

# JOURNAL OF THE HOUSE.

Thursday, April 15, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. DiMasi of Boston 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 Ultimate Source of Forgiveness and Truth, with Your assistance we are prepared each day to address the day's legislative issues. Your help enables us to establish personal and legislative priorities and to keep all issues in clear perspective. As we prepare to celebrate Patriots' Day on Monday, let our hearts, minds and memories be filled with appreciation for the personal courage, wisdom, integrity and farsightedness of the men and women who founded this nation. The sacrifices and commitments of the founders enables us to enjoy the benefits of living in a free and responsible society.

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

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

### Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to the authorization of the Governor to request an extension of the stay in Goodridge et al. v. Department of Public Health et al., SJC-08860 (House, No. 4679) was filed in the office of the Clerk on Thursday, April 15.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Judiciary. Sent to the Senate for concurrence.

### Resolutions.

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

Resolutions (filed by Mr. Fagan of Taunton) congratulating Saint Paul's Church of Taunton on the occasion of its one hundredth anniversary; and

Resolutions (filed by Mr. LeDuc of Marlborough) on the fiftieth wedding anniversary of Ronald M. Leonard and Tommie J. Leonard;

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

### Petitions.

Petitions severally were presented and referred as follows:

By Mr. Travis of Rehoboth, petition (accompanied by bill, House, No. 4680) of Philip Travis, Patricia A. Haddad and Joan M. Menard (by vote of the town) that the licensing authority of the town of Swansea be authorized to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises to Buffington Mini Mart. To the committee on Government Regulations.

Swansea, Buffington Mini Mart.

By Mr. DeLeo of Winthrop, petition (accompanied by bill, House, No. 4681) of Robert A. DeLeo, Thomas G. Ambrosino (mayor), Kathi-Anne Reinstein, Robert E. Travaglini and Jarrett T. Barrios (with the approval of the city council) relative to the filling of vacancies in certain offices in the city of Revere. To the committee on Local Affairs and Regional Government.

Revere, elected officials.

By Mr. Lantigua of Lawrence, petition (accompanied by bill, House, No. 4682) of William Lantigua, David M. Torrisi, Susan C. Tucker and Barry R. Finegold (with the approval of the mayor and city council) for legislation to authorize Emil DeFusco to continue employment with the police department of the city of Lawrence, notwithstanding the maximum age requirements. To the committee on Public Service.

Lawrence, Emil DeFusco.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Ms. Callahan of Sutton, petition (subject to Joint Rule 12) of Jennifer M. Callahan and Edward G. Connolly relative to property tax abatements for veterans.

Veterans, abatements.

By Mr. Driscoll of Braintree, petition (subject to Joint Rule 12) of Joseph R. Driscoll and others (by vote of the town) that the town of Braintree be authorized to convey a certain parcel of property to the Braintree Historical Society, Inc., notwithstanding the uniform procurement law.

Braintree, land conveyance.

By Mr. Finegold of Andover, petition (subject to Joint Rule 12) of Barry R. Finegold and other members of the General Court relative to increasing criminal sanctions for illegally distributing drugs near youth centers.

Youth centers, drug free zone.

By Mrs. Gomes of Harwich, petition (subject to Joint Rule 12) of Shirley Gomes and other members of the General Court relative to mandatory boating safety education.

Boating safety education.

By Mr. Kulik of Worthington, petition (subject to Joint Rule 12) of Stephen Kulik, William Smitty Pignatelli, Anne M. Gobi and Stanley C. Rosenberg relative to health insurance premiums for certain elected officials.

Elected officials.

By Mr. Leary of Worcester, petition (subject to Joint Rule 12) of John J. Conte, James B. Leary and other members of the General Court for legislation to protect children from persons offering to pay for sexual contact.

Children, protect.

By Mr. Miceli of Wilmington, petition (subject to Joint Rule 12) of James R. Miceli and other members of the General Court for legislation to prohibit charges to cell phone users for making calls to certain toll-free numbers.

Cell phones, charges.

Prayer.

Pledge of allegiance.

Marriage, Goodridge v. Public Health.

Taunton, St. Paul's Church.

Ronald and Tommie Leonard.

Veterans, tolls.

By the same member, petition (subject to Joint Rule 12) of James R. Miceli for legislation to exempt certain disabled veterans from tolls charged by the Port Authority and the Turnpike Authority.

Swansea, safe haven program.

By Mr. Travis of Rehoboth, petition (subject to Joint Rule 12) of Philip Travis, Patricia A. Haddad and Joan M. Menard (by vote of the town) relative to establishing a safe haven program for certain newborns and infants in the town of Swansea.

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

*Reports of Committees.*

Salem Retirement Board.

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 petition of J. Michael Ruane relative to the Salem Retirement Board. Under suspension of the rules, on motion of Mr. Ruane of Salem, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Underwriting Association.

By Mr. Mariano of Quincy, for the committee on Insurance, on House, No. 1684, a Bill relative to the Massachusetts Property Insurance Underwriting Association (House, No. 4672). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Stormwater.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on House, No. 1538, a Bill relative to stormwater assessments (House, No. 4673).

Department of Corrections, retirement.

By Mr. Koczera of New Bedford, for the committee on Public Service, on a petition, a Bill relative to employees of the department of correction and sheriffs' departments (House, No. 3413).

Firefighters, killed in line of duty.

By the same member, for the same committee, on a petition, a Bill providing for killed-in-line-of-duty benefits for call and volunteer firefighters (House, No. 4528).

Retirement reinstatements.

By the same member, for the same committee, on Senate, Nos. 1494, 1516 and 2187 and House, Nos. 430, 832, 2675 and 3959, a Bill relative to reinstatement in public retirement systems (House, No. 4674).

Severally read; and referred, under Rule 32A, to the committee on Local Affairs and Regional Government on the part of the House.

Patient observation.

By Mr. Mariano of Quincy, for the committee on Insurance, on a petition, a Bill to define the use of observation services (House, No. 1882).

Automobile insurance.

By the same member, for the same committee, on House, No. 1703, a Bill further regulating the setting of private passenger automobile insurance rates (House, No. 4675).

Insolvency Fund.

By the same member, for the same committee, on House, No. 2627, a Bill relative to the Massachusetts Insurers Insolvency Fund (House, No. 4676).

Physician credentialing.

By the same member, for the same committee, on Senate, Nos. 879 and 915 and House, No. 2628, a Bill to streamline the physician credentialing process (House, No. 4678).

By Mr. Koczera of New Bedford, for the committee on Public Service, on a petition, a Bill relative to certain employment at the Massachusetts Firefighting Academy (House, No. 2859).

Fire fighting Academy.

By the same member, for the same committee, on House, No. 1751, a Bill relative to creditable service for service rendered as a school nurse (House, No. 4677).

School nurses.

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

*Emergency Measures.*

The engrossed Bill extending the time for submitting nomination papers for certain State Representative districts (see House, No. 4661), 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.

Representative districts, papers.

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 7 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.

The engrossed Bill establishing a sick leave bank for Marguerite McWhinnie, an employee of the Trial Court of the Commonwealth (see Senate, No. 2198, 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.

Marguerite McWhinnie, sick leave.

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 8 to 0. Sent to the Senate for concurrence.

The engrossed Bill relative to the disposition of certain state-owned land in the city of Medford (see House, No. 3076), 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.

Medford, state-owned land.

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 3 to 0. Sent to the Senate for concurrence.

The engrossed Bill to extend the service of Massachusetts National Guard Adjutant General George W. Keefe for a period of one-year (see House bill printed in House, No. 4568), 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.

Adjutant General George W. Keefe.

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 3 to 0. Sent to the Senate for concurrence.

*Engrossed Bills.*Bill  
enacted.

The engrossed Bill relative to criminal offender record information checks for assisted living employees (see House, No. 4390, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
re-enacted.

The engrossed Bill providing for a charter for the town of Dudley (see House, No. 4428) (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.

Bills  
enacted.

## Engrossed bills

Relative to a certain bridge in the town of Amesbury (see Senate, No. 1853);

Authorizing the town of Palmer to establish a special revenue fund (see Senate, No. 1947);

Establishing a preservation fund in the town of Hubbardston (see Senate, No. 2074);

(Which severally originated in the Senate); and

Relative to the school committee of the city of Chelsea (see House, No. 4410) (which 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.*

## Senate bills

Third  
reading  
bills.

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

Relative to the charter of the town of Rockland (Senate, No. 2189);

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

B.

Relative to the election of town meeting members and validating the actions taken at certain town meetings held in the town of South Hadley (printed in House, No. 4380, changed) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to the establishment of the position of director of finance in the city of Revere (House, No. 4508);

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.

The House Bill authorizing the city of Taunton to re-institute an early retirement program (House, No. 3871), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Taunton,  
early  
retirement.

Pending the question of passing the bill to be engrossed, Mr. Fagan of Taunton moved that it be amended in section 3, in line 4, by striking out the date "July 1, 2003" and inserting in place thereof the date "September 1, 2004", and in line 6, by striking out the date "July 31, 2003" and inserting in place thereof the date "September 30, 2004".

The amendments were adopted; and the bill (House, No. 3871, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the use of certain funds by municipalities (House, No. 4184, changed) was read a second time.

Municipalities,  
real estate sale.

Pending the question on ordering the bill to a third reading, Mr. Connolly of Everett moved that it be amended in section 1, in lines 5 to 8, inclusive, by striking out the following, " provided, however, said proceeds shall be repaid by the city, town or district within 10 years and shall after repayment be subject to said section 63 of said Chapter 44".

The amendment was adopted; and the bill (House, No. 4184, amended) was ordered to a third reading.

*Order.*

On motion of Mr. Finneran of Boston,—

*Ordered*, That when the House adjourns today, it adjourn to meet on Tuesday next at eleven o'clock A.M.

Next  
sitting.

At twenty-five minutes after twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. DiMasi of Boston being in the Chair), the House adjourned, to meet on Tuesday next at eleven o'clock A.M., in an Informal Session.