

JOURNAL OF THE HOUSE.

Tuesday, March 23, 2004.

Met at nine minutes after 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:

Eternal God, the Creator of the Universe and the Judge of all our decisions, we take this moment to think about You, to strengthen our relationship with You and to reflect on the guidelines for successful living which You have made known to us. As elected leaders, help us to comprehend fully the complex legislative, human and ethical issues which we must address daily. In these busy and stressful times, grant us the wisdom and the clarity of thought to remain focused on our goals, priorities, vision of the future and the impact of our decisions on the present and future generations. May we remain open to the views and suggestions of others, objective in making decisions and fully committed to our principles, values and religious beliefs.

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.

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

Resolutions (filed by Mr. Sánchez of Boston) congratulating Wentworth Institute of Technology on the occasion of its one hundredth anniversary; and

Resolutions (filed by Mr. Torrisi of North Andover) congratulating President William L. Lane on the occasion of his retirement from Caritas Holy Family Hospital;

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. 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.

Orders.

The following order (filed by Mr. Rodrigues of Westport) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Commerce and Labor be granted until Wednesday,

May 19, 2004 the time within which to report on current Senate documents numbered 46, 2088 and 2204 and current House document numbered 4524.

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 Mrs. Teahan of Whitman, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Koczera of New Bedford) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until July 31, 2004 the time within which to report on current House document numbered 4405 and Senate document numbered 1310.

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 Mrs. Paulsen of Belmont, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Papers from the Senate.

A report of the committee on Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1247) of Marc R. Pacheco for legislation to authorize an investigation and study of the cumulative impacts on local water reserves caused by growth and development in southeastern Massachusetts, 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, insomuch as relates to the discharge of the committee.

A report of the committee on Insurance, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 883) of Michael W. Morrissey for legislation relative to damages paid by insurance companies in consumer protection cases, and recommending that the same be referred to the committee on the Judiciary,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Reports of Committees.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill relative to the licensing of fortune tellers (House, No. 144); and

Of the Bill relative to student obligation disclosure (House, No. 1464);

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.

extension of time for reporting.

Public Service committee, extension of time for reporting.

Southeastern Massachusetts, water supply.

Consumer protection, insurance payments.

Fortune tellers.

Student obligations.

Prayer.

Pledge of allegiance.

Wentworth Institute of Technology.

William L. Lane.

Commerce and Labor committee.

Sex offenders, registering.

By Mr. Vallee of Franklin, for the committee on Criminal Justice, on House, No. 4393, a Bill authorizing the imposition of lifetime parole as a penalty for failing to register as a sex offender (House, No. 4604). 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. Hynes of Marshfield, the bill was read a second time forthwith; and it was ordered to a third reading.

Sexually dangerous persons.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill relative to the commitment of sexually dangerous persons (Senate, No. 1005, amended) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Subsequently, Mr. Rogers of Norwood, for said committee reported that the foregoing bill 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 Mrs. Teahan of Whitman, the bill was read a second time forthwith; and it was ordered to a third reading.

Animal health.

By Mr. Walsh of Boston, for the committee on Homeland Security and Federal Affairs, that the Bill making corrective changes in certain laws pertaining to animal health (House, No. 46) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

School safety.

By Mr. Vallee of Franklin, for the committee on Criminal Justice, on a petition, a Bill relative to school safety (House, No. 1851).

Motor vehicles, use for drug distribution.

By the same member, for the same committee, on House, No. 3308, a Bill relative to the use of a motor vehicle for the purpose of illegal drug distribution in violation of Massachusetts General Law Chapter 94C (House, No. 4602).

School children, transportation.

By Ms. St. Fleur of Boston, for the committee on Education, Arts and Humanities, on a petition, a Bill relative to further regulating the transportation of school children (printed as Senate, No. 234).

Public schools, dress codes.

By the same member, for the same committee, on House, Nos. 116, 1447 and 1830, a Bill relative to dress codes in public schools (House, No. 116, changed in section 1, in lines 4 and 5, by striking out the words "School officials shall not abridge the rights of students" and inserting in place thereof the words "Notwithstanding the provisions of section 82, or any other general or special law to the contrary, school officials shall not abridge the rights of students attending any public school").

Hepatitis B Vaccine.

By Mr. Koutoujian of Waltham, for the committee on Health Care, on a petition, a Bill relative to the Hepatitis B vaccine (House, No. 2570).

Veterinarians, prescriptions.

By the same member, for the same committee, on a petition, a Bill relative to veterinarians (House, No. 4414).

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill authorizing the town of Edgartown to enter a certain lease (House, No. 4339) [Local Approval Received].

Edgartown, lease.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on House, Nos. 2110 and 2111, a Bill further regulating solid waste disposal facilities (House, No. 2110).

Solid waste facilities, regulate.

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill providing for the annual observance of Massachusetts History Day (House, No. 4270).

History Day.

By the same member, for the same committee, on a petition, a Bill providing for the annual observance of Guardian's Day (House, No. 4482).

Guardian's Day.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, No. 1800, a Bill authorizing the Massachusetts Bay Transportation Authority to enter into agreements to enable extension of commuter rail passenger services to Nashua, New Hampshire (House, No. 4603).

MBTA, New Hampshire extension.

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

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, No. 1611, a Bill relative to bicycle touring routes (House, No. 4598). Read; and referred, under Rule 33, to the committee on Local Affairs and Regional Government on the part of the House.

Bicycle routes.

By Mr. Hall of Westford, for the committee on State Administration, on House, Nos. 3973 and 3974, a Bill reducing the surcharge on Boston vehicular rental contracts (House, No. 3974).

Boston, vehicle rentals.

By the same member, for the same committee, on a message from His Excellency the Governor, a Bill providing for the transfer of a parcel of conservation/recreation land owned by the Department of Conservation and Recreation in the town of Erving to the Massachusetts Highway Department for highway purposes (printed in House, No. 4301).

Erving, Route 2 project.

By the same member, for the same committee, on a message from His Excellency the Governor, a Bill authorizing the Department of Conservation and Recreation and the Department of Fish and Game to acquire conservation restrictions in and to the lands of the town of Egremont (printed in House, No. 4387).

Egremont, conservation restrictions.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill to establish a safe routes to school program (House, No. 1610).

Schools, safe routes.

By the same member, for the same committee, on Senate, No. 1901 and House, No. 1796, a Bill requiring certain safety equipment in the controlling compartment of all railroad locomotives operated within the Commonwealth (House, No. 1796).

Railroad locomotives.

By the same member, for the same committee, on Senate, No. 1899 and House, No. 1799, a Bill to regulate train crews relating to the minimum number of persons required on train crews (House, No. 4599).

Train crews.

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

Computer hacking.

By Mr. Vallee of Franklin, for the committee on Criminal Justice, on Senate, No. 185 and House, No. 502, a Bill to protect against computer hacking (House, No. 502). Read; and referred, under Rule 33D, to the committee on Homeland Security and Federal Affairs.

Chelsea, school committee.

By Ms. St. Fleur of Boston, for the committee on Education, Arts and Humanities, on a petition, a Bill relative to the school committee of the city of Chelsea (House, No. 4410).

Haverhill, parking fines.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill relative to parking fines in the city of Haverhill (House, No. 4210) [Local Approval Received].

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

Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

Camp counselors, record information.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Bill relative to the dissemination of criminal offender record information to the operators of camps for children (House, No. 4359) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading, with the amendments previously recommended by the committee on Ways and Means pending.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Cherry Valley.

Senate bills
Relative to the Cherry Valley sewer district 2000-2001 project (Senate, No. 2102); and

Public health.

Repealing certain antiquated laws pertaining to public health (Senate, No. 2157); and

Vehicle towing.

House bills
Reducing filing requirements of motor vehicle towing companies (House, No. 29);

Pesticide Control Act.

Making certain corrective changes in the Massachusetts Pesticide Control Act (House, No. 47);

N. Berkshire Waste.

Relative to the Northern Berkshire Solid Waste District (House, No. 799);

Engineering and surveying.

To deter unlicensed practice of engineering and land surveying (House, No. 893);

Land banks.

Relative to community preservation (House, No. 1509);

Child abuse.

Relative to child abuse reporting by social workers (House, No. 3172);

Liquor licenses.

Relative to the issuance of certain special alcoholic beverage licenses (House, No. 3518);

Inland waters.

Relative to the protection of inland waters (House, No. 3561);

Relative to the establishment of reserve funds for compensated absences in cities and towns (House, No. 4036);

Municipal reserves.

Relative to the leasing of municipal property (House, No. 4062);

Municipal property.

To authorize cities and towns to establish special purpose funds (House, No. 4069);

Municipal funds.

Providing civil service status for certain employees of the Taunton municipal lighting plant of the city of Taunton (House, No. 4185) [Local Approval Received];

Taunton light plant.

Authorizing the certification and eligibility as firefighters in the city of Taunton (House, No. 4186) [Local Approval Received];

Taunton, firefighters.

To replace the existing harborline and to establish a new harborline in Gloucester Harbor (House, No. 4265);

Gloucester, harborline.

Relative to the Renewable Energy Trust Fund (House, No. 4514); and

Energy Trust.

Relative to commercial breeders (House, No. 4537);

Breeders.

Severally placed in the Orders of the Day for the next sitting for a second reading.

Report of the committee on Steering, Policy and Scheduling, that the House Bill relative to mortgages (House, No. 2731) be scheduled for consideration by the House, the time within which said committee on was required to report having expired. Placed in the Orders of the Day for the next sitting for a second reading, with an amendment previously recommended by the committee on Banks and Banking pending.

Mortgages.

By Mr. Straus of Mattapoisett, for the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 129) of Frank M. Hynes relative to judicial reviews of appeals of the results of election recounts.

Elections, review.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 512) of David L. Flynn for legislation to establish limits on spending for certain campaigns for public office.

Campaign spending, limit.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 513) of Paul K. Frost relative to the identification requirements of persons registering to vote.

Election laws, violations.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 883) of Frank M. Hynes and Thomas J. O'Brien relative to limiting campaign expenditures of candidates for state office.

Campaign expenditures, limiting.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 884) of Frank M. Hynes for legislation to allow the distribution of unsigned election circulars or posters.

Unsigned circulars and posters.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 885) of Frank M. Hynes and Robert L. Hedlund for legislation to regulate voting in local elections by property owners with a principal residence in a different municipality.

Local elections, voting.

Ballot questions, funds.
 By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 886) of Frank M. Hynes for legislation to limit contributions for the promotion or defeat of ballot questions or initiative petitions.

Unsigned circulars and posters.
 By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1078) of Byron Rushing relative to the use of unsigned circulars and posters for political purposes.

Initiative committees, contributions.
 By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1263) of Cory Atkins for legislation to limit out-of-state contributions to ballot initiative committees.

Ballot questions, funds.
 By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1456) of Theodore C. Speliotis for legislation to limit contributions for the promotion or defeat of ballot questions or initiative petitions.

Elections, recounts.
 By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1650) of Ronald Mariano relative to the method of conducting recounts of elections in the Commonwealth.

Political candidates.
 By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1651) of Joseph C. Sullivan relative to advertising by candidates and political committees of candidates.

Campaign finance reporting.
 By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2413) of James H. Fagan and Shirley Gomes relative to establishing an electronic system for the submission, retrieval, storage and public disclosure of campaign finance reports.

Initiative and referendum petitions.
 By the same member, for the same committee, ought NOT to pass, on the petitions relative to the collection of signatures for initiative or referendum petitions in the Commonwealth [based on petitions of James H. Fagan and others, accompanied by bill, House, No. 2414; Alice K. Wolf, accompanied by bill, House, No. 2589; David M. Torrisi and others, accompanied by bill, House, No. 2951; and Peter J. Larkin and others, accompanied by bill, House, No. 3641].

Presidential electors.
 By the same member, for the same committee, ought NOT to pass, on the petitions relative to Presidential electors in the Commonwealth [based on petitions of Bradley H. Jones, Jr., and others, accompanied by bill House, No. 2780; Robert M. Koczera and others, accompanied by bill, House, No. 2948; and Antonio F. D. Cabral, accompanied by bill, House, No. 3140].

Nomination papers.
 By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2781) of Kay Khan relative to the information included on nomination papers of candidates.

Election Laws, recount.
 By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3141) of Antonio F. D. Cabral and another for legislation to reform the election recount law with a particular emphasis on the standards for judicial review.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3143) of Brian S. Dempsey for legislation to further regulate the solicitation of campaign contributions in certain buildings.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3322) of Viriato Manuel deMacedo and other members of the General Court that voters be required to produce identification at election polling places.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3643) of Peter J. Larkin and Vincent P. Ciampa for legislation to regulate out-of-state contributions to ballot question committees.

By Mr. Mariano of Quincy, for the committee on Insurance, ought NOT to pass, on so much of the recommendations of the Division of Medical Assistance (House, No. 57) as relates to the MassHealth insurance claim payment intercept program (accompanied by bill, House, No. 60).

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1523) of Anne M. Paulsen, other members of the General Court and another for legislation to increase consumer choice for motor vehicle insurance.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2080) of Christopher G. Fallon and others for legislation to provide for the reduction of motor vehicle insurance rates for certain disabled persons.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2257) of Reed V. Hillman for legislation to make certain changes in the law for calculating wages for motor vehicle personal injury protection claims.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2828) of John F. Quinn, Bruce E. Tarr and Robert M. Koczera for legislation to protect consumers in the issuance of automobile insurance policies and bonds.

By Mr. Casey of Winchester, for the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, House, No. 3909) of Kirsten D. Roopenian and others (by vote of the town) relative to property tax exemptions for certain elderly persons in the town of Sudbury.

By Mr. Wagner of Chicopee, for the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 1233) of J. James Marzilli, Jr., relative to the traffic utilization of Route 60 in the town of Arlington and the city of Medford.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3104) of Stephen P. LeDuc, Karen Spilka, Cory Atkins, David Paul Linsky and Susan W. Pope for legislation to regulate the establishment of regional transit authorities by cities and towns.

Campaign contributions.

Voter identification procedures.

Ballot questions, out-of-state solicitation.

MassHealth, claims.

Automobile insurance, consumer choice.

Disabled, auto insurance rates.

Automobile injury claims.

Auto insurance.

Sudbury, property tax.

Route 60.

Regional transit authority.

Route 6,
rest area.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3713) of Thomas N. George, Christine E. Canavan and Robert A. O'Leary relative to designating the tourist rest area on state highway Route 6 in the town of Yarmouth as the Korean War veterans memorial.

Turnpike
Authority,
finances.

By the same member, for the same committee, ought NOT to pass, on a message from His Excellency the Governor recommending legislation relative to the financial sustainability of the Massachusetts Turnpike Authority (accompanied by bill, House, No. 3804).

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

Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Engrossed Bill.

Bill
re-enacted.

The engrossed Bill relative to the off-street parking board in the city of Worcester (see House, No. 4082, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third
reading
bills.

House bills
Relative to the Greater Lawrence Sanitary District (House, No. 2108);
and

Designating the former administration building on Tewksbury Hospital in the town of Tewksbury as the Richard P. Morris Building (House, No. 4567) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

Next
sitting.

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.

At twenty-two minutes after eleven o'clock A.M., on motion of Mr. Donato of Medford (Mr. Rodrigues of Westport being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.