

## **JOURNAL OF THE HOUSE.**

**Thursday, April 17, 2003.**

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mrs. Walrath of Stow 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, the Ultimate Source of Goodness and Truth, during the next few days, people around the world recall, observe and celebrate great biblical, historical and religious events. These happenings remind us of the importance of personal faith and religious principles in our own personal lives and in dealing with others. May this season of hope, as well as faith, fill our hearts and minds with peace and joy as we recall the events which we celebrate. Let these religious and holy days help us to reflect on our relationship with You and our dependence upon You, Our Creator.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mrs. Walrath), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

### *Statement of Representative Kujawski of Webster.*

A statement of Mr. Kujawski of Webster was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of the sitting of Tuesday last due to my attendance at the funeral of a family member. Any roll calls that I may have missed that day is due entirely to the reason stated.

### *Resolutions.*

Resolutions (filed with the Clerk by Mr. Hillman of Sturbridge) honoring Robert Rogers Janasiewicz, were referred, under Rule 85, to the committee on Rules.

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

### *Communications.*

The following communications were read for the information of the House:

From the Massachusetts Bay Transportation Authority (under the provision of Subsection 11 of Section 151 of Chapter 127 of the Acts of 1999) detailing the actual net operating investment per passenger mile ratio for fiscal years 2001 through 2005;

From the Massachusetts Bay Transportation Authority (under Section 151 (11) of Chapter 127 of the Acts of 1997) submitting a summary of its efforts to maximize non-transportation revenues of said authority;

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, 2002; and  
From the Department of Telecommunications and Energy (under the provisions of Section 69I of Chapter 164 of the General Laws) submitting a report of the reliability and diversity of electricity and natural gas in the Commonwealth;  
Severally placed on file.

*Annual and Special Reports.*

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. 3827), was referred to the committee on Education, Arts and Humanities. Sent to the Senate for concurrence.

Annual report of the Division of Health Care Finance and Policy (under the provisions of Section 4 of Chapter 118G of the General Laws) submitting its fiscal year 2002 annual report; and  
Bi-Monthly report of the Massachusetts Turnpike Authority (under the provisions of Section 178 of Chapter 653 of the Acts of 1989) of the cost incurred for the Central Artery/Ted Williams Tunnel Project;  
Severally were placed on file.

*Petitions.*

Mr. Larkin of Pittsfield presented a petition (accompanied by bill, House, No. 3828) of Peter J. Larkin, Shaun P. Kelly, Andrea F. Nuciforo, Jr., and William Smitty Pignatelli (with the approval of the mayor and city council) relative to certain temporary employees of the city of Pittsfield; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Knuuttila of Gardner, petition (subject to Joint Rule 12) of Brian Knuuttila, Robert A. Antonioni and another relative to increasing the surcharge for parking violations involving lease or rental vehicles.

By Mr. Perry of Sandwich, petition (subject to Joint Rule 12) of Jeffrey Davis Perry and Donald F. Humason, Jr., for legislation to establish a registration program within the Division of Fisheries and Wildlife for fishing and hunting guides.

By the same member (by request), petition (subject to Joint Rule 12) of Kenneth Moulton for legislation to further protect the public health relative to toxic mold.

By Mr. Quinn of Dartmouth, petition (subject to Joint Rule 12) of John F. Quinn, Paul J. Donato and Mary S. Rogeness relative to the licensure and regulation of pawnbrokers.

By Ms. Rogeness of Longmeadow, petition (subject to Joint Rule 12) of Mary S. Rogeness that cities and towns be authorized to place a ballot question on their official ballot relative to overriding proposition two and one-half, so-called.

By Mr. Rogers of Norwood (by request), petition (subject to Joint Rule 12) of Dorothy Previor relative to the dispensing of prescription drugs.

By Mrs. Teahan of Whitman, petition (subject to Joint Rule 12) of Kathleen M. Teahan and other members of the House relative to uncompensated care pools for acute care hospitals. Severally, under Rule 24, to the committee on Rules.

*Papers from the Senate.*

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

Petition (accompanied by bill, Senate, No. 1976) of Steven A. Tolman, Bruce E. Tarr and Marc R. Pacheco for legislation relative to the unemployment insurance taxable wage base. To the committee on Commerce and Labor.

Petition (accompanied by bill, Senate, No. 1977) of Marian Walsh for legislation to protect the rights of police appointees in instances of police training class cancellations and mandatory military service. To the committee on Public Service.

Petition (accompanied by bill, Senate, No. 1978) of Brian A. Joyce, Kathleen M. Teahan and Edward G. Connolly for legislation to authorize the Division of Capital Asset Management and Maintenance to enter into long-term leases for Metropolitan District Commission owned skating rinks. To the committee on State Administration.

*Reports of Committees.*

By Mr. Scaccia of Boston, for the committee on Rules, that Joint Rule 7B be suspended on the following petitions:

Petition (accompanied by bill) of Benjamin Swan, Gale D. Candaras, Cheryl A. Rivera and Christopher P. Asselin relative to drag racing in the city of Springfield. To the committee on Public Safety.

Petition (accompanied by bill) of Benjamin Swan, Gale D. Candaras, Cheryl A. Rivera and Christopher P. Asselin that the retirement board of the city of Springfield be authorized to pay certain surviving spouse benefits to Gloria Sears. To the committee on Public Service.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the reports were considered forthwith. Joint Rule 7B then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rules 12 and 9 be suspended on the petition of Geoffrey D. Hall and Steven C. Panagiotakos relative to the trustees of Westford Academy.

Under suspension of the rules, on motion of Mr. Sullivan of Fall River, the report was considered forthwith. Joint Rules 12 and 9 were suspended; and the petition (accompanied by bill) was referred to the committee on Education, Arts and Humanities. Sent to the Senate for concurrence.

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 Deborah D. Blumer and David P. Magnani relative to unemployment compensation for certain officers of corporations. To the committee on Commerce and Labor.

Petition (accompanied by bill) of Daniel E. Bosley relative to the date regional school districts

are required to adopt operation and maintenance budgets. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill) of Frank M. Hynes and other members of the General Court relative to the eligibility of certain persons to participate in the Medigap Supplement Program upon termination of benefits under the Prescription Advantage Program. To the committee on Health Care.

Petition (accompanied by bill) of Catherine Barber that the Department of Transitional Assistance be directed to establish a motor fuel assistance stamp program. To the committee on Human Services and Elderly Affairs.

Petition (accompanied by bill) of Sandra Henderson relative to providing for the right to counsel for litigants at trials in divorce proceedings. To the committee on the Judiciary.

Petition (accompanied by bill) of Marie J. Parente relative to the retirement of public employees whose spouses previously retired under the contributory retirement system for public employees. To the committee on Public Service.

Petition (accompanied by bill) of Stephen J. Buoniconti and other members of the House that the Division of Capital Asset Management and Maintenance be authorized to transfer certain parcels of land located in the towns of Blandford, Russell and Granville to the water and sewer commission of the city of Springfield. To the committee on State Administration.

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

By Mr. Toomey of Cambridge, for the committee on Public Safety, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 816) of Joseph F. Wagner for legislation to authorize the Hampden County Sheriff's Department to establish a revenue retention account for community restitution and juvenile crime prevention programs; and

By Mr. Hall of Westford, for the committee on State Administration, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3078) of the Mass. Municipal Accountants & Auditors and Kevin G. Honan that the Department of the State Auditor be authorized to conduct audits of certain municipal and county accounts; And recommending that the same severally be referred to the committee on Ways and Means. Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence in the discharge of the committees.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2982) of Stephen P. LeDuc and other members of the General Court that the Department of Public Health be directed to provide for an annual assessment on the impact of the public welfare system on children in the Commonwealth,— and recommending that the same be referred to the committee on Health Care; and

By Mr. Toomey of Cambridge, for the committee on Public Safety, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3570) of Barry R. Finegold and Charles A. Murphy for legislation to impose a period of post incarceration supervision,— and recommending that the same be referred to the committee on Criminal Justice.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for con-currence.

By Mr. Koczera of New Bedford, for the committee on Public Service, on House, No. 3404, a Bill providing for local government workforce reduction through an early retirement incentive program for certain employees (House, No. 3814), which was read. Under suspension of Rule 33, on motion of Mr. Donato of Medford, the bill was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Toomey of Cambridge, for the committee on Public Safety, on a petition, a Bill providing evaluation of the health care services and environmental conditions at M.C.I. Framingham (House, No. 1911, changed by striking out the sentence contained in lines 8 to 12, inclusive.).

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Resolve providing for an investigation and study relative to establishing a memorial for the victims of the national disaster of September 11, 2001 (House, No. 1938).

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Toomey of Cambridge, for the committee on Public Safety, on House, Nos. 1736, 3381 and 3382, a Bill relative to the correspondence of inmates (House, No. 1736).

By the same member, for the same committee, on House, Nos. 3393 and 3574, a Bill to assess the capacity of community based health organizations to provide medical services to inmates released from jails and houses of correction (House, No. 3393).

By Mr. Hall of Westford, for the committee on State Administration, on House, Nos. 3 and 6, a Bill relative to the authority of the Bureau of Special Investigations (House, No. 6).

By the same member, for the same committee, on House, Nos. 72 and 73, a Bill concerning the renewal of permits and licenses issued by the Department of Public Health (House, No. 73).

By the same member, for the same committee, on a petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in a certain parcel of land in the town of Grafton (House, No. 263).

By the same member, for the same committee, on a petition, a Bill expanding the authority of the Bureau of Special Investigations (House, No. 450).

By the same member, for the same committee, on a petition, a Bill relative to rental agreements of the Division of Capital Asset Management (House, No. 614).

By the same member, for the same committee, on a petition, a Bill relative to energy management services (House, No. 623).

By the same member, for the same committee, on a petition, a Bill relative to the establishment of a mental health trust (House, No. 837).

By the same member, for the same committee, on a petition, a Bill providing for unisex toilets in public buildings (House, No. 1198).

By the same member, for the same committee, on a petition, a Bill for the erection of POW-MIA eternal flame (House, No. 1937).

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

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill to

regulate public buildings to meet certain air quality ventilation standards (House, No. 452).  
By the same member, for the same committee, on a petition, a Bill to provide minimum ventilation in state leased and newly constructed state buildings (House, No. 628).  
Severally read; and referred, under Rule 33B, to the committee on Science and Technology.

By Ms. St. Fleur of Boston, for the committee on Education, Arts and Humanities, on a petition, a Bill relative to the public schools of the city of Chelsea (House, No. 2019) [Local Approval Received].

By Mr. Toomey of Cambridge, for the committee on Public Safety, on a petition, a Bill prohibiting tethering, leashing and other restraints of prisoners in work release programs (House, No. 1558).

By Mr. Hall of Westford, for the committee on State Administration, on House, Nos. 3, 5 and 1588, a Bill relative to requests for local audits (House, No. 5).

By the same member, for the same committee, on the recommendation of the the Commission for the Blind, a Bill regarding the definitions applicable to sections 133A to 133E of Chapter 6 technical changes (House, No. 7).

By the same member, for the same committee, on a petition, a Bill authorizing the Superintendent of State Office Buildings to install a plaque in the State House honoring Lt. Frances Y. Slinger (House, No. 619).

By the same member, for the same committee, on a petition, a Bill relative to the timber bulkhead in Oak Bluffs Harbor (House, No. 1596).

By the same member, for the same committee, on a petition, a Bill providing for the annual observance of certain civil war infantry regiments days (House, No. 1764).

By the same member, for the same committee, on a petition, a Bill establishing October twentieth as Democracy Day (House, No. 1769).

By the same member, for the same committee, on a petition, a Bill relative to the annual observance of International History Month (House, No. 1939).

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

*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.

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At sixteen minutes after eleven o'clock A.M., on motion of Mr. Sullivan of Fall River (Mrs. Walrath of Stow being in the Chair), the House adjourned, to meet on Tuesday next at eleven o'clock A.M., in an Informal Session.

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