

**JOURNAL OF THE HOUSE.**  
**Thursday, September 18, 2003.**

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. DiMasi of Boston 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, Lord of Heaven and Earth, during this moment of prayer and spiritual reflection, we acknowledge our dependence upon You and Your guidance in our effort to comprehend and resolve conscientiously current issues. In our diverse society, Your gift of wisdom enables us to propose legislation and public policy goals which best serve the people and society. As elected leaders, teach us to learn from the legislative experiences of our predecessors as we address today's challenges and plan for the future. In our desire to offer You and the people our best efforts, inspire us to use our talents and insights wisely so that our communities will be peaceful and prosperous and the people happy and safe.

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

At the request of the Chair (Mr. DiMasi), 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. Finneran of Boston) commemorating the dedication of the Justine Liff Elm Tree in Dorchester Park;

Resolutions (filed by Mr. Connolly of Everett) honoring Rose O'Keefe on the occasion of her one hundredth birthday;

Resolutions (filed by Mr. Driscoll of Braintree) commemorating the twenty fifth anniversary of the founding of the Dianne DeVanna Center;

Resolutions (filed by Mr. Nyman of Hanover and other members of the House) congratulating Kirk H. Fordyce on the occasion of his retirement;

Resolutions (filed by Mr. O'Brien of Kingston and other members of the House) on the occasion of Prisoner of War-Missing in Action Recognition Day; and

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Father Francis J. Crowley on his fifty years in the priesthood;

Mr. Petrolati of Ludlow, 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. 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:

**Communications**

From the Chairman of the Management Team of Boston University (under the provisions of Section 13 of Chapter 133 of the Acts of 1989) submitting a copy of its annual report of the Boston University/Chelsea partnership for the fiscal year 2003; and

From Wonderland Greyhound Park, Inc. (under Section 2 of Chapter 128C of the General Laws) submitting a copy of all contracts, agreements or conditions pursuant to which simulcast events are broadcast, transmitted or received.

Severally placed on file.

**Annual and Special Reports.**

**Annual Reports**

Of the Capital Resource Company (under the provisions of Section 12 of Chapter 816 of the Acts of 1977) describing the formation and current status of said company;

Of the Commissioner of Banks (under the provisions of Section 13 of Chapter 167 of the General Laws) containing a statement of condition of each state-chartered co-operative bank in the Commonwealth for the calendar year 2002;

Of the committee on Long-Term Debt and Capital Expenditures (under the provisions of House Rule 17D) for the year 2003;

Of the Massachusetts Commission on the Status of Women (under the provisions of Section 1 of Chapter 138 of the Acts of 1998) of its findings and activities for the fiscal year ending June 30, 2003;

Of the Massachusetts Turnpike Authority (under the provisions of Section 20 of Chapter 81A of the General Laws) of its activities for the fiscal year 2002; and

Of the State Ethics Commission (under the provisions of Section 2(1) of Chapter 268B of the General Laws) for the fiscal year 2003;

A bi-monthly report of the Executive Office of Transportation and Construction (under the provisions of Section 178 of Chapter 653 of the Acts of 1989) submitting an account of the costs in connection with the depression of the Central Artery and construction of the Ted Williams Tunnel;

An interim report of the Administrative Office of the Trial Court (under the provisions of Section 15 of Chapter 358 of the Acts of 1996, as amended by Section 4 of Chapter 157 of the Acts of 1998 and Section 19 of Chapter 142 of the Acts of 2000) relative to the implementation of the expansion of the one trial system for the superior and district courts of certain counties;

**Quarterly Reports**

Of the Massachusetts Convention Center Authority (under the provisions of Section 5L of Chapter 152 of the Acts of 1997) relative to all contracts regarding the Boston Convention and Exhibition Center project entered by said authority; and

Of the Commissioner of the Mass Highway Department (under the provisions of item 6010-1000 contained in Section 2 of Chapter 26 of the Acts of 2003) of the bonded funded expenditures of said department for the period ending June 30, 2003; and

A semi-annual report of the Insurance Fraud Bureau (under the provisions of Section 99(k) of Chapter 398 of the Acts of 1991) on the disposition of matters referred to said bureau;

Severally were placed on file.

## **Petitions.**

Petitions severally were presented and referred as follows:

By Ms. Blumer of Framingham, petition (accompanied by bill, House, No. 4170) of Karen Spilka and Deborah D. Blumer (by vote of the town) relative to preliminary elections in the town of Framingham; and

By Ms. Stanley of West Newbury, petition (accompanied by bill, House, No. 4171) of Harriett L. Stanley and Bruce E. Tarr (by vote of the town) relative to providing recall elections in the town of Groveland;

Severally to the committee on Election Laws.

By Mr. Kaufman of Lexington, petition (accompanied by bill, House, No. 4172) of Jay R. Kaufman, Robert A. Havern, Thomas M. Stanley and Susan C. Fargo (by vote of the town) relative to the granting of licenses for the sale of all alcoholic beverages to be drunk on the premises to certain restaurants in the town of Lexington. To the committee on Government Regulations.

By Mr. Marzilli of Arlington, petition (accompanied by bill, House, No. 4173) of J. James Marzilli, Jr., Jay R. Kaufman, Anne M. Paulsen and Robert A. Havern (by vote of the town) relative to the qualifications necessary for appointment to the position of town manager in the town of Arlington; and

By Mr. Murphy of Burlington, petition (accompanied by bill, House, No. 4174) of Charles A. Murphy (by vote of the town) for legislation to prohibit elected officials in the town of Burlington from holding additional elected positions;

Severally to the committee on Local Affairs and Regional Government.

By Mr. Broadhurst of Methuen, petition (accompanied by bill, House, No. 4175) of Steven A. Baddour, Arthur J. Broadhurst and others (with the approval of the mayor and city council) that the city of Methuen be authorized to appoint additional officers to the intermittent police force of said town; and

By Mr. Kennedy of Brockton, petition (accompanied by bill, House, No. 4176) of Thomas P. Kennedy, Christine E. Canavan, Geraldine Creedon and Robert S. Creedon, Jr. (with the approval of the mayor and city council) relative to the retirement of certain employees of the city of Brockton;

Severally to the committee on Public Service.

By Ms. Spilka of Ashland, petition (accompanied by bill, House, No. 4177) of Karen Spilka and Deborah D. Blumer (by vote of the town) that the town of Framingham be authorized to enter into certain tax deferral and recovery agreements; and

By the same member, petition (accompanied by bill, House, No. 4178) of Karen Spilka and Deborah D. Blumer (by vote of the town) that the town of Framingham be authorized to regulate certain property tax exemption requirements for certain elderly persons;

Severally to the committee on Taxation.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Demakis of Boston, petition (subject to Joint Rule 12) of Paul C. Demakis, J. James Marzilli, Jr., Matthew C. Patrick and Robert O'Leary relative to establishing a minimum energy efficiency standard for certain products.

By Mr. Dempsey of Haverhill (by request), petition (subject to Joint Rule 12) of John A. Michitson for legislation to authorize teleconference meetings of governmental bodies.

By Mr. Finegold of Andover, petition (subject to Joint Rule 12) of Barry R. Finegold, James R. Miceli and Susan C. Tucker for legislation to authorize and direct the Division of Capital Asset Management and Maintenance be release an interest in a certain parcel of land in the town of Tewksbury.

By Mr. Hargraves of Groton, petition (subject to Joint Rules 12 and 9) of Robert S. Hargraves and Steven C. Panagiotakos (by vote of the towns) for legislation to establish the boundary line between the town of Groton and the town of Pepperell.

By Mr. Howland of Freetown, petition (subject to Joint Rule 12) of Mark A. Howland for a legislative amendment to the Constitution relative to the qualification of voters.

By Mr. Hynes of Marshfield, petition (subject to Joint Rule 12) of Frank M. Hynes relative to the acquisition of new estates or claims of homestead.

By Mr. LeDuc of Marlborough (by request), petition (subject to Joint Rule 12) of Tony Liccardi for legislation to exempt persons denied a firearms identification card from jury duty.

By Mr. Naughton of Clinton, petition (subject to Joint Rule 12) of Harold P. Naughton, Jr., and James B. Eldridge for legislation to include the Lancaster Sewer District on the Massachusetts Water Resources Authority Advisory Board.

By Mrs. Parente of Milford, petition (subject to Joint Rule 12) of Marie J. Parente relative to the crime of voyeurism and establishing penalties therefor.

By the same member, petition (subject to Joint Rule 12) of Marie J. Parente relative to motor vehicle homicide caused by sleep deprivation.

By Mr. Petrolati of Ludlow (by request), petition (subject to Joint Rule 12) of Rodney Walker relative to the suspension of drivers licenses of persons convicted of certain violations of the controlled substances law.

By Mrs. Pope of Wayland, petition (subject to Joint Rule 12) of Susan W. Pope and other members of the House relative to extending the time within which cities and towns are required to repay funds borrowed for certain school building construction projects.

By Mrs. Teahan of Whitman, petition (subject to Joint Rule 12) of Kathleen M. Teahan and Pamela P. Resor relative to accounting requirements for executors, administrators, guardians, trustees and conservators of minors.

By Mr. Stanley of Waltham, petition (subject to Joint Rule 12) of Thomas M. Stanley and others relative to the disposition of a parcel of land in the city of Waltham known as the Fernald Center and under the control of the Division of Capital Asset Management and Maintenance.

By Mr. Verga of Gloucester, petition (subject to Joint Rule 12) of Anthony J. Verga and Bruce E. Tarr for legislation to designate a certain traffic island in the city of Gloucester as the Paul Bergmann Memorial Traffic Island.

By Mr. Wagner of Chicopee, petition (subject to Joint Rule 12) of Joseph F. Wagner for legislation to require custodial parents to notify non-custodial parents relative to certain records of minor children.

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

### **Papers from the Senate.**

The House Bill establishing a sick leave bank for John Nourse, an employee of the Department of Correction (House, No. 3822) came from the Senate passed to be engrossed, in concurrence,

with an amendment adding at the end thereof the following sentence: “Whenever said John Nourse terminates employment with said department or requests to dissolve said sick leave bank, the balance of sick leave time shall be transferred to the extended illness 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; and it was adopted, in concurrence.

The House Bill relative to the city of Brockton’s contributions to the health insurance premiums of its retirees (House, No. 3867, amended) came from the Senate passed to be engrossed, in concurrence, with amendments in section 2 (as printed), in line 2, by inserting after the word “Brockton” the words “to the health insurance premiums”; and by striking out section 2 (added by amendment by the House) and inserting in place thereof the following section: “SECTION 2. This act shall take effect as of June 30, 2003.”.

Under suspension of Rule 35, on motion of Mr. Donato of Medford, 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.

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

Petition (accompanied by bill, Senate, No. 2091) of Dianne Wilkerson, Paul C. Demakis, Jarrett T. Barrios, Salvatore F. DiMasi and Kevin G. Honan for legislation to provide for the issuance of a distinctive registration plate to restore, preserve and enhance the Charles River Esplanade. To the committee on Public Safety.

Petition (accompanied by bill, Senate, No. 2092) of John W. Seaver, Richard T. Moore and Marie J. Parente for legislation relative to installing Internet filters in public libraries. 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 James H. Fagan for legislation to provide civil service status for certain employees of the municipal lighting plant of the city of Taunton; and

Petition (accompanied by bill) of James H. Fagan relative to authorizing the certification and eligibility of certain persons as fire fighters in the city of Taunton;

Severally to the committee on Public Service.

Under suspension of the rules, on motion of Mr. Festa of Melrose, 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 Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of John J. Binienda and other members of the General Court relative to the fee for flashing light permits to volunteer firefighters, police or emergency medical technicians; and

Petition (accompanied by bill) of Stephen P. LeDuc and other members of the House relative to establishing a firearm identification card for pepper spray;

Severally to the committee on Public Safety.

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

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill designating a certain trail in Mansfield as the World War II veterans trail (Senate, No. 1897) be scheduled for consideration by the House.

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

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Resolve relative to county lands (House, No. 106). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill relative to granting of an easement by the city of Newton to the Massachusetts Water Resources Authority (House, No. 4009).

By Mr. Koczera of New Bedford, for the committee on Public Service, on House, No. 239, a Bill relative to group insurance benefits for certain public retirees (House, No. 4167).

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

### **Emergency Measure.**

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), 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.

### **Orders of the Day.**

House bills

Relative to the issuance of additional liquor licenses in the town of Winchester (printed as Senate, No. 2032); and

Validating the action taken at a special town meeting held by the town of Rockland (printed in House, No. 4142);

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. Donato of Medford,—

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

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At twenty-five minutes after eleven o'clock A.M., on motion of Mr. Donato (Mr. DiMasi of Boston being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.