. 1505; and Thomas J. O'Brien and others, accompanied by bill, House, No. 3221] [Representative deMacedo of Plymouth dissenting].

By the same member, for the same committee, ought NOT to pass, on petitions for legislation relative to providing for a local option income tax [based on petitions of Leonard H. Golder, accompanied by bill, House, No. 567; and Geoffrey D. Hall, accompanied by resolve, House, No. 1692].

By the same member, for the same committee, ought NOT to pass, on petitions for legislation relative to exempting the sale of certain computers from the sales tax, and providing for a period of time each year for a "sales tax holiday" [based on petitions of Gale D. Candaras and others, accompanied by bill, House, No. 1307; Francis L. Marini and others, accompanied by bill, House, No. 1516; and Thomas M. Menino and others, accompanied by bill, House, No. 3467] [Representative deMacedo of Plymouth dissenting].

By the same member, for the same committee, ought NOT to pass, on petitions for legislation relative to the taxation of certain products sold in vending machines [based on petitions of Cele Hahn and others, accompanied by bills, House, Nos. 2266 and 2267; and Paul E. Caron, accompanied by bill, House, No. 3831] [Representative deMacedo of Plymouth dissenting].

By the same member, for the same committee, ought NOT to pass, on petitions for legislation relative to reducing the tax on certain capital gains, and making the investment tax credit permanent [based on petitions of Ronald Mariano, accompanied by bill, House, No. 2441; and Peter J. Larkin and another, accompanied by bill, House, No. 3457].

By the same member, for the same committee, ought NOT to pass, on petitions for legislation relative to the motor vehicle excise tax [based on petitions of Steven P. LeDuc, accompanied by bills, House, Nos. 2814 and 3213].

By the same member, for the same committee, ought NOT to pass, on petitions for legislation relative to establishing a school building renovation and construction fund, and defining taxable income under the income tax laws [based on petitions of J. James Marzilli, Jr., and others, accompanied by bill, House, No. 3653; and the Massachusetts AFL-CIO Council and another, accompanied by bill, House, No. 3992].

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.

Emergency Measure.

The engrossed Bill relative to certain bonds issued by the Commonwealth (see House, No. 3907), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 5 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

The engrossed Bill directing the Superintendent of State Office Buildings to accept and place a mural of the 94th Infantry Division in the State House (see House, No. 1125, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Engrossed bills

Designating the intersection of state highway Routes 3A and 53 in the city of Quincy as the William P. Draicchio Square (see Senate, No. 1777, changed) (which originated in the Senate);

Exempting Dennis J. Mahoney from maximum age requirements for applying for civil service appointment as a police officer in the town of Arlington (see House bill printed as Senate, No. 1911);

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

Relative to the town of Nantucket (see House, No. 3525);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.

Orders of the Day.

The House Bill relative to the sale of gas heating equipment (House, No. 2575), 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.

The House Bill authorizing the town of Lancaster to place certain questions relative to the sale of alcoholic beverages on the town's election ballot (House, No. 4181) (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.

Pending the question on passing the bill to be engrossed, Mrs. Walrath of Stow moved that it be amended by inserting after section 2 the following section:

“SECTION 2A. Upon sale or closure of any restaurant or tavern, the liquor license issued to such restaurant or tavern shall be returned to the Town for reissuance, and shall not be sold or transferred by the holder. Closure as referenced in this section shall not include failure to operate during periods of renovation, including renovation necessitated by fire or other property

damage.”.

The amendment was adopted; and the bill (House, No. 4181, amended) was passed to be engrossed. Sent to the Senate for concurrence.

At twenty-two minutes after eleven o'clock A.M., on motion of Mr. Connolly of Everett, the House adjourned, to meet tomorrow at eleven o'clock A.M.