

JOURNAL OF THE HOUSE.

Wednesday, June 22, 2005.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

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

*Pledge of
allegiance.*

Resolutions.

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

Resolutions (filed by Mr. Lepper of Attleboro) congratulating Joseph E. Fitton on the occasion of his retirement;

*Joseph E.
Fitton.*

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Mary Kathleen Donnelly on her reign as the Grand Worthy Advisor of the Grand Assembly of the Massachusetts International Order of the Rainbow for Girls;

*Mary
Kathleen
Donnelly.*

Resolutions (filed by Mr. Eldridge of Acton) honoring Betty McManus in recognition of her contributions to the Acton Housing Authority;

*Betty
McManus.*

Resolutions (filed by Ms. Flanagan of Leominster) congratulating Christopher White on receiving the Eagle Award of the Boy Scouts of America;

*Christopher
White.*

Resolutions (filed by Mrs. Haddad of Somerset) congratulating James H. Smith on the occasion of his retirement as Chief of Police for the town of Somerset;

*James H.
Smith.*

Resolutions (filed by Messrs. Murphy of Burlington and Casey of Winchester) congratulating Daniel K. McGee on his retirement;

*Daniel K.
McGee.*

Resolutions (filed by Mr. O'Brien of Kingston) congratulating Frederick E. "Eddie" Corrow on his recognition by the Boy Scouts of America Troop 49 Kingston and St. Joseph's Council 4480 Knights of Columbus;

*Frederick E.
Corrow.*

Resolutions (filed by Mr. Patrick of Falmouth) honoring the contributions of B. Jean Thomas; and

*B. Jean
Thomas.*

Resolutions (filed by Mrs. Poirier of North Attleborough) in recognition of John Devitt (a Vietnam veteran) who constructed the Vietnam "Moving Wall" Memorial;

*John
Devitt.*

Mrs. Parente of Milford, 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 (deposited with the Clerk previously to five o'clock in the afternoon on Wednesday, December 1, 2004) were transmitted to the State Secretary under Chapter 3 of the General Laws, as follows:

Concord, housing corporation.

By Ms. Atkins of Concord, petition (subject to Joint Rule 9) of Cory Atkins (by vote of the town) relative to establishing the housing development corporation of the town of Concord.

Deerfield Senior Housing Corporation.

By Mr. Kulik of Worthington, petition (subject to Joint Rules 7B and 9) of Stanley C. Rosenberg and Stephen Kulik for legislation to establish a senior housing corporation for the town of Deerfield.

Mansfield, housing corporation.

By Mrs. Poirier of North Attleborough, petition (subject to Joint Rules 7B and 9) of Elizabeth A. Poirier and others relative to authorizing the town of Mansfield to establish a housing corporation.

Petitions severally were presented and referred as follows:

Hingham, land.

By Mr. Bradley of Hingham, petition (accompanied by bill, House, No. 4181) of Robert L. Hedlund (by vote of the town) relative to authorizing the town of Hingham to convey a certain parcel of land; and

Milford geriatric authority.

By Mrs. Parente of Milford, petition (accompanied by bill, House, No. 4182) of Marie J. Parente and Richard T. Moore (by vote of the town) relative to borrowing by the town of Milford for funding of the geriatric authority of said town;

Severally to the committee on Municipalities and Regional Government.

Swampscott, fire department.

By Mr. Petersen of Marblehead, petition (accompanied by bill, House, No. 4184) of Douglas W. Petersen and Thomas M. McGee (by vote of the town) relative to reduction in rank for members of the fire department of the town of Swampscott. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Papers from the Senate.

Petitions were referred, in concurrence, under suspension of Joint Rule 7B, as follows:

Nantucket Housing Authority.

Petition (accompanied by bill, Senate, No. 2103) of Robert A. O'Leary and Eric Turkington (by vote of the town) for legislation relative to the Nantucket Housing Authority. To the committee on Housing.

Taunton, Parker Golf Course.

Petition (accompanied by bill, Senate, No. 2111) of Marc R. Pacheco, James H. Fagan, Patricia A. Haddad and Stephen R. Canessa (with the approval of the municipal council) for legislation to authorize the city of Taunton to lease certain recreational land; and

Taunton, municipal fees.

Petition (accompanied by bill, Senate, No. 2112) of Marc R. Pacheco, James H. Fagan, Patricia A. Haddad and Stephen R. Canessa (with the approval of the municipal council) for legislation to provide enforcement of delinquent municipal sewer fees;

Severally to the committee on Municipalities and Regional Government.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Water fronts, development.

Petition (accompanied by bill, Senate, No. 2096) of Robert A. O'Leary for legislation relative to applications for development along water fronts. To the committee on Community Development and Small Business.

Petition (accompanied by bill, Senate, No. 2097) of James R. Powell and Margaret M. Regan for legislation relative to school attendance. To the committee on Education.

School attendance.

Petition (accompanied by bill, Senate, No. 2098) of Edward Barrett for legislation to require pharmacies to inform the Department of Public Health of medication dispensing errors. To the committee on Elder Affairs.

Medication errors, inform.

Petition (accompanied by bill, Senate, No. 2099) of Robert A. O'Leary for legislation relative to the term of the Cape Cod Mosquito Control Commissioner; and

Cape mosquito commissioner, term.

Petition (accompanied by bill, Senate, No. 2102) of Robert A. O'Leary for legislation to provide fees to licensing authorities for deer tag processing;

Deer tag fee.

Severally to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, Senate, No. 2104) of Jarrett T. Barrios, Robert S. Creedon, Jr. and Pamela P. Resor for legislation relative to the recovery of attorney's fees for restriction enforcement;

Restriction enforcement, attorney fee.

Petition (accompanied by bill, Senate, No. 2105) of Thomas M. McGee for legislation relative to vacation accrual rate of Donald J. Castle, an employee of the Trial Court;

Donald J. Castle, vacation time.

Petition (accompanied by bill, Senate, No. 2106) of Robert A. O'Leary and Eric Turkington for legislation relative to the salaries of the deputy assistant registers of probate in the Barnstable Probate Court;

Barnstable Probate, salaries.

Petition (accompanied by bill, Senate, No. 2107) of Stanley C. Rosenberg and Stephen Kulik for legislation relative to the annual municipal census; and

Municipal census.

Petition (accompanied by bill, Senate, No. 2108) of Marian Walsh and John H. Rogers for legislation relative to the housing of sex offenders;

Sex offender, housing.

Severally to the committee on the Judiciary.

Petition (accompanied by bill, Senate, No. 2109) of Harriette L. Chandler, Vincent A. Pedone, John J. Binienda, James B. Leary and other members of the General Court for legislation relative to the Department of Mental Health inpatient study commission. To the committee on Mental Health and Substance Abuse.

Mental Health inpatient study.

Petition (accompanied by bill, Senate, No. 2110) of Robert A. O'Leary and Eric Turkington for legislation to authorize the boards of selectmen within the towns of the county of Dukes County to designate members of the advisory board on county expenditures. To the committee on Municipalities and Regional Government.

Dukes County, advisory board.

Petition (accompanied by bill, Senate, No. 2113) of Jarrett T. Barrios, Cheryl A. Rivera, Cynthia Stone Creem, Shirley Owens-Hicks and other members of the General Court for legislation to prohibit the sale, transfer or possession of "cop killer" handguns and high-powered rifles; and

Cop killer guns, prohibit.

Petition (accompanied by bill, Senate, No. 2114) of Steven A. Tolman for legislation relative to the dissemination of information to private detectives;

Private detectives, information.

Severally to the committee on Public Safety and Homeland Security.

Nancy Swanson, retirement.

Petition (accompanied by bill, Senate, No. 2115) of Robert A. Antonioni, Jennifer L. Flanagan and Lewis G. Evangelidis for legislation to authorize the teachers' retirement board to include additional compensation in calculating the retirement allowance of Nancy Swanson;

Marie Walsh, survivor benefit.

Petition (accompanied by bill, Senate, No. 2116) of Robert A. Havern for legislation to authorize and direct the Massachusetts Teachers' Retirement Board to recalculate the survivor pension benefit paid to Marie Walsh;

Employee retirement options.

Petition (accompanied by bill, Senate, No. 2117) of Michael W. Morrissey and Thomas M. Stanley for legislation to allow employees affected by changes in the actuarial table to make elections of retirement options based on changes made; and

Civil service exams.

Petition (accompanied by bill, Senate, No. 2118) of Michael W. Morrissey for legislation regarding the eligibility of certain persons to participate in the civil service examination;

Severally to the committee on Public Service.

Boat excise tax.

Petition (accompanied by bill, Senate, No. 2119) of Michael W. Morrissey for legislation to expand penalties for non-payment of boat excise tax. To the committee on Revenue.

Dukes County contractors.

Petition (accompanied by bill, Senate, No. 2120) of Robert A. O'Leary for legislation to exempt Dukes County from certain contractor certification requirements. To the committee on State Administration and Regulatory Oversight.

Judicial system, reform.

Petition (accompanied by bill, Senate, No. 2121) of Norma L. Powell for legislation to reform the judicial system. To the committee on the Judiciary.

Renewable energy portfolio.

Petition (accompanied by bill, Senate, No. 2122) of Michael W. Morrissey, John J. Binienda and Brian S. Dempsey for legislation relative to the renewable energy portfolio. To the committee on Telecommunications, Utilities and Energy.

Broadcasts, tobacco use.

Petition (accompanied by bill, Senate, No. 2123) of Michael Frishman for legislation to concern tobacco use in broadcasts. To the committee on Tourism, Arts and Cultural Development.

Drowsy driving.

Petition (accompanied by bill, Senate, No. 2124) of Richard T. Moore for legislation to deter the occurrence of drowsy driving while operating a motor vehicle;

Drivers licenses, eligibility.

Petition (accompanied by bill, Senate, No. 2125) of Richard T. Moore and Peter J. Koutoujian for legislation relative to eligibility for a license to operate a motor vehicle;

Mooring fee requirement.

Petition (accompanied by bill, Senate, No. 2126) of Robert A. O'Leary for legislation to repeal mooring fee requirements; and

Hadley, Lucius Crain Tavern.

Petition (accompanied by bill, Senate, No. 2127) of Stanley C. Rosenberg and John W. Scibak for legislation relative to the historic Lucius Crain Tavern in the town of Hadley;

Severally to the committee on Transportation.

Federal funds, expedite.

Petition (accompanied by bill, Senate, No. 2128) of Stephen M. Brewer and Anthony J. Verga for legislation to expedite the receipt of certain federal funds; and

Disabled veteran spouses.

Petition (accompanied by bill, Senate, No. 2129) of Robert A. O'Leary for legislation relative to tax exemptions for spouses of disabled veterans;

Severally to the committee on Veterans and Federal Affairs.

The following notice was received from the Clerk of the Senate, to wit:

January 13, 2005.

Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356, State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Senate President has made the following appointments to special commissions:

Senator Stephen M. Brewer to serve on the Special Commission established (pursuant to Section 2 of Chapter 355 of the Acts of 2004) to make an investigation and study relative to veterans employment opportunities, effective as of Monday, June 20, 2005; and

Veterans employment commission.

Senator Robert A. O'Leary to serve on the Special Commission established (pursuant to Section 28 of Chapter 28 of the Acts of 1996) to make an investigation and study relative to Massachusetts fisheries recovery, effective as of Tuesday, June 21, 2005.

Fisheries, recovery.

Respectfully,

WILLIAM F. WELCH,
Clerk of the Senate.

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 Robert F. Fennell relative to regulating licensed pawnbrokers. To the committee on Consumer Protection and Professional Licensure.

Pawn shops.

Petition (accompanied by bill) of John J. Binienda and Edward M. Augustus, Jr., for legislation to regulate the width of stairways in housing constructed for elderly persons. To the committee on Housing.

Elderly, housing.

Petition (accompanied by bill) of William C. Galvin relative to access to criminal offender record information;

Criminal offender records.

Petition (accompanied by bill) of James B. Leary relative to increasing the penalties for obstruction of an emergency vehicle and establishing surfines to be used for municipal police training; and

Emergency vehicles, obstruction.

Petition (accompanied by bill) of Benjamin Swan and others (with the approval of the mayor and city council) relative to penalties for controlled substance violations in certain areas in the city of Springfield;

Springfield, controlled substances.

Severally to the committee on the Judiciary.

Petition (accompanied by bill) of Geoffrey D. Hall and Steven C. Panagiotakos for legislation to establish the Westford town center sewer district in said town. To the committee on Environment, Natural Resources and Agriculture.

Westford, town center sewer.

State fire fighters, retirement.

Petition (accompanied by bill) of Kathleen M. Teahan and others relative to the retirement classification of certain fire fighters in the Bureau of Forest Fire Control. To the committee on Public Service.

Rental savings investment.

Petition (accompanied by bill) of Eugene L. O'Flaherty and another relative to rental deductions under the income tax laws; and

Veterans, tax abatements.

Petition (accompanied by bill) of James T. Welch relative to increasing certain tax abatements for veterans;

Severally to the committee on Revenue.

Mitochondrial disease week.

Petition (accompanied by bill) of John W. Scibak and others for the issuance of an annual proclamation by the Governor establishing the third week in September as Mitochondrial Disease Awareness Week. To the committee on State Administration and Regulatory Oversight.

Veterans, grave markers.

Petition (accompanied by bill) of Edward G. Connolly relative to the placing of grave markers on graves of veterans interned in municipal cemeteries. To the committee on Veterans and Federal Affairs.

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

Emergency personnel.

By Mr. Koutoujian of Waltham, for the committee on Public Health, on House, Nos. 1631, 1632, 1634, 2656 and 2699, an Order relative to authorizing the committee on Public Health to make an investigation and study of current Senate and House documents concerning protection of health care and emergency personnel (House, No. 4173).

Assault victims, study.

By the same member, for the same committee, on House, No. 1640, an Order relative to authorizing the committee on Public Health to make an investigation and study of a current House document concerning the protection of victims of sexual assault (House, No. 4174).

Tax provisions, study.

By Mr. Binienda of Worcester, for the committee on Revenue, on House, No. 21, an Order relative to authorizing the committee on Revenue to make an investigation and study of a current House document concerning updating and improving tax provisions of the Commonwealth (House, No. 4175).

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 said 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.

Hepatitis B Vaccine.

By Mr. Koutoujian of Waltham, for the committee on Public Health, on a petition, a Bill relative to the Hepatitis B vaccine (House, No. 2730).

Hepatitis C, prevention.

By the same member, for the same committee, on Senate, Nos. 1272 and 1312 and House, Nos. 2632, 2653, 2655 and 2741, a Bill relative to HIV and Hepatitis C prevention (House, No. 4176).

Severally read; and referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on House No. 1122, reports, in part, a Bill to maximize federal reimbursement for special education services for children with Autism (House, No. 4177).

Special education services.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the acceptance of grants by counties (House, No. 3578).

Counties, acceptance of grants.

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

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the Sheriff's Department of Plymouth County to operate a C-Med system (House, No. 3579).

Plymouth County, C-med system.

By the same member, for the same committee, on a petition, a Bill establishing a traffic commission in the city of Woburn (House, No. 4063) [Local Approval Received].

Woburn, Traffic commission.

By the same member, for the same committee, on a petition, a Bill authorizing certain appropriations from the town of Bridgewater capital projects fund (House, No. 4095) [Local Approval Received].

Bridgewater, projects fund.

By the same member, for the same committee, on a petition, a Bill relative to the board of assessors of the town of Provincetown (House, No. 4096) [Local Approval Received].

Provincetown, board of assessors.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Dedham to transfer land for senior center purposes (House, No. 4102) [Local Approval Received].

Dedham, land transfer.

By the same member, for the same committee, on a petition, a Bill relative to the charter of the town of Eastham (House, No. 4103) [Local Approval Received].

Eastham, charter of.

By Mr. Turkington of Falmouth, for the committee on Tourism, Arts and Cultural Development, on a petition, a Bill relative to the State Library (House, No. 3527).

State Library.

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

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on a message from His Excellency the Governor, a Bill relative to certain capital spending authorizations (printed in House, No. 4129). Read; and referred, under Rule 33, to the committee on Ways and Means.

Capital spending authorizations.

Subsequently, Mr. DeLeo of Winthrop, for said committee reported that the foregoing bill ought to pass. Referred, Under Rule 7A, to the committee on Steering, policy and scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, No. 1965, a Bill relative to car rental transactions in the city of Revere (House, No. 4180). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Revere, car rental transactions.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

Recess.

Recess.

At sixteen minutes after eleven o'clock A.M., on motion of Mr. Donato of Medford (Mr. Petrolati of Ludlow being in the Chair), the House recessed until one o'clock P.M.; and at eight minutes after one o'clock the House was called to order with Mr. Petrolati in the Chair.

Orders of the Day.

Third
reading
bill.

The House Bill relative to the health insurance of active and retired employees of the city of Melrose (House, No. 4064), 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. Sent to the Senate for concurrence.

Recesses.

Recesses.

At ten minutes after one o'clock P.M., on motion of Mr. Fagan of Taunton (Mr. Petrolati of Ludlow being in the Chair), the House recessed until half past two o'clock; and at twenty-one minutes before three o'clock the House was called to order with Mr. Petrolati in the Chair.

The Chair thereupon took a further recess subject to the call of the Chair, on motion of Mr. Bosley of North Adams; and at twenty-nine minutes before six o'clock the House was called to order with Mr. Petrolati in the Chair.

Order.

Next
sitting.

On motion of Mr. DiMasi of Boston,—
Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

In Memory of Robert E. Cahill.

Mr. Keenan of Salem then moved that as a mark of respect to the memory of Robert E. Cahill, a member of the House from Salem from 1970 to 1974, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty-eight minutes before six o'clock P.M., on motion of Mr. Donato of Medford (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.