

JOURNAL OF THE HOUSE.

Monday, July 23, 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:

God, Our Creator, in Whom we place our trust and upon Whom we depend for righteous guidance in formulating our everyday personal and legislative decisions, enlighten our minds and strengthen our wills in our pursuit of excellence, justice and integrity in legislation. In these changing times of technological advancements, help us to keep focused on the relevance of human and spiritual values as we strive to build an orderly, stable, compassionate and ethical society. Teach us to listen to and work with others in clarifying and articulating often complex issues so that the people will be well-served by our reasoned, thoughtful and mature decisions. May Your ways and Your precepts be our guiding light.

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.

Messages 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 the actions taken at certain town meetings held in the town of Oak Bluffs (House, No. 4383) was filed in the office of the Clerk on Thursday, July 19.

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

A message from Her Honor the Lieutenant-Governor, Acting Governor, submitting recommendations for making certain appropriations for the fiscal year ending June 30, 2002, before final action on the General Appropriation Bill for that fiscal year (House, No. 4384) was filed in the office of the Clerk on Thursday, July 19.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Resolutions.

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

on Rules:

Resolutions (filed by Mr. Connolly of Everett) congratulating Congressman Edward J. Markey for 25 years of service in Congress;

Resolutions (filed by Messrs. O'Brien of Kingston and deMacedo of Plymouth) congratulating Christopher J. Pomeroy on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Representatives O'Brien of Kingston and Provost of Sandwich) in recognition of Frank Russell Mazilli's dedicated service to the town of Carver;

Resolutions (filed by Representatives Provost of Sandwich and O'Brien of Kingston) congratulating the town of Carver on the occasion of the one hundredth anniversary of Old Home Day; and

Resolutions (filed by Mrs. Teahan of Whitman) congratulating John Patrick Cunningham on receiving the Eagle Award of the Boy Scouts of America;

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

Communication.

A communication from the Department of Telecommunications and Energy (under the provisions of Section 193 of Chapter 164 of the Acts of 1997) submitting a report on the installations of cogeneration, renewable energy, fuel cell, and on-site generation facilities for the year 2000, was placed on file.

Petitions.

Mrs. Pope of Wayland presented a petition (accompanied by bill, House, No. 4394) of Susan W. Pope and Susan C. Fargo (by vote of the town) that the conservation commission of the town of Sudbury be authorized to convey a certain parcel of land to the board of selectmen of said town; and the same was referred to the committee on Local Affairs. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Coppola of Foxborough, petition (subject to Joint Rule 12) of Michael J. Coppola and other members of the General Court that the Registrar of Motor Vehicles be directed to issue distinctive license plates for the purpose of funding breast cancer research.

By Mr. Frost of Auburn, petition (subject to Joint Rule 12) of Paul K. Frost and Vincent A. Pedone for legislation to authorize the Trial Court to establish a sick leave bank for Candy Gruszka, an employee of said court.

By Mr. Knuuttila of Gardner, petition (subject to Joint Rule 12) of Brian Knuuttila, Christine E. Canavan, Stephen M. Brewer, Emile J. Goguen, Mary Jane Simmons and Kay Khan further regulating the hours of employment for employees of health care facilities.

By Mr. O'Flaherty of Chelsea, petition (subject to Joint Rule 12) of Eugene L. O'Flaherty for legislation to authorize the Department of Social Services to establish a sick leave bank for Dominique Gutierrez, an employee of said department.

By Mr. Petersen of Marblehead (by request), petition (subject to Joint Rule 12) of Dr. Harold Rubin that the Board of Higher Education be directed to establish a tuition waiver program for persons sixty-five years of age or older.

By Mr. Peterson of Grafton, petition (subject to Joint Rule 12) of George N. Peterson Jr., and Guy W. Glodis relative to settlement and incorporation celebrations of cities and towns.

By Mr. Wagner of Chicopee (by request), petition (subject to Joint Rule 12) of Louise R. Moson relative to the penalties for illegally carrying a firearm in public buildings or on public grounds.

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

Papers from the Senate.

A Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land located in the towns of Becket and Otis in exchange for certain other land located in the town of Otis (Senate, No. 1590, amended in section 3, in lines 8 to 13, inclusive, by striking out the following: "the division of capital asset management and maintenance for the purposes set forth in Article 97 of the Amendments to the Massachusetts Constitution and for use by the department of environmental management, by deeds acceptable to the commissioner of the division in consultation with the department of environmental management" and inserting in place thereof the following: "the department of environmental management, in consultation with the division of capital asset management and maintenance, for the purposes set forth in Article 97 of the Amendments to the Constitution") (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A Bill authorizing the city of Medford to grant certain licenses (Senate, No. 1898) (on House, No. 4080) [Local Approval Received], 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 and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Danah Quaderi for legislation to further define the natural process of dying in health care proxies. Under suspension of the rules, on motion of Mrs. Canavan of Brockton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to

the committee on the Judiciary. Sent to the Senate for concurrence.

By Mrs. Simmons of Leominster, for the committee on Counties on the part of the House, that the Bill providing for insurance coverage of certain clinical trials (House, No. 4376) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

By Mr. Koczera of New Bedford, for the committee on Natural Resources and Agriculture, on House, Nos. 2209 and 2221, a Bill to evaluate programs at the Departments of Environmental Protection and Public Health (House, No. 2221).

By Mr. Broadhurst of Methuen, for the committee on Science and Technology, on a petition, a Bill relative to technology costs associated with doing business with the Commonwealth for human services providers (House, No. 3109).

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

By Mr. Cahill of Beverly, for the committee on Housing and Urban Development, on a petition, a Bill relative to a study by the Metropolitan District Commission of rules and regulations for certain uses of the Charles River Basin (House, No. 3312).

By the same member, for the same committee, on House, Nos. 2181 and 3326, a Bill to clarify the power of housing receivers (House, No. 3326).

By Mr. Koczera of New Bedford, for the committee on Natural Resources and Agriculture, on House, Nos. 78 and 79, a Bill relative to the Natural Resource Damage Trust Fund (House, No. 79).

By the same member, for the same committee, on House, Nos. 78 and 80, a Bill relative to discharging sewage into waters of the Commonwealth from marine vessels (House, No. 80).

By the same member, for the same committee, on House, Nos. 81 and 83, a Bill relative to penalties imposed for the disposal of foreign material on facilities and properties under the jurisdiction of the Department of Environmental Management and other open space lands (House, No. 83).

By the same member, for the same committee, on House, Nos. 85 and 86, a Bill concerning the powers of the Director of the Division of Water Pollution Control (House, No. 86).

By the same member, for the same committee, on House, Nos. 85, 87 and 2215, a Bill to further multi-family residential recycling in the Commonwealth (House, No. 87).

By the same member, for the same committee, on a petition, a Bill relative to the disposition of environmental fines (House, No. 303, changed in section 1 by adding at the end thereof the following paragraph:

“Any monies received by a municipality pursuant to this act shall be used for environmental

law enforcement efforts.”; and by striking out section 2.).

By the same member, for the same committee, on a petition, a Bill establishing an interagency coordinating council to address issues of interagency responsibility for public health and consumer protection concerning indoor air pollution and other threats (House, No. 304).

By the same member, for the same committee, on a petition, a Bill relative to certain environmental boating regulations and penalties (House, No. 654).

By the same member, for the same committee, on a petition, a Bill releasing certain land in Northampton from the operation of an agricultural preservation restriction (House, No. 1845).

By the same member, for the same committee, on a petition, a Bill establishing a visitor center in the Freetown State Forest (House, No. 2208).

By the same member, for the same committee, on Senate, No. 1131 and House, No. 2384, a Bill relative to advertising on MWRA property (House, No. 2384).

By the same member, for the same committee, on a petition, a Bill authorizing the establishment of old growth forest reserves (House, No. 3159).

By the same member, for the same committee, on a petition, a Bill relative to a definition of a stressed basins (House, No. 3382, changed in line 4 by striking out the year “2000” and inserting in place thereof the year “2003”).

By the same member, for the same committee, on a petition, a Bill relative to making renovations to Long Wharf (House, No. 3384).

By the same member, for the same committee, on a petition, a Bill relative to the restoration of Echo Bridge (House, No. 3387).

By the same member, for the same committee, on Senate, No. 1070 and House, Nos. 2572, 2950 and 3776, a Bill establishing a 1.2% interest program for the state revolving loan fund for water and sewer projects and establishing 3:1 leveraging for such projects (House, No. 4377).

By the same member, for the same committee, on Senate, No. 1082, a Bill providing for the establishment of an environmental appeals board within the Executive Office of Environmental Affairs (House, No. 4378).

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

By Mr. Koczera of New Bedford, for the committee on Natural Resources and Agriculture, on a petition, a Bill providing for the identification of invasive plants in the commonwealth (House, No. 492).

By the same member, for the same committee, on House, Nos. 856 and 3383, a Bill establishing standards for stage II vapor recovery systems (House, No. 4379).

Severally read; and referred, under Rule 33B, to the committee on Science and Technology.

By Mr. Broadhurst of Methuen, for the committee on Science and Technology, that the Bill relative to selective service registration (House, No. 2392) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Wagner of Chicopee, for the committee on Election Laws, on a petition, a Bill authorizing the city of Taunton to advance the date of its 2001 preliminary municipal election (House, No. 4285) [Local Approval Received].

By Mr. Bosley of North Adams, for the committee on Government Regulations, on a petition, a Bill authorizing the town of Stoneham to grant licenses for the sale of alcoholic beverages to be drunk on the premises to theaters (House, No. 4166) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Hanover to issue an additional license for the sale of wines and malt beverages not to be drunk on the premises (House, No. 4233) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Mashpee to issue additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4234) [Local Approval Received].

By Mr. Cahill of Beverly, for the committee on Housing and Urban Development, on a petition, a Bill clarifying the definition of lodging and rooming houses (House, No. 3934).

By Mr. Koczera of New Bedford, for the committee on Natural Resources and Agriculture, on a petition, a Bill to enhance the aquaculture industry of the Commonwealth (House, No. 300, changed by striking out sections 3, 4 and 5).

By the same member, for the same committee, on a petition, a Bill to clarify inspections at certain animal facilities (House, No. 2569).

By the same member, for the same committee, on a petition, a Bill further regulating the sale of mercury thermometers (House, No. 3772).

By the same member, for the same committee, on Senate, No. 1137 and House, No. 3966, a Bill relative to resource recovery facilities (House, No. 3966).

By the same member, for the same committee, on a petition, a Bill relative to sewer bylaws and regulations of the town of Sturbridge (House, No. 4305) [Local Approval Received].

By the same member, for the same committee, on Senate, No. 1081 and House, Nos. 1627, 2946 and 3580, a Bill requiring pilots for certain vessels (House, No. 4380).

By the same member, for the same committee, on House, Nos. 88, 97, 1252 and 3770, a Bill making certain corrective changes in the Massachusetts Pesticide Control Act (House, No. 4381).

By the same member, for the same committee, on House, No. 299, a Bill authorizing open burning in the town of Rowe (House, No. 4382) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to the development of an athletic facility by the Assabet Valley Regional Vocational Technical School District (Senate, No. 1815) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4392.

By the same member, for the same committee, that the Bill to convey an easement in a certain parcel of land in the town of Wrentham (House, No. 3190) ought to pass with certain amendments in section 1, in line 3, and also in line 23, by inserting after the name "Philip Joannides", in each instance, the words "of Franklin, Massachusetts", and by adding at the end thereof the following paragraph:

"The exact boundaries of any easement granted pursuant to this act shall be determined by the commissioner after completion of a survey paid for by Philip Joannides of Franklin, Massachusetts."; and in section 2, in line 4, by inserting after the word "report" the following: "at least 30 days prior to the execution of any final agreement granting an easement authorized under this act".

By the same member, for the same committee, that the Bill relative to the disposition of certain property in the city of Lowell (printed as Senate, No. 1599) ought to pass with certain amendments in section 3 by adding at the end thereof the following paragraph:

"The inspector general shall review and approve said appraisal and said review shall include an examination of the methodology utilized for said appraisal. Said inspector general shall prepare a report of his review and file said report with the commissioner of the division of capital asset management and maintenance for submission to the house and senate committees on ways and means and the joint committee on state administration."; in section 5, in line 1, by striking out the words "subject to appropriation,", and in line 2 by striking out the words "by purchase"; and by striking out sections 7 and 8.

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 for a second reading, with the amendments pending.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the following bills ought to pass:

Senate bills

Authorizing the town of Andover to convey land to the Andover Village Improvement Society

for a pedestrian easement (Senate, No. 1045) [Local Approval Received];

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land located in the city of Boston (Senate, No. 1615, amended);

Clarifying the income tax deduction for charitable giving (Senate, No. 1826, changed and amended);

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

House bills

Relative to the calculation of certain retirement contributions and benefits (House, No. 2604);

Relative to the licensing of amusement parks (House, No. 3529);

Relative to expediting state and federal funding (House, No. 3936) [Local Approval Received];

Relative to the licensing of sign installers (House, No. 4067);

To ensure eligibility for unemployment insurance for victims of domestic violence (House, No. 4258); and

Providing for insurance coverage of certain clinical trials (House, No. 4376);

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 for a second reading.

By Mr. Rogers of Norwood, for the committee on Ways and Means, on a petition, a Resolve in favor of Burton W. Gerrig, Esquire (House, No. 1139).

The same member, for the same committee, on House No. 4283, reported, in part, a Bill recommending legislation relative to making appropriations for certain one-time investments, improvements and payments (House, No. 4393) [Cost: \$180,000,000.00].

Severally read; and 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 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:

Senate bills

Relative to public employee appreciation day (Senate, No. 1577); and

Providing for the annual observance of Thomas Paine Day (Senate, No. 1602); and

House bills

Modifying the Governor's Highway Safety Committee (printed as Senate, No. 1205, changed);

Relative to prepayment penalties for certain mortgage loans (House, No. 15);

Providing for the destruction of certain dogs (House, No. 1539);

Relative to regional retirement systems (House, No. 2040);

Returning tax title properties to productive use (House, No. 2272);

Relative to increasing the availability of protective gear for renters of recreational sports equipment (House, No. 2283);

Further regulating adoption agencies (House, No. 2919);

Relative to deceased depositors (House, No. 3479);

Relative to the operation of motor vehicles by unlicensed operators (House, No. 3802, changed);

Authorizing the conservation commission of the town of Andover to grant a certain easement (House, No. 4014) [Local Approval Received];

Validating certain elections held in the town of Essex (printed in House, No. 4052);

Relative to elections for town meeting member in Milford (printed in House, No. 4069);

Validating the action taken by the town of Swampscott in certifying certain nomination papers for the April 24, 2001 election in the town of Swampscott (printed in House, No. 4133);

Providing for automatic recount of municipal elections in the city of Springfield (House, No. 4150) [Local Approval Received];

Authorizing the town of West Boylston to establish a department of public works (House, No. 4152) [Local Approval Received];

Relative to infectious disease control (House, No. 4158);

Authorizing the conservation commission of the town of Lunenburg to impose certain fees (House, No. 4203) [Local Approval Received];

Confirming the election of a planning board member to a five year term in the town of Hampden (House, No. 4222) [Local Approval Received];

Validating the proceedings of the annual town election in the town of Hampden (House, No. 4223) [Local Approval Received];

Authorizing the town of Hull to lease certain property (House, No. 4224) [Local Approval Received];

Authorizing the town of Reading to establish an affordable housing trust fund (House, No. 4235) [Local Approval Received];

Increasing the penalty for passing a school bus (House, No. 4239);

Relative to speed limits in cities and towns (House, No. 4318); and

Relative to cooking facilities in lodging houses (House, No. 4320);

Severally 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 Resolutions memorializing Congress to change the formula for certain Social Security benefits (House, No. 996) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting, the question being on adoption.

By Mr. Quinn of Dartmouth, for the committee on Banks and Banking, ought NOT to pass, on the petition (accompanied by bill, House, No. 1533) of J. Joseph Lydon and George Rogers for legislation to regulate the issuance of bank checks or money orders.

By Mr. Tobin of Quincy, for the committee on Criminal Justice, ought NOT to pass, on so much of the recommendations of the Executive Office of Public Safety (House, No. 136) as relates to the possession, transport, use or placement of a hoax device (accompanied by bill, House, No. 156).

By Mr. Donnelly of Boston, for the committee on the Judiciary, ought NOT to pass, on the petition (accompanied by bill, House, No. 1226) of Paul Kujawski relative to the burden of proof in cases involving operating a motor vehicle while uninsured.

By Mr. Koczera of New Bedford, for the committee on Natural Resources and Agriculture, ought NOT to pass, on a message from His Excellency the Governor recommending legislation relative to the reorganization of certain functions within the Executive Office of Environmental Affairs (accompanied by bill, House, No. 3029) [Representative Hill of Ipswich dissenting].

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 authorizing the Board of Selectmen of the town of Plymouth to operate as a crematory corporation (see House, No. 4004) (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.

House bills

Authorizing the Ashfield Water District to assess certain betterments (House, No. 1129);

Relative to small group insurance (House, No. 2361); and

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

The House Resolve extending the time within which the special commission to investigate and report on matters affecting the practice of nursing and the delivery of health care services by nurses (House, No. 4119, changed);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. Fagan of Taunton,—

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