

JOURNAL OF THE HOUSE.

Monday, July 28, 2003.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. DeLeo of Winthrop 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 pause for a moment of prayer and relection and to thank You for the material and spiritual blessings and gifts which You offer to us and bestow upon us daily. Your gift of wisdom enables us to distinguish the important issues from the less important as we carry out our daily responsibilities. Inspire us to have noble goals, high ideals, ethical standards and balanced priorities which enable us to join others in building a stable, safe and caring society. In making our personal and legislative decisions may we be guided by sound and traditional principles and values and our own religious beliefs.

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

At the request of the Chair (Mr. DeLeo), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor — Veto.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill establishing the office of administrative appeals in the Executive Office of Environmental Affairs [see House, No. 3963] (for message, see House, No. 3990) was filed in the Office of the Clerk on Thursday, July 24.

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

Resolutions.

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

Resolutions (filed by Ms. Jehlen of Somerville) congratulating Be Sargent for her many contributions to the city of Somerville, Massachusetts; and

Resolutions (filed by Ms. Story of Amherst) on the occasion of the fiftieth anniversary of the University of Massachusetts at Amherst School of Nursing;

Mr. Miceli of Wilmington, 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. Kaufman of Lexington, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions (deposited with the Clerk previously to five o'clock in the afternoon on Wednesday, December 4, 2002) were presented and they were severally referred, under Rule 24 and Joint

Rule 13, as follows:

By Ms. Atkins of Concord, petition (accompanied by bill, House, No. 4007) of Cory Atkins and Susan C. Fargo (by vote of the town) that the town of Carlisle be authorized to grant conservation restrictions on certain parcels of land under the control of said town;

By the same member, petition (accompanied by bill, House, No. 4008) of Cory Atkins, Karen Spilka, Thomas J. O'Brien, Carol A. Donovan, and Thomas P. Kennedy that cities and towns be authorized to establish impact fees for real estate development projects;

By Ms. Balser of Newton, petition (accompanied by bill, House, No. 4009) of Ruth B. Balser, David B. Cohen (mayor), Cynthia S. Creem, Kay Khan and Peter J. Koutoujian relative to the granting of an easement by the city of Newton to the Massachusetts Water Resources Authority;

By the same member (by request), petition (accompanied by bill, House, No. 4010) of George Foord for legislation to further regulate the height of live fences and the appointment of fence viewers by cities and towns;

By Mr. Binienda of Worcester, petition (accompanied by bill, House, No. 4011) of John J. Binienda, Philip Travis and Stephen M. Brewer for legislation to exempt certain decorated veterans from parking meter fines;

By Mr. Bradley of Hingham, petition (accompanied by bill, House, No. 4012) of Garrett J. Bradley relative to warrants of regular or special town meetings;

By Mr. Cabral of New Bedford, petition (accompanied by bill, House, No. 4013) of Antonio F. D. Cabral relative to the appointment of certain directors to the Massachusetts Sheriffs' Association;

By Ms. Callahan of Sutton, petition (accompanied by bill, House, No. 4014) of Jennifer M. Callahan (by vote of the town) relative to authorizing the town of Bellingham to establish a sewer construction capital fund;

By the same member, petition (accompanied by bill, House, No. 4015) of Jennifer M. Callahan (by vote of the town) relative to authorizing the town of Bellingham to establish certain revolving funds;

By Mr. Casey of Winchester (by request), petition (accompanied by bill, House, No. 4016) of Debra Tsampas relative to local zoning for micropigmentation practitioners;

By Mr. Connolly of Everett, petition (accompanied by bill, House, No. 4017) of Edward G. Connolly and Thomas N. George relative to further regulating parking spaces for disabled persons;

By Mr. Coppola of Foxborough, petition (accompanied by bill, House, No. 4018) of Michael J. Coppola and Jo Ann Sprague (by vote of the town) for legislation to establish a selectmen-town manager form of government in the town of Foxborough;

By Mr. Dempsey of Haverhill, petition (accompanied by bill, House, No. 4019) of Brian S. Dempsey and other members of the General Court relative to the creation of technical assistance centers for the delivery of coordinated, comprehensive and continuing services to local governments;

By Mr. DiMasi of Boston, petition (accompanied by bill, House, No. 4020) of Salvatore F. DiMasi for legislation to exempt the development, reconstruction or renovation of homeless shelters from local zoning ordinances;

By Mr. Falzone of Saugus, petition (accompanied by bill, House, No. 4021) of Mark V. Falzone, Jarrett T. Barrios, Kathi-Anne Reinstein and Thomas M. McGee (by vote of the town) relative to the appointive powers of selectmen in the town of Saugus;

By Mr. Fresolo of Worcester, petition (accompanied by bill, House, No. 4022) of John P. Fresolo, Joan M. Menard and another relative to payment for off-duty or special detail work performed by municipal employees;

By the same member, petition (accompanied by bill, House, No. 4023) of John P. Fresolo and Joan M. Menard relative to boards of trustees of county agricultural schools;

By Miss Garry of Dracut, petition (accompanied by bill, House, No. 4024) of Colleen M. Garry for legislation to further regulate the posting of public notices of meetings of municipal governmental bodies;

By the same member, petition (accompanied by bill, House, No. 4025) of Colleen M. Garry that municipal clerks be required to maintain records of all actions taken by governing and regulatory bodies in cities and towns;

By Mr. Goguen of Fitchburg, petition (accompanied by bill, House, No. 4026) of Emile J. Goguen and other members of the General Court relative to municipal borrowing procedures;

By the same member, petition (accompanied by bill, House, No. 4027) of Susan W. Pope and other members of the General Court for legislation to limit the authority of boards of selectmen to transfer funds between municipal budget accounts;

By Mr. Golden of Boston, petition (accompanied by bill, House, No. 4028) of the Massachusetts Association of School Superintendents and Brian Paul Golden for legislation to authorize cities and towns to expend certain funds for educational purposes in anticipation of federal and state grants;

By the same member, petition (accompanied by bill, House, No. 4029) of Brian Paul Golden and another relative to the civil service rights of employees of the sheriff of Suffolk County;

By Mr. Greene of Billerica, petition (accompanied by resolve, House, No. 4030) of William G. Greene, Jr., for an investigation by a special commission (including members of the General Court) relative to county government and regional entities;

By Mr. Hall of Westford, petition (accompanied by bill, House, No. 4031) of Geoffrey D. Hall, Steven C. Panagiotakos and another relative to the regulation of the zoning of child care facilities by cities and towns;

By the same member, petition (accompanied by bill, House, No. 4032) of Geoffrey D. Hall, Steven C. Panagiotakos and another for legislation to further regulate zoning ordinances in cities and towns;

By Mr. Hill of Ipswich, petition (accompanied by bill, House, No. 4033) of Bradford Hill relative to potentially dangerous dogs and vicious dogs;

By Mr. Honan of Boston, petition (accompanied by bill, House, No. 4034) of the Mass. Municipal Accountants and Auditors and Kevin G. Honan relative to the expenditure of bond and note proceeds by cities, towns and districts;

By the same member, petition (accompanied by bill, House, No. 4035) of the Mass. Municipal Accountants and Auditors and Kevin G. Honan relative to the expenditures of city, town and district funds;

By the same member, petition (accompanied by bill, House, No. 4036) of the Mass. Municipal Accountants and Auditors and Kevin G. Honan relative to the establishment of reserve funds in cities and towns for compensated absences of employees;

By Mr. Knuuttila of Gardner, petition (accompanied by bill, House, No. 4037) of Brian Knuuttila, Emile J. Goguen and Robert A. Antonioni for legislation to designate the Devens Commerce Center as a fire district;

By Mr. Koczera of New Bedford, petition (accompanied by bill, House, No. 4038) of Robert

M. Koczera, Anthony J. Verga and Gloria L. Fox relative to the reporting requirements of constables in cities and towns.

By the same member, petition (accompanied by bill, House, No. 4039) of Robert M. Koczera, Pamela P. Resor and Douglas W. Petersen relative to sustainable land use of subdivisions under certain zoning regulations in cities and towns;

By Mr. Kulik of Worthington, petition (accompanied by bill, House, No. 4040) of Stephen Kulik, Christopher J. Donelan, Andrea F. Nuciforo, Jr., Stanley C. Rosenberg and Stephen M. Brewer relative to the Franklin County Regional Housing and Redevelopment Authority;

By Mr. Linsky of Natick, petition (accompanied by bill, House, No. 4041) of David Paul Linsky, Bruce E. Tarr, Karen Spilka, Deborah D. Blumer and J. James Marzilli, Jr., relative to the approval of definitive plans for subdivisions by planning boards in municipalities;

By the same member, petition (accompanied by bill, House, No. 4042) of David Paul Linsky, Bruce E. Tarr, Karen Spilka, Deborah D. Blumer and J. James Marzilli, Jr., relative to the granting of special permits under the zoning laws in cities and towns;

By the same member, petition (accompanied by bill, House, No. 4043) of David Paul Linsky, David P. Magnani, Cheryl A. Jacques and Alice Hanlon Peisch (by vote of the town) that the town of Natick be authorized to enter into a certain lease agreement with the town of Wellesley;

By Mr. Mariano of Quincy, petition (accompanied by bill, House, No. 4044) of Ronald Mariano, Michael W. Morrissey, Bruce J. Ayers and A. Stephen Tobin for legislation to authorize the county commissioners of Norfolk County to borrow money for certain renovations at the golf course at the Wollaston recreational facility;

By Mr. Murphy of Burlington, petition (accompanied by bill, House, No. 4045) of Charles A. Murphy relative to the zoning of day care centers in residential dwellings;

By Mr. O'Brien of Kingston, petition (accompanied by bill, House, No. 4046) of Thomas J. O'Brien and Viriato Manuel deMacedo relative to a moratorium on the abolishment of county governments;

By the same member, petition (accompanied by bill, House, No. 4047) of Thomas J. O'Brien relative to the submission of county budgets to the General Court;

By the same member, petition (accompanied by bill, House, No. 4048) of Thomas J. O'Brien that county governments and councils of government be authorized to negotiate contracts for electric service.

By the same member, petition (accompanied by bill, House, No. 4049) of Thomas J. O'Brien that grants to political subdivisions be also made available to the counties of the Commonwealth;

By the same member, petition (accompanied by bill, House, No. 4050) of Thomas J. O'Brien for legislation to provide for county advisory boards on economic development, regional planning and intergovernmental relations;

By the same member, petition (accompanied by resolve, House, No. 4051) of Thomas J. O'Brien for an investigation by a special commission (including members of the General Court) relative to the operation of county jails and houses of correction.

By the same member, petition (accompanied by bill, House, No. 4052) of Thomas J. O'Brien relative to the appointment of county advisory boards on economic development;

By the same member, petition (accompanied by bill, House, No. 4053) of Thomas J. O'Brien and Viriato Manuel deMacedo relative to the fees charged by the Registry of Deeds;

By the same member, petition (accompanied by bill, House, No. 4054) of Thomas J. O'Brien and Viriato Manuel deMacedo for legislation to authorize the Plymouth County Sheriff's

Department to operate and maintain a county medical dispatch communications system;

By the same member, petition (accompanied by bill, House, No. 4055) of Thomas J. O'Brien relative to the submission of county budgets to the General Court;

By the same member, petition (accompanied by bill, House, No. 4056) of Thomas J. O'Brien and others for legislation to reform the civil process system;

By Mr. Patrick of Falmouth, petition (accompanied by bill, House, No. 4057) of Matthew C. Patrick relative to the appointment of associate members to the conservation commission of the town of Bourne;

By Mr. Pignatelli of Lenox, petition (accompanied by bill, House, No. 4058) of William Smitty Pignatelli and Andrea F. Nuciforo, Jr., (by vote of the town) for legislation to authorize the conservation commission of the town of Lee to impose fees for the employment of outside consultants;

By Mr. Quinn of Dartmouth, petition (accompanied by bill, House, No. 4059) of John F. Quinn relative to zoning protection of lawful, nonconforming single-family and two-family residences.

By Mr. Scaccia of Boston, petition (accompanied by bill, House, No. 4060) of Thomas M. Menino, Angelo M. Scaccia, Paul C. Demakis, Jarrett T. Barrios and Dianne Wilkerson for legislation to abolish the government of Suffolk County;

By Mrs. Simmons of Leominster, petition (accompanied by bill, House, No. 4061) of Mary Jane Simmons and other members of the General Court for legislation to clarify the use of revolving funds by cities and towns;

By the same member, petition (accompanied by bill, House, No. 4062) of Mary Jane Simmons, Anthony J. Verga, Elizabeth Poirier and J. James Marzilli, Jr., for legislation to further regulate the leasing of municipal property;

By the same member, petition (accompanied by bill, House, No. 4063) of Mary Jane Simmons, Susan W. Pope, Paul J. Donato, Anthony J. Verga, Elizabeth Poirier and Brian A. Joyce relative to the establishment of reserve funds in cities and towns for compensated absences of employees;

By the same member, petition (accompanied by bill, House, No. 4064) of Mary Jane Simmons, Susan W. Pope, Anthony J. Verga, Elizabeth Poirier and Thomas J. O'Brien relative to the expenditures of city, town and district funds;

By the same member, petition (accompanied by bill, House, No. 4065) of the Mass. Association of Conservation Commissioners, Mary Jane Simmons and other members of the General Court relative to the number of selectmen and terms of office in towns;

By the same member, petition (accompanied by bill, House, No. 4066) of Mary Jane Simmons, Sally A. Zelinski and others for legislation to authorize conservation commissions to impose fees for the employment of outside consultants;

By the same member, petition (accompanied by bill, House, No. 4067) of Mary Jane Simmons and other members of the General Court and another that cities and towns be authorized to borrow money for environmental assessment and remediation for the release of hazardous substances;

By the same member, petition (accompanied by bill, House, No. 4068) of Mary Jane Simmons and other members of the General Court for legislation to authorize towns to combine certain offices or boards;

By the same member, petition (accompanied by bill, House, No. 4069) of Mary Jane Simmons and other members of the General Court that cities and towns be authorized to establish general and special purpose funds;

By Ms. Stanley of West Newbury, petition (accompanied by bill, House, No. 4070) of Harriett L. Stanley and Bruce E. Tarr relative to the extension of municipal sewer and water service to the Plum Island area of the city of Newburyport and the town of Newbury;

By Mr. Travis of Rehoboth, petition (accompanied by bill, House, No. 4071) of the Mass. Treasurers and Collectors Association relative to certain checks not cashed and deemed abandoned that are held by cities and towns;

By Mr. Vallee of Franklin, petition (accompanied by bill, House, No. 4072) of James E. Vallee, David P. Magnani and Cheryl A. Jacques (with the approval of the town council) relative to establishing a town property Capital Improvement Fund in the city known as the town of Franklin;

By Mr. Verga of Gloucester, petition (accompanied by bill, House, No. 4073) of Anthony J. Verga relative to the employment of outside consultants by local permit granting agencies; and

By Mr. Wallace of Boston, petition (accompanied by bill, House, No. 4074) of Thomas M. Menino, Brian P. Wallace, Diane Wilkerson, John A. Hart, Jr., Elizabeth A. Malia and Kevin G. Honan for legislation to further define “community development project” under the law relative to urban renewal;

Severally to the committee on Local Affairs and Regional Government.

Severally sent to the Senate for concurrence.

Papers from the Senate.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2049) of Michael W. Morrissey and Robert J. Nyman (by vote of the town) for legislation to authorize the town of Rockland to issue 10 additional all alcohol licenses to be drunk on the premises. To the committee on Government Regulations.

Petition (accompanied by bill, Senate, No. 2052) of Marc R. Pacheco, James H. Fagan and Patricia A. Haddad (with the approval of the mayor and city council) for legislation relative to the issuance of pension funding bonds by the city of Taunton. To the committee on Public Service.

Petition (accompanied by bill, Senate, No. 2053) of Susan C. Fargo and Alice Hanlon Peisch (by vote of the town) for legislation to authorize the town of Weston to regulate certain property tax exemption eligibility requirements for the elderly. 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 Robert Correia and Joan M. Menard relative to the use of tobacco by police officers and firefighters. To the committee on Public Service.

Petition (accompanied by bill) of Shaun P. Kelly and Andrea F. Nuciforo, Jr., that the Central Berkshire Regional School District be authorized to convey a certain parcel of land located in the town of Hinsdale, notwithstanding the uniform procurement law; and

Petition (accompanied by bill) of Peter J. Koutoujian and Thomas M. Stanley that the Division of Capital Asset Management and Maintenance be authorized to sell and convey certain property in the city of Waltham;

Severally to the committee on State Administration.

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

Orders of the Day.

The House Bill relative to the appointment of retired police officers as special police officers in the town of Acushnet (House, No. 3923), 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.

Order.

On motion of Mr. Finneran of Boston,—

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



At sixteen minutes after eleven o'clock A.M., on motion of Ms. Wolf of Cambridge (Mr. DeLeo of Winthrop being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.

