

JOURNAL OF THE HOUSE.

Thursday, May 15, 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: God, Our Creator, we struggle daily to present to You and to constituents our most thoughtful decisions and highest motives as we address and resolve difficult legislative challenges. We pray today that our faith in You will inspire us to have faith in each other, our trust in You will assist us in building trust in each other and our love for You will help us to generate love in the hearts and minds of all people. In Your goodness, grant us the vision, capacity and wisdom to see beyond the issues of this day and the moral and intellectual vision to plan for a future in which the virtues of justice, integrity and personal responsibility are recognized and implemented.

Bestow Your blessings on 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.

Message from the Governor — Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to group insurance premiums for retired employees of the town of Webster retirees insurance premium rate [see House, No. 428] (for message, see House, No. 3852) was filed in the office of the Clerk on Tuesday, May 13.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Kujawski of Webster, to the committee on Bills in the Third Reading.

Resolutions.

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

Resolutions (filed by Mr. Coppola of Foxborough) congratulating Sean-Eric Civitarese on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Kane of Holyoke) congratulating Ryan M. Dugre on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Koutoujian of Newton) commemorating the fiftieth anniversary of the Massachusetts Chapter of the Health Care Financial Management Association;

Resolutions (filed by Mr. Kujawski of Webster) celebrating the many business achievements and dedication to the community of Webster by Mr. George L. Place, Jr.;

Resolutions (filed by Mr. O'Brien of Kingston) congratulating Russell Govoni on the occasion of his retirement from the Silver Lake Regional High School;

Resolutions (filed by Mr. Quinn of Dartmouth) congratulating Donald King on the occasion of his retirement;

Resolutions (filed by Mr. Rushing of Boston) honoring Reverend Dr. Conley Hughes, Jr.; and

Resolutions (filed by Messrs. Timilty of Milton, Galvin of Canton and Ayers of Quincy) congratulating June Newman on the occasion of her retirement from the office of Director of Veterans and Elderly Affairs in the town of Randolph;

Mrs. Harkins of Needham, 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. Coppola, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

A petition (accompanied by bill, House, No. 3857) of Eugene L. O'Flaherty relative to exempting a certain public waterfront walkway from the harbor line in the city of Boston (having been returned by the State Secretary, under the provisions of Chapter 3 of the General Laws with memoranda relative thereto) was referred, under Rule 24, to the committee on Natural Resources and Agriculture. Sent to the Senate for concurrence.

The following petitions (deposited with the Clerk previously to five o'clock in the afternoon of Wednesday, December 4, 2002) were presented and they were severally referred, under Rule 24 and Joint Rule 13, as follows:

By Ms. Jehlen of Somerville, petition (accompanied by resolutions, House, No. 3850) of Patricia D. Jehlen for adoption of resolutions by the General Court relative to the indictment, trial and imprisonment of Louis M. Greco for first degree murder and conspiracy to murder in the year nineteen hundred and sixty-eight. To the committee on the Judiciary.

By Mr. Torrissi of North Andover, petition (accompanied by bill, House, No. 3847) of David M. Torrissi, Steven A. Baddour, Bruce E. Tarr and Barbara A. L'Italien (by vote of the town) relative to authorizing the town of North Andover to grant open space restrictions. To the committee on Natural Resources and Agriculture.

Severally sent to the Senate for concurrence.

Mr. Ciampa of Somerville presented a petition (accompanied by bill, House, No. 3853) of Charles E. Shannon, Vincent P. Ciampa, Patricia D. Jehlen, Timothy J. Toomey, Jr., and others (with the approval of the mayor and board of aldermen) that the city of Somerville be authorized to issue certain bonds for renovation of the Homan's Building located in said town; and the same was referred to the committee on Long Term Debt and Capital Expenditures. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Ms. Blumer of Framingham, petition (subject to Joint Rule 12) of Deborah D. Blumer that the Department of Personnel Administration be directed to develop rules and procedures for administering polygraph tests to applicants for the position of police officer.

By the same member, petition (subject to Joint Rule 12) of Deborah D. Blumer and Pamela P. Resor for the issuance of an annual proclamation by the Governor establishing September twenty-first as Myositis Awareness Day.

By Mr. Connolly of Everett, petition (subject to Joint Rule 12) of Edward G. Connolly for legislation to further regulate the granting of certain creditable service to veterans under the public employees retirement law.

By Mr. Greene of Billerica, petition (subject to Joint Rule 12) of William G. Greene, Jr., relative to the granting of licenses to certain persons for the practice of speech-language pathology.

By Mr. Hill of Ipswich, petition (subject to Joint Rule 12) of Bradford Hill for legislation to authorize cities and towns to assess owner-occupied residential property based on the purchase price of said property.

By Mr. Kujawski of Webster, petition (subject to Joint Rule 12) of Paul Kujawski relative to establishing standards for Stage II vapor recovery systems at certain motor vehicle fuel dispensing facilities.

By Mr. Leary of Worcester, petition (subject to Joint Rule 12) of James B. Leary and Paul Kujawski that the Division of Capital Asset Management and Maintenance be directed to grant an easement on certain land in the town of Sterling to James M. Meola.

By Mr. Quinn of Dartmouth, petition (subject to Joint Rule 12) of John F. Quinn for legislation to further define the term “legislative body” relative to retirement boards in cities and towns.

By Mr. Sullivan of Fall River, petition (subject to Joint Rule 12) of David B. Sullivan, Robert Correia, Michael J. Rodrigues and Joan M. Menard that the children of police officer Richard Magan, who died in the line of duty, be certified for appointment to the police service in the Commonwealth.

By Mr. Toomey of Cambridge, petition (subject to Joint Rule 12) of Michael A. Sullivan (mayor), Timothy J. Toomey, Jr., Paul C. Demakis, Anne M. Paulsen, Byron Rushing, Rachel Kaprielian, Alice K. Wolf and others (with the approval of the city council) for legislation to authorize persons seventeen years of age to vote in certain elections in the city of Cambridge.

By Mr. Travis of Rehoboth, petition (subject to Joint Rule 12) of Philip Travis for legislation to authorize voluntary contributions to the Fire Fighters Academy Trust Fund under the income tax laws of the Commonwealth.

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

Papers from the Senate.

The House Bill establishing a sick leave bank for Francie R. Minder, an employee of the Department of Mental Retardation (House, No. 3736) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following sentence: “Whenever Francie R. Minder 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 extended illness leave bank.”.

Under suspension of Rule 35, on motion of Mr. Pignatelli of Lenox, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

A petition of Joan M. Menard for legislation relative to the merger of Moby Dick Council, Inc., Boy Scouts of America of Massachusetts and the Narragansett Council, Boy Scouts of America

of Rhode Island, came from the Senate referred, under suspension of Joint Rules 12 and 9, to the committee on Commerce and Labor.

The House then concurred with the Senate in the suspension of said rules; and the petition (accompanied by bill, Senate, No. 1993) was referred, in concurrence, to the committee on Commerce and Labor.

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

Petition (accompanied by bill, Senate, No. 1994) of Robert A. O'Leary for legislation to direct the Department of Education to conduct a study of students' use of writing tools for the MCAS examination. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill, Senate, No. 1995) of Robert A. O'Leary and John J. Binienda for legislation relative to the civil penalties for violations of the Federal Natural Gas Pipeline Safety Act. To the committee on Government Regulations.

Petition (accompanied by bill, Senate, No. 1996) of Robert A. O'Leary, Michael W. Morrissey and Matthew C. Patrick for legislation to impose a local excise tax on all passenger ferry trips. To the committee on Taxation.

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 Christopher J. Donelan, Stephen Kulik, Michael F. Rush and Stephen M. Brewer relative to the notice requirements in small claims procedures. To the committee on the Judiciary.

Petition (accompanied by bill) of Shirley Gomes 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 the Cape Cod Baseball League. To the committee on Public Safety.

Petition (accompanied by bill) of Robert A. DeLeo relative to certain exemptions under the law regulating the assessments of local real estate taxes. To the committee on Taxation.

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

By Mr. Dempsey of Haverhill, for the committee on Science and Technology, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 124) of Steven A. Tolman, Bruce E. Tarr, Charles E. Shannon, Susan C. Fargo and Brian A. Joyce for legislation to prohibit the distribution of unsolicited electronic mail,— and recommending that the same be referred to the Senate committee on Science and Technology. Under Rule 42, the report was considered forthwith; and it was accepted, insomuch as relates to the discharge of the committee. Sent to the Senate for concurrence in the reference.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill relative to the issuance of vehicle registration places (House, No. 78);

Of the Bill designating the Pegan Cove filter bed property as the "Tony Anniballi Memorial Park at Pegan Cove" (House, No. 3367);

Of the Bill relative to failure to submit to a police officer (House, No. 3373); and
Of the Bill designating the number 6 as the official number of the Commonwealth (House, No. 3597);

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. Honan of Boston, for the committee on Housing and Urban Development, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3165) of Kathi-Anne Reinstein and Robert A. DeLeo relative to the maintenance of recreational facilities and to provide for additional patrols along Revere Beach in the city of Revere,— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the discharge of the committee.

By Mr. Honan of Boston, for the committee on Housing and Urban Development, on Senate, Nos. 702, 711, 715 and 732 and House, Nos. 703, 1492, 1668, 2061 and 3524, an Order relative to authorizing the committee on Housing and Urban Development to make an investigation and study of certain Senate and House documents concerning public housing units and the Metropolitan District Commission (House, No. 3851). 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 asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Dempsey of Haverhill, for the committee on Science and Technology, that the Bill providing for the purchase by the Commonwealth of electricity from renewable energy sources (printed in House, No. 3738, changed) ought to pass. Referred, under Rule 32A, to the committee on Long-Term Debt and Capital Expenditures.

By Mr. Dempsey of Haverhill, for the committee on Science and Technology, that the Bill relative to an initiative to promote the commercialization of fuel cell technology (House, No. 520) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

By Mr. Honan of Boston, for the committee on Housing and Urban Development, on a petition, a Bill authorizing the Metropolitan District Commission to acquire a certain parcel of land in the city of Boston (House, No. 152).

By the same member, for the same committee, on a petition, a Bill relative to certain parcels of land of the Metropolitan District Commission (House, No. 153).

By the same member, for the same committee, on a petition, a Bill establishing a trust fund within the Metropolitan District Commission for the planting of trees (House, No. 154).

By the same member, for the same committee, on House, No. 1294, a Bill relative to cross-country skiing at the Quabbin Reservoir (House, No. 3856).

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill relative to the enhanced disposition of surplus motor vehicles owned by the Commonwealth or authorities established by the State (House, No. 258).

By the same member, for the same committee, on a petition, a Bill to ensure proper expenditure of and accounting for state funds (House, No. 630).

By the same member, for the same committee, on a petition, a Bill providing the disclosure of materials supporting appropriations (House, No. 836).

By the same member, for the same committee, on a petition, a Bill establishing the Commonwealth public facilities reuse fund (House, No. 1388).

By the same member, for the same committee, on a petition, a Bill relative to technical changes to the Records Conservation Board (House, No. 1592).

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

By Mr. Honan of Boston, for the committee on Housing and Urban Development, on a petition, a Bill relative to interstate criminal information systems (House, No. 1489).

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill providing for the annual observance of World War II Commemoration Day (House, No. 1201).

By the same member, for the same committee, on a petition, a Bill authorizing the Stoneham board of library trustees to appoint library personnel (House, No. 3714) [Local Approval Received].

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

Emergency Measure.

The engrossed Bill relative to the compensation of certain members of the General Court (see House, No. 3743), 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 5 to 0. 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 Monday next at eleven o'clock A.M.

Mr. Goguen of Fitchburg then moved that as a mark of respect to the memory of Joseph D. Ward, a member of the House from Fitchburg from 1949 to 1956, inclusive, Secretary of the Commonwealth in 1959, 1960 and 1961 and a member of the Massachusetts Senate from 1963 to 1972, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mrs. Walrath of Stow being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.
