

JOURNAL OF THE HOUSE.

Thursday, September 23, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Fagan of Taunton 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.

Eternal God, we pray for Your guidance and direction as we face up to our personal and legislative opportunities and responsibilities. Your gift of wisdom enables us to see issues clearly, to analyze them accurately and to resolve them thoughtfully. In Your goodness, help us to keep all issues and our personal goals in proper perspective and to distinguish the important issues and goals from the less important. On this eve of Yom Kippur, we join our Jewish friends in reflecting on our own priorities and our desire to remain faithful to You and Your precepts.

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. Fagan), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Acting Governor.

Transit tax deduction.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to clarifying a certain tax deduction provision (House, No. 5091) was filed in the office of the Clerk on Tuesday, September 21.

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

Appointments to Special Commissions.

The Speaker announced the following appointments to special commissions:

Cervical Cancer Commission.

Ms. Linda A. Brantley of the Massachusetts Commission on Women and Representatives Candaras of Wilbraham, Koutoujian of Waltham and Rogeness of Longmeadow to the Cervical Cancer Commission established (pursuant to item 4512-0200 contained in section 2 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to the diagnosis, prevention and treatment of cervical cancer in the Commonwealth.

Assisted Living Facilities Commission.

Representatives Ciampa of Somerville and Harkins of Needham to the Assisted Living Facilities Commission established (pursuant to section 292 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to the regulations of assisted living facilities in the Commonwealth.

Mr. Jeffrey Saunders of the Saunders Hotel Group and Representatives Hall of Westford and Jones of North Reading to the Hynes Convention Center Commission established (pursuant to section 299 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to the Hynes Memorial Auditorium.

Hynes Convention Center Commission.

Representatives Evangelidis of Holden, Mariano of Quincy, Murphy of Weymouth and O'Flaherty of Chelsea to the special commission established (pursuant to section 329 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to the feasibility of creating a specialized court to administer medical malpractice claims in the Commonwealth.

Medical Malpractice Claims Commission.

Representatives Galvin of Canton, George of Yarmouth, Mariano of Quincy and Timilty of Milton to the special commission established (pursuant to section 330 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to possible reforms of the medical malpractice system in the Commonwealth.

Medical Malpractice Insurance Commission.

Representatives Sciback of South Hadley and Sullivan of Fall River to the special commission established (pursuant to section 358 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to workforce issues in those agencies serving people with mental retardation in the Commonwealth.

Mental Retardation Workforce Commission.

Representatives Fresolo of Worcester, Haddad of Somerset, Rush of Boston, Sánchez of Boston and Wallace of Boston to the special commission established (pursuant to section 363 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to condition of middle education in the Commonwealth.

Middle Education Commission.

Representatives Binienda of Worcester, Leary of Worcester, Pedone of Worcester and Spellane of Worcester to the New Worcester State Hospital Investigatory Commission established (pursuant to section 364 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to the feasibility of constructing a new inpatient facility in central Massachusetts for persons with mental health problems requiring hospitalization.

New Worcester State Hospital Investigatory Commission.

Representative Galvin of Canton to the Gubernatorial Residence Commission established (pursuant to section 392 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to the feasibility of converting the state property of Brookwood Farm into a gubernatorial residence.

Gubernatorial Residence Commission.

Representatives Bradley of Hingham, Koutoujian of Waltham and Walsh of Lynn to the Oxycontin Commission established (pursuant to section 1 of Chapter 189 of the Acts of 2004) to make an investigation and study relative to the effects of the abuse of prescription and illicit drugs on the youth of the Commonwealth.

Oxycontin Commission.

Alan MacDonald of the Massachusetts Business Roundtable to the Transportation Finance Commission established (pursuant to section 13 of Chapter 196 of the Acts of 2004) to make an investigation and study of the transportation finance needs of the Commonwealth, the restructuring of the transportation system and the creation of a comprehensive multi-modal long-range transportation plan for the Commonwealth.

Transportation Finance Commission.

New Worcester State Hospital Investigatory Commission.

The Minority Leader announced the appointment of Representative Peterson of Grafton to the New Worcester State Hospital Investigatory Commission established (pursuant to section 364 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to the feasibility of constructing a new inpatient facility in central Massachusetts for persons with mental health problems requiring hospitalization.

Resolutions.

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

Hedi Swiacki Kay. Romanuk VFW.

Resolutions (filed by Mr. Hillman of Sturbridge) in recognition of Hedi Swiacki Kay;

Resolutions (filed by Messrs. Kafka of Stoughton and Galvin of Canton) on the occasion of the seventy-fifth anniversary of the Michael Romanuk Post 1645 Veterans of Foreign Wars;

Erie Fire Association.

Resolutions (filed by Ms. Stanley of West Newbury) congratulating the Erie Fire Association #4, Inc. on the occasion of its one hundred and fiftieth anniversary; and

Cheryl Bridges Treworgy and Shalane Flanagan.

Resolutions (filed by Ms. Stanley of West Newbury) honoring Cheryl Bridges Treworgy and Shalane Flanagan;

Mr. Scaccia of Boston, 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. Cabral of New Bedford, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

MBTA infrastructure fund.

The engrossed Bill relative to the MBTA infrastructure renovation fund (see House, No. 5059), being a printed copy of Section 104 contained in the engrossed Bill modernizing the transportation system of the Commonwealth (see House, No. 4771, amended), which had been returned to the House by His Excellency the Governor with recommendation of amendment (for message, see House, No. 5056), came from the Senate with the endorsement that said branch had rejected said amendment, in concurrence.

The bill bore the further endorsement that the Senate had concurred with the House in its amendment with the following further amendment:

Striking out all after the enacting clause (inserted by amendment by the House) and inserting in place thereof the following:

“Chapter 291 of the acts of 2004 is hereby amended by adding the following section:—

SECTION 104. Section 98 and 103 of chapter 236 of the acts of 2000 are hereby repealed.

Section 102 shall take effect on July 1, 2006 and section 103 shall take effect on June 30, 2006.”

Under suspension of Rule 35, on motion of Ms. Wolf of Cambridge, the further amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was adopted, in concurrence.

A Bill designating a certain intersection in the city of Lynn (Senate, No. 2483) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Lynn, DiFulvio Memorial Square.

A petition of Stephen M. Brewer, Anne M. Gobi, Robert A. DeLeo and Christopher J. Donelan for legislation relative to the water supply protection trust, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Natural Resources and Agriculture.

Water supply trust.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2488) was referred, in concurrence, to the committee on Natural Resources and Agriculture.

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 Reed V. Hillman, Mark J. Carron, Richard T. Moore and Stephen M. Brewer that funds received from the State of Connecticut for flood control and water resources utilization of the Thames River be distributed to certain towns affected by said project. To the committee on Natural Resources and Agriculture.

Thames River Valley.

Petition (accompanied by bill) of Thomas P. Kennedy for legislation to authorize the Department of Youth Services to establish a sick leave bank for John Fitts, an employee of said department. To the committee on Public Service.

John Pitts, sick leave bank.

Petition (accompanied by bill) of Marie J. Parente and other members of the House that a certain overpass in the town of Milford be designated as the Gunnery Sergeant Elia P. Fontecchio Memorial Overpass; and

Milford, Elia P. Fontecchio overpass.

Petition (accompanied by bill) of Marie J. Parente and other members of the House for legislation to designate a certain overpass in the town of Milford as the Greater Milford Veterans Memorial Overpass;

Milford, Veterans overpass.

Severally to the committee on Transportation.

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

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning the registration and operation of motor vehicles (House, No. 4139) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1336) of David M. Nangle, Kevin J. Murphy, Thomas A. Golden, Jr. and Steven C. Panagiotakos for legislation to prohibit the registration of motor vehicles with outstanding towing and storage charges,— and recom-

Motor vehicles, registration.

mending that the same be recommitted to the committee on Public Safety. Under Rule 42, the report was considered forthwith; and it was accepted.

Department
of Revenue,
organization.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Taxation to make an investigation and study of certain House documents concerning revenue and taxation matters in the Commonwealth (House, No. 4651) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1397) of Paul C. Casey, Stephen P. LeDuc and Matthew C. Patrick relative to the organization of the Department of Revenue,— and recommending that the same be recommitted to the committee on Taxation. Under Rule 42, the report was considered forthwith; and it was accepted.

Berkshire
County,
status of
women.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill establishing the Berkshire county commission on the status of women (Senate, No. 142) ought to pass. 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. Ruane of Salem, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

Sheriff s
department,
early
retirement.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill providing for workforce reduction through early retirement in the sheriff's department of certain former counties (House, No. 4476) ought to pass with certain amendments. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendments pending.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Ruane of Salem, the bill was read a second time forthwith.

The amendments recommended by the committee on Ways and Means,— that the bill be amended in section 1, in line 42, by striking out the following: "February 15, 2004" and inserting in place thereof the following: "January 15, 2005", in lines 42 and 43, by striking out the following: "March 15, 2004" and inserting in place thereof the following: "February 15, 2005", in line 43, by striking out the following: "April 30, 2004" and inserting in place thereof the following: "March 31, 2005", in line 111 and also in line 114, by striking out the figures "2004" and inserting in place thereof, in each instance, the figures: "2005", in line 118 and also in line 122, by striking out the figures: "2005" and inserting in place thereof, in each instance, the figures: "2006", in line 127, by striking out the following: "April 30, 2004" and inserting in place thereof the following: "March 31, 2005", in line 128, by striking out the

following: "March 31, 2004" and inserting in place thereof the following: "February 28, 2005", in line 137, by striking out the following: "December 31, 2004" and inserting in place thereof the following: "June 30, 2005", in line 149, by striking out the figures: "2004" and inserting in place thereof the figures: "2005", in line 150, by striking out the figures: "2005" and inserting in place thereof the figures: "2006", and in line 150, by striking out the figures: "2006" and inserting in place thereof the figures: "2007",— were adopted.

The bill (House, No. 4476, amended) then was ordered to a third reading.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill directing the Commissioner of Revenue to accept certain applications for abatement (Senate, No. 1786) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Old
Colony
Stationary,
Inc.,
abatement.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

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

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill authorizing deferment of the Hale Hospital deficit notes by the city of Haverhill (House, No. 4735) ought to pass [Local Approval Received]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Haverhill,
Hale
Hospital.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

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

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the town of Westborough to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (Senate, No. 2326) [Local Approval Received] be scheduled for consideration by the House.

Westborough,
beer
and
wine
license.

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

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the town of Westborough to grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2327) [Local Approval Received] be scheduled for consideration by the House.

Westborough,
liquor
licenses.

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

Plymouth, economic development fund.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to the creation of an economic development fund in the town of Plymouth (Senate, No. 2390) [Local Approval Received] be scheduled for consideration by the House.

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

Falmouth, town election.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill validating the results of the annual town elections held in the town of Falmouth on May 18, 2004 (Senate, No. 2410) [Local Approval Received] be scheduled for consideration by the House.

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

Tax abatements.

By Mr. Casey of Winchester, for the committee on Taxation, on House, No. 5007, an Order relative to authorizing the committee on Taxation to make an investigation and study of a certain House document requiring the Commissioner of Revenue to accept a certain application for abatement of taxes (House, No. 5090). 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.

Orders of the Day.

Third reading bill.

The Senate Bill authorizing the town of Lincoln to regulate certain property tax exemption eligibility requirements for the elderly (Senate, No. 2018), 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.

House bills

Third reading bills.

Relative to the change of name of a minor (House, No. 2997) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to town meeting members in the town of Framingham (House, No. 5063);

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 engrossed.

The House Bill relative to the civil commitment process for persons with mental illness (House, No. 3170) was read a second time; and it was ordered to a third reading.

Under suspension of the rules, on motion of Ms. Blumer of Framingham, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the founders of Boston University (House, No. 5079), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

John Silber.

Pending the question on passing the bill to be engrossed, Mr. Golden of Boston moved that it be amended in section 1, in line 2, by striking out the words "an honorary" and inserting in place thereof the word "a".

The amendment was adopted; and the bill (House, No. 5079, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At eleven minutes before twelve o'clock noon, the Chair (Mr. Fagan of Taunton) declared a recess until twenty minutes after twelve o'clock; and at that time the House was called to order with Mr. Cabral of New Bedford in the Chair.

Recess.

Paper from the Senate.

The House Bill establishing the Mattapoisett River Valley water district (House, No. 4839) 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 2486.

Mattapoisett River Valley Water District.

Under suspension of Rule 35, on motion of Mr. Jones of North Reading, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in 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 twenty-eight minutes before one o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Cabral of New Bedford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.