

JOURNAL OF THE HOUSE.
Monday, September 22, 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: Gracious God, the Ultimate Source of Goodness and Forgiveness, the Creator of All People and the Lord of History, we pray for Your guidance and assistance as we address daily our personal and legislative responsibilities and tasks. We believe that we can count on You and Your help in both tranquil and stressful times. In dealing with today's complex issues and public policy proposals, inspire us to marshal factual information, to evaluate data accurately and to resolve conflicts according to basic human and spiritual values. May our hearts and minds be always open to Your gifts of peace and hope.

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 Ms. L'Italien of Andover) congratulating Brenda Manzi on the occasion of her retirement; and

Resolutions (filed by Mr. Rogers of Norwood) congratulating Stephen P. Sullivan on the occasion of his retirement from the Commonwealth of Massachusetts;

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

Petition.

Mr. Frost of Auburn presented a petition (accompanied by bill, House, No. 4181) of Paul K. Frost (by vote of the town) relative to sewer user fees charged to residents of non-sewered areas in the town of Millbury; and the same was referred to the committee on Local Affairs and Regional Government. Sent to the Senate for concurrence.

Papers from the Senate.

The House Bill relative to drag racing in the city of Springfield (House, No. 3835) came from

the Senate passed to be engrossed, in concurrence, with an amendment striking out section 2 and inserting in place thereof the following section:

“SECTION 2. (1) The following items shall be subject to forfeiture:

(a) any motor vehicle used or intended to be used to violate section 17B of chapter 90 of the General Laws or used to facilitate a violation of said section 17B of said chapter 90 in the city of Springfield, but no forfeiture under this act shall extinguish a perfected security interest held by a creditor in a motor vehicle at the time of filing of the forfeiture action; and

(b) any money, negotiable instrument, securities or other thing of value furnished or intended to be furnished in exchange for violating said section 17B of said chapter 90 or for facilitating a violation of said section 17B of said chapter 90 in the city of Springfield.

(2) The following exemptions shall apply:

(a) no motor vehicle used as a common carrier in the transaction of business as a common carrier shall be subject to forfeiture, unless the owner or other person lawfully in charge of such motor vehicle consented to or participated or intended to participate in the violation or facilitation of a violation of section 17B of chapter 90 of the General Laws;

(b) no motor vehicle used or intended to be used to violate said section 17B of said chapter 90 or to facilitate a violation of said section 17B of said chapter 90 shall be subject to forfeiture by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such motor vehicle was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, the commonwealth or any state; and

(c) no motor vehicle shall be subject to forfeiture unless the owner knew or should have known that such motor vehicle was used or intended to be used to violate or to facilitate a violation of said section 17B of said chapter 90.”.

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.

A Bill clarifying the jurisdiction over public parks in the city of Holyoke (Senate, No. 2090) (on Senate bill, No. 1158) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports

Of the committee on Local Affairs and Regional Government, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 138) of Harriette L. Chandler, Vincent A. Pedone, Richard T. Moore, James B. Leary and other members of the General Court for legislation to establish a regional lock-up facility in Worcester County; and Of the committee on Natural Resources and Agriculture, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 2038) of Michael W. Morrissey and Kathleen M. Teahan (by vote of the town) for legislation to authorize the town of Abington to transfer certain funds to the stabilization fund for open space and recreational purposes; and

Of the petition (accompanied by bill, Senate, No. 2039) of Michael W. Morrissey and Kathleen M. Teahan (by vote of the town) for legislation to authorize the town of Abington to pay an unpaid bill to Glenn R. LaPointe, Inc.;

And recommending that the same severally be referred to the Senate committee on Ways and

Means.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence, insomuch as relates to the discharge of the committee.

A petition of Charles E. Shannon, Guy W. Glodis, Steven A. Baddour, Therese Murray and other members of the General Court for legislation relative to insurance rates, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Insurance.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2093) was referred, in concurrence, to the committee on Insurance.

A petition (subject to Joint Rule 12) of Christopher J. Donelan and Stephen Kulik relative to placing in county jails persons being held in protective custody came from the Senate with the endorsement that said branch had concurred in the suspension of Joint Rule 12, non-concurred in the reference to the committee on the Judiciary and that said petition had been referred, in non-concurrence, to the committee on Public Safety.

On motion of Mr. Donato of Medford, the House receded from its reference; and the petition (accompanied by bill, House, No. 4179) was referred, in concurrence, to the committee on Public Safety.

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 Thomas N. George and other members of the General Court for legislation to further regulate the delivery by pharmacists or other providers of oxygen to residential patients in the Commonwealth. To the committee on Health Care.

Petition (accompanied by resolve) of Walter F. Timilty for an investigation by a special commission (including members of the General Court) relative to authorizing the placement of advertisements on websites of the Commonwealth. To the committee on State Administration. Under suspension of the rules, on motion of Mr. Petrucci of Boston, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. 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 action taken at an annual town meeting and a special town meeting held in the town of Leicester (printed in House, No. 4123). 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. Donato of Medford, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill providing for an assistant clerk in the Milford District Court (House, No. 181). Read; and referred, under

Rule 33, to the committee on Ways and Means.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for John Nourse, an employee of the Department of Correction (see House, No. 3822, 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 12 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

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) (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 acting Speaker and sent to the Senate.

The engrossed Bill relative to the development of property owned by a political subdivision for nonwater dependent uses (see House, No. 4130, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to the city of Brockton's contributions to the health insurance premiums of its retirees (see House, No. 3867, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The House Bill authorizing the town of Lee to enter into contracts for construction, operation and maintenance, lease and modification of its water and wastewater treatment facilities (printed as Senate, No. 1934), 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. Casey of Winchester,—

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

At twenty-eight minutes before twelve o'clock noon, on motion of Mr. Donato of Medford (Mr. DiMasi of Boston being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.