

JOURNAL OF THE HOUSE.

Wednesday, June 9, 2004.

Met at twenty-one minutes before one o'clock P. M., with Mrs. Harkins of Needham 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:

God, Our Creator, we place our hope and trust in You and in

Prayer.

Your personal concern for our total well-being. Teach us to have trust in each other and in our traditional values. Your guidance enables us to address in a right and thoughtful manner our varied, often difficult and complex, personal and legislative responsibilities. In Your goodness, inspire us to select the best and the most ethical options which are open to us as we go about our daily routine. For the benefit of all people, guide our efforts in our diverse society to work together in building a stable, compassionate and civil society.

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

At the request of the Chair (Mrs. Harkins), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Statement Concerning Representative Kulik of Worthington.

A statement of Mr. Bosley of North Adams concerning Mr. Kulik of Worthington 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 one of our colleagues, Representative Kulik of Worthington, will not be present in the House Chamber for today's sitting due to medical reasons. Any roll calls that he may miss today and next week will be due entirely to the reason stated.

Statement
concerning
Representative
Kulik of
Worthington.

Guests of the House.

During the session, the Speaker declared a brief recess and introduced Rachel Armitage and her mother, Pamela Armitage, who were visiting from Holliston. They were the guests of Representative Loscoco of Holliston.

Rachel
and Pamela
Armitage.

Resolutions.

Resolutions (filed with the Clerk by Mr. Jones of North Reading and other members of the House) honoring the passing of President Ronald Reagan with a day of remembrance on June 11, 2004, were referred, under Rule 85, to the committee on Rules.

Ronald
Reagan.

Mr. Petrolati of Ludlow, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Ms. Rogeness of Longmeadow, 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. Bradley of Hingham, petition (accompanied by bill, House, No. 4809) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the town of Hingham be authorized to grant a license for the sale of alcoholic beverages to be drunk on the premises to Linden Ponds Inc.;

By the same member, petition (accompanied by bill, House, No. 4810) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the town of Hingham be authorized to grant licenses for the sale of alcoholic beverages at Sea Chain LLC in the Hingham Shipyard; and

By Mr. Ruane of Salem, petition (accompanied by bill, House, No. 4811) of J. Michael Ruane (with the approval of the mayor and city council) that the licensing authority of the city of Salem be authorized to issue additional licenses for the sale of wine and malt beverages not to be drunk of the premises;

Severally to the committee on Government Regulations.
By Mr. Larkin of Pittsfield, petition (accompanied by bill, House, No. 4812) of Peter J. Larkin, Andrea F. Nuciforo Jr., William Smitty Pignatelli and Shaun P. Kelly (with the approval of the mayor and city council) relative to amending the charter of the city of Pittsfield by deleting the commissioner of public health;

By Mr. Miceli of Wilmington, petition (accompanied by bill, House, No. 4813) of James R. Miceli, Barry R. Finegold and Susan C. Tucker (by vote of the town) that the town of Teeksbury be authorized to issue bonds and notes for the costs of remediation of the Sutton Brook disposal site; and

By Mr. Webster of Hanson, petition (accompanied by bill, House, No. 4814) of Daniel K. Webster (by vote of the town) that the town of Pembroke be authorized to borrow certain sums of money for costs related to the withdrawal of the Silver Lake Regional School District;

Severally to the committee on Local Affairs and Regional Government.

By Mr. Bradley of Hingham, petition (accompanied by bill, House, No. 4815) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the retirement board of the town of Hingham be authorized to grant certain creditable service to Glenn Shaw. To the committee on Public Service.

By the same member, petition (accompanied by bill, House, No. 4816) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the position of superintendent of streets of the town of Hull be exempt from provisions of the civil service law; and

By Mr. Nyman of Hanover, petition (accompanied by bill, House, No. 4817) of Robert J. Nyman and Robert S. Creodon, Jr., (by vote of the town) for legislation to place certain members of the fire department of the town Hanover under the civil service law;

Severally to the committee on Public Service.

By Mr. deMacedo of Plymouth, petition (accompanied by Plymouth, agri-cultural land; certain land;

By the same member, petition (accompanied by bill, House, No. 4819) of Virriato Manuel deMacedo (by vote of the town) that the town of Plymouth be authorized to lease certain land for the construction of a parking facility; and

By Mr. O'Brien of Kingston, petition (accompanied by bill, House, No. 4820) of Thomas J. O'Brien, Virriato Manuel deMacedo and Therese Murray (by vote of the town) that the airport commission of the town of Plymouth be authorized to lease certain parcels of land located at the airport in said town;

Severally to the committee on State Administration.
By Mr. Kulik of Worthington, petition (accompanied by bill, House, No. 4821) of Stephen Kulik and Stanley C. Rosenberg (by vote of the town) relative to certain real estate tax exemptions for the Brick House Community Resource Center Inc. in the town of Montague. To the committee on Taxation.
Severally sent to the Senate for concurrence.

Mr. Rodrigues of Westport presented a petition (subject to Joint Rule 12) of William Francis Galvin, Michael J. Rodrigues and John A. Hart, Jr., for legislation to make certain changes in the business corporation laws; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, thus reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Ms. Rogeness of Longmeadow, the report was considered forthwith. Joint Rule 12 was suspended, and the petition (accompanied by bill) was referred to the committee on Commerce and Labor. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Asselin of Springfield, petition (subject to Joint Rule 12) of Christopher P. Asselin that the Commissioner of Insurance be directed to establish for motor vehicle insurance based on a merit system.

By Mr. Coppola of Foxborough, petition (subject to Joint Rule 12) of Michael J. Coppola and Jo Ann Sprague for legislation to authorize the Division of Capital Asset Management and Maintenance to convey certain land to the housing authority of the town of Foxborough.

By Mr. Correia of Fall River (by request), petition (subject to Joint Rule 12) of Cassandra Eddy and others for legislation to designate "squash" as the official vegetable of the Commonwealth.

By Mr. Costello of Newburyport, petition (subject to Joint Rule 12) of Michael A. Costello and other members of the House for legislation to change the name of the Department of Mental Retardation to the department of developmental services.

By Mr. O'Brien of Kingston, petition (subject to Joint Rule 12) of Thomas J. O'Brien and Virriato Manuel deMacedo (by vote of the town) for legislation to authorize the Division of Capital Asset Management and Maintenance to release certain land in the town of Plymouth from the operation of agricultural preservation restrictions.

Hingham, petition (accompanied by bill, House, No. 4809) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the town of Hingham be authorized to grant a license for the sale of alcoholic beverages to be drunk on the premises to Linden Ponds Inc.;

Salem, petition (accompanied by bill, House, No. 4811) of J. Michael Ruane (with the approval of the mayor and city council) that the licensing authority of the city of Salem be authorized to issue additional licenses for the sale of wine and malt beverages not to be drunk of the premises;

Pittsfield, petition (accompanied by bill, House, No. 4812) of Peter J. Larkin, Andrea F. Nuciforo Jr., William Smitty Pignatelli and Shaun P. Kelly (with the approval of the mayor and city council) relative to amending the charter of the city of Pittsfield by deleting the commissioner of public health;

Wilmington, petition (accompanied by bill, House, No. 4813) of James R. Miceli, Barry R. Finegold and Susan C. Tucker (by vote of the town) that the town of Teeksbury be authorized to issue bonds and notes for the costs of remediation of the Sutton Brook disposal site; and

Hanson, petition (accompanied by bill, House, No. 4814) of Daniel K. Webster (by vote of the town) that the town of Pembroke be authorized to borrow certain sums of money for costs related to the withdrawal of the Silver Lake Regional School District;

Hingham, petition (accompanied by bill, House, No. 4815) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the retirement board of the town of Hingham be authorized to grant certain creditable service to Glenn Shaw. To the committee on Public Service.

Hull, petition (subject to Joint Rule 12) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the position of superintendent of streets of the town of Hull be exempt from provisions of the civil service law; and

Hanover, petition (subject to Joint Rule 12) of Robert J. Nyman and Robert S. Creodon, Jr., (by vote of the town) for legislation to place certain members of the fire department of the town Hanover under the civil service law;

Plymouth, agri-cultural land; certain land;

Plymouth, parking facility;

Plymouth Airport, land.

Montague, tax exemptions.

Business corporation, etc.

Auto insurance rates.

Foxborough housing authority.

Squash, state vegetable.

Department of Mental Retardation.

Plymouth, agricultural land.

Sex offenders,
Hiding
penalty.

By Mr. Patrick of Falmouth, petition (subject to Joint Rule 12) of Matthew C. Patrick for legislation to impose lifetime parole supervision for persons convicted of certain sexual offenses.

Sex Offender
Registry
Board.

By the same member, petition (subject to Joint Rule 12) of Matthew C. Patrick and other members of the General Court for legislation to make certain changes concerning the Sex Offender Registry Board.

Sexual
crimes,
penalties.

By the same member, petition (subject to Joint Rule 12) of Matthew C. Patrick and other members of the House for legislation to further regulate the penalties for persons convicted of certain sexual offenses.

Wayland,
seize
haverns.

By Mrs. Pope of Wayland, petition (subject to Joint Rule 12) of Susan W. Pope and Scott P. Brown (by vote of the town) relative to the safe placement of newborns and infants in the town of Wayland.

State
ice cream.

By Mr. Sullivan of Fall River, petition (subject to Joint Rule 12) of David B. Sullivan, Mark A. Howland and John F. Quinn for legislation to designate the "double fudge brownie" as the official ice cream of the Commonwealth.

United
We Stand
License
plates.

By Mr. Vallée of Franklin (by request), petition (subject to Joint Rule 12) of Paul G. Yorkis for legislation to authorize the Registrar of Motor Vehicles to issue a "United We Stand" distinctive license plate in memory of the victims and heroes of September 11, 2001. Severally, under Rule 24, to the committee on Rules.

Papers from the Senate

Tax
provisions,
improve.

The House Bill to clarify certain tax provisions and improve the activities of the Department of Revenue (House, No. 4744) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2362; and inserting before the enacting clause the following emergency preamble:

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to make certain changes in the tax laws and other laws relating to the department of revenue, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

Under suspension of Rule 35, on motion of Mr. Casey of Winchester, the amendments were considered forthwith.

Committee of
conference.

The House then non-concurred with the Senate in its amendments, on further motion of the same member; and, on further motion of Mr. Casey, asked for a committee of conference on the disagreeing votes of the two branches. The Speaker appointed Representatives Casey, Larkin of Pittsfield and Lepper of Attleboro as the committee on the part of the House. Sent to the Senate to be joined.

A House petition of Salvatore F. DiMasi for legislation to further regulate unfair claim settlement practices involving multiple defendants in the business of insurance, came from the Senate with the endorsement that said branch had concurred in the suspension of Joint Rule 12, non-concurred in the reference to the committee on the Insurance and that it had been referred, in non-concurrence, to the committee on the Judiciary.

On motion of Mr. DiMasi of Boston, the House receded from its reference; and the petition (accompanied by bill, House, No. 4830) was referred, in concurrence, to the committee on the Judiciary.

A petition of Susan C. Tucker, Linda J. Melconian and Stephen J. Buoniconti for legislation relative to the sale of municipal tax receivables, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Taxation.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2383) was referred, in concurrence, to the committee on Taxation.

Reports of Committees

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 following petitions:

Petition (accompanied by bill) of William G. Greene, Jr., relative to extending the time within which the committee on Natural Resources and Agriculture is authorized to file a report on the reclassification of certain agricultural and horticultural land. To the committee on Natural Resources and Agriculture.

Petition (accompanied by bill) of Stephen J. Buoniconti relative to tax receivables of cities and towns. To the committee on Taxation.

Under suspension of the rules, on motion of Ms. Rogeness of Longmeadow, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to certain distinctive registration plates (Senate, No. 2006, amended) ought to pass with certain amendments in section 1, in line 7, by inserting after the words "the Fallen Firefighters Memorial Fund" the words "to be coordinated by the Professional Firefighters of Massachusetts"; and by adding at the end thereof the following two sections:

"SECTION 5. Subsection (c) of section 2F of chapter 90, as appearing in the 2002 Official Edition, is hereby amended by striking the words or a state-wide organization on behalf of all cities and town."

SECTION 6. Said section 2F of said chapter 90 of the General Laws, as so appearing, is hereby amended by adding at the end thereof the following:

(d) The registrar shall design, produce, issue and regulate the use of distinctive registration plates proposed by any agency, charity or non-profit organization in the Commonwealth that has satisfactorily complied with the conditions and requirements set forth in subsection (a)."

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 Rule 7A, on motion of Mrs. Rogeness of Longmeadow, the bill was read a second time forthwith.

Municipal
tax
receivables.

Natural
Resources
Committee.

Taxes
receivables.

Registration
plates.

Insurance,
unfair
claim.

The amendments recommended by the committee on Ways and Means then were adopted; and the bill (Senate, No. 2006, amended) was ordered to a third reading.

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

Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property (Senate, No. 2234, amended); and

Bill relative to special veterans plates (Senate, No. 2338);

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.

Under suspension of Rule 7A, in each instance, on motion of Ms. Rogeness of Longmeadow, the bills severally were read a second time forthwith; and they were ordered to a third reading.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on House, Nos. 1672, 1675 and 2062, an Order relative to authorizing the committee on Human Services and Elderly Affairs to make an investigation and study of certain House documents concerning the Department of Transitional Assistance (House, No. 4822);

By the same member, for the same committee, on House, No. 4612, an Order relative to authorizing the committee on Human Services and Elderly Affairs to make an investigation and study of a certain House document concerning disabled persons (House, No. 4823).

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on House, Nos. 200, 1534 and 4283, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain House documents relative to hunting and the use of traps in the Commonwealth (House, No. 4825).

By Mr. Toomey of Cambridge, for the committee on Public Safety, on House, Nos. 413, 986, 1550, 1729, 1915, 2121, 2507, 3206, 3377, 3398, 3403, 3686 and 4225, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning motor vehicles, school bus safety and other related matters (House, No. 4824).

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.

Engrossed Bill.

The engrossed Bill providing that Emil DeFusco may continue employment with the police department of the city of Lawrence (see

House, No. 4682) (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.

Recess.

At ten minutes before one o'clock P.M., the Chair (Mrs. Harkins of Needham), declared a recess subject to the call of the Chair.

Joint Session of the Two Houses to Consider Specific Legislative Amendments to the Constitution

At one o'clock P.M., the two Houses met in

JOINT SESSION

and were called to order by the Honorable Robert E. Travaglini, President of the Senate.

Without action on the matters duly and constitutionally assigned for consideration, on motion of Mr. Lees, at one minute past one o'clock P.M., the joint session was recessed until one o'clock P.M., on Wednesday, July 7, 2004; and the Senate withdrew from the House Chamber under the escort of the Sergeant-at-Arms.

At three minutes after one o'clock P.M., the House was called to order with Mr. Correia of Fall River in the Chair.

Distinguished Guests of the House.

The Speaker then took the Chair, declared a recess; and introduced Jonathan Swift (director/tenor), Damon Reynolds (bass), Matt Hall (tenor), Andrea Cook (soprano), Hannah Gunnell (soprano 2), Lindsey Blouin (alto) and Connie Galli (teacher), members of "Lucky 7", a choral group from the Shepherd Hill Regional High School in Dudley; Winners in March of the Jazz Choir and Gold Medal Roxbury Invitational Choral Festival in Succasunna, New Jersey, they were the guests of Representative Kujawski of Webster. The group then performed the National Anthem.

The Speaker then introduced David Gergen, commentator, editor, teacher, public servant and adviser to presidents for 30 years. Mr. Gergen addressed the House as the first participant in the "Lyceum Lecture Series" of the 2003-2004 Session.

The Speaker then introduced Robert H. Quinn, former Speaker of the House and former Attorney General; Charles F. Flaherty, former Speaker of the House; David M. Bartley, former Speaker of the House; and several other esteemed citizens of the Commonwealth.

Distinguished
guests.

David
Gergen.

Lucky 7
choral
group.

Called to
order.

Recess.

Lyons,
property
lease.

Veterans
plates.

Transitional
Assistance,
study.

Disabled
persons,
study.

Hunting,
study.

Motor
vehicle
safety,
study.

Bill
enacted.

Recess.

Recess.

At twenty-one minutes before three o'clock P. M., the Speaker declared a recess until a quarter after three o'clock; and at twenty-three minutes after three o'clock the House was called to order with the Speaker in the Chair.

Engrossed Bills — Land Takings.

Tewksbury,
Utility
and easements.

The engrossed Bill authorizing certain utility rights-of-way in the town of Tewksbury (see Senate, No. 2070) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land
taking) / year
and nay
No. 655.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 655 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Bourne
water
district, merge.

The engrossed Bill merging the South Sagamore water district with the Bourne water district (see Senate, No. 2226, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land
taking) / year
and nay
No. 656.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 656 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Harvard,
land.

The engrossed Bill authorizing the town of Harvard to convey certain park land (see House, No. 3999) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land
taking) / year
and nay
No. 657.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 657 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Sandwich,
conservation
restrictions.

The engrossed Bill authorizing the town of Sandwich to grant conservation restrictions on certain parcels of land in the town of Sandwich (see House, No. 4597) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land
taking) / year
and nay
No. 658.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 658 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Order.

On motion of Mr. Rushing of Boston,—

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

Next
meeting.

Mr. DiMasi of Boston then moved that the House adjourn; and the motion prevailed. Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at ten minutes before four o'clock P. M. (the Speaker being in the Chair) the House adjourned, to meet tomorrow at eleven o'clock A. M., in an Informal Session.