

# JOURNAL OF THE HOUSE.

Thursday, August 26, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. O'Flaherty of Chelsea 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:

Prayer.

Gracious God, we believe that we live each moment of the day in Your presence. We also believe that You are available and ready to assist us in carrying out our daily duties and in addressing our numerous opportunities. In our diverse, sometimes polarized, communities and society, guide our efforts to unite people in pursuing common goals and causes which serve the best current and future interests of people and society. May Your guidelines and precepts for achieving success and meaning in our own daily lives assist us in dealing with other people in a thoughtful, honorable and fair manner.

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

Pledge of allegiance.

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

### Message from the Acting Governor — Veto.

Fairhaven, school advertising.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with her objections thereto in writing the engrossed Bill relative to the school department in the town of Fairhaven [see House, No. 4401, changed] (for message, see House, No. 5068) was filed in the Office of the Clerk on Friday, August 20.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting.

### Messages from the Acting Governors.

Dudley, ballot question.

A message from Her Honor the Lieutenant-Governor, Acting Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to the charter of the town of Dudley (House, No. 5069) was filed in the office of the Clerk on Wednesday, August 25.

The message was read; and it was referred, on motion of Mr. Smizik of Brookline, with the accompanying draft of a bill, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules, on the foregoing message, then reported a Bill relative to the charter of the town of Dudley (printed in House, No. 5069). 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. Rushing of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Under further suspension of the rules, on motion of Mrs. Teahan of Whitman, the bill (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.

A message from the Secretary of the Commonwealth, Acting Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the Secretary of State to place questions of recall on the state election ballot in the town of Stoughton (House, No. 5070) was filed in the office of the Clerk on Friday, August 20.

Stoughton, recall election.

The message was read; and it was referred, on motion of Mr. Kafka of Stoughton, with the accompanying draft of a bill, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules, on the foregoing message, then reported a Bill authorizing the Secretary of State to place questions of recall on the state election ballot in the town of Stoughton (printed in House, No. 5070). 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. Nyman of Hanover, the bill was read a second time forthwith; and it was ordered to a third reading.

Under further suspension of the rules, on motion of Ms. Story of Amherst, the bill (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.

### Petition.

Mrs. Parente of Milford presented a petition (accompanied by bill, House, No. 5071) of Marie J. Parente and Richard T. Moore (by vote of the town) relative to bonds for the Geriatric Authority of Milford; and the same was referred to the committee on Local Affairs and Regional Government. Sent to the Senate for concurrence.

Milford, geriatric authority.

### Papers from the Senate.

The House Bill relative to child labor (House, No. 4891) came from the Senate with the endorsement that said branch had concurred with the House in its further amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4983) with still further amendments in section 2, in proposed section 66, at the end of the first sentence, inserting after the word "day" the following: " , except that such child may be employed in a restaurant until 12:00 midnight to accomplish tasks consistent with closing on any night other than a night preceding a regularly scheduled school day"; and in section 3, in proposed section 78A, in the first paragraph, striking out the

Child labor.

Child labor.

second sentence contained therein and inserting in place thereof the following sentence: "The citation may require a person: (1) comply immediately with sections 56 to 104, inclusive; (2) for each willful violation of any of those sections, to pay a civil penalty of not more than \$250 for the first offence, \$500 for the second offense, and \$2,500 for the third and each subsequent offense; and (3) for each violation that is not willful of any of those sections, to pay a civil penalty of not more than \$100 for the first offense, \$200 for the second offense, and \$500 for the third and each subsequent offense."

Under suspension of the rules, on motion of Mr. Rodrigues of Westport, the still further amendments were considered forthwith.

Committee of conference.

The House then non-concurred with the Senate in its still further amendments, and on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Rodrigues, Jehlen of Somerville and Evangelidis of Holden then were appointed as the committee on the part of the House. Sent to the Senate to be joined.

Voters, register by mail.

The House Bill establishing requirements for voters who register by mail (House, No. 4512) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2480;

Under suspension of the rules, on motion of Mr. Rushing of Boston, the amendment was considered forthwith; and it was adopted, in concurrence.

Education, changes.

A Bill relative to quality public education (Senate, No. 2463) (on Senate bill No. 2277), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

*Reports of Committees.*

Administrative, study.

By Mr. Hall of Westford, for the committee on State Administration, on Senate, No. 2380 and House, Nos. 4818, 4819 and 4846, an Order relative to authorizing the committee on State Administration to make an investigation and study of certain Senate and House documents concerning administrative matters in the Commonwealth (House, No. 5067). 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 asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

Natural Resources Committee.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration of the Bill extending the filing of a certain report by the joint committee on Natural Resources and Agriculture (House, No. 4979, changed),— and recommending that the same be referred to the committees on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

Leaving the

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. 680) of Eugene L. O'Flaherty and Gale D. Candaras relative to the penalties for leaving the scene of an accident after causing serious bodily injury,— 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.

scene of an accident.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill protecting consumers against additional charges resulting from new area codes (Senate, No. 446);

New area codes.

Of the Bill promoting ski safety (Senate, No. 1376, amended);

Ski helmets.

Of the Bill relative to impact fees in a business development overlay district in the town of Wareham (Senate, No. 2454);

Wareham, mitigation.

Of the Bill relative to insurance rates (Senate, No. 2465);

Insurance.

Of the Bill relative to the distribution of citation books to the office of law enforcement in the Executive Office of Environmental Affairs (Senate, No. 2467); and

Environmental citations.

Of the Bill to provide tenant participation in housing authorities (House, No. 5002);

Housing authorities.

And recommending that the same severally be referred to the House committee on Rules; and

Corporations, sales and leases.

Of the Bill relative to the practice of law (House, No. 180),— and recommending that the same be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill clarifying elections in the city of Boston (House, No. 4844) [Local Approval Received] be scheduled for consideration by the House.

Boston, elections.

Under suspension of Rule 7A, on motion of Mr. Rushing of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Bosley of North Adams, for the committee on Government Regulations, on a petition, a Bill authorizing the town of Adams to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises to Ericfly, Inc. (House, No. 4984) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Adams, liquor license.

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. Kafka of Stoughton, the bill was read a second time forthwith; and it was ordered to a third reading.

Adams,

liquor license.

By Mr. Bosley of North Adams, for the committee on Government Regulations, on a petition, a Bill authorizing the town of Adams to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises to Nicholas Enterprises, Inc. (House, No. 4985) [Local Approval Received]. 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 Ms. Story of Amherst, the bill was read a second time forthwith; and it was ordered to a third reading.

Lawrence, charter.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill amending certain provisions of the city charter of the city of Lawrence (House, No. 4959) [Local Approval Received]. 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. Lantigua of Lawrence, the bill was read a second time forthwith; and it was ordered to a third reading.

Webster, town meeting.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a message from His Excellency the Governor, a Bill validating the actions taken by the town of Webster open town meeting (printed in House, No. 5028). 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. Lantigua of Lawrence, the bill was read a second time forthwith; and it was ordered to a third reading.

Linda J. Magno, sick leave bank.

By Mr. Koczera of New Bedford, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Linda J. Magno, an employee of the Department of Mental Retardation (House, No. 5031). 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. Nyman of Hanover, the bill was read a second time forthwith; and it was ordered to a third reading.

*Emergency Measure.*

Voter registration.

The engrossed Bill establishing requirements for voters who register by mail (see House, No. 4512), 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.

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 16 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.

*Engrossed Bills.*

The engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the Foxborough Housing Authority (see House, No. 4976) (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.

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*Engrossed Bills*

Relative to the charter of the town of Dudley (see House bill printed in House, No. 5069); and

Bills enacted.

Authorizing the Secretary of State to place questions of recall on the state election ballot in the town of Stoughton (see House bill printed in House, No. 5070);

(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 (more than two-thirds of the members having agreed to pass the same); and they were signed by the acting Speaker and sent to the Senate.

The engrossed Bill relocating certain harbor lines in the Fairhaven and New Bedford harbors (see Senate, No. 2170) (which originated in the Senate), 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.

Bill enacted.

*Orders of the Day.*

The Senate Bill relative to banks and banking (Senate, No. 2045, amended), 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, in concurrence. Sent to the Senate for concurrence in the amendments previously adopted by the House.

Third reading bill.

The Senate Bill authorizing the State Board of Retirement to grant creditable service to Sandra Pigaga (Senate, No. 2457) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

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*House bills*

Relative to the police powers of the University of Massachusetts at Amherst (House, No. 4832) (its title having been changed by the committee on Bills in the Third Reading;

Third reading bills.

Third

reading  
bills.

Authorizing the city of Medford to use certain land for memorial purposes (House, No. 4864); and

Authorizing the Rockland Sewer Commission to enter into a contract for the disposal of sewage and the Abington/Rockland joint water works to enter into a contract for the supply of water (printed in House, No. 4998);

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.

Second  
reading  
bill.

The House Bill amending certain provisions of the city of charter the city of Lawrence (House, No. 4886) was read a second time; and it was ordered to a third reading.

*Order.*

Next  
sitting.

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.

Mr. DiMasi of Boston then moved that as a mark of respect to the memory of O. Roland Orlandi, a member of the House from Boston from 1973 to 1978, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty-six minutes before two o'clock P.M., on motion of Mr. Lepper of Attleboro (Mr. O'Flaherty of Chelsea being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.