

JOURNAL OF THE HOUSE.
Monday, September 15, 2003.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. O'Flaherty of Chelsea 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 recognize our limitations, weaknesses and biases, so we look to You for guidance and direction as we address our personal and legislative responsibilities and opportunities. We believe that we can depend upon Your assistance in selecting the best options, at every level of daily life, which are available to us. In Your goodness, inspire us to be open to the experiences and views of others, to be seekers and speakers of truth and to be fair in dealing with others. Guide our efforts to build trust and confidence in each other, in our primary institutions and in basic human and spiritual values. May we remain conscious during every moment of the day of Your presence in our world.

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

At the request of the Chair (Mr. O'Flaherty), 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 completion of her term as Chief Justice for Administration and Management of the Trial Court of the Commonwealth of Massachusetts we honor the service of Chief Justice Barbara Dortch-Okara; and

Resolutions (filed by Mr. Loscocco of Holliston) honoring Mary Harrington for her service to the community of Hopkinton;

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

Communications.

Communications

From the Division of Capital Asset Management and Maintenance submitting (pursuant to section 2 of Chapter 664 of the Acts of 1986) a copy of a proposed lease for the former Belchertown State School farm property (copies of said communication forwarded, as required under said chapter, to the committee on State Administration);

From the Bristol County Registry of Deeds, Northern District (under Section KKK of Chapter

29 of the General Laws, as inserted by Section of Chapter 4 of the Acts of 2003) submitting an initial plan for expenditure from the County Registers Technological Fund for technological improvements at said registry (copies of said communication referred, as required under said law, to the committee on Ways and Means and the committee on Post Audit and Oversight); From the Water Resources Commission (pursuant to 3/3 CMR 4.06(3)) submitting its findings concerning the compliance of the proposed desalinization plant to be constructed in the town of Dighton with environmental criteria of the Interbasin Transfer Act; From the Norfolk County Registry of Deeds (under Section KKK of Chapter 29 of the General Laws as inserted by Section 4 of Chapter 4 of the Acts of 2003) submitting an initial plan for expenditure from the County Registers Technological Fund for technological improvements at said registry (copies of said communication referred, as required under said law, to the committee on Ways and Means and the committee on Post Audit and Oversight); and From the Executive Office of Health and Human Services relative to the extension granted (under Chapter 67 of the Acts of 2003) for open enrollment to the Prescription Advantage Program; Severally were placed on file.

Petition.

Mr. Webster of Hanson presented a petition (subject to Joint Rule 12) of Daniel K. Webster and other members of the General Court for legislation to extend the early retirement incentive program for active military personnel serving outside of the Commonwealth; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey an easement in certain land located in the town of Concord (see House, No. 1375, amended) came from the Senate with an amendment striking out all after the enacting clause and inserting in place thereof the following:

“The commissioner of capital asset management and maintenance, acting in consultation with the state police and the department of highways, may, subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, grant an easement in certain land located in the town of Concord for highway purposes. The consideration to be paid to the division by the grantee of such easement shall be for a nominal fee as determined by the commissioner of the division. The property interest established by the granting of the easement shall revert to the commonwealth if the property described in this act is used for a purpose other than the purpose set forth in this act. The parcel is approximately 0.6 acres and is part of a larger tract of land owned by the commonwealth shown as ‘Lot 1 24,861 S.F.’ and a portion of the ‘Driveway Easement (1,400 S.F.)’ on a plan entitled ‘Easement Plan of Land in Concord, MA prepared for the Town of Concord, scale 1" = 50' June 27, 2002’. The exact boundaries of the easements shall be determined by the commissioner in consultation with the department of state police after completion of a survey.”.

Under suspension of Rule 35, on motion of Ms. Atkins of Concord, 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.

The House Bill establishing a sick leave bank for Natasha Searcy, an employee of the Trial Court (House, No. 3818) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following sentence: "Upon such time that Natasha Searcy terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank."

Under suspension of Rule 35, on motion of Mr. Donato of Medford, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

Mr. Fallon of Malden then moved that the House concur with the Senate in its amendment with further amendments striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Notwithstanding any general or special law, rule or regulation to the contrary, the trail court shall establish a sick leave bank for Natasha Searcy, an employee of the Worcester division of the district court department of the trial court. Any employee of said trial court may voluntarily contribute 1 or more of his sick, personal or vacation days to said sick leave bank for use by Natasha Searcy. Upon such time that Natasha Searcy terminates employment with said trail court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.

"SECTION 2. Notwithstanding any general or special law, rule or regulation to the contrary, the trail court shall establish a sick leave bank for Annemarie Terramagra, an employee of the Malden division of said trail court. Any employee of said trial court may voluntarily contribute 1 or more of his sick, personal or vacation days to said sick leave bank for use by Annemarie Terramagra. Upon such time that Annemarie Terramagra terminates employment with said trail court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank."; by striking out the title and inserting in place thereof the following title: "An Act establishing a sick leave bank for certain employees of the trial court."; and by striking out the emergency preamble and inserting in place thereof the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for certain employees of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The further amendments were adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendments.

A Bill relative to certain school construction projects in the town of Milton (Senate, No. 1974, changed (changed in section 1, in line 14, by striking out the word "School," and inserting in place thereof the words "School and" and in line 14 by striking out the words "and the Tucker School")) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

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 an inspection of the Women in Transition facility of the Essex County Sheriff's Department in the town of Salisbury, was spread upon the records

of the House; and returned to the Senate.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2088) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation relative to impact fees in a business development overlay district in the town of Wareham. To the committee on Commerce and Labor.

Petition (accompanied by bill, Senate, No. 2086) of Therese Murray (by vote of the town) for legislation to authorize the disposition by exchange of land held for preservation of natural scenic and open qualities in the town of Barnstable. To the committee on Local Affairs and Regional Government.

Petition (accompanied by bill, Senate, No. 2085) of Michael W. Morrissey, Bruce J. Ayers and A. Stephen Tobin (with the approval of the mayor and city council) for legislation relative to hiring Paul M. Holland, Jr. as a police officer in the city of Quincy. To the committee on Public Service.

Petition (accompanied by bill, Senate, No. 2087) of Michael R. Knapik and Donald F. Humason, Jr., for legislation to authorize the Department of Highways and the city of Westfield to divert the use of certain parcels of land in the city of Westfield for the Great River Bridge project. To the committee on Transportation.

A petition of Steven C. Panagiotakos and Kevin J. Murphy for legislation to establish a sick leave bank for Joseph J. Primeau, an employee of the Division of Industrial Accidents, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2089) was referred, in concurrence, to the committee on Public Service.

The following notices were received from the Clerk of the Senate, to wit:

August 25, 2003.

The Honorable Thomas M. Finneran
Speaker of the House of Representatives
Room 356
State House, Boston, MA 02133

Dear Speaker Finneran:

I am writing to inform you that the Senate President has made the following appointments: Senators Montigny, Murray and O'Leary to the special commission established (under Section 595 of Chapter 26 of the Acts of 2003) to study the ecological and environmental impact of the oil spill in Buzzards Bay.

James A. Aloisi, Jr., of Boston to the special commission established (under Section 599 of the Acts of 2003) relative to transportation restructuring.

Senator Menard to the working group established (under Section 607 of Chapter 26 of the Acts of 2003) to develop legislation to reform Chapter 70 of the General Laws relative to education aid.

Senator Rosenberg to the special commission established (under Section 130 of Chapter 46 of the Acts of 2003) to study the sale of taxable receivables.

Senator Rosenberg to the special commission established (under Section 137 of Chapter 46 of the Acts of 2003) to investigate, study and make a report on the municipal census.

Senators Tolman and Wilkerson to the special commission established (under Section 138 of Chapter 46 of the Acts of 2003) to investigate, study, and make legislative recommendations on the adequacy and efficiency of laws and regulations governing public construction projects.

Senators Barrios, O'Leary, Shannon and Knapik to the special commission established (under Section 601 of Chapter 26 of the Acts of 2003) to make an investigation and study of the Quinn Bill.

The Minority Leader announced the appointment of Senator Sprague to the working group established (under Section 607 of Chapter 26 of the Acts of 2003) to develop legislation to reform Chapter 70 of the General Laws relative to educational aid.

Sincerely,

Patrick F. Scanlan,
Clerk of the Senate.

September 11, 2003.

The Honorable Thomas M. Finneran
Speaker of the House of Representatives
Room 356
State House, Boston, MA 02133

Dear Speaker Finneran:

I am writing to inform you that the Minority Leader has made the following appointments:

Senator Tarr to the special commission established (under Section 595 of Chapter 26 of the Acts of 2003) to study the ecological and environmental impact of the oil spill in Buzzards Bay.

Senator Hedlund to the special commission established (under Section 599 of the Acts of 2003) relative to transportation restructuring.

Senator Sprague to the special commission established (under Section 130 of Chapter 46 of the Acts of 2003) to study the sale of taxable receivables.

Senator Knapik to the special commission established (under Section 137 of Chapter 46 of the Acts of 2003) to investigate, study and make a report on the municipal census.

Senator Tisei to the special commission established (under Section 138 of Chapter 46 of the Acts of 2003) to investigate, study, and make legislative recommendations on the adequacy and efficiency of laws and regulations governing public construction projects.

Sincerely,

Patrick F. Scanlan,
Clerk of the Senate.

Reports of Committees.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration
Of the petition (accompanied by bill, House, No. 256) of Frank M. Hynes for legislation to provide the public with toll free telephone service for access to members of the General Court;
Of the Resolve providing for an investigation and study by a special commission relative to the needs of persons with agoraphobia and related disorders (House, No. 366);
Of the Resolve providing for the creation of a special commission relative to the impact on the Commonwealth of Massachusetts of the World Trade Organization (WTO) and similar international agreements (House, No. 1055);
Of the petition (accompanied by order, House, No. 2690) of Charles A. Murphy and Barry R. Finegold for a change in the joint rules of the General Court relative to the procedures for consideration of the General Appropriation Bill;
Of the petition (accompanied by bill, House, No. 2691) of Kathleen M. Teahan and other members of the General Court relative to the procedures for consideration of the General Appropriation Bill; and
Of the Resolve providing for an investigation and study by a special commission relative to the workforce in the those agencies serving persons with mental retardation (House, No. 3531);
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.
Severally sent to the Senate for concurrence in the discharge of the committee.

By Ms. St. Fleur of Boston, for the committee on Education, Arts and Humanities, asking to be discharged from further consideration
Of the petition (accompanied by bill, House, No. 1075) of Douglas W. Petersen, Louis L. Kafka, Gloria L. Fox and Cory Atkins for an investigation by a special commission (including members of the General Court) of sports injuries to school children;
Of the petition (accompanied by bill, House, No. 2025) of Arthur J. Broadhurst that the Department of Public Health be authorized to enforce the immunization of public school students;
Of the petition (accompanied by bill, House, No. 2570) of Garrett J. Bradley and Andrea F. Nuciforo, Jr., relative to the Hepatitis B vaccine requirement prior to admittance to the public schools;
Of the petition (accompanied by resolve, House, No. 2580) of Peter J. Koutoujian and other members of the General Court for an investigation by a special commission (including members of the General Court) relative to methods of reducing incidents of suicide in the Commonwealth; and
Of the petition (accompanied by bill, House, No. 2762) of Bradley H. Jones, Jr. and other members of the House relative to requiring criminal history background checks for teaching applicants;
And recommending that the same severally be referred to the committee on Health Care.
Under Rule 42, the reports severally were considered forthwith; and they were accepted.
Severally sent to the Senate for concurrence.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional

Government, on a message from His Excellency the Governor, a Bill validating the action taken at a special town meeting held by the town of Rockland (printed in House, No. 4142). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

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

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill relative to court advisement (House, No. 4135) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Cabral of New Bedford, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Toomey of Cambridge, for the committee on Public Safety, on House, No. 2506, a Bill relative compensation for certain erroneous felony convictions (House, No. 4166). Read; and referred, under Rule 33, to the committee on Ways and Means.

Orders of the Day.

House bills

Establishing a sick leave bank for Christopher Boumil, an employee of the Department of Correction (printed as Senate, No. 2051) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to the membership of the Lake Quinsigamond Commission (House, No. 4133); 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.

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 eighteen minutes after eleven o'clock A.M., on motion of Mr. Carron of Southbridge (Mr. O'Flaherty of Chelsea being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.
