

JOURNAL OF THE HOUSE.

Thursday, May 13, 2004.

Met according to adjournment, at half past one o'clock P.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 the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, we believe that we live each moment of the day in Your presence. Your personal concern and care for us is constant even when we fail to recognize this reality. Your assistance enables us, as elected leaders, to be good listeners, clear thinkers, creative planners and prudent legislators. In our contemporary, diverse, perhaps divided, society inspire us to seek those common goals which hold in high esteem those traditional basic values which respect the dignity, the civil, human and religious rights of each person. May we always keep in mind 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 (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

*Message from the Acting Governor — Bill Returned with
Recommendation of Amendment.*

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendments the engrossed Bill relative to the Jacob Sears Memorial Library [see House, No. 3746, amended] (for message, see House, No. 4723) was filed in the office of the Clerk on Wednesday May 12.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by the Acting Governor, the bill was referred, on motion of Mr. George of Yarmouth, to the committee on Bills in the Third Reading.

Subsequently the amendment recommended by the Acting Governor was adopted in the following form (as approved by the committee on Bills in the Third Reading):

In section 1 (as printed) by striking out the sentence contained in lines 3 and 4 and inserting in place thereof the following sentence: "The 3 trustees, all of whom shall be residents of what is commonly known as Quivet Neck, in the town of Denis, shall be elected by a vote of the residents of Quivet Neck."; and by striking out the sentence contained in lines 15 and 16 (as engrossed).

Sent to the Senate for concurrence.

Resolutions.

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

Gun Owners Action League.

Resolutions (filed by Mr. Peterson of Grafton and other members of the House) on the occasion of the thirtieth anniversary of the Gun Owners Action League;

Michael D. Yacino.

Resolutions (filed by Mr. Peterson of Grafton and other members of the House) honoring Michael D. Yacino;

Donald M. Splansky.

Resolutions (filed by Representatives Blumer of Framingham and Spilka of Ashland) congratulating Rabbi Donald M. Splansky;

Veterans Trail.

Resolutions (filed by Representatives Coppola of Foxborough, Poirier of North Attleborough and Kafka of Stoughton) on the dedication of the World War II Veterans Trail;

Todd Shorey.

Resolutions (filed by Mr. Linsky of Natick) congratulating Todd Shorey on receiving the Eagle Award of the Boy Scouts of America;

Republic of China.

Resolutions (filed by Representatives Rodrigues of Westport, Greene of Billerica, Hillman of Sturbridge, Parente of Milford and Teahan of Whitman) commending the Republic of China (Taiwan) on its contributions to promote world health;

Taiwan-U.S. Agreement.

Resolutions (filed by Representatives Rodrigues of Westport, Greene of Billerica, Hillman of Sturbridge, Parente of Milford and Teahan of Whitman) supporting a Taiwan-U.S. Free Trade Agreement (TUFTA); and

John P. McKeon Post.

Resolutions (filed by Mr. Walsh of Boston) congratulating the John P. McKeon Post of Dorchester on the occasion of its fiftieth anniversary;

Mrs. Harkins of Needham, 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. Hill of Ipswich, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

Communications

Agency fees, changes.

From the Executive Office for Administration and Finance (under the provisions of Section 3B of Chapter 7 of the General Laws) relative to the proposed changes in fees for licenses, permits and services to be charged by certain state agencies; and

Dog races, simulcasting.

From Plainridge Racecourse (under the provisions of Section 2 of Chapter 128C of the General Laws) submitting copies of contracts for the simulcasting of dog races;

Severally were placed on file.

Annual and Special Reports.

Ticketing patterns, police.

The annual report of the Executive Office of Public Safety (under the provisions of Chapter 228 of the Acts of 2000) containing a study conducted by Northeastern University relative to ticketing patterns by police departments; and

Quarterly reports

Of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws) relative to the condition of the Commonwealth's Unemployment Trust Fund for the quarter ending March 31, 2004; and

Unemployment Trust Fund, status.

Of the MassHighway Department (under the provisions of item 6010-0001 contained in Section 2 of Chapter 184 of the Acts of 2004) for the quarter ending March 31, 2004; and

Bond funded expenditures.

A report of the Massachusetts Bay Transportation Authority (MBTA) (under the provisions of Section 151 of Chapter 127 of the Acts of 1999) relative to the Capital Investment Program of said Authority for the fiscal years 2005 through 2009;

Capital Investment Program.

Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Murphy of Lowell, petition (accompanied by bill, House, No. 4720) of Kevin J. Murphy, David M. Nangle, Steven C. Panagiotakos and Thomas A. Golden, Jr. (with the approval of the city council) relative to granting a permanent easement by the city of Lowell to a certain playground known as the Gage Field located in said city. To the committee on Local Affairs and Regional Government.

Lowell, easement.

By Mr. Eldridge of Acton, petition (accompanied by bill, House, No. 4721) of Pamela P. Resor and James B. Eldridge relative to the residency requirements of the police and fire department in the town of Boxborough; and

Boxborough, residency.

By Mr. Walsh of Boston, petition (accompanied by bill, House, No. 4722) of Martin J. Walsh (with the approval of the mayor and city council) relative to disability retirement benefits payable to Sergeant Charles L. Byrne, Jr., for injuries suffered in the line of duty as a police officer in the city Boston;

Charles L. Byrne, Jr.

Severally to the committee on Public Service. Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mrs. Parente of Milford, petition (subject to Joint Rule 12) of Marie J. Parente that health care proxies be required to retain records of persons visiting principals in certain treatment facilities.

Hospital visitation.

By Mr. Patrick of Falmouth, petition (subject to Joint Rule 12) of Matthew C. Patrick that retailers be prohibited from imposing excessive finance charges on purchases by retail buyers of motor vehicles.

Motor vehicles, sale.

By the same member, petition (subject to Joint Rule 12) of Matthew C. Patrick for legislation to further regulate the rate of interest charges on delinquent credit card accounts.

Credit cards.

By Mr. Travis of Rehoboth, petition (subject to Joint Rule 12) of Philip Travis that the Massachusetts Bay Transportation Authority be directed to provide for the sale of certain "pay per ride" passes for users of the facilities of said authority.

MBTA, pay per ride passes.

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

Reports of Committees.

Motor
fuel
theft.

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 John J. Binienda and other members of the General Court for legislation to increase the penalty for persons convicted for the crime of motor vehicle fuel theft. Under suspension of the rules, on motion of Ms. Jehlen of Somerville, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Criminal Justice. Sent to the Senate for concurrence.

Movie
theaters.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Criminal Justice to make an investigation and study of certain House documents concerning misdemeanor and felony penalties (House, No. 4645), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4478) of James E. Vallee relative to the use of an audiovisual recording device in movie theaters,—and recommending that the same be recommitted to the committee on Criminal Justice. Under Rule 42, the report was considered forthwith; and it was accepted.

Human
Services,
study.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on Senate, Nos. 488, 747, 751, 814 and 1962 and House, Nos. 158, 162, 164, 372, 373, 560, 712, 717, 1111, 1299, 1670, 1676, 1868, 1873, 2065, 2445, 2817, 2975, 2983, 3337, 3535, 3792 and 4271, an Order relative to authorizing the committee on Human Services and Elderly Affairs to make an investigation and study of certain Senate and House documents concerning mental health, mental retardation, children, elderly and veteran services (House, No. 4717).

Coastal
property,
study.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on Senate, Nos. 1230, 1259, 1260 and 2227 and House, Nos. 196, 197, 199, 391, 393, 800, 967, 1161, 1331, 1717, 1719, 1905, 1907, 1908, 2277, 2474, 2480, 2647, 3201, 3370, 3559, 3678, 3680, 3681, 3863, 4264 and 4382, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain Senate and House documents concerning coastal property and protection (House, No. 4718).

Environmental
protection.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on Senate, Nos. 1199, 1253, 1258, 1261, 1267 and 1269 and House, Nos. 396, 591, 592, 1152, 1153, 1159, 1532, 2109, 2113, 3009, 3557 and 3560, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain Senate and House documents concerning environmental protection (House, No. 4719).

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.

Emergency Measure.

The engrossed Bill providing for uniform regulatory standards for certain insurance companies (see House, No. 2823, 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.

Uniform
regulatory
standards.

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 5 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Relative to adjudicatory hearings of the Board of Registration in Medicine (see Senate, No. 2151, amended) (which originated in the Senate);

Bills
enacted.

Validating the acts and proceedings at a certain town caucus in the town of Westhampton (see House, No. 1712);

Relative to motorcycle safety (see House, No. 2124, amended); and
Relative to the use of retired police officers by the town of Grafton (see House, No. 3936);

(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.

Senate bills

Authorizing the appointment of Kelly McNiff as a firefighter in the town of Bourne notwithstanding the maximum age requirement (Senate, No. 1968); and

Third
reading
bills.

Authorizing a transfer from the unemployment compensation fund in the town of Gill (Senate, No. 2104, amended);

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

Relative to the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 4285); and

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Authorizing the town of Edgartown to enter into a certain lease (House, No. 4339) (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.

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 two o'clock P.M., on motion of Mr. Lepper of Attleboro (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.