

JOURNAL OF THE HOUSE.

Thursday, September 27, 2001.

Met at eight minutes after eleven o'clock A.M., in an Informal Session, with Mr. Tobin of Quincy 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 proclaim our belief in You and in Your personal interest in the total well-being of each member of the one human family. We also believe that You watch over us by night and by day and that Your mysterious ways are often beyond human understanding. In this rapidly changing world, grant us the strength and the wisdom to cope with the challenges and the problems, which come our way, in a mature and reasonable manner. Our prayers and our thoughts are with the Jewish Community on this, the holiest of days, Yom Kippur, a time for prayer, fasting, reflection and atonement. Strengthened by Your grace and help, may we all reflect on our past failings, but plan for the future with hope, confidence and enthusiasm. Let the goodwill, the spirit, generosity and the warm human and prayerful response of the American people during these past two weeks, a reflection of the real America, be with us at all times.

Bestow Your blessings on the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Tobin), 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, recommending legislation relative to clarifying the open container law (House, No. 4586) was filed this day in the office of the Clerk.

The message was read; and it was referred, on motion of Mr. Bosley of North Adams, with the accompanying draft of a bill, to the committee on Rules.

Subsequently (Mr. Bosley being in the Chair) Mr. Scaccia of Boston, for said committee, reported on the foregoing message, a Bill to clarify the open container law (printed in House, No. 4586), which was read.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the bill was read a second forthwith.

Pending the question on ordering the bill to a third reading, the same member moved that it be amended by inserting before the enacting clause the following emergency preamble:

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith the possession of alcoholic beverages in motor vehicles, therefore it is hereby

declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.”.

The amendment was adopted; and the bill, as amended, was ordered to a third reading.

Under suspension of the rules, on further motion of Mr. Peterson, the bill (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. The bill (printed in House, No. 4586, amended) then was sent to the Senate for concurrence.

Mr. Tobin of Quincy being in the Chair,—

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to extending simulcast wagering of horse and dog racing (House, No. 4587) was filed in the office of the Clerk on Wednesday, September 26.

The message was read; and it was referred, on motion of Mr. Bosley of North Adams, with the accompanying draft of a bill, to the committee on Rules.

Subsequently (Mr. Bosley being in the Chair) Mr. Scaccia of Boston, for said committee, reported on the foregoing message, a Bill relative to extending simulcast wagering of horse and dog racing (printed in House, No. 4587), which was read.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the bill was read a second forthwith.

Pending the question on ordering the bill to a third reading, the same member moved that it be amended in sections 1 to 5, inclusive, by striking out at the end of said sections the date “November 14, 2001” and inserting in place thereof, in each instance, the date “October 15, 2001”; and by inserting before the enacting clause the following emergency preamble:

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to extend forthwith simulcast wagering of horse and dog racing, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendments were adopted; and the bill, as amended, was ordered to a third reading.

Under suspension of the rules, on further motion of Mr. Peterson, the bill (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. The bill (printed in House, No. 4587, amended) then was sent to the Senate for concurrence.

Resolutions.

Mr. Tobin of Quincy being in the Chair,—

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

on Rules:

Resolutions (filed by Mr. Marini of Hanson and other members of the House) honoring Michael J. Sullivan;

Resolutions (filed by Ms. Flavin of Easthampton) congratulating the National Association of Retired Federal Employees on the occasion of its eightieth anniversary;

Resolutions (filed by Mr. Koczera of New Bedford) congratulating Mr. and Mrs. Stanley Los on the occasion of their sixtieth wedding anniversary;

Resolutions (filed by Mr. Koczera of New Bedford) congratulating Mr. and Mrs. Edward Piwowarczyk on the occasion of their fiftieth wedding anniversary;

Resolutions (filed by Mr. Leary of Worcester and other members of the House) memorializing the Congress of the United States to enact legislation granting posthumous citizenship to noncitizen servicemen killed in action in the armed forces of the United States;

Resolutions (filed by Mr. Linsky of Natick) congratulating Richard Ball on the occasion of his retirement from the Natick Fire Department;

Resolutions (filed by Mr. Linsky of Natick) congratulating Lieutenant Brent Gilman on the occasion of his retirement from the Natick Fire Department;

Resolutions (filed by Mr. O'Brien of Kingston) congratulating Anita Bonzagni on the occasion of her one hundredth birthday;

Resolutions (filed by Mr. Petersen of Marblehead) congratulating Dr. George L. MacDonald;

Resolutions (filed by Mr. Quinn of Dartmouth and other members of the House) congratulating Doctor Jean F. MacCormack on her investiture as Chancellor of the University of Massachusetts Dartmouth;

Resolutions (filed by Mr. Rogers of New Bedford) congratulating Joseph Auger on the occasion of his retirement; and

Resolutions (filed by Mr. Swan of Springfield) congratulating Mamie J. Hagan on the occasion of her one hundredth birthday;

Mr. DiMasi 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 Mr. Ruane of Salem, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

Communications

From the Board of Higher Education submitting a copy of a request for an appropriation to fund

a collective bargaining agreement between the Board of Higher Education and the Massachusetts Teachers Association/Association of Professional Administrators; and

From the Clerk of the House of the West Virginia House of Delegates transmitting House Resolutions No. 1 expressing the sense of the House of Delegates and decrying the outrageous terrorist attacks launched against the United States on Tuesday, September 11, 2001;

Severally placed on file.

Annual and Quarterly Reports.

The annual report of the Massachusetts Technology Development Corporation (under the provisions of Section 7 of Chapter 40G of the General Laws) for the fiscal year ending June 30, 2001; and

A quarterly report of the Massachusetts Convention Center Authority (under the provisions of Section 5L of Chapter 152 of the Acts of 1997) relative to all contracts regarding the Boston Convention and Exhibition Center project entered by said authority;

Severally were placed on file.

Petitions.

Mr. Hargraves of Groton presented a petition (accompanied by bill, House, No. 4585) of Robert S. Hargraves and Steven C. Panagiotakos (by vote of the town) relative to authorizing the town of Pepperell to establish a board of public works; 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. Dempsey of Haverhill, petition (subject to Joint Rule 12) of Brian S. Dempsey relative to the sale of wine in gift baskets.

By Mr. Marini of Hanson, petition (subject to Joint Rule 12) of Francis L. Marini and other members of the House relative to income taxation for certain payments made to victims of the September 11, 2001 terrorist attack on the United States.

By Mr. O'Brien of Kingston, petition (subject to Joint Rule 12) of Thomas J. O'Brien, Marc R. Pacheco, David L. Flynn and another relative to the chairman in regional retirement systems.

By Mrs. Teahan of Whitman, petition (subject to Joint Rule 12) of Kathleen M. Teahan and other members of the House for legislation to establish an oral health outreach education program for child recipients of Medicaid services.

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

Papers from the Senate.

The engrossed Bill authorizing the town of Lancaster to place certain questions relative to the

sale of alcoholic beverages on the town's election ballot (see House, No. 4181, amended) came from the Senate with amendments in section 1 (as printed), in lines 25 and 26, and also in line 32, by striking out the words "restaurant alcohol licenses of any type" and inserting in place thereof, in each instance, the words "such licenses".

Under suspension of Rule 35, on motion of Mrs. Walrath of Stow, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

The following order came from the Senate with the endorsement that it had been adopted by said branch:

Ordered, That, notwithstanding the provisions of Joint Rule 10, joint standing committees and the committees on Rules of the two branches, acting concurrently, be granted until Thursday, November 1, 2001 within which to make reports on matters referred to them.

Under suspension of the rules, on motion of Mr. O'Brien of Kingston, the order was considered forthwith; and it was adopted, in concurrence.

A Bill establishing the crime of communicating a terroristic threat (Senate, No. 2122) (on Senate, No. 174), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33B, to the committee on Science and Technology.

A Bill providing equal employment benefits for public sector employees (Senate, No. 2123) (on Senate bill No. 2120), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Bills

Relative to the practice of public accountancy (Senate, No. 402) (substituted for a report of the committee on Government Regulations, ought NOT to pass);

Authorizing certain group insurance benefits in the town of Brookline (printed as House, No. 528) (on a petition) [Local Approval Received]; and

Authorizing the city of Cambridge to provide health insurance to domestic partners of city employees (printed as House, No. 4225) (on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A petition of Joan M. Menard, SEIU, by Susana Segat, president, Linda J. Melconian, Robert E. Travaglini, other members of the General Court and Michael J. Callahan for legislation relative to state employees summonsed to active duty in the Armed Forces of the United States, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2126) was referred, in concurrence, to the committee on

Public Service.

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 James P. Jajuga, Arthur J. Broadhurst and others (with the approval of the mayor and city council) for legislation to authorize the city known as the town of Methuen to enter into a lease agreement with Dispatch Communications of Londonderry, New Hampshire, notwithstanding the provisions of the uniform procurement law. Under suspension of the rules, on motion of Mr. Broadhurst of Methuen, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration. Sent to the Senate for concurrence.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Taxation to make an investigation and study of certain House documents concerning tax burdens, tax incentives, personal income tax and various other related matters (House, No. 4520) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2996) of Daniel E. Bosley relative to exempting certain telecommunications equipment from the sales tax,— and recommending that the same be recommitted to the committee on Taxation. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Donnelly of Boston, for the committee on the Judiciary, on a petition, a Bill relative to the witchcraft trial of 1692 (House, No. 2752) [Senator Lees and Representative Linsky of Natick dissenting]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Ruane of Salem, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Bosley of North Adams, for the committee on Government Regulations, on a petition, a Bill authorizing the town of Maynard to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4200) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mrs. Pope of Wayland, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill amending Chapter 66 of the Acts of 1998 that established a liability insurance fund in the town of Brookline (House, No. 4302) ought to pass [Local Approval Received]. Referred, under Rule 7A, to the committee on

Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

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

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill concerning parking violations in the town of Brookline (House, No. 4304) ought to pass [Local Approval Received]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

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

By Mr. Casey of Winchester, for the committee on Taxation, on a petition, a Bill relative to the creation of a Belmont senior center furnishings and accessories fund (House, No. 4206), which was read [Local Approval Received].

Under suspension of the rules, on motion of Mrs. Paulsen of Belmont, 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 authorizing the exchange of land between the town of Duxbury and Serge H. Roy and Caroline Patacchiola-Roy (House, No. 4297) [Local Approval Received] be scheduled for consideration by the House.

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

By Mr. Donnelly of Boston, for the committee on the Judiciary, on House, Nos. 474, 1220 and 4128, an Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents concerning the Lowell District Court, the appointment of judges for a term of six years and prohibiting the practice of abortion in the Commonwealth (House, No. 4578).

By Mr. Toomey of Cambridge, for the committee on Public Safety, on House, Nos. 306, 1085, 2027, 3415, 3587 and 3968, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning school bus safety, registration of non-commercial trailers and a system of commercial vehicle weight certification (House, No. 4579).

By the same member, for the same committee, on House, Nos. 310, 498, 1267, 1632, 1633, 2595, 3170, 3409, 3600, 3602, 3810 and 3815, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning

motorized scooters, motorcycle awareness and training programs, the regulation of jets skis and snowmobiles and other related matters (House, No. 4580).

By the same member, for the same committee, on House, Nos. 312, 494, 507, 1087, 1275, 1276, 1460, 1645, 1650, 2016, 2021, 2022, 2229, 2963, 3168, 3169, 3787 and 3814, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning the issuance of firearm identification cards and licenses, the use of chemical mace and the sale of handguns in the Commonwealth (House, No. 4581).

By the same member, for the same committee, on House, Nos. 508, 663, 664, 863, 1077, 1265, 2393, 2771, 2774, 2777, 3167, 3173, 3597, 3789 and 3973, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning the issuance of distinctive license plates in the Commonwealth (House, No. 4582).

By the same member, for the same committee, on House, Nos. 667, 1078, 1643, 2023, 2395, 2400 and 2596, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning emergency personnel and other related public safety issues (House, No. 4583).

By Mr. Dempsey of Haverhill, for the committee on Public Service, on House, Nos. 345, 509, 524, 536, 676, 692, 705, 707, 709, 711, 712, 886, 897, 910, 1294, 1475, 1481, 1484, 1493, 1654, 1666, 1857, 2238, 2418, 2419, 3183, 3424, 3607, 3608, 3613, 3817 and 3888, an Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning employment, training, promotion, residency and hiring of public employees in cities and towns and the Commonwealth and other related matters (House, No. 4584).

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 Mrs. Simmons of Leominster, for the committee on Counties on the part of the House, that the following bills ought to pass:

Bill relative to providing equity in the provision of prescription drug coverage (House, No. 1017); and

Bill to establish a patient choice option for health care coverage (House, No. 2364);

Severally 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 establishing the Mashpee economic development and industrial corporation (House, No. 4430)

[Local Approval Received]. Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Scaccia of Boston, for the committee on Rules, that the following bills ought to pass:

Bill clarifying certain interests in bankruptcy proceedings (House, No. 576); and

Bill to deter unlicensed practice of engineering and land surveying (House, No. 2894);

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

By Mr. Greene of Billerica, for the committee on Commerce and Labor, on a petition, a Bill authorizing the assumption of certain utility costs by lessees and tenants (House, No. 408).

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill relative to creating an advisory board to the Massachusetts Port Authority (House, No. 1874).

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

Orders of the Day.

House bills

Relative to exchange of interests in land located in the town of Hingham and for an improved waterfront park and improved access to water transportation facilities (House, No. 4102);

Authorizing the town of Reading to establish an affordable housing trust fund (House, No. 4235); and

Designating the conference room in the Everett Allied Rink as the Michael V. Fonzi Memorial Room (House, No. 4269);

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.

Recess.

At twelve minutes after one o'clock P.M., Mr. Bosley of North Adams took the Chair and declared a recess subject to the call of the Chair; and at one minute before two o'clock the House was called to order with the Mr. Bosley in the Chair.

Emergency Measures.

The engrossed Bill clarifying the open container law (see House bill printed in House, No. 4586, amended), 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 2 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to extending simulcast wagering of horse and dog racing (see House bill printed in House, No. 4587, amended), 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 2 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. Greene of Billerica,—

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

At fourteen minutes after two o'clock P.M., on motion of Mr. Tobin of Quincy (Mr. Bosley of North Adams being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.