

JOURNAL OF THE HOUSE.

Thursday, October 4, 2001.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. O'Flaherty of Chelsea 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:

Holy Spirit of God, we pause for a moment in our daily routine to reflect on Your presence in our midst, on our need for Your guidance in making decisions and on Your always-available assistance in performing our daily obligations. Often, addressing our responsibilities seems to be beyond our own wisdom and daily challenges beyond our emotional and intellectual strength. Teach us to take one day at a time. The celebration of Columbus Day on Monday reminds us of the countless blessings this land offers to us as well as the courage which Christopher Columbus and his crew manifested by their arduous journey. As Columbus was looking for and discovered "the new world", help us to take advantage, in a positive and creative manner, of today's new world of technology and information.

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

At the request of the Chair (Mr. O'Flaherty), 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 promoting public safety in the Commonwealth (House, No. 4621) was filed in the office of the Clerk on Wednesday, October 3.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Public Safety. 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 Representatives Finneran of Boston, Timilty of Milton and Owens-Hicks of Boston) congratulating John A. Cronin on the occasion of his retirement as Milton Town Administrator;

Resolutions (filed by Ms. Candaras of Wilbraham) congratulating Grace Union Church on the occasion of its one hundred and twenty-fifth anniversary;

Resolutions (filed by Mr. Connolly of Everett) congratulating Congregation Tifereth Israel of

Everett on the occasion of its ninetieth anniversary;

Resolutions (filed by Mr. Koczera of New Bedford) congratulating Gerald P. “Gerry” Rooney on the occasion of his retirement;

Resolutions (filed by Mr. Linsky of Natick) on the occasion of the dedication of the Sherborn Police Station;

Resolutions (filed by Mr. Rogers of Norwood) on the occasion of the 2nd Annual Joe Shambo, Jr. Golf Tournament; and

Resolutions (filed by Representatives Smizik of Brookline, Balser of Newton, Demakis of Boston, Donnelly of Boston and Golden of Boston) honoring Jack Steverman for 55 years of continuous membership and service to the Kiwanis Club of Brookline;

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. Koczera, 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 Secretary of the Executive Office for Administration and Finance (under the provisions of Section 3B of Chapter 7 of the General Laws) transmitting notice relative to the elimination of certain filing fees collected by the Department of Revenue;

From the Secretary of the Executive Office for Administration and Finance (under the provisions of Section 3B of Chapter 7 of the General Laws) transmitting notice of the Secretary’s intention to amend certain CMR regulations relative to fees charged by state agencies;

From the Secretary of the Executive Office for Administration and Finance (under the provisions of Section 3B of Chapter 7 of the General Laws) transmitting notice of the Secretary’s intention to amend certain CMR regulations relative to licensure fees of Home Inspectors;

From the Secretary of the Executive Office for Administration and Finance (under the provisions of Section 3B of Chapter 7 of the General Laws) transmitting notice of the Secretary’s intention to amend certain CMR regulations relative to licensure fees of Home Inspectors;

From the Secretary of the Executive Office for Administration and Finance (under the provisions of Section 3B of Chapter 7 of the General Laws) transmitting notice of the Secretary’s intention to amend certain CMR regulations relative to licensure fees for Perfusionists;

From the Secretary of the Executive Office for Administration and Finance (under the provisions of Section 3B of Chapter 7 of the General Laws) transmitting notice of the Secretary's intention to amend certain CMR regulations relative to licensure fees for Dietitians and Nutritionists; and

From the Secretary of the Executive Office for Administration and Finance (under the provisions of Section 3B of Chapter 7 of the General Laws) transmitting notice of the Secretary's intention to amend certain CMR regulations relative to fees charged by state agencies;

Severally were placed on file.

Petition.

Mr. Connolly of Everett presented a petition (subject to Joint Rule 12) of Edward G. Connolly and other members of the General Court relative to establishing a special commission to make an investigation and study of constructing a memorial for the victims of the national disaster of September 11, 2001; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

The engrossed Bill relative to the charter of the city known as the town of Watertown (see House, No. 4478) came from the Senate with an amendment in section 24, in line 1 (as engrossed), by striking out the word "This" and inserting in place thereof the following: "Notwithstanding section 42C of chapter 54 of the General Laws, this".

Under suspension of Rule 35, on motion of Ms. Kaprielian of Watertown, the amendment (a report of the committee on Bills in the Third Reading asking to be discharged from further consideration thereon having been accepted) was considered forthwith; and it was adopted, in concurrence.

A petition of Andrea F. Nuciforo, Jr., and Shaun P. Kelly for legislation to authorize the Division of Capital Asset Management and Maintenance to release certain easements to O'Connell Oil Associates, Inc., came from the Senate referred, under suspension of Joint Rule 12, to the committee on State Administration.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2136) was referred, in concurrence, to the committee on State Administration.

Reports of Committees.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Energy to make an investigation and study of certain House documents concerning nuclear power plants and the health effects of electric and magnetic fields (House, No. 4085) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2507) of Vincent A. Pedone that the Department of Public Health be directed to distribute thyroid-blocking agents to residents and persons working within

a certain radius of a nuclear power plant,— and recommending that the same be recommitted to the committee on Energy. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from Her Honor the Lieutenant-Governor, Acting Governor, a Bill making certain appropriations for the fiscal year ending June 30, 2002, before final action on the General Appropriation Bill for that fiscal year (printed in House, No. 4597), which was read.

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

Subsequently, under suspension of the rules, on motion of Mr. Peterson of Grafton, the bill (having been 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.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill relative to voting precincts in the town of Franklin (House, No. 4474) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Speliotis of Danvers, 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 voting precincts in the town of Ludlow (printed in House, No. 4518, changed) be scheduled for consideration by the House.

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

By Ms. Stanley of West Newbury, for the committee on Health Care, on Senate, No. 596 and House, No. 1007, an Order relative to authorizing the committee on Health Care to make an investigation and study of certain Senate and House documents concerning nursing homes for pediatric residents (House, No. 4614).

By the same member, for the same committee, on House, No. 3292, an Order relative to authorizing the committee on Health Care to make an investigation and study of a certain House document concerning health benefits for released prisoners (House, No. 4615).

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on Senate, No. 706 and House, Nos. 454, 616, 1025, 1028, 1204, 2711, 2766 and 3116, an Order relative to authorizing the committee on Human Services and Elderly Affairs to make an investigation and study of certain Senate and House documents concerning children and family services (House, No. 4616).

By Mr. Donnelly of Boston, for the committee on the Judiciary, on House, Nos. 209, 214 and

4387, an Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents concerning abandoned property and other related judicial matters (House, No. 4617).

By the same member, for the same committee, on House, Nos. 471, 639, 1055, 3366 and 3376, an Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents concerning arrests, interrogations and other related judicial matters (House, No. 4618).

By Mrs. Parente of Milford, for the committee on Local Affairs, on House, Nos. 4326 and 4462, an Order relative to authorizing the committee on Local Affairs to make an investigation and study of certain House documents concerning the town of Braintree and the town of Amherst (House, No. 4619).

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. Koczera of New Bedford, for the committee on Natural Resources and Agriculture, on House, No. 4460, a Bill to regulate coal ash as solid waste (House, No. 4620). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on a petition, a Bill to protect the privacy of elders (House, No. 4562). 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; and, under said rule, it was 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:

House bills

To protect the rights of persons subject to guardianship proceedings (House, No. 73);

Relative to gift certificates (House, No. 216);

To enhance the aquaculture industry of the Commonwealth (House, No. 300, changed);

Designating a certain bridge in Hyde Park as the Joseph M. Kearney Bridge (House, No. 391);

Designating a certain bridge in Hyde Park as the Thomas J. Geraghty Bridge (House, No. 392);

Providing visitation rights for great grandparents (House, No. 485);

Designating the Beale Street Bridge spanning the Massachusetts Bay Transportation Authority railway corridor as the United States Marshal William Degan Memorial Overpass (House, No. 763);

Concerning the orientation of school committee members (House, No. 783, changed);

Establishing a sick leave bank for a certain employee of the Trial Court of the Commonwealth (House, No. 852);

Regarding county agricultural schools (House, No. 1166);

Establishing a sick leave bank for a certain employee of the Trial Court of the Commonwealth (House, No. 1218);

Further regulating annual meetings of condominiums (House, No. 1397);

Relative to the use of telephones in places of detention (House, No. 1430);

Proclaiming April as Armenian-American Heritage Month (House, No. 1501);

Further regulating the open meeting law (House, No. 1504);

Extending homestead protection for elderly and disabled persons to mobile homes (House, No. 1612);

Concerning conflict of interest (House, No. 1682);

Relative to the open meeting law (House, No. 1689);

Relative to liquor liability insurance (House, No. 1787);

Relative to appellate review (House, No. 1808);

Relative to minority business enterprises (House, No. 1909);

Providing for the mandatory escrowing of withheld rent to facilitate resolution of summary process cases (House, No. 1979);

Relative to contracts for minors (House, No. 1990);

Requiring pilots for certain vessels (House, No. 4380); and

Authorizing certain terms for borrowing by the town of Norfolk for constructing a golf course (House, No. 4423) [Local Approval Received];

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

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

Requiring the posting of security for the seizure and impoundment of animals (House, No. 2202); and

Relative to the Nantucket Islands Land Bank (House, No. 3659);

By Mr. Wagner of Chicopee, for the committee on Election Laws, that the Bill relative to reprecincting (House, No. 993) ought to pass;

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill relative to the governance and management of state chartered banks (House, No. 1723) ought to pass; and

By Mr. Broadhurst of Methuen, for the committee on Science and Technology, that the Bill relative to the establishment of municipal police technology funds (House, No. 3583) ought to pass;

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 relative to the manufacture of food products (House, No. 771).

By Mr. Bosley of North Adams, for the committee on Government Regulations, on House, Nos. 136 and 142, a Bill relative to the licensing of pipefitters (House, No. 142).

By Ms. Stanley of West Newbury, for the committee on Health Care, on House, Nos. 130 and 133, a Bill requiring immunization of certain students (House, No. 133).

By the same member, for the same committee, on a petition, a Bill relative to funerals (House, No. 1004).

By the same member, for the same committee, on a petition, a Bill relative to the pronouncement of death by a nurse practitioner (House, No. 1758, changed in section 1, in line 11, by striking out the word “the” and inserting in place thereof the words “said physician or”; and by striking out section 2 and inserting in place thereof the following section:

“SECTION 2. Section 45 of Chapter 114 of the General Laws is hereby amended in line 27 by striking out the words ‘nurse or a registered physician assistant’ and inserting in place thereof the words:— nurse, registered physician assistant, or nurse practitioner.”).

By the same member, for the same committee, on a petition, a Bill relative to criminal offender record information checks for assisted living employees (House, No. 2313).

By Mrs. Teahan of Whitman, for the same committee, on a petition, a Bill extending the time for the filing of a certain report by the Department of Public Health (House, No. 1014).

By Mr. Donnelly of Boston, for the committee on the Judiciary, on a petition, a Bill providing for the right to counsel for litigants at trial of divorce proceedings (House, No. 473).

By the same member, for the same committee, on a petition, a Bill relative to the admittance of attorneys to court facilities (House, No. 1049).

By the same member, for the same committee, on a petition, a Bill relative to the concurrent jurisdiction of the Land Court (House, No. 1989, changed by striking out section 2 and inserting in place thereof the following section:

“SECTION 2. The first paragraph of section 17 of said chapter 40A is hereby amended by inserting in line 10 before the words ‘superior court’ the words ‘land court or’; and by inserting in line 13 before the words ‘superior court’ the words:— land court or.”).

By Mr. Koczera of New Bedford, for the committee on Natural Resources and Agriculture, on House, Nos. 81 and 84, a Bill relative to the Forest Cutting Practices Act and violations thereof (House, No. 84).

By the same member, for the same committee, on a petition, a Bill relative to orders of conditions (House, No. 652, changed in line 2 by striking out the year “1996” and inserting in place thereof the year “2000”; in line 4 by striking out the figures “456” and inserting in place thereof the figures “451”; and by adding at the end thereof the following sentence: “Such designation shall be added only if the applicant provides the necessary information in a timely fashion to the conservation commission.”).

By the same member, for the same committee, on a petition, a Bill relative to agricultural land (House, No. 3157).

By Mr. Toomey of Cambridge, for the committee on Public Safety, on a petition, a Bill relative to the license of school bus operators (House, No. 1262).

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a petition, a Bill further regulating the eligibility requirements for civil service applications for examination or registration (House, No. 2410).

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill establishing a memorial for members of the armed forces who died in the Persian Gulf Conflict (House, No. 921).

By the same member, for the same committee, on a petition, a Bill directing certain payments to cities and towns by the Massachusetts Port Authority (House, No. 1875).

By the same member, for the same committee, on a petition, a Bill relative to records open to public inspection (House, No. 3189).

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

By Ms. Stanley of West Newbury, for the committee on Health Care, on a petition, Resolutions relative to veteran rehabilitation hospitals (House, No. 248). referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

Engrossed bills

Relative to the charter of the city known as the town of Watertown (see House, No. 4478, amended); and

Making certain appropriations for the fiscal year ending June 30, 2002, before final action on the General Appropriation Bill for that fiscal year (see House, No. 4597);

(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.

House bills

Establishing a presumption relative to the disability retirement of a certain firefighter in the town of Clinton (House, No. 4332) (its title having been changed by the committee on Bills in the Third Reading); and

Providing for capital facility improvements and repairs for the Commonwealth (House, No. 4603, amended);

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. Finneran of Boston,—

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

At twenty-five minutes after twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. O'Flaherty of Chelsea being in the Chair), the House adjourned, to meet on Tuesday next at eleven o'clock A.M.

