

## **JOURNAL OF THE HOUSE.**

Monday, November 5, 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:

Eternal God, this morning we place our full trust in You and in Your continued interest in our total well-being. You alone know the uncertainties and challenges which we will face today and everyday, especially during this time of unverified rumors and real concern for personal and public safety. In Your goodness, teach us to live each day with an assurance of Your guidance, assistance and protection. Inspire us to utilize our present material and spiritual blessings as we address present issues and plan for the future with hope and creativity. Teach us to be open to new information, new ideas, new ways of doing things, but simultaneously to evaluate the new realities in a thoughtful, reasoned and balanced manner.

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.

### *Resolutions.*

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

Resolutions (filed by Mr. DiMasi of Boston) on the occasion of the thirtieth anniversary of the dedication of the Erich Lindemann Mental Health Center;

Resolutions (filed by Mr. Donnelly of Boston) on the occasion of National Radiologic Technology Week;

Resolutions (filed by Mr. Koczera of New Bedford) congratulating Mr. and Mrs. Stanley Malinowski on their forty-fifth wedding anniversary;

Resolutions (filed by Mr. Nyman of Hanover) congratulating Bridget "Bridie" Maher on the occasion of her one hundredth birthday;

Resolutions (filed by Messrs. Wagner of Chicopee, Petrolati of Ludlow, Buoniconti of West Springfield and Asselin of Springfield) congratulating William and Emma Marie Bettencourt on the occasion of their fiftieth wedding anniversary; and

Resolutions (filed by Representatives Wolf of Cambridge, Barrios of Cambridge, Demakis of Boston and Toomey of Cambridge) honoring Julia Child;

Mr. DiMasi, 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 the same member, 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 Public Employees Retirement Administration Commission (PERAC) submitting a copy of the Actuarial Valuation Report of the Massachusetts Teachers' Retirement System for the period ending December 31, 2000, was placed on file.

*Papers from the Senate.*

The House Bill relative to authorizing the financing of the production and preservation of affordable housing in the Commonwealth (House, No. 4274) came from the Senate with the endorsement that said branch had insisted on its amendments (in which the House had NON-concurred).

The bill bore the further endorsement that the Senate had concurred with the House in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Berry, Panagiotakos and Tarr had been joined as the committee on the part of the Senate.

The House Bill relative to the production and preservation of affordable housing in the Commonwealth (House, No. 4284) came from the Senate with the endorsement that said branch had insisted on its amendment (in which the House had NON-concurred).

The bill bore the further endorsement that the Senate had concurred with the House in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Panagiotakos, Berry and Tisei had been joined as the committee on the part of the Senate.

Bills

Extending the territorial jurisdiction of the Worcester and Northeastern divisions of the Housing Court (Senate, No. 976, amended in section 1, in line 5, by striking out the words "Hampden County" and inserting in place thereof the words "Berkshire, Franklin, Hampden and Hampshire Counties") (on a petition);

Establishing a sick leave bank for Marilyn Anufrom, an employee of the Wrentham Development Center (Senate, No. 1861, amended in line 2 by striking out the words "Wrentham Development Center" and inserting in place thereof the words "department of mental retardation", and by adding at the end thereof the following sentence: "Whenever Marilyn Anufrom terminates employment with the department of mental retardation or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the department's extended illness leave bank.") (on a petition); and

Relative to the one trial system for civil cases in certain counties (Senate, No. 1937) (on Senate,

Nos. 873 and 1825);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Relative to the Board of Registration in Veterinary Medicine (Senate, No. 386) (on a petition);

Relative to contracts between court reporters and an attorney, party or party having a financial interest in an action (Senate, No. 978) (on a petition); and

Relative to the safety of certain Massachusetts Bay Transportation Authority employees (Senate, No. 2149) (on Senate bill No. 1215);

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 report of the committee on Insurance, asking to be discharged from further consideration of the 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, and recommending that the same be referred to the committee on Public Service,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

A petition (accompanied by bill, Senate, No. 2161) of Marian Walsh, Steven C. Panagiotakos, Robert E. Travaglini, Frederick E. Berry and other members of the General Court (with the approval of the mayor and the city council) for legislation to authorize certain amendments to the housing and employment exaction requirements (linkage) for large-scale Boston commercial real estate development, was referred, in concurrence, to the committee on Housing and Urban Development.

Notice was received that the President of the Senate had announced that Senator Pacheco of the First Plymouth and Bristol District had resigned from the committee on Natural Resources and Agriculture and that Senator Brewer of the Worcester, Hampden, Hampshire and Franklin District had been appointed to the first position on said committee to fill the existing vacancy; that Senator Glodis of the Second Worcester District had been appointed to the first position on the committee on Public Safety to fill an existing vacancy; and that Senator Pacheco had been appointed to the first position on the committee on Commerce and Labor to fill an existing vacancy.

*Reports of Committees.*

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. 4083) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3977)

of James R. Miceli relative to the payment of benefits to survivors under Option (D) of the public employees retirement law,— 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 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. 4193) of Marie J. Parente for legislation to include trusts established for disabled persons in the definition of beneficiary under the public employee retirement law,— 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 Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4655) reported, in part, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3181) of Thomas M. Petrolati relative to the hiring of attorneys by county retirement boards; and

Of the petition (accompanied by bill, House, No. 4308) of Elizabeth Poirier and Cheryl A. Jacques (by vote of the town) for legislation to authorize Brian F. Coyle to continue employment with the police department of the town of North Attleborough;

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

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, asking to be discharged from further consideration

Of the Bill clarifying the jurisdiction of the Energy Facilities Siting Board (House, No. 55, changed);

Of the Bill providing for the right to counsel for litigants at trial of divorce proceedings (House, No. 473);

Of the Bill relative to funerals (House, No. 1004); and

Of the Bill extending the time for the filing of a certain report by the Department of Public Health (House, No. 1014);

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. Scaccia of Boston, for the committee on Rules, that the Bill relative to the practice of public accountancy (Senate, No. 402) ought to pass.

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

Subsequently, under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Bosley moved that it be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4718).

The amendment was adopted; and the bill (Senate, No. 402, amended) was passed to be engrossed. Sent to the Senate for concurrence in the amendment.

By Mr. Greene of Billerica, for the committee on Commerce and Labor, on House, Nos. 8, 30, 3673 and 3908, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain House documents concerning workers' compensation, economic assistance and minority owned businesses (House, No. 4710).

By Mr. Larkin of Pittsfield, for the committee on Education, Arts and Humanities, on House, Nos. 596, 792, 1364, 1738, 2138, 2481, 3508, 3512, 3694, 3915 and 4613, an Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of certain House documents concerning public schools and school students (House, No. 4711).

By Mr. Bosley of North Adams, for the committee on Government Regulations, on Senate, Nos. 387, 393, 394, 403 and 469 and House, Nos. 601, 1584, 2156, 2158, 2162, 3091 and 3092, an Order relative to authorizing the committee on Government Regulations to make an investigation and study of certain Senate and House documents concerning casino gambling, alcoholic beverages, utilities, telecommunications, professional licensure and vital statistics (House, No. 4712).

By Mr. Dempsey of Haverhill, for the committee on Public Service, on House, Nos. 882, 4237, 4605, 4624, 4651 and 4658, an 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 and survivors (House, No. 4713).

By Mr. Casey of Winchester, for the committee on Taxation, on House, No. 2802, an Order relative to authorizing the committee on Taxation to make an investigation and study of a certain House document exempting pet food from the sales tax (House, No. 4714).

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. Larkin of Pittsfield, for the committee on Education, Arts and Humanities, on a petition, a Bill relative to third party payments (House, No. 3509).

By Mr. Mariano of Quincy, for the committee on Insurance, on a recommitted petition, a Bill to further allow group life and health insurance (printed as Senate, No. 748).

By the same member, for the same committee, on a petition, a Bill relative to physician contracting (House, No. 1040).

By the same member, for the same committee, on a recommitted petition, a Bill further regulating insurance benefits (House, No. 1961).

By the same member, for the same committee, on Senate, No. 765 and House, No. 2363, a Bill for fair contracting standards in health insurance (House, No. 2363).

By Mr. Koczera of New Bedford, for the committee on Natural Resources and Agriculture, on House, No. 2762, a Bill relative to abandoned vessels (House, No. 4715).

By the same member, for the same committee, on House, No. 3154, a Bill to require the take back of used cathode ray tubes (House, No. 4716).

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 House, No. 2217, a Bill relating to mercury reduction and education (House, No. 4717). Read; and referred, under Rule 33B, to the committee on Science and Technology.

By Mr. O'Flaherty of Chelsea, for the committee on Banks and Banking, on a petition, a Bill relative to bond requirements (House, No. 949).

By Mr. Bosley of North Adams, for the committee on Government Regulations, on a petition, a Bill relative to the reselling of tickets (House, No. 998).

By the same member, for the same committee, on a petition, a Bill requiring public notice for telephone and telegraph rate increases (House, No. 3711).

By the same member, for the same committee, on a petition, a Bill authorizing the town of Tyngsborough to issue 2 licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 4660) [Local Approval Received].

By Mr. Mariano of Quincy, for the committee on Insurance, on a petition, a Bill to ensure fair contracting for health care services (House, No. 1777).

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a petition, a Bill relative to civil service preference of the children of Alton Grindle for appointment for fire service in the Commonwealth (House, No. 4611).

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

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 election officers in towns (Senate, No. 353); and

Authorizing the town of Topsfield to convey a certain parcel of conservation land to the town of Boxford for conservation purposes (Senate, No. 2106) [Local Approval Received]; and

House bills

Relative to the licensing of pipefitters (House, No. 142);

Authorizing the city of Waltham to establish a post employment health insurance trust fund (House, No. 349) [Local Approval Received];

To improve the motor vehicle excise abatement process (House, No. 367);

Relative to the assessment of local taxes (House, No. 376);

Establishing a memorial for members of the armed forces who died in the Persian Gulf Conflict (House, No. 921);

Directing certain payments to cities and towns by the Massachusetts Port Authority (House, No. 1875);

Relative to the concurrent jurisdiction of the Land Court (House, No. 1989, changed);

Relative to criminal offender record information checks for assisted living employees (House, No. 2313);

Further regulating the eligibility requirements for civil service applications for examination or registration (House, No. 2410);

Relative to records open to public inspection (House, No. 3189);

Relative to the establishment of municipal police technology funds (House, No. 3583);

Further regulating motor vehicle insurance (House, No. 3746);

Relative to state highways in Barnstable County (House, No. 3852);

Relative to payment of certain medical expenses of Boston firefighters Joseph Cady and Alonzo P. Brooks (House, No. 4056) [Local Approval Received];

Authorizing the town of Chatham to grant an easement in certain conservation land (House, No. 4369) [Local Approval Received];

Validating the actions taken at certain town meetings held in the town of Oak Bluffs (printed in House, No. 4383);

Authorizing the town of Sudbury to use certain conservation land for municipal purposes (House, No. 4394) [Local Approval Received];

Relating to the debt limit of the town of Millis (House, No. 4421) [Local Approval Received];

Authorizing the town of Millis to pay a vendor (House, No. 4422) [Local Approval Received];

Relative to reduction of sewer fee liability in the town of Dedham in exchange for volunteer services by persons over age sixty (House, No. 4445) [Local Approval Received];

Permitting the town of Framingham to offer an elderly discount program for water and sewer rates (House, No. 4463) [Local Approval Received];

Relative to recall elections in the town of Fairhaven (House, No. 4473) [Local Approval Received]; and

Providing for an early retirement incentive program for certain employees of the Springfield Water and Sewer Commission (House, No. 4685) [Local Approval Received];

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 relative to veteran rehabilitation hospitals (House, No. 248) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting, the question being on adoption.

Report of the committee on Steering, Policy and Scheduling, that the Senate Bill relative to obscene material (Senate, No. 2111) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading, the time within which said committee was required to report having expired.

*Engrossed Bills.*

Engrossed bills

Relative to civil service preference for a police officer in the city of Medford (see Senate, No. 1816) (which originated in the Senate);

Relative to the granting of licenses for the sale of wines and malt beverages to be drunk on the premises in the town of Sharon (see House, No. 3701);

Establishing the Acton economic development and industrial corporation (see House, No. 4011);

Relative to the liability insurance fund in the town of Brookline (see House, No. 4302); and

Relative to parking violations in the town of Brookline (see House, No. 4304);

(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 relative to the management of state chartered banks (House, No. 1723) (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. Connolly of Everett,—

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

Representatives Rogeness of Longmeadow, Caron of Springfield, Swan of Springfield, Asselin of Springfield, Candaras of Wilbraham, Petrolati of Ludlow and Rivera of Springfield then moved that as a mark of respect to the memory of Edward P. Boland, a member of the House from Springfield from 1935 to 1940, inclusive, and a member of the United States House of Representatives from 1953 to 1988, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty-nine minutes before twelve o'clock noon, on motion of Mr. Connolly, the House adjourned, to meet on Wednesday next at eleven o'clock A.M.