

JOURNAL OF THE HOUSE.
Tuesday, October 21, 2003.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mrs. Walrath of Stow 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 believe that we live each moment of the day in Your presence and Your divine assistance is available to one and all. Teach us to recognize Your personal concern for our total well-being in both good and stressful times. Inspire us to use the gifts and talents, which You have given us, in a productive, prudent and generous manner by helping others. Guide our efforts to propose, define and pursue goals and causes which unite people in serving and recognizing the common good and in making our communities stable, peaceful and safe. In our society of diverse cultures, customs and beliefs, may the unity of the one human family, God's family, be accepted by all and acknowledged. Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mrs. Walrath), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Appointments to Special Committee and Commissions.

The Speaker announced appointments to the following special committee and commissions:

Representative Hynes of Marshfield to the coastal hazards steering committee established (under the provisions of Section 27 of Chapter 236 of the Acts of 2002) to develop a statewide comprehensive coastal hazards management program;

Representatives Quinn of Dartmouth, Turkington of Falmouth, Howland of Freetown, Straus of Mattapoisett, O'Brien of Kingston, Koczera of New Bedford, Patrick of Falmouth, Walsh of Lynn, Gifford of Wareham and Greene of Billerica to the special commission established (under the provisions of Section 595 of Chapter 26 of the Acts of 2003) to study the ecological and environmental impact of the oil spill in Buzzards Bay;

Representatives Wagner of Chicopee and Parente of Milford to the special commission called the Commission on Transportation Restructuring established (under the provisions of Section 599 of Chapter 26 of the Acts of 2003) to study the administration of the highway system in the Commonwealth;

Representatives St. Fleur of Boston (co-chair), Golden of Boston and Torrisi of North Andover to the special commission established (under the provisions of Section 606 of Chapter 26 of the Acts of 2003) to study issues related to charter school finance and charter school tuition, and to investigate alternative funding formulas and funding sources;

Representatives Casey of Winchester (co-chair) and Travis of Rehoboth to the special commission established (under the provisions of Section 130 of Chapter 46 of the Acts of 2003) to study the sale of tax receivables;

Representatives Straus of Mattapoisett and Owens-Hicks of Boston to the special commission

established (under the provisions of Section 137 of Chapter 46 of the Acts of 2003) to investigate, study and make a report on the annual municipal census; and Representatives Walsh of Boston (co-chair) and Finegold of Andover to the special commission established (under the provisions of 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.

Communication.

A communication from the Correctional Health Services at Lemuel Shattuck Hospital (under the provisions of Section 609 of Chapter 26 of the Acts of) submitting a copy of its report on the costs and charges used by correctional systems that utilized said hospital in fiscal years 2000, 2001 and 2002, was read for the information of the House; and it was placed on file.

Annual Reports.

Annual reports

Of the Commissioner of Insurance (under the provisions of Section 4A of Chapter 175 of the General Laws) of the homeowners insurance market in the Commonwealth; and

Of the Commissioner of Insurance (under the provisions of Paragraph 2 of Clause F of Section 117C of Chapter 175 of the General Laws) relative to a summary of insurance claims experience and loss ratio data on credit life insurance and credit accident and health insurance; Severally were placed on file.

Petitions.

Mr. Marzilli of Arlington presented a petition (accompanied by bill, House, No. 4247) of J. James Marzilli, Jr., Robert A. Havern, Jay R. Kaufman and Anne M. Paulsen (by vote of the town) for legislation to eliminate the residency requirement for appointment to the position of town manager in the town of Arlington; 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 Mr. Bradley of Hingham, petition (subject to Joint Rule 12) of Garrett J. Bradley for legislation to require students under the age of eighteen who have not graduated to attend school.

By Mr. Hynes of Marshfield, petition (subject to Joint Rule 12) of Frank M. Hynes for legislation to further regulate exhibitors using convention centers or exhibition centers financed by the Commonwealth.

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

Papers from the Senate.

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

Petition (accompanied by bill, Senate, No. 2112) of Andrea F. Nuciforo, Jr., Stanley C.

Rosenberg, Richard T. Moore, William Smitty Pignatelli and other members of the General

Court for legislation to extend school building assistance financing. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill, Senate, No. 2113) of Thomas A. DeRiemer for legislation relative to homeowners' associations. To the committee on Housing and Urban Development.

Petition (accompanied by bill, Senate, No. 2114) of Bruce E. Tarr, Joseph O. Hocter, Bradford Hill, Michael J. Coppola and other members of the General Court for legislation to facilitate timely guardianships for mentally retarded persons. To the committee on the Judiciary.

Petition (accompanied by bill, Senate, No. 2115) of Stephen M. Brewer and Lewis G. Evangelidis for legislation relative to creditable service for Carol Adams from the Massachusetts Teachers' Retirement System. To the committee on Public Service.

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 Brian Knuuttila and another relative to the protection of elderly and disabled persons from persons accepting gifts, gratuities or loans. To the committee on Criminal Justice.

Petition (accompanied by bill) of Shirley Gomes, Thomas N. George and Robert A. O'Leary for legislation to make certain changes in the agreement establishing the Nauset Regional School District;

Petition (accompanied by bill) of Shirley Gomes and Robert A. O'Leary relative to increasing the tuition payable for school choice students attending classes in other educational jurisdictions; and

Petition (accompanied by bill) of Marie J. Parente relative to the residency requirements for reduced tuition at the University of Massachusetts Medical School;

Severally to the committee on Education, Arts and Humanities.

Petition (accompanied by bill) of Viriato Manuel deMacedo for legislation to ensure that residents of nursing homes be assured of beds after non-medical leaves of absences;

Petition (accompanied by bill) of John P. Fresolo relative to the dispensing of non-prescription drugs by athletic trainers; and

Petition (accompanied by bill) of Michael F. Rush for legislation to further regulate the smoking of tobacco products in certain restaurants;

Severally to the committee on Health Care.

Petition (accompanied by bill) of Kevin G. Honan (with the approval of the mayor and city council) relative to the safe placement of newborns and infants in the city of Boston by the Department of Social Services. To the committee on Human Services and Elderly Affairs.

Petition (accompanied by bill) of Stephen Paradise, Shirley Gomes, Robert A. O'Leary, Susan W. Pope, J. James Marzilli, Jr., Douglas W. Petersen and another relative to the penalties for certain environmental law violations. To the committee on Natural Resources and Agriculture.

Petition (accompanied by bill) of Robert S. Hargraves and Robert A. Antonioni (by vote of the town) relative to authorizing the Middlesex County Retirement Board to grant a superannuation pension to William F. Felton, a former highway superintendent of the town of Townsend; and

Petition (accompanied by bill) of Peter J. Koutoujian and other members of the General Court for legislation to grant leaves of absence to certain public employees serving as organ donors;

Severally to the committee on Public Service.

Petition (accompanied by bill) of Stephen P. LeDuc and Pamela P. Resor that the Division of Capital Asset Management and Maintenance be authorized to transfer certain parcels of land in the town Marlborough; and

Petition (accompanied by bill) of Michael F. Rush relative to the annual observance of Massachusetts History Day;

Severally to the committee on State Administration.

Under suspension of the rules, on motion of Mrs. Paulsen of Belmont, the reports were considered forthwith. Joint Rule 12 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 petition of Anthony J. Verga and Bruce E. Tarr for legislation to change the harbor lines in Gloucester Harbor. Under suspension of the rules, on motion of Mr. Jones of North Reading, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Natural Resources and Agriculture. Sent to the Senate for concurrence.

By Mr. Scaccia of Boston, for the committee on Rules, that the Resolve relative to county lands (House, No. 106) ought to pass with an amendment substituting therefor a Resolve for an investigation and study by a special commission (including members of the General Court) relative to the disposition of certain county land in the Commonwealth (House, No. 4246). Referred, under Rule 33, to the committee on Ways and Means with an amendment pending.

By Mr. Scaccia of Boston, for the committee on Rules, that 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) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

By Mr. Koutoujian of Newton, for the committee on Health Care, on Senate, No. 521 and House, No. 2599, a Bill to improve public health in the Commonwealth (House, No. 4249).

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on House, No. 4228, a Bill relative to the Inland Fish and Game Fund (House, No. 4248).

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

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

Authorizing the town of Wareham to grant a conservation restriction to the Wareham land trust (Senate, No. 1171) [Local Approval Received];

Relative to mutual aid agreements (Senate, No. 1342, amended); and

Further regulating certificates of birth resulting in stillbirth (Senate, No. 1953); and

House bills

Relative to recall elections in the town of Bernardston (printed as Senate, No. 2011) [Local Approval Received];

To amend campaign finance (House, No. 1268, changed);

Establishing a betterment fund in the town of Spencer (House, No. 1326) [Local Approval Received];
Validating the acts and proceedings at a certain town caucus in the town of Westhampton (House, No. 1712) [Local Approval Received];
Relative to certain roadways of the Metropolitan District Commission (House, No. 2968);
Relative to parking violations in the town of Provincetown (House, No. 3841); [Local Approval Received];
Relative to the extension of municipal sewer and water services to Plum Island (House, No. 4070);
Relative to vacancies in certain offices in the town of Spencer (House, No. 4077) [Local Approval Received];
Relative to parking fines in the town of Chatham (House, No. 4078) [Local Approval Received];
Relative to parking fines in the town of Harwich (House, No. 4079) [Local Approval Received];
Relative to parking violations in the town of Wellfleet (House, No. 4122) [Local Approval Received];
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]; and
Relative to the historic business district of the town of Chatham (House, No. 4197); [Local Approval Received];
Severally placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Toomey of Cambridge, for the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 412) of Philip Travis relative to motor vehicle accidents involving public employees.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2130) of Karen Spilka, Deborah D. Blumer, Anne M. Paulsen and Bruce E. Tarr relative to increasing the penalties for motor vehicle violations in marked construction zones and construction areas.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.
Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Recess.

At sixteen minutes after eleven o'clock A.M., on motion of Mr. Jones of North Reading (Mrs. Walrath of Stow being in the Chair), the House recessed until one o'clock P.M.; and at that time the House was called to order with Mrs. Walrath in the Chair.

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.

At eleven minutes after one o'clock P.M., on motion of Mrs. Paulsen of Belmont (Mrs. Walrath of Stow being in the Chair) the House adjourned, to meet tomorrow at eleven o'clock A.M.