

# JOURNAL OF THE HOUSE.

Wednesday, November 24, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford 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:

Prayer.

God, Our Creator, Thanksgiving Day, a traditional and long-standing national holiday, is a special occasion for us to thank You for our daily material and spiritual blessings. The spirit of the day is one of giving to others and receiving thanks in return. The day is also a time for family celebrations and to recognize and appreciate family love, joy and commitment. May this day's spirit and openness to others unite us, as a people, in seeking relevant goals and causes in these uncertain and changing times. Grant us, elected leaders, the wisdom to learn from the past as we plan and prepare for the future of the people and the Commonwealth.

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

Pledge of allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### Message from the Governor — Veto.

Fall River, Dennis O'Neil.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill authorizing the retirement board of the city of Fall River to increase the pension payable to Dennis O'Neil, a retired police officer [see House, No. 4960] (for message, see House, No. 5136) was filed in the Office of the Clerk on Tuesday, November 23.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting, the question being on passing the bill, notwithstanding the said objections.

### Engrossed Bills.

Bills enacted.

- Engrossed bills
- Relative to the appointment of special police officers in the city of Melrose (see printed as Senate, No. 2452);
- Relative to certain housing in the town of Lincoln (see Senate, No. 2453);
- Relative to certain land sales in the city of Gloucester (see House, No. 4451); and
- Authorizing the town of Westport to develop and maintain a subsidized housing plan for low and moderate income housing (see House, No. 5050);
- (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.

### Recess.

At twenty-eight minutes after eleven o'clock A.M., on motion of Mr. Lantigua of Lawrence (Mr. Donato of Medford being in the Chair), the House recessed until the hour of two o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

Recess.

### Resolutions.

Resolutions (filed with the Clerk by Representatives Smizik of Brookline, Balsler of Newton, Khan of Newton, Rush of Boston and Sánchez of Boston) on the celebration of Hanukkah, were referred, under Rule 85, to the committee on Rules.

Hanukkah.

Mrs. Harkins of Needham, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Fennell of Lynn, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### Papers from the Senate.

The engrossed Bill authorizing the town of Weston to regulate certain property tax exemption eligibility requirements for the elderly (see Senate, No. 2053), which had been returned to the Senate by Her Honor the Lieutenant-Governor, Acting Governor, with recommendation of amendment (for message, see Senate, No. 2505), came from said branch with the endorsement that it had adopted said amendment in the following form:

Weston, property tax.

In section 2, in clause (2) of the second paragraph, by inserting after the word "does" the word:—"not".

Under suspension of Rule 35, on motion of Ms. Peisch of Wellesley, 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 underground cable reimbursement schedule (House, No. 4892) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 4, in line 5, by striking the word "plus", and inserting in place thereof the words "but any utility may receive".

Underground cable.

Under suspension of Rule 35, on motion of Mr. Bosley of North Adams, 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 report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to the inspection of the Hampden County Correctional Facility, in the town of Ludlow; was spread upon the records of the House; and returned to the Senate to be placed on file.

Ludlow, Hampden County Jail.

*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:

Fuel aid fund.

Petition (accompanied by bill) of Peter V. Kocot and other members of the House for legislation to establish a supplemental fuel aid fund. To the committee on Energy.

Matthew Conlon, civil service.

Petition (accompanied by bill) of David M. Torrissi, Steven A. Baddour and Arthur J. Broadhurst for legislation to authorize Matthew Conlon to take a civil service examination for the position of police officer notwithstanding the maximum age requirement. To the committee on Public Service.

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

Thames River Valley.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 5097) of Reed V. Hillman, Mark J. Carron, Richard T. Moore and Stephen M. Brewer that funds received from the State of Connecticut for flood control and water resources utilization of the Thames River be distributed to certain towns affected by said project,— and recommending that the same be referred to the committee on Taxation. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Trusts, taxation.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Taxation to make an investigation and study of certain House documents concerning revenue and taxation matters in the Commonwealth (House, No. 4651) reports, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3824) of Edward Sonn and Cory Atkins relative to the taxation of trusts,— and recommending that the same be recommitted to the committee on Taxation. Under Rule 42, the report was considered forthwith; and it was accepted.

Towns, selectmen.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Local Affairs and Regional Government to make an investigation and study of certain House documents concerning municipal appointments and regulations (House, No. 4877), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4065) of Mary Jane Simmons, Susan W. Pope, Anthony J. Verga, Elizabeth Poirier and another relative to the number of selectmen and terms of office in towns,— and recommending that the same be recommitted to the committee on Local Affairs and Regional Government. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill regarding medical record retention requirements (Senate, No. 643, amended),— and recommending that the same be referred to the committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

Medical records, retention.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill relative to the Middlesex Canal Commission (House, No. 5062, changed) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Middlesex Canal Commission.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

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

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to the charter in the city of Peabody (Senate, No. 2492) be scheduled for consideration by the House.

Peabody, charter.

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

Report of the committee on Insurance, ought NOT to pass (under Joint Rule 10), on the recommitted petition (accompanied by bill, House, No. 4777) of Cory Atkins and Susan C. Fargo (by vote of the town) that the town of Concord be authorized to establish a post-retirement group insurance trust fund.

Concord, group insurance.

Under suspension of the rules, on motion of Ms. Peisch of Wellesley, the report was considered forthwith.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Mariano of Quincy.

By Mr. Scaccia of Boston, for the committee on Rules, that the Resolve establishing a special commission to study energy consumption and potential savings through biomass and renewable energy sources by the state colleges and community colleges of the commonwealth (House, No. 1272) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Energy consumption, special commission.

*Engrossed Bills.*

*Engrossed bills*

Authorizing the town of Weston to regulate certain property tax exemption eligibility requirements for the elderly (see Senate, No. 2053, amended); and

Bills enacted.

Relative to the certification of speech-language pathology assistants and audiology assistants (see Senate, No. 2296, amended); (Which severally originated in the Senate);

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 of the Day.*

Senate bills

Third  
reading  
bills.

Designating a certain bridge in the town of Barre as the Private First Class Edward J. Cormier Memorial Bridge (Senate, No. 2280, changed) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to managed care contracts with home health agencies (Senate, No. 2329);

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, in concurrence.

House bills

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Relative to the parties to insurance coverage for tenant relocation expenses (House, No. 1879);

Establishing a sewer district in the town of Egremont (House, No. 4888); and

Relative to elections in the town of North Attleborough (House, No. 5012);

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.

Second  
reading  
bill.

The Senate Bill relative to crimes against the elders and persons with disabilities (Senate, No. 1083, amended) was read a second time; and it was ordered to a third reading.

*Order.*

On motion of Mr. DiMasi of Boston,—

Next  
sitting.

*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 before three o'clock P.M., on motion of Mr. Rushing of Boston (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.