

JOURNAL OF THE HOUSE.

Thursday, March 4, 2004.

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

Holy Spirit Lord, we depend upon Your assistance in our daily struggle to serve You and the people in our communities in a faithful, thoughtful and honorable manner. As elected leaders in this new and complex age, with a multiplicity of responsibilities and choices, teach us to select the legislative and personal options which are in accord with clear reasoning and Your Commandments. Join us in the process of building a society which recognizes and responds to the basic needs of all people — especially older adults and children — and accepts responsibility for personal, ethical and moral decisions. In legislating for current needs, may we foresee the consequences of our decisions on future generations and the common good.

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

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

Resolutions.

Resolutions (filed with the Clerk by Mr. Rodrigues of Westport) memorializing the Congress of the United States to extend and make retroactive the Federal Temporary Unemployment Compensation Program, were referred, under Rule 85, to the committee on Rules.

Mr. Scaccia 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.

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

Resolutions (filed by Mr. Galvin of Canton) congratulating Nelson Wallace Smith on the occasion of his one hundredth birthday;

Resolutions (filed by Mr. Rush of Boston) congratulating James W. Hennigan III as the West Roxbury Business and Professional Association's Citizen of the Year;

Resolutions (filed by Mr. Rush of Boston) congratulating Robert J. Murphy as the West Roxbury Business and Professional Association's Citizen of the Year; and

Resolutions (filed by Mr. Smizik of Brookline) congratulating Rabbi Frank Waldorf on the occasion of his retirement;

Mr. Scaccia 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 Mr. Evangelidis of Holden, 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.

A Bill authorizing the Department of Conservation and Recreation to take or acquire conservation restrictions in and to lands of the city of Leominster (Senate, No. 1619, amended in section 1, in line 9, by striking out the words "The division shall" and inserting in place thereof the words "Neither the division nor the department shall") (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A report of the committee on Health Care, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 559) of Mark C. Montigny, Thomas M. McGee, Guy W. Glodis, Joan M. Menard and other members of the General Court for legislation to establish the Massachusetts prescription drug fair pricing program, and recommending that the same be referred to the Senate committee on Ways and Means,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, inasmuch as relates to the discharge of the committee.

A report of the Massachusetts Capital Resource Company (under the provisions of Section 20 of Chapter 816 of the Acts of 1977) submitting its twenty-seventh report (Senate, No. 2236) was referred, in concurrence, to the committee on Taxation.

Reports of Committees.

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 creating a special commission to study streamlining the municipal public works environmental permitting process (House, No. 1540, changed);

Of the Bill to prevent youth and gang violence (House, No. 1871);

Of the Bill to develop a system of out of school time in the Commonwealth (House, No. 1872);

Of the Resolve relative to the dental auxiliary shortage in the Commonwealth (House, No. 2054); and

Of the Resolve providing for an investigation and study by a special commission relative to DMR services (House, No. 3168, changed);

Rabbi Frank Waldorf.

Leominster, conservation restrictions.

Prescription fair pricing program.

Capital Resource Company.

Municipal public works.

Gang violence.

Out of school time programs.

Dental auxiliary shortage.

DMR services.

Prayer.

Pledge of allegiance.

Congress, Unemployment Program.

Nelson Wallace Smith.

James W. Hennigan III.

Robert J. Murphy.

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.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House No. 4520, reported, in part, a Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4559) [Direct Appropriations: \$106,327,123.00]. 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. Cabral of New Bedford, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. Mr. Torrissi of Andover moved that this vote be reconsidered, and the motion to reconsider was considered forthwith; and it was negatived. The bill then was sent to the Senate for concurrence.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill relative to certain housing in the city known as the town of Methuen (House, No. 4416) [Local Approval Received] be scheduled for consideration by the House.

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

By Ms. St. Fleur of Boston, for the committee on Education, Arts and Humanities, on House, Nos. 689, 1069 and 3637, an Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of certain House documents concerning student health issues (House, No. 4560).

By the same member, for the same committee, on Senate, Nos. 250, 301 and 326 and House, Nos. 330, 1648, 2213, 2398, 2406, 2579 and 2942, an Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of certain Senate and House documents concerning student curriculum (House, No. 4561).

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 Mr. Toomey of Cambridge, for the committee on Public Safety, on a petition, a Resolve establishing a special committee to study the creation and oversight of the standard for emergency medical services throughout the Commonwealth (House, No. 1742). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Emergency medical services, study.

By Mr. Koutoujian of Waltham, for the committee on Health Care, on a petition, a Bill requiring defibrillators in health care clinics (House, No. 551).

Health care clinics, defibrillators.

By Mr. Toomey of Cambridge, for the committee on Public Safety, on a petition, a Bill relative to automatic sprinklers (House, No. 3025).

Automatic sprinklers.

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

By Mr. Toomey of Cambridge, for the committee on Public Safety, on a petition, a Bill relative to telephone service for inmates in all correctional and other penal institutions in the Commonwealth (House, No. 1557). Read; and referred, under Rule 33, to the committee on Local Affairs and Regional Government on the part of the House.

Inmates, telephone service.

By Mr. Koutoujian of Waltham, for the committee on Health Care, on Senate, No. 506 and House, No. 2241, a Bill increasing access to community health centers (House, No. 2241). Read; and referred, under Rule 33C, to the committee on Medicaid.

Community health centers, access.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the following Bills ought to pass:

The Senate Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to Thayer Academy in the town of Braintree (Senate, No. 2178); and

Braintree, Thayer Academy.

The House Bill relative to cross-country skiing at the Quabbin Reservoir (House, No. 3856);

Quabbin Reservoir.

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

By Mr. Rodrigues of Westport, for the committee on Commerce and Labor, on a petition, a Bill further regulating the unfair retail sale of motor fuel at prices below cost (House, No. 1430).

Motor fuel, retail sale.

By Mr. Toomey of Cambridge, for the committee on Public Safety, on a petition, a Bill allowing widows of veterans to retain ownership of veterans' plates (House, No. 216).

Veterans plates.

By the same member, for the same committee, on a petition, a Bill relative to the inspection of power-operated doors (House, No. 400) [Representative Coppola of Foxborough dissenting].

Power doors, inspection.

By the same member, for the same committee, on Senate, No. 1393 and House, Nos. 1544 and 2495, a Bill relative to the regulation of motorized scooters (House, No. 1544).

Motorized scooters.

Supplemental appropriations.

Methuen, housing.

Students, health issues.

Student curriculum, study.

Mufflers. By the same member, for the same committee, on a petition, a Bill relative to mufflers (House, No. 1722) [Representative Coppola of Foxborough dissenting].

Parole Board, membership. By the same member, for the same committee, on a petition, a Bill providing for behavioral science representation on the Parole Board (House, No. 2856).

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

Recess.

Recess. At nineteen minutes before twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Rodrigues of Westport being in the Chair), the House recessed subject to the call of the Chair; and at twenty-four minutes before four o'clock P.M. the House was called to order with Mr. Rodrigues in the Chair.

Paper from the Senate.

Supplemental appropriations. A Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2243) (on part of House bill, No. 4559), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Mr. Rogers of Norwood, for said committee, reported recommending that said Bill ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4562 [Direct Appropriations: \$52,187,923.00]. 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. Peterson of Grafton, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means was adopted; and the bill (Senate, No. 2243, amended) was ordered to a third reading. Subsequently, under suspension of the rules, on further motion of Mr. Peterson, the bill (having been 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.

Emergency Measure.

Sandra DelGaudio Upton, sick leave bank. The engrossed Bill establishing a sick leave bank for Sandra DelGaudio-Upton, an employee of the Trial Court of the Commonwealth (see House, No. 4491), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Engrossed Bill.

The engrossed Bill authorizing the town of Belmont to designate a checkoff on its tax bill for the town's general fund (see House, No. 3979) (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. Bill enacted.

Recess.

Recess. At five minutes before four o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Rodrigues of Westport being in the Chair), the House recessed subject to the call of the Chair; and at twenty-eight minutes before five o'clock the House was called to order with Mr. Rodrigues in the Chair.

Emergency Measure.

Supplemental appropriations. The engrossed Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see Senate, No. 2243, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

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 two minutes before five o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Rodrigues of Westport being in the Chair) the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.