

JOURNAL OF THE HOUSE.

Tuesday, July 6, 2004.

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:

Prayer.

God of Goodness and Truth, we depend upon You for guidance as we struggle to address in a thoughtful manner the often complex and sensitive legislative issues of the day and to implement our own legislative priorities. A variety of limitations and circumstances prevent us, at times, from achieving our goals and objectives. Help us to do the best we can do. Inspire us to keep the present and future common good in our minds and plans. In our search for fairness and soundness in legislation, teach us to be patient listeners, clear thinkers, open to dialogue and committed advocates of traditional principles.

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

Pledge of allegiance.

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 Governor — Veto.

Camp counselors, information.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill relative to the dissemination of criminal offender record information to the operators of camps for children [see House, No. 4610, amended] (for message, see House, No. 4949) was filed in the Office of the Clerk on Thursday, July 1.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next session, the question being on passing said bill, notwithstanding the said objections.

Papers from the Senate.

Bills

Berkshire County.

Establishing the Berkshire county commission on the status of women (Senate, No. 142) (on a petition);

Principal and income act.

Establishing the Massachusetts principal and income act (Senate, No. 962) (on a petition);

Thomas F. Sweeney, Jr., sick leave bank.

Establishing a sick leave bank for Thomas F. Sweeney, Jr., an employee of the Department of Correction (Senate, No. 2333, amended by adding at the end thereof the following sentence: "Whenever Thomas F. Sweeney, Jr. terminates employment with the department of correction or requests to dissolve the sick leave bank established by this act, the balance of sick leave time remaining in the sick leave bank established by this act shall be transferred to the extended illness leave bank.") (on a petition);

Worcester, Nashua River Basin.

Protecting the Nashua River Basin (Senate, No. 2347) (on a petition) [Local Approval Received];

Relative to the operation of low-speed vehicles (Senate, No. 2354, amended) in section 3, in lines 27 to 30, inclusive, by striking out the sentence contained therein and inserting in place thereof the following sentence: "A low-speed motor vehicle may be operated on a public way only by a person who is in possession of a valid driver's license and who is an authorized law enforcement, public safety or public works personnel, in an official capacity, or personnel of an educational or arts institution or other non-profit institution; provided, however, that this section shall not prohibit the use of low-speed motor vehicles on private property or for incidental crossing of a road, street or intersection where the road or street has a posted speed limit of not more than 30 miles per hour, unless otherwise prohibited by a municipal police department or by law." (on Senate bill, No. 1313);

Low-speed vehicles.

Authorizing the sale of certain land in the town of Milton (Senate, No. 2365, amended by striking out section 4 and inserting in place thereof the following section:

Milton, land.

"SECTION 4. If, at any time, the parcel ceases to be used for the purpose described in section 1, the parcel described in section 1 shall revert to the commonwealth."; and by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to convey certain state land, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience." (on Senate, No. 2233);

Relative to the establishment of a retained revenue account for the End of Life Commission (Senate, No. 2412) (on Senate bill, No. 584);

End of Life Commission.

Relative to patient and physician safety and protection (Senate, No. 2413) (on Senate bill, No. 604);

Physicians and patients.

To assure the safe, humane care of day surgery patients (Senate, No. 2414) (on Senate bill, No. 689);

Day surgery.

Authorizing the Highway Department to convey sewer easements along Route 1 in Lynnfield, Saugus and Peabody (Senate, No. 2417) (on Senate bill, No. 1643);

Route 1, easements.

Promoting environmental justice (Senate, No. 2418) (on Senate bill, No. 2219);

Environment.

Establishing the Essex North Shore Agricultural and Technical School district (Senate, No. 2419, amended in section 10, in line 00, by striking out the figures "20" and inserting in place thereof the figures "10"; and in section 14, in line 00, by inserting after the word "district's" the words "agricultural or") (on Senate bill, No. 2258);

Essex Agricultural School.

Relative to volunteer physicians (Senate, No. 2426) (on Senate bill, No. 2356);

Volunteer physicians.

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

Protecting the environment (Senate, No. 1193) (on a petition);

Environment.

Authorizing the town of Hull to extend leases on Nantasket Pier and to borrow money for the construction of a certain marine or pier

Hull, Nantasket Pier.

facility for a term of not to exceed 30 years (Senate, No. 2214, amended in section 1, in line 00, by inserting after the word "lessees" the words "or their heirs, successors or assigns") (on Senate, No. 1155) [Local Approval Received]; and

Hull,
Pemberton
Pier.

Authorizing the town of Hull to extend the leases at Pemberton Pier (Senate, No. 2215, amended in line 00, by inserting after the word "lessees" the words "or their heirs, successors or assigns") (on Senate, No. 1154); [Local Approval Received];

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 Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to the inspection of the Hampden County Correctional Facility, in the town of Ludlow; was spread upon the records of the House; and returned to the Senate to be placed on file.

Ludlow,
Hampden
County
Jail.

Reports of Committees.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on State Administration to make an investigation and study of certain Senate and House documents concerning the disposition of public real property in the Commonwealth (House, No. 4854) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1708) of Susan C. Tucker, James R. Miceli and Barry R. Finegold for legislation to authorize and direct the commissioner of the Division of Capital Asset Management and Maintenance to convey a conservation restriction to the town of Tewksbury,— and recommending that the same be referred to the Senate 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 reference.

Tewksbury,
conservation
restriction.

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 sustainable land use relative to subdivisions (House, No. 4039),— 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.

Land
subdivisions.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relating to oil spill prevention and response in Buzzards Bay and other harbors and bays in the Commonwealth (House, No. 4831) ought to pass.

Buzzards
Bay,
oil spill.

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

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill authorizing the city of Medford to use certain land for memorial purposes (House, No. 4864).

Medford,
land use.

By the same member, for the same committee, on House, No. 4893, a Bill relative to the transfer of a certain parcel of land in the city of Marlborough to the Division of Capital Asset Management and Maintenance and authorizing the Division of Capital Asset Management and Maintenance to lease said land to James Farina (House, No. 4944).

Marlborough,
land lease.

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

By Mr. Bosley of North Adams, for the committee on Government Regulations, on House, No. 2040, a Bill to promote reliable and high quality utility service in the Commonwealth (House, No. 4945). Read; and referred, under Rule 33D, to the committee on Homeland Security and Federal Affairs.

Utility
service.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill to require the take back of used cathode ray tubes (House, No. 4535) ought to pass with an amendment. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Cathode
ray
tubes.

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill authorizing the town of Plymouth Airport Commission to lease certain parcels of land (House, No. 4820) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Plymouth
Airport,
land.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to the uniform probate code (House, No. 787) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with an amendment previously recommended by the committee on Medicaid pending.

Uniform
probate
code.

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 with the amendment (previously recommended by the committee on Medicaid) pending.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to certain tanks used for the storage of fluids (House, No. 2132) ought to pass with an amendment.

Fluid,
storage.

By the same member, for the committee on Ways and Means, that the Bill concerning high school diplomas and veterans of World War II and the Korean War (House, No. 2399) ought to pass with an amendment.

Veterans,
diplomas.

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

Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading with the amendments pending.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the following bills ought to pass:

Senate Bills

Bill authorizing Barnstable County to administer the repair, replacement and upgrade of septic systems (Senate, No. 2123); and

Bill relative to meningitis immunization awareness (Senate, No. 2155); and

House bills

Bill relative to falsifying an emergency transmission (House, No. 1636);

Bill further regulating construction supervisors licenses (House, No. 2115);

Bill relative to emergency planning (House, No. 3509); and

Bill relative to the acceptance of grants by counties (House, No. 4049);

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

Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were 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:

The Senate Bill further regulating meetings of municipal boards (Senate, No. 2247); and

House bills

Relative to increasing the amount of damages in small claims court (House, No. 3000);

Relative to the Massachusetts Property Insurance Underwriting Association (House, No. 4672);

Further regulating the setting of private passenger automobile insurance rates (House, No. 4675);

Relative to the reduction in rank for certain public employees in the city of Haverhill (House, No. 4736) [Local Approval Received];

Relative to the position of town administrator in the town of Wayland (House, No. 4784) [Local Approval Received]; and

Prohibiting the criminal use of real property in a movie theater (House, No. 4863);

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

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill authorizing the board of selectmen of the town of Lancaster to grant certain employment contracts (House, No. 4779) [Local Approval Received].

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on House No. 4825, reports, in part, a Bill relative to public safety (House, No. 4946).

Barnstable, septic systems. Meningitis awareness.

False emergencies.

Construction supervisors.

Emergencies. Counties, grants.

Municipal boards.

Small claims, damages.

Underwriting Association.

Automobile insurance rates.

Haverhill, fire department.

Wayland, town administrator.

Real property.

Lancaster, employment contracts.

Coyotes, capture.

By Mr. Scaccia of Boston, for the committee on Rules, on House No. 4718, reports, in part, a Bill relative to the Springfield Water and Sewer Commission (House, No. 4382).

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

Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Rosa A. McPherson, an employee of the Trial Court (see Senate, No. 2073), 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 7 to 0. Sent to the Senate for concurrence.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property (see Senate, No. 2234, amended) 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 8 to 0. Sent to the Senate for concurrence.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Plainville (see House, No. 4201), 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 8 to 0. Sent to the Senate for concurrence.

The engrossed Bill relative to business corporations (see House, No. 4833, amended), 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 6 to 0. Sent to the Senate for concurrence.

Springfield, water and sewer commission.

Rosa McPherson, sick leave bank.

Lynn, property lease.

Plainville, land.

Business corporations.

*Engrossed Bills.*Bill
enacted.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the town of Whitman (see House, No. 4688, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Bills
enacted.

Engrossed bills
Relative to the public disclosure of ownership of a cemetery corporation (see Senate, No. 478, amended);
Relative to eye examinations for children (see Senate, No. 687, amended);
(Which severally originated in the Senate);
Relative to the standard for commercially used weighing and measuring devices (see House, No. 27);
Establishing uniform primary procedures for unenrolled voters (see House, No. 2229);
Providing for an animal control commission in the town of Lancaster (see House, No. 3879);
Authorizing the town of Raynham to establish a betterment reserve fund (see House, No. 4075);
Providing that certain employees of the Taunton Municipal Lighting Plant of the city of Taunton be under the civil service law (see House, No. 4185);
Authorizing the certification and eligibility as firefighters in the city of Taunton (see House, No. 4186);
Relative to public charities (see House, No. 4234);
Relative to the appointment of retired police officers in the city of Fitchburg (see House, No. 4617); and
Authorizing the town of Marion to develop and maintain a subsidized housing plan for low and moderate income housing (see House, No. 4631);
(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.*Third
reading
bills.

Senate bills
Authorizing the town of Carlisle to grant conservation restrictions for town owned conservation land (Senate, No. 1148); and
Establishing a sick leave bank for Carole M. Lees, an employee of the Department of Social Services (Senate, No. 2230) (its title having been changed by the committee on Bills in the Third Reading);
Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Authorizing the town of Brookline to fix reasonable fees for permits granted by the chief of its fire department (House, No. 4403);
Establishing a sick leave bank for Melissa J. Cornell, an employee of the Trial Court of the Commonwealth (House, No. 4765); and
Relative to the authority of the Bureau of Special Investigations (House, No. 4737);
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.

Third
reading
bills.*Recess.*

At twenty-two minutes after eleven o'clock A.M., the Speaker declared a recess subject to the call of the Chair; and at ten minutes before one o'clock P.M. the House was called to order.

Recess.

Papers from the Senate.

The House Bill regarding the authorization for possession by law enforcement agencies and sales to law enforcement agencies of electronic weapons (House, No. 3400) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2423; and inserting before the enacting clause the following emergency preamble:
“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize certain possession and use of electronic weapons, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.”
Under suspension of Rule 35, on motion of Mr. Peterson of Grafton, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Police,
electronic
weapons.

The House Bill relative to the financial stability in the city of Springfield (printed in House, No. 4799) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2422.

Springfield,
financial
stability.

Under Rule 35, the matter was placed in the Orders of the Day for the next session, the question being on concurring with the Senate in its amendment.

Order.

On motion of Mr. Peterson of Grafton,—
Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next
sitting.

At seven minutes after one o'clock P.M., on further motion of Mr. Peterson, the House adjourned, to meet tomorrow at eleven o'clock A.M.