

## **JOURNAL OF THE HOUSE.**

**Monday, October 6, 2003.**

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Rodrigues of Westport 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, we believe in You, Our Creator, and place our trust in You and in the guidelines for daily living which You have made known to us. By following Your ways and accepting Your guidance, we are able to live a successful, meaningful and happy life. Today we join in our thoughts and in spirit our Jewish Colleagues, friends and neighbors in the observance of Yom Kippur, a solemn day of atonement, of prayer and fasting. Today's religious observance reminds us of the traditional biblical teachings on the importance of religious beliefs, practices and values. May we all remain faithful to You, our ideals and religious commitments. Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Rodrigues), 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 relative to exemptions for residential real property in the city of Cambridge [see House, No. 2185] (for message, see House, No. 4208) was filed in the Office of the Clerk on Thursday, October 2.

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.

### **Message from the Governor — Bill Returned with Recommendation of Amendment.**

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to drag racing in the city of Springfield [see House, No. 3835, amended] (for message, see House, No. 4209) was filed in the office of the Clerk on Friday October 3.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Ms. Candaras of Wilbraham, to the committee on Bills in the Third Reading.

### **Communications.**

The following communications were read for the information of the House:  
Communications

From the Fall River District and Plymouth 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 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 Public Employee Retirement Administration Commission (PERAC) submitting a copy of the Actuarial Valuation report of the State Employees' Retirement System for the period ending January 1, 2003; and

From the Secretary of Transportation submitting a copy of several reports filed under the provisions of item 6000-0100 contained in Section 2 of Chapter 184 of the Acts of 2003; Severally placed on file.

### **Annual and Special Reports.**

#### **Annual Reports**

Of the Director of the Biologic Laboratories of the University of Massachusetts (under the provisions of Section 43 of Chapter 75 of the General Laws) of the activities of said laboratories for the fiscal year 2003; and

Of the Massachusetts Economic Development Incentive Program (under the provisions of Chapter 19 of the Acts of 1993) for the fiscal year 2003; and

A quarterly report of the Division of Employment and Training (under the provisions of Section 68 of Chapter 233 of the Acts of 1983) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for the period ending September 30, 2003; Severally were placed on file.

### **Statement of Representative Teahan of Whitman.**

A statement of Mrs. Teahan of Whitman was spread upon the records of the House, as follows:  
MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present in the House Chamber for the sitting of Tuesday, September 30 due to official business in Washington, D.C. Any roll calls that I missed that day is due entirely to the reason stated.

### **Resolutions.**

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

Resolutions (filed by Mr. Kennedy of Brockton and other members of the House) honoring Old Colony Hospice for twenty-five years of distinguished service;

Resolutions (filed by Mr. Pignatelli of Lenox) congratulating Construct, Inc., on the occasion of its fifteenth annual Walk for the Homeless on October 12, 2003; and

Resolutions (filed by Mr. Straus of Mattapoisett) honoring the First Congregational Church of Rochester on the occasion of its three hundredth anniversary;

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.

### **Petitions.**

Mr. Dempsey of Haverhill presented a petition (accompanied by bill, House, No. 4210) of Brian S. Dempsey, Steven A. Baddour, Barbara A. L'Italian and Harriett L. Stanley relative to parking fines in the city of Haverhill; and the same was referred to the committee on Local Affairs and Regional Government. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Ms. Balser of Newton (by request), petition (subject to Joint Rule 12) of Edward Craig relative to the establishment of a state operated lottery to fund international humanitarian efforts.

By the same member (by request), petition (subject to Joint Rule 12) of Matthew Theall for legislation to exempt the seat belt use requirements in vehicles manufactured in certain years. By Mr. Donelan of Orange, petition (subject to Joint Rule 12) of Christopher J. Donelan and Stanley C. Rosenberg for payment from the state treasury of a certain sum of money to Adam Dzialo.

By Mr. Fagan of Taunton, petition (subject to Joint Rule 12) of James H. Fagan and another relative to increasing the jurisdictional amount allowable in small claims cases.

By the same member, petition (subject to Joint Rule 12) of James H. Fagan for legislation to authorize the Division of Employment and Training to establish a sick leave bank for Donna M. Tansey, an employee of said department.

By Mr. Fresolo of Worcester, petition (subject to Joint Rule 12) of John P. Fresolo relative to the dispensing of non-prescription drugs by athletic trainers.

By Mr. Hynes of Marshfield, petition (subject to Joint Rule 12) of Frank M. Hynes for legislation to require organizations regulated by the Department of Public Utilities to provide toll-free telephone access to customers.

By the same member, petition (subject to Joint Rule 12) of Frank M. Hynes for legislation to further regulate severance allowances for public employees.

By Mr. Kafka of Sharon (by request), petition (subject to Joint Rule 12) of Steven Drobnis for legislation to eliminate perjury provisions on certain tax forms.

By Ms. Kaprielian of Watertown, petition (subject to Joint Rule 12) of Rachel Kaprielian for legislation to protect the financial privacy of employees of non-profit or charitable corporations.

By Mr. Knuutila of Gardner, petition (subject to Joint Rule 12) of Brian Knuutila and other members of the General Court relative to private attorneys providing public counsel services.

By Mr. Scaccia of Boston, petition (subject to Joint Rule 12) of William Francis Galvin and Angelo M. Scaccia relative to certain rules for notaries including electronic notarization.

By Mr. Sullivan of Fall River, petition (subject to Joint Rule 12) of David B. Sullivan relative to salary and vacation allowance for public employees in Massachusetts serving in the National Guard of other states.

By the same member (by request), petition (subject to Joint Rule 12) of Paul Solomon for legislation to provide bonuses to veterans who served in Iraq.

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

## **Papers from the Senate.**

A Bill regulating the use of Lowell Park in the town of Barnstable (Senate, No. 1935) (on a petition) [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.

A report of the committee on State Administration, asking to be discharged from further consideration of the Senate Bill authorizing the town of Tewksbury to grant certain utility easements (Senate, No. 2070), and recommending that the same be referred to the committee on Local Affairs and Regional Government,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

## **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 petition of Eugene L. O'Flaherty relative to the procedure for the issuance of criminal complaints. Under suspension of the rules, on motion of Ms. Jehlen of Somerville, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3664) of Paul K. Frost that certain prisoners convicted of murder be prohibited from receiving organ transplants,— and recommending that the same be referred to the committee on Criminal Justice. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

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 Resolve relative to county lands (House, No. 106); and  
Of the petition (accompanied by bill, House, No. 3591) of Jennifer M. Callahan relative to the Legislative Post Audit and Oversight bureaus;  
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.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on House, No. 954, a Bill relative to the duties of the clerk and assistant clerks of the Supreme Judicial Court for Suffolk County (House, No. 4211). 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. Koczera of New Bedford, for the committee on Public Service, on a petition, a Bill

relative to the civil service eligibility list for fire service in the town of Norwood (House, No. 4165) [Local Approval Received]. 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. Ruane of Salem, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on a petition, a Resolve relative to the study of long term custodial care options for cognitively intact, physically disabled young adults between ages 19 and 59 (House, No. 2071). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on a petition, a Bill relative to safety inspections of foster homes licensed by the Office of Child Care Services and the Department of Social Services (House, No. 714).

By the same member, for the same committee, on a petition, a Bill relative to criminal offender record information checks for assisted living employees (House, No. 1677).

By the same member, for the same committee, on a petition, a Bill relative to accountability and wage parity of community direct care workers for persons with mental retardation (House, No. 3166).

By the same member, for the same committee, on a petition, a Bill relative to the abandonment of a child under ten years of age in a motor vehicle (House, No. 3171).

By Mr. Koczera of New Bedford, for the committee on Public Service, on a petition, a Bill to grant A. John Crisafulli three years of creditable service (House, No. 3431).

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

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on a petition, a Bill relative to the Department of Social Services' notification procedures and penalties relating to criminal record screening for foster parents (House, No. 716). Read; and referred, under Rule 33B, to the committee on Science and Technology.

By Mr. Straus of Mattapoisett, for the committee on Election Laws, on a petition, a Bill authorizing cities, towns and regional districts to send certain information to registered voters (printed as Senate, No. 349).

By the same member, for the same committee, on a petition, a Bill relative to recall elections in the town of Bernardston (printed as Senate, No. 2011) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill to amend campaign finance (House, No. 1268, changed in line 2, by striking out the following: "employer" and inserting in place thereof the following: "employer,").

By the same member, for the same committee, on a petition, a Bill relative to annual elections in the town of North Andover (House, No. 3906) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing a ballot question in the town of Belmont relative to the grant-ing of licenses for the sale of alcoholic beverages (House, No. 3975) [Local Approval Received]. [Representative Reinstein of Revere dissenting].

By Ms. Peisch of Wellesley, for the same committee, on House, Nos. 692, 1269 and 3504, a Bill relative to absentee ballots (House, No. 4207).

By Mr. Bosley of North Adams, for the committee on Government Regulations, on a petition, a Bill authorizing the town of Bridgewater to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (printed as Senate, No. 2016) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Adams to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (printed as Senate, No. 2034) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Southampton to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4162). [Local Approval Received].

By Mr. Honan of Boston, for the committee on Housing and Urban Development, on a petition, a Bill relative to certain roadways of the Metropolitan District Commission (House, No. 2968).

By the same member, for the same committee, on a petition, a Bill relative to rent regulations in mobile home park accomodations in the town of Williamstown (House, No. 3891) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill establishing the Chelsea affordable housing trust fund (House, No. 3977) [Local Approval Received].

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

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

#### **House bills**

Relative to police mutual aid agreements (House, No. 593); and

Relative to court advisement (House, No. 4135);

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 tomorrow at eleven o'clock A.M.

Mrs. Canavan of Brockton then moved that as a mark of respect to the memory of Paul V. Studenski, a member of the House from Brockton in 1973 and 1974, the House adjourn; and the motion prevailed.

Accordingly, at twenty minutes after eleven o'clock A.M., on motion of Mr. Ruane of Salem (Mr. Rodrigues of Westport being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.

---