

JOURNAL OF THE HOUSE.
Thursday, October 30, 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 pause for a moment of reflection and prayer and ask for Your assistance and guidance in our effort to serve You and people who depend upon our mature and reasonable judgments. Inspire us to evaluate accurately our available legislative options so that our decisions will be thoughtful, creative, relevant and ethical. Teach us to plan carefully for the current times and the future needs of people. Grant us the patient and the wisdom to work together in building communities which are stable, peaceful, compassionate and recognize the dignity of all.

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.

Messages from the Governor.

A message from His Excellency the Governor recommending legislation relative to the terms of certain bonds to be issued by the Commonwealth (House, No. 4285) was filed in the office of the Clerk on Monday, October 27.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Long-Term Debt and Capital Expenditures.

A message from His Excellency the Governor recommending legislation relative to mandating the reporting of benign brain-related tumors (House, No. 4286) was filed in the office of the Clerk on Monday, October 27.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Health Care. Sent to the Senate for concurrence.

Resolutions.

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

Resolutions (filed by Mr. Driscoll of Braintree) recognizing Brian P. Mahoney;

Resolutions (filed by Mr. Fagan of Taunton) congratulating the Taunton Eagles Soccer Club on the occasion of its 25th anniversary;

Resolutions (filed by Mr. Galvin of Canton) commemorating the dedication of Canton's Engine 6;

Resolutions (filed by Mr. Galvin of Canton) on the occasion of the 25th anniversary of the Canton High School/St. Georg-Gymnasium, Germany Student Exchange Program;
Resolutions (filed by Mr. Koczera of New Bedford) congratulating Alice Frates on receiving the "State President of Portuguese-American Civil League of Massachusetts;
Resolutions (filed by Mr. Naughton of Clinton) congratulating Matthew J. O'Malley on receiving the Eagle Award of the Boy Scouts of America; and
Resolutions (filed by Ms. Polito of Shrewsbury) commending the volunteers of the Shrewsbury Annual Crop Walk for their fund raising efforts and for making the 3rd Sunday of October "Shrewsbury Crop Walk Day";
Mr. DiMasi 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 Mrs. Paulsen of Belmont, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Resolutions (filed with the Clerk by Mr. Broadhurst of Methuen) congratulating Larry F. Giordano on the occasion of his fortieth anniversary in martial arts, were referred, under Rule 85, to the committee on Rules.
Mr. DiMasi of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Quarterly Report.

The quarterly report 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 Center and Exhibition Center Project entered by said authority, was placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Pignatelli of Lenox, petition (accompanied by bill, House, No. 4280) of William Smitty Pignatelli and Michael R. Knapik (by vote of the town) for legislation to provide for recall elections in the town of Blandford. To the committee on Election Laws.

By Mr. Verga of Gloucester, petition (accompanied by bill, House, No. 4281) of Anthony J. Verga and Bruce E. Tarr (by vote of the town) that the town of Rockport be authorized to borrow a sum of money for certain environmental site clean-up costs. To the committee on Local Affairs and Regional Government.

By Mr. Koczera of New Bedford, petition (accompanied by bill, House, No. 4282) of Robert M. Koczera and Mark C. Montigny (by vote of the town) for legislation to place members of the fire department of the town of Acushnet under the civil service law. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Greene of Billerica, petition (subject to Joint Rule 12) of William G. Greene, Jr. (by

vote of the town) for legislation to place ambulance paramedics in the town of Billerica in Group 4 of the public employees retirement law.

By Mr. Hall of Westford (by request), petition (subject to Joint Rule 12) of Tom Salemme for legislation to require jet skis to be equipped with a seat for a spotter, so-called when used in waterskiing.

By Mr. Jones of North Reading, petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., and other members of the House relative to watercraft education requirements for operators of jet skis, surf jets and wet bikes.

By Mr. Kane of Holyoke, petition (subject to Joint Rule 12) of Michael F. Kane that a certain condition or disease contracted by Joseph Rohan, an employee of the Trial Court, be presumed to have been suffered in the line of duty under the public employees retirement law.

By the same member, petition (subject to Joint Rule 12) of Michael F. Kane and Michael R. Knapik for legislation to regulate the operation of sound amplification systems by operators of motor vehicles.

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

Papers from the Senate.

Bills

Relative to Ponders Hollow Road in the city of Westfield (Senate, No. 1157) (on a petition) [Local Approval Received];

Establishing a traffic commission in the city of Westfield (Senate, No. 1932) (on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Petition (accompanied by bill, Senate, No. 2125) of Brian P. Lees for legislation relative to the licensing of sign installers. To the committee on Government Regulations.

Petition (accompanied by bill, Senate, No. 2126) of Stephen M. Brewer, Brian Knuuttila and Mary Jane Simmons for legislation to designate a certain roadway in the Veteran's Memorial Cemetery in the town of Winchendon. To the committee on State Administration.

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 William Francis Galvin and Angelo M. Scaccia relative to the creation, maintenance and preservation of government and municipal electronic records. Under suspension of the rules, on motion of Mr. Donato of Medford, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Science and Technology. Sent to the Senate for concurrence in the suspension of Joint Rule 12.

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 P. Fresolo and Michael F. Kane for legislation to further

define the term “electric company” for the siting of electric transmission facilities in the Commonwealth. To the committee on Government Regulations.

Petition (accompanied by bill) of James E. Vallee relative to the administration of trusts. To the committee on the Judiciary.

Petition (accompanied by bill) of Paul K. Frost and Guy W. Glodis for legislation to authorize the Woodland Water District of Auburn to merge with the Auburn Water District. To the committee on Local Affairs and Regional Government.

Under suspension of the rules, on motion of Mr. Petruccelli of Boston, 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, asking to be discharged from further consideration of the Bill extending the reporting deadline of the Advisory Committee on Financial Obligations of the Massachusetts Turnpike Authority (Senate, No. 1884, changed),— and recommending that the same be referred to the committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Koutoujian of Newton, for the committee on Health Care, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2809) of James E. Vallee relative to the registration of podiatrists,— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the discharge of the committee.

By Mr. Koutoujian of Newton, for the committee on Health Care, asking to be discharged from further consideration 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 be referred to the committee on Public Safety. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing reasonable fees for copying medical records (Senate, No. 642) be scheduled for consideration by the House.

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

By Mr. Rodrigues of Westport, for the committee on Commerce and Labor, on Senate, Nos. 27, 50 and 121 and House, Nos. 100, 487, 864, 2203, 2204, 2386, 2735 and 3291, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain Senate and House documents concerning minimum wage laws and other related matters (House, No. 4272).

By the same member, for the same committee, on Senate, Nos. 30, 33, 36, 68, 69, 70, 108, 110, 118, 125 and 133 and House, Nos. 99, 103, 301, 860, 861, 1049, 1426, 1428, 1431, 1432, 1619, 1812, 2736, 2737, 2921, 2922, 3477 and 3478, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain Senate and House documents concerning consumer protection and other related matters (House, No. 4273).

By the same member, for the same committee, on Senate, Nos. 37, 38, 65, 74, 75, 81, 89, 115 and 1976 and House, Nos. 101, 1051, 1429, 1434, 1624, 3114, 3630, 3631 and 3737, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain Senate and House documents concerning economic development in the Commonwealth (House, No. 4274).

By the same member, for the same committee, on Senate, Nos. 41, 78 and 112 and House, Nos. 1048, 1052 and 3476, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain Senate and House documents concerning business regulations and transactions (House, No. 4275).

By the same member, for the same committee, on Senate, Nos. 67, 111 and 132 and House, Nos. 497, 1243, 1621 and 2200, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain Senate and House documents concerning occupational health and safety standards and other related matters (House, No. 4276).

By the same member, for the same committee, on Senate, Nos. 83, 104, 117 and 127 and House, Nos. 1435, 1806, 1809 and 3111, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain Senate and House documents concerning child labor laws (House, No. 4277).

By the same member, for the same committee, on Senate, Nos. 96, 97, 100 and 122 and House, Nos. 665, 669, 1044, 1814, 2384, 2563, 2925, 2927, 2928 and 3628, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain Senate and House documents concerning employment and labor standards (House, No. 4278).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of the orders; 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 Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government on the part of the House, that the Bill promoting regional housing cooperation (House, No. 4241) 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 a petition, a Bill prohibiting the sale of gray market and counterfeit tobacco products (House, No. 3154).

By the same member, for the same committee, on a petition, a Bill relative to patients' rights (House, No. 3522).

By the same member, for the same committee, on House, No. 4169, a Bill relative to certain tobacco manufacturers (House, No. 4279).

Severally read; and 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. 499 and House, No. 3156, a Bill to improve timely payments and quality, delivery and access to physician care in the Commonwealth (House, No. 3156).

By the same member, for the same committee, on a petition, a Bill to restore health care

benefits (House, No. 3784).

Severally read; and referred, under Rule 33C, to the committee on Medicaid.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill authorizing the town of Harvard to convey certain park land (House, No. 3999) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Bellingham to establish a sewer construction capital fund (House, No. 4014) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Bellingham to establish certain revolving funds (House, No. 4015) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Natick to enter an agreement with the town of Wellesley (House, No. 4043) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the membership of the conservation commission of the town of Bourne (House, No. 4057) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to public works functions in the town of Belmont (House, No. 4084) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill concerning the department of finance in the town of Brookline (House, No. 4088) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the charter of the city of Gloucester (House, No. 4092) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Bellingham to establish a compensated absence fund (House, No. 4102) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the city council of the city of Northampton (House, No. 4106) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Wareham to construct a sewer in certain park land (House, No. 4150) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Brookline to lease certain town-owned property for twenty-five years (House, No. 4164) [Local Approval Received].

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

Engrossed Bill.

The engrossed Bill relative to the extension of municipal sewer and water services to Plum Island (see House, No. 4070, 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.

House bills

Prohibiting certain vehicles from West Street in the town of Reading (House, No. 4151); and Relative to the historic business district of the town of Chatham (House, No. 4197); 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.

Recess.

At twenty-five minutes after eleven o'clock A.M., on motion of Mrs. Paulsen of Belmont (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.

Engrossed Bills.

Engrossed bills

Designating a certain property in the town of Natick as the Tony Anniballi Memorial Park at Pegan Cove (see House, No. 3367); and Authorizing the appointment of retired police officers as special police officers in the town of Acushnet (see House, No. 3923); (Which severally originated in the House); Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders.

An Order (filed this day by Mr. Rogers of Norwood) the establishment of a joint special committee to continue the investigation and study of the impact of the Quinn Bill, so-called, police career incentive program on the cities and towns of the Commonwealth (House, No. 4287) was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

On motion of Mr. Finneran of Boston,—

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

At six minutes after one o'clock P.M., on motion of Mr. Pedone of Worcester (Mrs. Walrath of Stow being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.
