

JOURNAL OF THE HOUSE.

Monday, October 1, 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:

Gracious God, at the beginning of a new month and a new week, we pray for Your assistance in our search for wisdom, truth and guidance as we address the legislative and public policy issues of this and every day. In these uncertain and changing times, help us to read the signs of the times accurately, so that people, our communities and the Commonwealth will be served. Teach us to be aware of, and to learn from, the legislative successes and failures of those who have gone before us, so that our decisions and programs will be thoughtful and relevant. Inspire us to be leaders who articulate current issues clearly and work with others in building a safe, peaceful, healthy and compassionate society.

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.

Message from the Acting Governor.

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. 4597) was filed in the office of the Clerk on Friday, September 28.

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. Barrios of Cambridge) commending the Massachusetts Interfaith Alliance;

Resolutions (filed by Messrs. deMacedo of Plymouth, O'Brien of Kingston and Marini of Hanson) congratulating Dennis R. Smith;

Resolutions (filed by Mr. Kaufman of Lexington) congratulating Zachary Kowalczyk on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Messrs. Koutoujian of Newton and Stanley of Waltham) congratulating Coach J. Lee Gould;

Resolutions (filed by Mr. Kennedy of Brockton and other members of the House) congratulating Daniel M. Crane;

Resolutions (filed by Mr. Marzilli of Arlington) congratulating Jeffrey Quigley on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Pedone of Worcester) congratulating Carmelita Bello; and

Resolutions (filed by Representatives Poirier of North Attleborough and Lepper of Attleboro) congratulating Mr. and Mrs. Emilio G. Gautieri, Jr., on the occasion of their 50th Wedding Anniversary;

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

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Galvin of Canton, petition (accompanied by bill, House, No. 4588) of William C. Galvin (by vote of the town) relative to increasing the membership of the board of selectmen of the town of Canton;

By Mr. Greene of Billerica, petition (accompanied by bill, House, No. 4589) of William G. Greene, Jr., and Robert A. Havern (by vote of the town) relative to authorizing the town of Billerica to establish a sewer fund; and

By the same member, petition (accompanied by bill, House, No. 4590) of William G. Greene, Jr., and Robert A. Havern (by vote of the town) relative to authorizing the town of Billerica to establish an affordable housing fund;

Severally to the committee on Local Affairs.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Dempsey of Haverhill, petition (subject to Joint Rules 12 and 9) of Brian S. Dempsey (with the approval of the mayor and city council) for legislation to change a portion of the Merrimack River harbor line along the waterfront of the city of Haverhill.

By Mr. Frost of Auburn, petition (subject to Joint Rule 12) of Paul K. Frost and Mark J. Carron relative to exempting veterans from the payment of certain tolls.

By Mr. Koutoujian of Newton, petition (subject to Joint Rule 12) of Peter J. Koutoujian and other members of the House relative to local tax assessments.

By Mr. Petersen of Marblehead (by request), petition (subject to Joint Rule 12) of John E. Whipple relative to establishing a local income tax for financing municipal government.

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

Papers from the Senate.

A petition (accompanied by bill, Senate, No. 2125) of Michael W. Morrissey, Bruce J. Ayers and Ronald Mariano (with the approval of the mayor and city council) for legislation to authorize the city of Quincy to lease a certain parcel of land and building, was referred, in concurrence, to the committee on State Administration.

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

Petition (accompanied by bill, Senate, No. 2130) of Stanley C. Rosenberg and Ellen Story for legislation to authorize the Board of Registration of Dieticians and Nutritionists to issue a certain license to Arshid Nabet. To the committee on Government Regulations.

Petition (accompanied by bill, Senate, No. 2131) of Richard T. Moore, John P. Fresolo, Robert Spellane, Mark J. Carron and other members of the General Court for legislation to include the employees of the Central Massachusetts Regional Planning Commission in the group insurance plan. To the committee on Insurance.

Petition (accompanied by bill, Senate, No. 2132) of Edward J. Clancy, Jr. for legislation relative to small claims procedures. To the committee on the Judiciary.

Petition (accompanied by bill, Senate, No. 2133) of Edward J. Clancy, Jr. for legislation to authorize the issuance of distinctive registration plates for certain military reserve force personnel. To the committee on Public Safety.

Petition (accompanied by bill, Senate, No. 2134) of Susan C. Tucker, James R. Miceli and David M. Nangle for legislation to authorize the exchange of certain land between the town of Tewksbury and the Commonwealth. To the committee on State Administration.

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 Marie J. Parente for legislation to prohibit the hiring by human and social services agencies of persons convicted of certain crimes. To the committee on Human Services and Elderly Affairs.

Petition (accompanied by bill) of Brian M. Cresta, other members of the House and another relative to motor vehicle insurance surcharges on collisions caused by defects in public ways; and

Petition (accompanied by bill) of Douglas W. Petersen for legislation to require health insurance companies to provide certain information relative to customary charges for physician services;

Severally to the committee on Insurance.

Petition (accompanied by bill) of Edward G. Connolly and Brian Knuuttila relative to the collection of past due restitution by the commissioner of probation. To the committee on the Judiciary.

Petition (accompanied by bill) 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. To the committee on Public Safety.

Petition (accompanied by bill) of Ruth W. Provost and Therese Murray (by vote of the town) relative to Roberti Farm in the town of Sandwich; and

Petition (accompanied by bill) of Salvatore F. DiMasi relative to authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to transfer certain land to the city of Boston;

Severally to the committee on State Administration.

Petition (accompanied by bill) of Mark V. Falzone and Edward J. Clancy, Jr., relative to designating certain bridges in the town of Saugus in honor of certain veterans of said town. To the committee on Transportation.

Under suspension of the rules, on motion of Mr. deMacedo of Plymouth, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4312) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 869) of Robert Correia and Joan M. Menard that the State Retirement Board be authorized to grant certain creditable service to Harvey J. Chopp,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

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 so much of the recommendations of the Department of Revenue (House, No. 189) as relates to the disclosure of tax information of the sale of tobacco products (accompanied by bill, House, No. 193);

Of so much of the recommendations of the Department of Revenue (House, No. 189) as relates to exemptions for property tax and motor vehicle excise for veterans and others (accompanied by bill, House, No. 197);

Of so much of the recommendations of the Department of Revenue (House, No. 189) as relates to simplifying compliance with income tax withholding and employment taxes (accompanied by bill, House, No. 203);

Of the petition (accompanied by bill, House, No. 367) of John P. Fresolo and another for legislation to improve the motor vehicle excise abatement process;

Of the petition (accompanied by bill, House, No. 376) of John P. Fresolo and another relative to the assessment of local property taxes for persons of financial hardships;

Of the petition (accompanied by bill, House, No. 386) of Angelo M. Scaccia relative to the assessment of local taxes of resident owners of cooperative housing corporations;

Of the petition (accompanied by bill, House, No. 1890) of Nancy Flavin relative to the computation of taxes on income derived from trusts;

Of the petition (accompanied by bill, House, No. 2083) of the Associated Industries of Massachusetts, Kevin G. Honan and other members of the General Court for legislation to clarify the law relative to the sales tax on electricity;

Of the petition (accompanied by bill, House, No. 2090) of David Paul Linsky relative to the classification of real property for purposes of taxation;

Of the petition (accompanied by bill, House, No. 2440) of Viriato Manuel deMacedo and other members of the General Court relative to providing for tax deductions for the cost of health insurance payments made by self-employed persons; and

Of the petition (accompanied by resolve, House, No. 3472) of Thomas M. Menino, Martin J. Walsh and Marian Walsh for an investigation by a special commission (including members of the General Court) relative to property tax exemptions in the Commonwealth;

And recommending that the same severally be recommitted to the committee on Taxation.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Toomey of Cambridge, for the committee on Public Safety, on House, Nos. 497, 866, 1263, 1634, 2226, 2594, 3598, 3599, 3784, 3785, 3786, 3799 and 3807, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House

documents concerning motorcycle safety and the use of protective headgear while operating a motorcycle in the Commonwealth (House, No. 4591).

By the same member, for the same committee, on House, Nos. 657, 668, 858, 859, 868, 1649, 2228, 2230, 2402, 2403, 2591, 2598, 2772, 3164, 3166, 3404, 3406, 3407, 3582, 3792, 3970, 3972 and 3975, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning pre-release programs, medical care and treatment for prison inmates, Department of Correction programs and other related matters (House, No. 4592).

By the same member, for the same committee, on House, Nos. 867, 1088, 2578, 2580, 2582, 2587, 2770, 3588, 3593 and 3812, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning speed limit violations, pedestrian safety, state police, lock-up facilities and other related public safety matters (House, No. 4593).

By the same member, for the same committee, on House, Nos. 1073, 1074, 1261 and 1642, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning sprinkler systems in college dormitories, municipal fire inspectors and fire fighter recruit training programs (House, No. 4594).

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. Tobin of Quincy, for the committee on Criminal Justice, on House, Nos. 3497 and 4136, a Bill to establish sentencing guidelines (House, No. 4596).

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of West Boylston (House, No. 4494) [Local Approval Received].

By the same member, for the same committee, on a petition, a Resolve establishing a John Adams memorial study commission (House, No. 4516).

By the same member, for the same committee, on House, No. 4433, a Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain property in the city of North Adams (House, No. 4595).

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

Engrossed Bills.

The engrossed Bill validating the actions taken at the annual town meeting of the town of Eastham (see House bill printed in House, No. 4230) (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 (more than two-thirds of the members having agreed to pass the same); and it was signed by the Speaker and sent to the Senate.

Engrossed bills

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);

Validating the election of a planning board member to a 5 year term in the town of Hampden (see House, No. 4222);

Validating the proceedings of the annual town election in the town of Hampden (see House, No. 4223);

Relative to the Hillcrest Sewer District (see House, No. 4363); and

Relative to the annual observance of Arthritis Awareness Day (see House, No. 4391);

(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 authorizing the town of Westport to make an appeal to the appellate tax board (printed in House, No. 4324) (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; and it was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. Jones of North Reading,—

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

At twenty-five minutes after eleven o'clock A.M., on motion of Mr. Jones of North Reading, the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.

