

JOURNAL OF THE HOUSE.

Thursday, February 5, 2004.

Met at six minutes after 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:

Gracious God, the Ultimate Source of Goodness and Forgiveness, we depend upon You and Your assistance in our struggle to serve You, the people who depend upon our reasoned judgements and to fulfill our personal responsibilities and commitments. We need Your help in analyzing and evaluating correctly each day's complex, often emotional legislative and public policy issues. In our unsettled world with terrorist attacks always a possibility, teach us to be a thoughtful people who respect and live by the Golden Rule. In our pursuit of personal happiness, meaning and direction, inspire us to implement time-tested, long-standing and traditional biblical spiritual values and goals. Your constant care and concern for us enables us to achieve the purpose for which we have been created by You.

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.

Resolutions.

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

Resolutions (filed by Mr. Jones of North Reading and other members of the House) recognizing February 6th as Ronald Reagan Day in the Commonwealth of Massachusetts;

Resolutions (filed by Messrs. Jones of North Reading and Falzone of Saugus) congratulating Stanley Warren Day on the occasion of his one hundredth birthday;

Resolutions (filed by Mr. Binienda of Worcester and other members of the House) memorializing the Congress of the United States to enact legislation to develop new sources of natural gas;

Resolutions (filed by Messrs. Lepper of Attleboro and Correia of Fall River) honoring William Bowles;

Resolutions (filed by Messrs. Lepper of Attleboro and Correia of Fall River) honoring Kathleen M. Jackson;

Resolutions (filed by Messrs. Lepper of Attleboro and Correia of Fall River) honoring Carolyn Tedino;

Resolutions (filed by Messrs. Lepper of Attleboro and Correia of Fall River) honoring former Mayor Judith H. Robbins;

Resolutions (filed by Ms. Stanley of West Newbury) in recognition of the American Heart Association's observance of "Wear Red For Women Day"; and

Captain Forbes House Museum.

Resolutions (filed by Mr. Timilty of Milton) recognizing and honoring the Captain Forbes House Museum;

Mr. Miceli of Wilmington, 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. 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.

Order.

The following order (filed by Mrs. Owens-Hicks of Boston) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Local Affairs and Regional Government committee, time for reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Local Affairs and Regional Government be granted until Wednesday, June 16, 2004, within which time to make its final report on all matters referred to said committee prior to May 16, 2004.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of Rule 42, on motion of Ms. Wolf of Cambridge, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Paper from the Senate.

Health Insurance.

The House order relative to authorizing the joint committees on Health Care, Insurance, and Ways and Means and the House committee on Medicaid to sit jointly and report on an Initiative Amendment to the Constitution relative to the provision of health insurance (House, No. 4444), came from the Senate adopted, in concurrence, with an amendment striking out the words "the joint committees on Health Care, Insurance, and Ways and Means and the House committee on Medicaid" and inserting in place thereof the words "the joint committees on Health Care and Insurance, the House committees on Ways and Means and Medicaid and the Senate committee on Federal Financial Assistance".

Under suspension of Rule 35, on motion of Mr. Speliotis of Danvers, the amendment was considered forthwith; and it was adopted, in concurrence.

Initiative Petition.

Health insurance.

An initiative petition of Harold Hestnes and others for an initiative amendment to the Constitution relative to the provision of health insurance (House, No. 4444) (received on January 7, 2004, from the Secretary of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments of the Constitution), was referred (under said Article and pursuant to an order previously adopted by the House and Senate) to the joint committees on Health Care and Insurance, the House committees on Ways and Means and Medicaid and the Senate committee on Federal Financial Assistance. Sent to the Senate for concurrence.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Flynn of Bridgewater, petition (accompanied by bill, House, No. 4498) of David L. Flynn, Christine E. Canavan and Geraldine Creedon (by vote of the town) that the town of Easton be authorized to pay a certain unpaid bill to Northeast Reclamation Corp. To the committee on Local Affairs and Regional Government.

Easton, Northeast Reclamation Corp.

By Mrs. Simmons of Leominster, petition (accompanied by bill, House, No. 4499) of Mary Jane Simmons and Robert A. Antonioni (with the approval of the mayor and city council) that the city of Leominster be authorized to grant an abatement on a certain parcel of property known as the John B. McLaughlin Field. To the committee on Taxation.

Leominster, abatements.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Bosley of North Adams, petition (subject to Joint Rule 12) of Daniel E. Bosley and Michael W. Morrissey relative to the inspection and certification of air tanks on utility high voltage circuit breakers.

High voltage, circuit breakers.

By Mr. DiMasi of Boston (by request), petition (subject to Joint Rule 12) of Dan Capossela for legislation to prohibit the granting of sales tax exemptions on the sale of products containing hydrogenated oil.

Hydrogenated oil products.

By Ms. Gifford of Wareham, petition (subject to Joint Rule 12) of Susan Williams Gifford for legislation to provide for the appointment of a clerk-treasurer for the Onset Fire District.

Onset Fire District.

By Mr. Kafka of Sharon, petition (subject to Joint Rule 12) of Louis L. Kafka that the Department of Education be directed to establish a commission to make an investigation and study of ergonomic design standards for schools in the Commonwealth.

Public schools, ergonomics.

By Ms. Khan of Newton, petition (subject to Joint Rule 12) of Kay Khan and Christine E. Canavan relative to the professional title of practitioners of dentistry and use of the term "oral physician" in such practice.

Dentistry.

By Mr. Marzilli of Arlington, petition (subject to Joint Rule 12) of J. James Marzilli, Jr., for legislation to establish the Home Fuel Oil Cleanup Fund to be administered by the Department of Environmental Protection.

Home fuel oil cleanup.

By the same member, petition (subject to Joint Rule 12) of J. James Marzilli, Jr., for legislation to regulate the use of Social Security numbers on licenses issued by the Registry of Motor Vehicles.

Drivers licenses, alternate numbers.

By Mr. Miceli of Wilmington, petition (subject to Joint Rule 12) of James R. Miceli and Barry R. Finegold for legislation to designate a certain building at the Tewksbury State Hospital as the Richard P. Morris Building.

Tewksbury Hospital, Morris Building.

By Mr. O'Flaherty of Chelsea, petition (subject to Joint Rule 12) of Eugene L. O'Flaherty for legislation to regulate the duration of time for the payment of alimony in certain divorce proceedings.

Alimony, flexibility.

By Miss Reinstein of Revere, petition (subject to Joint Rule 12) of Kathi-Anne Reinstein, Jo Ann Sprague, Robert A. DeLeo, Jarrett T.

State candy.

Barrios and others for legislation to designate “assorted wafers” as the official candy of the Commonwealth.

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

Papers from the Senate.

Bills

Creating a firearms licensing fund in the town of Charlton (Senate, No. 2058) (on a petition) [Local Approval Received];

Authorizing the city of Quincy to establish funds to enhance streets and sidewalks and to oversee the Quarry Hills recreation complex (Senate, No. 2167) (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.

A report of the committee on Transportation, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1896) of Charles E. Shannon, Susan C. Fargo, Dianne Wilkerson and Paul J. Donato for legislation relative to the use of child passenger restraints, and recommending that the same be referred to the committee on Public Safety,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

A petition (accompanied by bill, Senate, No. 2199) of Stephen M. Brewer and Brian Knuutila (by vote of the town) for legislation to regulate mobile home parks in the town of Winchendon, was referred, in concurrence, to the committee on Local Affairs and Regional Government.

A petition of Michael W. Morrissey, Robert S. Creedon, Jr., Mary S. Rogeness, Steven Myles Walsh and other members of the General Court for legislation to prohibit excessive fees on gift certificates and gift cards, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Commerce and Labor.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2204) was referred, in concurrence, to the committee on Commerce and Labor.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules, that Joint Rule 7B be suspended on the petition of Frank M. Hynes, Robert L. Hedlund and another that the town of Marshfield be authorized to reduce sewer fees and betterment charges for certain elderly persons performing volunteer services. Under suspension of the rules, on motion of Mrs. Teahan of Whitman, the report was considered forthwith. Joint Rule 7B was suspended; and the petition (accompanied by bill) was referred to the committee on Taxation. 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 following petitions:

Petition (accompanied by bill) of William M. Straus relative to credit backed or bank issued gift cards. To the committee on Commerce and Labor.

Petition (accompanied by bill) of Melody L. Spence, Anne M. Gobi and Stephen M. Brewer relative to the licensing of mobile manicuring shops by the Board of Registration of Cosmetologists. To the committee on Government Regulations.

Petition (accompanied by bill) of James P. Ryan relative to increasing the maximum amount of damages in small claims court. To the committee on the Judiciary.

Petition (accompanied by bill) of Mary S. Rogeness, Reed V. Hillman, Michael F. Kane, Susan W. Pope, Stephen J. Buoniconti and Matthew C. Patrick that the Registrar of Motor Vehicles be authorized to revoke licenses of persons deemed incompetent or unqualified to operate a motor vehicle; and

Petition (accompanied by bill) 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;

Severally to the committee on Public Safety.

Petition (accompanied by bill) of John J. Binienda and other members of the General Court for legislation to provide for killed in line of duty benefits for call and volunteer firefighters. To the committee on Public Service.

Petition (accompanied by bill) of Christopher J. Donelan and Stanley C. Rosenberg relative to authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Erving;

Petition (accompanied by bill) of David Paul Linsky, David P. Magnani and Cheryl A. Jacques that the Department of Mental Health be authorized to convey a certain water supply distribution system from Farm Pond in the town of Sherborn to said town; and

Petition (accompanied by bill) of Kathleen M. Teahan and Robert S. Creedon, Jr., that the Division of Capital Asset Management and Maintenance be directed to convey a certain parcel of land located in the town of Whitman to said town;

Severally to the committee on State Administration.

Under suspension of the rules, on motion of Mr. Rodrigues of Westport, 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 committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration

Of the Resolve relative to establishing a commission to examine teacher salaries in Massachusetts (House, No. 2575); and

Of the Bill relative to establishing a commission on adult basic education and vocational training (House, No. 4453);

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.

Bank issued credit cards.

Mobile manicuring shops.

Small claims.

Vehicle operators, qualifications.

Jet skis, educational requirements.

Firefighters, line of duty death benefits.

Erving, convey land.

Sherborn, water.

Whitman, land.

Teacher salaries.

Adult education.

Charlton, licensing fund.
Quincy, Quarry Hills.

Child passenger restraints.

Winchendon, mobile homes.

Gift certificate fees.

Marshfield, sewer fees.

Hopedale,
police.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill exempting members of the police force of the town of Hopedale from the civil service law (House, No. 4309) [Local Approval Received] be scheduled for consideration by the House.

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

Spectacle
Island.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to Spectacle Island (House, No. 3369) ought to pass. 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 Rule 7A, on motion of Mr. Timilty of Milton, the bill was read a second time forthwith; and it was ordered to a third reading.

Sheila
Mahan,
sick leave
bank.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Sheila Mahan an employee of the Trial Court of the Commonwealth (House, No. 4481). 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. Rodrigues of Westport, the bill was read a second time forthwith; and it was ordered to a third reading.

Sandra
DelGaudio-
Upton,
sick leave
bank.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Sandra Del Gaudio-Upton, an employee of the Trial Court (House, No. 4491). 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 Donato of Medford, the bill was read a second time forthwith; and it was ordered to a third reading.

Gang
violence.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on a petition, a Bill to prevent youth and gang violence (House, No. 1871).

Out of
school
programs.

By the same member, for the same committee, on a petition, a Bill to develop a system of out of school time in the Commonwealth (House, No. 1872).

Mental
Retardation,
services.

By the same member, for the same committee, on House, Nos. 1671 and 3168, a Resolve providing for an investigation and study by a special commission relative to DMR services (House, No. 3168, changed in line 22, by inserting after the word "needs" the following: "and a cost analysis comparing community based programs and

ICF/MR facilities", and in line 27 by striking out the figures: "2001" and inserting in place thereof the figures: "2005").

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

By Mr. Rodrigues of Westport, for the committee on Commerce and Labor, on Senate, No. 80 and House, Nos. 1045 and 2385, 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 (House, No. 4493).

Minimum
wage,
study.

By the same member, for the same committee, on Senate, No. 131 and House, Nos. 2926, 3116 and 3483, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain Senate and House documents concerning labor standards (House, No. 4494).

Labor
standards,
study.

By the same member, for the same committee, on House, Nos. 8, 26, 2917 and 3112, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain House documents concerning consumer protection (House, No. 4495).

Consumer
protection,
study.

By the same member, for the same committee, on House, Nos. 90, 91 and 93, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain House documents concerning the Uniform Commercial Code (House, No. 4496).

Uniform
Commercial
Code,
study.

By the same member, for the same committee, on House, Nos. 90, 95 and 105, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain House documents concerning corporations (House, No. 4497).

Corporations,
study.

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 said 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 Mr. Binienda of Worcester, for the committee on Energy, on a petition, a Bill addressing the siting of electric transmission in Massachusetts (House, No. 4432). Read; and referred, under Rule 33, to the committee on Local Affairs and Regional Government on the part of the House.

Electricity,
transmission.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on a petition, a Bill relative to the direct care worker reserve fund (House, No. 1674).

Direct care
worker
reserve.

By the same member, for the same committee, on a petition, a Bill to clarify enrollment eligibility for Prescription Drug Insurance Program (House, No. 3791).

Prescription
drug
program.

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

Vehicle weight limitations.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill further regulating the weight of motor buses (Senate, No. 1285, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Methuen, housing.

By Mr. Honan of Boston, for the committee on Housing and Urban Development, on a petition, a Bill relative to certain housing in the city known as the town of Methuen (House, No. 4416)[Local Approval Received].

Elder abuse reports.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on a petition, a Bill extending the period that unsubstantiated elder abuse assessment reports must be maintained (House, No. 156).

Correction offices.

By the same member, for the same committee, on a petition, a Bill requiring correction officers to report child abuse (House, No. 157).

Adoption agencies.

By the same member, for the same committee, on a petition, a Bill further regulating adoption agencies (House, No. 718).

Municipalities, real estate sale.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill relative to the use of certain funds by municipalities (House, No. 4184, changed in section 1, in line 4, by striking out the following: “. By” and inserting in place thereof the word “by”; and in section 2, by striking out the figures: “2005” and inserting in place thereof the figures: “2007”).

Dig-safe excavations.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 8 and 28, a Bill relative to dig-safe excavations in the Commonwealth (House, No. 28).

Gloucester, Bergmann Traffic Island.

By the same member, for the same committee, on a petition, a Bill designating a certain traffic island in the city of Gloucester the Paul Bergmann Memorial Traffic Island (House, No. 4284).

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

Engrossed Bills.

Bill enacted.

The engrossed Bill authorizing the town of Milton to establish the Milton High School accreditation fund (see House bill printed in House, No. 4367) (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 (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

ii

The engrossed Bill authorizing the town of Fairhaven to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 4148) (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

Providing for the annual observance of World War II Commemoration Day (House, No. 1201); and

Third reading bills.

Authorizing the town of Raynham to establish an account to be known as the betterment reserve fund (House, No. 4075);

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 on Monday next at eleven o'clock A.M.

Next sitting.

At half past eleven o'clock A.M., on motion of Mr. Verga of Gloucester (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.