

**JOURNAL OF THE HOUSE.**  
**Thursday, August 15, 2002.**

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows: Eternal God, we believe that Your guidance and assistance are available to all who, in a spirit of humility, call upon You. Inspire us to open our hearts and minds to You, as we struggle to be mindful of Your presence, to serve You and the people conscientiously and to achieve the purpose and destiny for which we were created by You. In addressing today's complex and often emotional issues and policies, let our information be factual, our motive honorable, our goals ethical and our compassion universal. May we be good and patient listeners. Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), 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, recommending legislation relative to the terms of certain bonds and notes to be issued by the Commonwealth (House, No. 5311) was filed in the office of the Clerk on Tuesday, August 13. The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Long-Term Debt and Capital Expenditures.

*Resolutions.*

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

Resolutions (filed by Messrs. Falzone of Saugus and Jones of North Reading) congratulating Luke Kimball on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Messrs. Falzone of Saugus and Jones of North Reading) congratulating Michael Mitchell III on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Keenan of Southwick) honoring the observation of Down Syndrome Awareness;

Resolutions (filed by Mr. Kujawski of Webster) on the occasion of the Webster-Dudley Boys and Girls Club "I can achieve goals for graduation" day;

Resolutions (filed by Mr. LeDuc of Marlborough) congratulating Cosmo and Hazel Valente on the occasion of their 50th wedding anniversary;

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

Resolutions (filed by Mrs. Owens-Hicks of Boston) congratulating Albert Earl Lewis, Jr., on the occasion of his retirement; and

Resolutions (filed by Mr. Stanley of Waltham) congratulating Michael J. McLaughlin, Jr., on the occasion of his retirement;

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Connolly of Everett, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Paper from the Senate.*

The House Order relative to extending until [A] Tuesday, December 31, 2002, the time within which joint standing committees and the committees on Rules of the two branches, acting concurrently, are authorized to make reports on all matters referred to them, came from the Senate with the endorsement that it had been adopted, in concurrence, with an amendment striking out [at "A"] the date "Tuesday, December 31" and inserting in place thereof the date "Monday, September 30".

Under suspension of Rule 35, on motion of Ms. Blumer of Framingham, the amendment was considered forthwith.

Mr. Finneran of Boston then moved that the House concur with the Senate in its amendment with a further amendment by striking out [at "A"] the date "Monday, September 30" and inserting in place thereof the date "Thursday, October 31".

The further amendment was adopted. The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

*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 Martin J. Walsh for legislation to authorize the Trial Court Department to establish a sick leave bank for Richard F. Ryan III, an employee of said court. Under suspension of the rules, on motion of Mr. Connolly of Everett, 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 Mr. Larkin of Pittsfield, for the committee on Education, Arts and Humanities, recommending that the report of the Department of Education (under the provisions of Section 9 of Chapter 70B of the General Laws) submitting a copy of interim regulations for the school building assistance program (House, No. 4982) be placed on file.

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

By Mr. Larkin of Pittsfield, for the committee on Education, Arts and Humanities, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2113) of Peter J. Larkin and other members of the General Court relative to the child labor laws,— and recommending that the same be referred to the committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the discharge of the committee.

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. 5284) of Christine E. Canavan and other members of the House relative to weight discrimination,— and recommending that the same be referred to the committee on the Judiciary. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill relative to the Massachusetts Technology Development Corporation (Senate, No. 2118, amended); and

Of the Bill relative to the sounding of certain warning devices in the town of Concord (House, No. 4226);

And recommending that the same severally be referred to the 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 representative town government in Framingham (House, No. 5164, changed) [Local Approval Received] be scheduled for consideration by the House. Under suspension of Rule 7A, on motion of Ms. Blumer of Framingham, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill relative to police powers in certain buildings in the town of Framingham (House, No. 5186) [Local Approval Received] be scheduled for consideration by the House. Under suspension of Rule 7A, on motion of Ms. Blumer of Framingham, the bill was read a second time forthwith; and it was ordered to a third reading.

*Engrossed Bills.*

## Engrossed bills

Relative to dental and vision care carriers (see House, No. 4676, amended); and  
Authorizing the Attorney General to suspend certain labor laws in an emergency (see House,  
No. 5189, amended);  
(Which severally originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble,  
were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

## Engrossed bills

Relative to repeat offenders of the crime of operating a motor vehicle under the influence of  
alcohol (see Senate, No. 2116);

Authorizing the State Retirement Board to grant a certain pension to Michael G. Sweeney (see  
Senate, No. 2236, amended);  
(Which severally originated in the Senate);

Relative to the sounding of train whistles in the town of Tewksbury (see House, No. 765,  
amended); and

Relative to the use of retired police officers by the city of Leominster (see House, No. 5015,  
changed);  
(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 acting Speaker and sent to the Senate.

## *Orders of the Day.*

### Senate bills

Authorizing affordable housing covenants in the town of Nantucket (Senate, No. 2006,  
amended);  
Authorizing the town of Brewster to establish a road betterment fund (Senate, No. 2273); and  
Relative to voting precincts in the city of Revere (Senate, No. 2400);  
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, in concurrence.

The House Bill relative to the issuance of certain bonds by the city of Everett (House, No.  
5228), 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 relative to establishing a distinctive registration plate process (House, No. 5028)  
was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by adding at the end thereof the following two sections:

“SECTION 2. Chapter 10 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following new section:—

Section 64. (a) There shall be established and set up on the books of the commonwealth in a separate fund to be known as the Commonwealth Security Trust Fund. There shall be credited to said Fund revenues received from the sale of United We Stand distinctive registration plates and interest earnings thereon issued pursuant to section 2E of chapter ninety.

(b) Within 30 days of the effective date of this act, a board of trustees of the Commonwealth Security Trust Fund shall be appointed. The board shall consist of 11 members: secretary of the executive office of public safety; secretary of the executive office of health and human services; registrar of the registry of motor vehicles; one member of the house of representatives appointed by the speaker of the house; one member of the senate appointed by the senate president; and the following individuals appointed by the governor: two law enforcement officers; two firefighters; and two relatives of Massachusetts victims of the September 11, 2001 terrorist attack on America.

The secretary of the executive office of public safety shall serve as chair of the board of trustees. Within 90 days of the effective date of this act, the board of trustees shall adopt operating rules and procedures for its organization and activities and submit such rules and procedures in writing to the house ways and means committee, the senate ways and means committee and the secretary of the executive office of administration and finance. The board shall serve without compensation.

(c) Amounts credited to the Commonwealth Security Trust Fund and interest earnings thereon shall be available for expenditure and not subject to appropriation at the direction of the chair of the board of trustees upon the approval of the board for the following purposes: (i) toward the design, construction and maintenance of a permanent memorial to the Massachusetts victims of the September 11, 2001 terrorist attack on America; (ii) for the benefit of the relatives of such Massachusetts victims, provided that any expenditure under this clause be directed to the Massachusetts 9/11 Fund, Inc. and distributed by such Fund at its discretion; (iii) for providing grants to local police and fire departments for the purpose of enhancing emergency response, including responses to acts of terrorism; (iv) toward the design, construction and maintenance of a law enforcement memorial dedicated to Massachusetts law enforcement officers killed in the line of duty; (v) toward the design, construction and maintenance of a firefighters memorial dedicated to Massachusetts firefighters killed in the line of duty.

SECTION 3. Chapter 90 of the General Laws, as most recently amended by chapter 469 of the Acts of 1996, is hereby further amended by inserting at the end of Section 2E the following paragraph:—

(c) The registrar shall furnish, upon application, to the owners of private passenger motor vehicles distinctive registration plates which shall display on their face a design commemorating the victims and heroes of the September 11, 2001 terrorist attack with the images of the American flag, a figure of an American patriot, and the words “United We Stand”.

There shall be a fee of not less than forty dollars for such plates in addition to the established registration fee for private passenger motor vehicles, such fee being payable at the time of registration of such vehicle and at each renewal thereof. The portion of the fee for the purposes

of offsetting the costs directly attributable to the issuance of such plates shall be deposited in a registry retained revenue account, and of the remaining portion of such fee fifty percent shall be deposited within 90 days of receipt thereof to the Rewards for Justice Fund, to be contributed to the United States State Department's Rewards for Justice program and used solely to apprehend terrorists and bring them to justice, and fifty percent in the Commonwealth Security Fund established by section 64 of chapter ten.”,— was adopted.

Pending the question on ordering the bill, as amended, to a third reading, Messrs. Rogers of Norwood and Toomey of Cambridge moved that it be amended in section 1, in lines 4 to 8, inclusive, by striking out the words “Upon legislative and executive approval of legislation establishing a distinctive license plate, the registrar is hereby authorized and empowered to design, issue and regulate the use of said distinctive registration plate, subject to the following conditions: Organizations” and inserting in place thereof the following: “The registrar is hereby authorized and empowered to design, issue and regulate the use of distinctive registration plates, subject to the following considerations: Within 90 days of the Registrar's approval, organizations”; and by adding at the end of said section the following paragraph:

“(c) Distinctive registration plates to be considered by the Registrar under said conditions may include, but are not limited to, plates that will benefit the following agencies, charities, causes, or non-profit organizations. The Jimmy Fund for the purpose of assisting their efforts in cancer treatment, research, and prevention; The American Cancer Society for the purpose of assisting their efforts in cancer treatment, research, and prevention; the establishment of a Children's Education Fund to assist local cities and towns in purchasing textbooks for their school system; the establishment of a Library Preservation Trust Fund to assist the Commonwealth's public libraries purchase books, periodicals, and other literature and equipment; the Black United Fund of Massachusetts; the establishment of a Diane Zaniboni Breast Cancer Research Fund to be coordinated by the Massachusetts Department of Public Health; the Massachusetts Pharmacy Assistance Program; the Humane Coalition for the purposes of instituting animal control programs; The Rotary Foundation; The Springfield Library and Museum Association for the purposes of creating and supporting a Dr. Seuss Museum in Springfield; The New England Chapter of Transplant Recipients International Organization, Inc. for supporting organ and tissue donation and outreach efforts; the Commonwealth's Department of Environmental Management for the maintenance of historical vessels; University of Massachusetts Scholars Fund and Alumni Fund; the establishment of an Agricultural Trust Fund to promote and enhance the viability of agriculture; the establishment of a Violence Prevention Education program to be coordinated by the Department of Education; an Open Space Acquisition program to be coordinated by the Executive Office of Environmental Affairs; the Second Century Fund coordinated by the Department of Environmental Management for the maintenance, preservation, and operation of the state park system of the Commonwealth; the establishment of a fund to assist in the maintenance and preservation of historical monuments of the Commonwealth; the establishment of a Youth Hockey Promotion Fund to offset the costs of participating in youth hockey and promote improvement of parent and player behavior; the Massachusetts' Lions Eye Research Program and the Lazarus Program; the establishment of a Massachusetts AFL-CIO Scholarship Trust Fund to promote the study of labor history and to provide scholarship assistance to Harvard University's Trade Union Program; the establishment of a Future of Nursing Fund to assist in efforts to address the shortage of nurses in Massachusetts; and The Massachusetts Rider Education Program, to promote driver and motorcycle safety.”.

The amendments were adopted; and the bill (House, No. 5028, amended) was ordered to a third reading.

The House Bill establishing an advisory board to the Massachusetts Port Authority (House, No. 1874) (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, Mr. DeLeo of Winthrop moved that it be amended by substitution of a bill with the same title (House, No. 5312), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

*Order.*

On motion of Mr. Finneran of Boston,—

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

At twenty-four minutes before twelve o'clock noon, on motion of Ms. Polito of Shrewsbury (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.