

# JOURNAL OF THE HOUSE.

Wednesday, March 3, 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 Representative Rushing of Boston, as follows:

Almighty God, we thank You for bringing us health to this new day. You, O God, are the Fountain of Wisdom, Whose will is good and gracious, and Whose law is truth. Be with us as we deliberate and make the important decisions on the matters before us for the welfare of Your people. Bless us, the members of this House, bless our leadership, bless our families and our staff members. Today, we ask You to remember and bless all the people of the Republic of Haiti.

We ask all this in the name we each use to call on You. Amen. Mrs. Paulsen of Belmont then moved that the prayer be spread upon the records of the House; and the motion prevailed.

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.

### Statement of Representative Festa of Melrose.

A statement of Mr. Festa of Melrose 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 unable to be present in the House Chamber for the sitting of last Wednesday (February 25) due to a previously scheduled and unavoidable commitment. Any roll calls that I missed that day is due entirely to the reason stated. Had I been present for the taking of yea and nay numbers 534, 536 and 537, I would have voted, in each instance, in the affirmative. Had I been present for the taking of yea and nay numbers 535 and 538, I would have voted, in each instance, in the negative.

### Resolutions.

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

Resolutions (filed by Mr. Coppola of Foxborough) congratulating Alexander Gillmor on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Coppola of Foxborough) congratulating Alexander Knight on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Coppola of Foxborough) congratulating Arthur Law III on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Ms. Grant of Beverly) congratulating Araksi Danikian on the occasion of her one hundredth birthday;

Resolutions (filed by Messrs. LeDuc of Marlborough and Loscocco of Holliston) congratulating Police Chief William J. Colleary, Jr. on the occasion of his retirement; and

Resolutions (filed by Mr. Rogers of Norwood) congratulating Peter "Coach" Wall on the occasion of his retirement;

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. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### Petitions.

Ms. Atkins of Concord presented a petition (accompanied by bill, House, No. 4551) of Cory Atkins and Susan C. Fargo (by vote of the town) relative to certain school construction projects in the town of Concord; and the same was referred to the committee on State Administration. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows: By Ms. Atkins of Concord, petition (subject to Joint Rule 12) of Cory Atkins for legislation to provide exemptions for certain school volunteers under the criminal offender record information law.

By Mr. Binienda of Worcester, petition (subject to Joint Rule 12) of John J. Binienda for legislation to extend the period of time for an investigation relative to a certain disputed lottery ticket.

By Ms. Blumer of Framingham (by request), petition (subject to Joint Rule 12) of Robert Nislick for legislation to extend college tuition income tax deductions to students enrolled in graduate degree programs.

By Mr. DeLeo of Winthrop, petition (subject to Joint Rule 12) of Robert A. DeLeo and other members of the House relative to the administration of a drug prior authorization process by the Division of Medical Assistance.

By Mr. Eldridge of Acton, petition (subject to Joint Rule 12) of Pamela P. Resor and James B. Eldridge for legislation to designate the town of Shirley as an economic target area.

By Mr. Evangelidis of Holden, petition (subject to Joint Rule 12) of Lewis G. Evangelidis that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land in the town of Holden to John P. Foley and Janet Foley.

By Mr. Falzone of Saugus, petition (subject to Joint Rule 12) of Mark V. Falzone for legislation to authorize ambulances and motor vehicles of police and fire departments to be equipped with traffic signal preemptive systems.

By Mr. Leary of Worcester (by request), petition (subject to Joint Rule 12) of Wayne Almstom relative to the issuance of restraining orders by courts in the Commonwealth.

By Mr. Murphy of Lowell, petition (subject to Joint Rule 12) of Kevin J. Murphy and other members of the General Court that the

Araksi Danikian.

William J. Colleary, Jr.

Peter Wall.

Concord, school projects.

Criminal offender record information.

Erika R. Schmitt, lottery ticket.

Tuition tax deductions.

Drug prior authorization process.

Shirley, economic target area.

Holden, land.

Emergency vehicles, right-of-way.

Restraining orders.

Notary public.

Prayer.

Pledge of allegiance.

Statement of Representative Festa of Melrose.

Alexander Gillmor.

Alexander Knight.

Arthur Law III.

Secretary of the Commonwealth be authorized to promulgate rules and regulations for the conduct and duties of notaries public.

By Mr. Perry of Sandwich, petition (subject to Joint Rule 12) of Jeffrey Davis Perry and Therese Murray (by vote of the town) that the Department of Conservation and Recreation be authorized to acquire a conservation property of the town of Sandwich.

By Mr. Rush of Boston, petition (subject to Joint Rule 12) of Michael F. Rush and other members of the General Court relative to employees of secondary schools operated by religious societies.

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

*Papers from the Senate.*

The House Bill relative to a change in land use in the town of Lakeville (House, No. 4112) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 1 and inserting in place thereof the following section:

“SECTION 1. The town of Lakeville may use a certain parcel of municipal well site land for installing, operating and maintaining telecommunications facilities, so long as this use is consistent with the use of the parcel for water supply. Said parcel is recorded in the Plymouth county registry of deeds, Book 3684, Page 790.”

Under suspension of Rule 35, on motion of Mr. Rushing of Boston, 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 petition of Guy W. Glodis for legislation to define employees classified in Group 4 for retirement purposes, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2240) was referred, in concurrence, to the committee on Public Service.

*Reports of Committees.*

By Mr. Koczera of New Bedford, for the committee on Public Service, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 2007) of Michael W. Morrissey, A. Stephen Tobin, Bruce J. Ayers and Ronald Mariano (with the approval of the mayor and city council) for legislation relative to the issuance of pension funding bonds by the city of Quincy;

Of the petition (accompanied by bill, Senate, No. 2052) of Marc R. Pacheco, James H. Fagan and Patricia A. Haddad (with the approval of the mayor and city council) for legislation relative to the issuance of pension funding bonds by the city of Taunton;

Of the petition (accompanied by bill, House, No. 3688) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the town of Hingham be authorized to issue certain pension obligation bonds;

Of the petition (accompanied by bill, House, No. 3855) of Thomas P. Kennedy, Robert S. Creedon, Jr., Geraldine Creedon and Christine E. Canavan (with the approval of the mayor and city council)

relative to the issuance of pension funding bonds by the city of Brockton; and

Of the petition (accompanied by bill, House, No. 4404) of Deborah B. Goldberg, Frank I. Smizik, Cynthia S. Creem, Brian Paul Golden, Michael F. Rush, Jeffrey Sánchez and others (by vote of the town) that the town of Brookline be authorized to issue pension obligation bonds;

And recommending that the same severally be referred to the committee on Long-Term Debt and Capital Expenditures;

By Mr. Koutoujian of Waltham, for the committee on Health Care, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 510) of Harriette L. Chandler, Richard T. Moore, Shirley Gomes and Robert A. O’Leary for legislation to ensure appropriate payment for temporary nursing pool services;

Of the petition (accompanied by bill, Senate, No. 523) of John A. Hart, Jr. and Martin J. Walsh for legislation that certain providers of medical services be reimbursed for inflationary cost increases;

Of the petition (accompanied by bill, Senate, No. 652) of Therese Murray, Thomas J. O’Brien, Brian A. Joyce and Susan C. Tucker for legislation relative to nurse wages;

Of the petition (accompanied by bill, House, No. 553) of Louis L. Kafka relative to capital reimbursements for nursing facilities;

Of the petition (accompanied by bill, House, No. 554) of Louis L. Kafka relative to rates of payment for temporary nursing pool services;

Of the petition (accompanied by bill, House, No. 2056) of Harriett L. Stanley relative to defining the term “nursing pool” and regulating the temporary employment of medical personnel in health care facilities; and

Of the petition (accompanied by bill, House, No. 3763) of Louis L. Kafka for legislation to include inflationary cost increases in determining reimbursements to certain health services providers;

And recommending that the same severally be referred to the committee on Medicaid; and

Of the petition (accompanied by bill, House, No. 3762) of Patricia D. Jehlen and other members of the General Court relative to establishing a prescription drug pricing program,— and recommending that the same be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence in the discharge of the committees.

By Mr. Koutoujian of Waltham, for the committee on Health Care, on a petition, a Resolve establishing a special commission to study and recommend improvements in the delivery of prescription drug benefits for the citizens of the Commonwealth (House, No. 3789). 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 a petition, a Bill relative to the medical insurance of certain employees of the Boston Edison Company (House, No. 2196).

Brookline, pension obligation bonds.

Nursing pools, payments.

Hospitals, inflationary cost increases.

Nurse wages.

Nursing facilities, capital reimbursements.

Temporary nursing pool services.

Nursing pools.

Nursing homes, cost increases.

Prescription drug fair pricing program.

Prescription drug benefits, study.

Boston Edison Company.

Sandwich, land conveyance.

Secondary school employees.

Lakeville, land use.

Group 4, definition.

Quincy, pension funding bonds.

Taunton, pension funding.

Hingham, pension obligation bonds.

Brockton, pension funding.

Workers compensation risk pool.

By the same member, for the same committee, on House, No. 3482, a Bill establishing a pilot project relative to claims administration for the workers' compensation assigned risk pool (House, No. 4552).

Medical Assistance.

By Mr. Koutoujian of Waltham, for the committee on Health Care, on House, Nos. 57 and 63, a Bill enabling the Division of Medical Assistance to make expenditures in anticipation of drug rebate payments (House, No. 63).

Latex gloves, safety.

By the same member, for the same committee, on House, No. 2804, a Bill relative to natural rubber latex glove safety (House, No. 4553).

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

Methyl tertiary butyl ether.

By Mr. Rodrigues of Westport, for the committee on Commerce and Labor, on a petition, a Bill to ban the use of methyl tertiary butyl ether (House, No. 2561). Read; and referred, under Rule 33B, to the committee on Science and Technology.

MassHealth benefits, audits.

By Mr. Koutoujian of Waltham, for the committee on Health Care, on a petition, a Bill to streamline audits of providers rendering services to persons eligible for MassHealth benefits (House, No. 347).

Hospital beds, determination of need.

By the same member, for the same committee, on Senate, No. 641 and House, No. 1860, a Bill relative to determination of need for hospital beds (House, No. 1860).

Prescription drug coverage, lapses.

By the same member, for the same committee, on a petition, a Bill reducing lapses in prescription drug coverage due to a prior authorization policy (House, No. 3780).

MassHealth, recipients.

By the same member, for the same committee, on Senate, No. 696 and House, No. 3777, a Bill to extend patient protections to recipients of MassHealth (House, No. 4554).

Continuity of care.

By the same member, for the same committee, on House, No. 1288, a Bill relative to continuity of care (House, No. 4555).

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

Prescription drugs, pricing.

By Mr. Koutoujian of Waltham, for the committee on Health Care, on a petition, Resolutions memorializing the congress of the United States to enact legislation relative to the pricing of prescription drugs (House, No. 3862). Read; and referred, under Rule 33D, to the committee on Homeland Security and Federal Affairs.

Identity theft.

By Mr. Rodrigues of Westport, for the committee on Commerce and Labor, on Senate, No. 57, a Bill relative to identity theft and consumer rights (House, No. 4556).

State facilities, scientific experiments.

By Mr. Koutoujian of Waltham, for the committee on Health Care, on House, No. 701, a Bill prohibiting medical or scientific experiments in state facilities (House, No. 4557).

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

*Engrossed Bills.*

Bills enacted.

Engrossed bills  
Providing for the annual observance of Jack Kerouac Day (see Senate, No. 1666) (which originated in the Senate);

Relative to parking fines in the town of Chatham (see House, No. 4078);

Relative to parking fines in the town of Harwich (see House, No. 4079); and

Authorizing the town of Pepperell to place a certain question relative to the sale of alcoholic beverages on the towns election ballot (see House, No. 4377);

(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 of the Day.*

The Senate Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the Roxbury/South End Tenants' Council, Inc., D/B/A Roxse Tenants Council (Senate, No. 2181, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment previously adopted by the House.

Roxse, agreements.

The House Bill authorizing the town of Dedham to reimburse certain sewer fees paid in error (House, No. 3997) was read a third time.

Dedham, sewer fees.

The committee on Bills in the Third Reading reported recommending that the bill be consolidated with the House Bill authorizing the town of Dedham to reimburse certain sewer fees paid in error (House, No. 3998), likewise referred to said committee, and substituting therefor a bill with the same title (House, No. 4558), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. 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.

Next sitting.

Mr. Donelan of Orange then moved that as a mark of respect to the memory of Samuel J. Boudreau, a member of the House from Athol from 1951 to 1956, inclusive, the House adjourn; and the motion prevailed.  
Accordingly, at twenty one minutes after eleven o'clock A.M., on motion of Mrs. Walrath of Stow (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.