

JOURNAL OF THE HOUSE.

Monday, October 17, 2005.

Met according to adjournment, at eleven o'clock A.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:

Prayer.

God, Our Creator, the Ultimate Source of Goodness and Truth, we depend upon You, Your guidance, Your ways and precepts for achieving success in our daily living. Your assistance enables us to select and organize our goals and priorities in a thoughtful manner. As legislators, inspire us, in this information age to evaluate correctly the data and reports which cross our desks daily. Teach us to learn from the experiences, intentions and decisions of our predecessors as we address current, often emotional and ethical issues and plan for the future or our children. Strengthen by Your own human, spiritual and faith values, wisely grant us the wisdom and vision to utilize each day's unique opportunities in these changing times for serving the common good.

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

Annual Reports.

Annual reports

Dispute Resolution.

Of the Massachusetts Office of Dispute Resolution (under Section 51 of Chapter 7 of the General Laws and Section 46 of Chapter 75 of the Acts of 2005) for the fiscal years 2002 through 2005, inclusive; and

Technology Development Corporation.

Of the Massachusetts Technology Development Corporation (under the provisions of Section 7 of Chapter 40G of the General Laws) for the fiscal years ending June 30, 2004 and June 30, 2005; Severally were placed on file.

Papers from the Senate.

Worcester, illegal dumping.

The House Bill prohibiting certain dumping in the city of Worcester (House, No. 1748) came from the Senate passed to be engrossed, in concurrence, with an amendment inserting after the enacting clause the following section:

"SECTION 1. There shall be a pilot program in the city of Worcester to determine the effectiveness of permitting cities to establish their own fines and other penalties for illegal dumping within the city limits and of further permitting cities to retain the revenues generated by such fines for the purpose of financing enforcement against illegal dumping."; striking out section 6 (as printed) and adding the following section:

"SECTION 6. All fines and penalties imposed for violations of this act shall be paid to the city of Worcester. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the city shall establish and maintain a special account to be known as the Disposal Enforcement Fund into which all such payments shall be deposited. The city treasurer may invest funds in the account in the manner authorized by sections 55 and 55B of chapter 44 of the General Laws, and any interest earned on the account shall be credited to and become part of the account. The city shall appropriate and expend amounts from the account for the purpose of financing the enforcement of this act, removing improperly deposited material from the property governed by this act and financing programs and personnel involved in the collection and lawful disposal of unwanted household goods generated by residents of the city."; and in section 7 (as printed) adding the following sentence: "This act shall cease to be effective on December 31, 2008.".

Under suspension of Rule 35, on motion of Mr. Binienda of Worcester, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Papers from the Senate.

A Bill further regulating voting hours in the town of Amherst (Senate, No. 2154) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Amherst, voting hours.

A report of the Commissioner of Insurance (pursuant to the provisions of Sections 4A and 4B of Chapter 175 of the General Laws) relative to the current state of the homeowners insurance market in the Commonwealth (copies having been forwarded by the Clerk to the committee on Ways and Means and the House Chairman of the joint committee on Financial Services) were spread upon the records of the House; and returned to the Senate.

Homeowners insurance.

Reports of Committees.

Mr. O'Flaherty of Chelsea, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments of the House Bill establishing the interstate compact for adult offender supervision (House, No. 4192, amended) (in lines 136 to 148 (as printed), striking out proposed section 151D contained therein and inserting in place thereof the following:

Adult offenders, interstate compact.

"Section 151D. The chairman of the parole board, or his designee, shall serve as the compact administrator and as the state's commissioner on the interstate compact commission. The Massachusetts state council shall be appointed by the compact administrator. The state council shall be comprised of 5 members whose term of office shall be for 4 years. The state council shall meet at least twice a year. The state council may advise the compact administrator or his designee on participation in the interstate commissioner activities and administration of the compact. The state council's membership shall include at least 1 representative from the legislative, judicial

Adult offenders, interstate compact.

and executive branches of government and victims' groups.”; and adding at the end thereof the following section:

“SECTION 4. Notwithstanding any general or special law to the contrary, compensation under section 12 of chapter 211D of the General Laws for private counsel assigned to criminal and civil cases under subparagraph (b) of section 6 of said chapter 211D shall be set according to the following rates for fiscal year 2006: for homicide cases, \$100 per hour; for superior court nonhomicide cases, including sexually dangerous person cases, \$60 per hour; for district court cases and children in need of services cases, \$50 per hour; for children and family law cases, care and protection cases, sex offender registry cases and mental health cases, \$50 per hour.”), recommending that the House recede from its non-concurrence with the Senate in its amendment in lines 136 to 148, inclusive (as printed) and concur therein; and that the Senate recede from its amendment adding section four.

Placed in the Orders of the Day for the next sitting, the question being on acceptance.

Boston, Merrimac Street.

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 Salvatore F. DiMasi that the Division of Capital Asset Management and Maintenance be authorized to transfer a certain parcel of land adjacent to Merrimac Street in the city of Boston. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Bonding, Capital Expenditures and State Assets. Sent to the Senate for concurrence.

Forestry committee.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to state forestry committee (House, No. 1307),—and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the reference.

Shattuck Hospital, life care center.

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on a petition, a Bill to begin the process to establish a life care center at Lemuel Shattuck Hospital (House, No. 1425).

Stoughton, land conveyance.

By the same member, for the same committee, on a petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the town of Stoughton (House, No. 2798).

Mashpee, land.

By the same member, for the same committee, on a petition, a Bill relative to the disposition of certain conservation/recreation lands under the care, custody and control of the Department of Environmental Management within the town of Mashpee (House, No. 3416).

By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill relative to the duties of the Clerk of the Superior Court (House, No. 765).

Superior Court, clerk’s duties. Service members, Welcome Home.

By Mr. Verga of Gloucester, for the committee on Veterans and Federal Affairs, on a petition, a Bill establishing “the welcome home bill” for Massachusetts service members, veterans and their families (House, No. 4417, changed in section 8, in line 6, by inserting after the word “Administration” the words “or an equivalent group life insurance program of the service member’s choosing provided that the reimbursement shall not exceed the monthly premium cost of the Serviceman’s Group Life Insurance (SGLI)”); in section 15, in line 3, by inserting after the word “and” the word “surviving”; in section 19, in line 5, by striking out the word “and” and inserting in place thereof the word “or”; and by adding at the end thereof the following section:

“SECTION 21. Sections 12 and 14 shall take effect on January 1, 2006.”).

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to updating the mortality table for public employees (House, No. 4424) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Public employees, mortality table.

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on a petition, a Bill relative to the leasing of real property to civic or social organizations by municipalities (House, No. 3438).

City property, lease.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the charter of the town of Truro (House, No. 4104) [Local Approval Received].

Truro, charter.

By the same member, for the same committee, on a petition, a Bill relative to the membership of the town meeting of the town of Shrewsbury (House, No. 4206) [Local Approval Received].

Shrewsbury, town meeting.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Topsfield to expand the board of selectmen, and to set the manner of election of the board of selectmen (House, No. 4224, changed by striking out section 2 and inserting in place thereof the following section:

Topsfield, board of selectmen.

“SECTION 2. This act shall take effect upon its passage.”) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill establishing a revolving fund in the town of Sudbury (House, No. 4389, changed by striking out sections 2 and 3 and inserting in place thereof the following section:

Sudbury, revolving fund.

“SECTION 2. This act shall take effect upon its passage.”) [Local Approval Received].

Sudbury, historic commission.

By the same member, for the same committee, on a petition, a Bill relative to the historic district commission of the town of Sudbury (House, No. 4390) [Local Approval Received].

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

House bills

To adopt the model state trademark bill (House, No. 3500);

Prohibiting price gouging during states of emergency (House, No. 3712);

Excepting Winthrop from certain provisions of the civil service law (House, No. 4155);

Relative to construction of sewer system extensions in the town of Concord (House, No. 4364);

Authorizing the town of Fairhaven to issue a common victualer beer and wine license to Jevon K. Malcom, owner, and Lisa M. Malcom, manager, of Jevon Enterprises, 116 Sconticut Neck Road in the town of Fairhaven (House, No. 4425);

Authorizing the town of Middleborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4426); and

Authorizing the town of Fairhaven to issue a common victualer beer and wine license to Chris Boonprasert, manager, Sivalai Thai Cuisine, at 130 Sconticut Neck Road in the town of Fairhaven (House, No. 4427);

Severally placed in the Orders of the Day for the next sitting for a second reading.

Trademark bill.

Price gouging.

Winthrop, civil service.

Concord, sewer system.

Fairhaven, liquor license.

Middleborough, liquor license.

Fairhaven, liquor license.

Bladder cancer screening.

By Mr. Kennedy of Brockton, for the committee on Ways and Means, that the Bill establishing a bladder cancer screening program within the Department of Public Health (House, No. 1636) 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.

Supplemental appropriations.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on House No. 4291, reported, in part, a Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4440) [Direct Appropriation: \$299,196,287.00; Retained Revenue: \$80,000.00; Total Appropriation: \$299,276,287.00.] Read; and 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. Torrisi of North Andover, for the committee on Community Development and Small Business, ought NOT to pass, on the petition (accompanied by bill, House, No. 1473) of Harold P. Naughton, Jr., relative to persons engaged in the business of installing and maintaining private water well systems.

Private water well systems.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3677) of James H. Fagan relative to self service gasoline stations.

Self-service gasoline stations.

By Ms. Balker of Newton, for the committee on Mental Health and Substance Abuse, ought NOT to pass, on the petition (accompanied by bill, House, No. 1456) of Robert F. Fennell relative to alcohol and drug abuse by residents of homeless shelters in the Commonwealth.

Homeless shelters.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2872) of Bruce J. Ayers for legislation to require the Department of Mental Health to notify crime victims or their families of the release of certain criminals.

Crime victims.

By Mr. Turkington of Falmouth, for the committee on Tourism, Arts and Cultural Development, ought NOT to pass, on petitions for legislation relative to public school libraries [based on petitions of Peter J. Larkin and others, accompanied by bills, House, Nos. 4033 and 4034.]

School libraries.

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

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Engrossed Bills.

The engrossed Bill authorizing the water commissioners of the Swansea Water District to appoint a clerk and a treasurer (see House, No. 3557, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill re-enacted.

Engrossed bills

Granting certain retirement and health insurance benefits to Dale S. Prentiss (see Senate, No. 2175) (which originated in the Senate); and

Bills enacted.

Increasing the borrowing authority of the Ring's Island Water District of Salisbury (see House, No. 3600) (which 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.

The Senate Bill relative to the installation of carbon monoxide alarms and smoke detectors in residential buildings (Senate, No. 2152, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Golden of Lowell moved that it be amended in section 3 (as printed), in lines 10 to 16, inclusive, by striking out the words "in conformance with the requirements of the board of fire prevention regulations. Such requirements shall include, but not be limited to, a requirement that a landlord or superintendent shall install such alarms and batteries or electrical wiring as are required to make the alarms operational at the beginning of any rental period by lease or otherwise and shall maintain, or, if necessary, replace such" and inserting in place thereof the words "either in conformance with the requirements of the board of fire prevention regulations; provided, however, that such requirements shall include, but not be limited to, a requirement that a landlord or superintendent shall install either approved monitored battery powered alarms or an approved electrical wiring alarms or approved electrical wiring alarms as are required to make the alarms operational at the beginning of any rental period by lease or otherwise and shall maintain or, if necessary, replace such battery operated or electrical wiring"; and the amendment was adopted.

The same member then moved that the bill be amended in section 3 (as printed), in lines 28 and 29, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"(d) The state building code may impose stricter carbon monoxide alarm requirements for new construction or dwellings, buildings, or structures substantially renovated so as to constitute the equivalent of new construction. Every said dwelling building or structure, occupied in whole or in part for residential purposes, shall, upon sale or transfer of such dwelling, building or structure, be inspected by the head of the fire department for compliance with the carbon monoxide alarm requirements of the state building code in effect at the date of the issuance of the subject building permit."; in section 6, in line 2, after the word "Laws", by striking out the following: "shall take effect 180 days after the effective date of this act" (previously inserted by amendment by the House) and inserting in place thereof the following: "inserted by section 4 of this act, shall take effect on March 31, 2006, except that any dwelling, building or structure owned or operated by the commonwealth or any local housing authority which is occupied in whole or part for residential purposes shall have until January 1, 2007 to be in compliance with the provisions of said subsection (a)." (previously inserted by amendment by the House) and inserting in place thereof the following: "inserted by section 3 (as printed) shall take effect on March 31, 2006, except that any dwelling, building or structure required to install hardwired carbon monoxide alarms or owned or operated by the commonwealth or any local housing authority which is occupied in whole or

part for residential purposes shall have until January 1, 2007 to be in compliance with the provisions of said subsection (a)"; and by striking out section 7 (as printed).

The amendments were adopted; and the bill (Senate, No. 2152, amended) was passed to be engrossed. Sent to the Senate for concurrence in the amendments.

Order.

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.

Next
sitting.

At twenty minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.