

JOURNAL OF THE HOUSE.

Thursday, November 4, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Correia of Fall River 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 in whom we place our trust and faith, Your gift of wisdom helps us to respond thoughtfully to the issues of the day and the needs of the people in our communities. The gift of wisdom also assists us in reading accurately the signs of the times. Inspire us in our diverse society, to focus our attention clearly on the common good which, at times, eludes us. Teach us to listen carefully to the views of others, to clarify for the electorate complex legislative proposals and to reason together in resolving sensitive issues. May we always recognize the dignity of each person and utilize our material and human resources in a prudent and wise 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. Correia), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor — Bill Returned with Recommendation of Amendment.

School committee appointees, retirement.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to retirement rights of school committee appointees [see House, No. 3960, amended] (for message, see House, No. 5124) was filed in the office of the Clerk on Wednesday, November 3.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Turkington of Falmouth, to the committee on Bills in the Third Reading.

Resolutions.

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

John E. McQuaid.

Resolutions (filed by Representatives Hillman of Sturbridge and Gobi of Spencer) honoring John E. McQuaid;

New Cary Memorial Library.

Resolutions (filed by Messrs. Kaufman of Lexington and Stanley of Waltham) celebrating the New Cary Memorial Library and those who worked to create it;

Tewksbury Lions Club.

Resolutions (filed by Mr. Miceli of Wilmington) congratulating the Tewksbury Lions Club on the occasion of its fiftieth anniversary;

Resolutions (filed by Mrs. Poirier of North Attleborough) honoring Raymond Everett King for being named the recipient of the 2004 Frederick F. Holmes Award; and

Raymond Everett King.

Resolutions (filed by Mr. Rush of Boston) honoring Brian T. Toomey;

Brian T. Toomey.

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 Mrs. Paulsen of Belmont, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Annual and Special Reports.

Annual Reports

Of the Commissioner of Insurance (under Sections 4A and 4B of Chapter 175 of the General Laws) for the fiscal year 2004;

Homeowners insurance market. Credit Insurance.

Of the Commissioner of Insurance (under the provisions of Section 117C of Chapter 175 of the General Laws) relative to a summary of insurance claims experience and loss ratio data on credit life insurance and credit accident and health insurance;

Of the Commission on the Status of Women (under the provisions of Section 1 of Chapter 138 of the General Laws) for the fiscal year 2004;

Women, status of.

Of the Economic Stabilization Trust (under the provisions of Section 14 of Chapter 23D of the General Laws) for the fiscal year 2004;

Economic Stabilization Trust.

Of the Massachusetts Economic Assistance Coordinating Council (under the provisions of Section 3C(3) of Chapter 23A of the General Laws) for the fiscal year 2004;

Economic Assistance.

Of the Massachusetts Legal Assistance Corporation (under the provisions of Section 10 of Chapter 221A of the General Laws) relative to the description and evaluation of each program and a summary of the expenditures for such programs for the fiscal year ending June 30, 2004;

Legal assistance, expenditures.

Of the Massachusetts Turnpike Authority (under the provisions of Section 21 of Chapter 81A of the General Laws) for the fiscal year 2004;

Turnpike Authority, annual report.

Of the Director of the Biologic Laboratories of the University of Massachusetts (under the provisions of Section 43 of Chapter 75 of the General Laws) for the fiscal year 2004;

Biologic Laboratories.

Of the Merrimack Valley Regional Transit Authority (under the provisions of Chapter 161B of the General Laws) for the fiscal year 2004;

Merrimack Valley transit report.

Of the Nantucket Regional Transit Authority (under the provisions of Section 8 of Chapter 161B of the General Laws) for the fiscal year 2004; and

Nantucket Regional Transit Authority.

Of the Treatment Center for Sexually Dangerous Persons (under the provisions of Section 16 of Chapter 123A of the General Laws) for the fiscal year 2004;

Sexually dangerous persons.

A bi-monthly report of the Massachusetts Turnpike Authority (under the provisions of Section 178 of Chapter 653 of the Acts of 1989) of the cost report for the Central Artery/Third Harbor Ted Williams Tunnel Project; and

Central Artery/Ted Williams Tunnel Project.

Civil One-Trial System.

A final report of the Administrative Office of the Trial Court (under the provisions of Section 15 of Chapter 358 of the Acts of 1996) on the implementation of the One-Trial System in the Superior Court and District Court Departments; and

Unemployment Trust Fund.

Monthly reports of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws) relative to the condition of the Commonwealth's Unemployment Trust Fund for August and September, 2004;

Severally were placed on file.

Paper from the Senate.

Movie theaters, recording.

The House Bill prohibiting the recording of certain productions. (House, No. 4863) 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 2496; and striking out the title and inserting in place thereof the following title: "An Act prohibiting recording certain productions in a movie theater."

Under suspension of Rule 35, on motion of Mr. Ruane of Salem, 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.

Report of a Committee.

Bernardston, presidential primary.

By Mr. Straus of Mattapoisett, for the committee on Election Laws, on a petition, a Bill validating the proceedings of the presidential primary in the town of Bernardston (House, No. 5011) [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 Smizik of Brookline, the bill was read a second time forthwith; and it was ordered to a third reading.

Emergency Measure.

Fagota Tupe, sick leave bank.

The engrossed Bill establishing a sick leave bank for Fagota Tupe, an employee of the Department of Correction (see Senate, No. 2405), 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 5 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

Bill enacted.

The engrossed Bill authorizing the State Ethics Commission to provide exemptions from the conflict of interest law (see House,

No. 5113) (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.

Orders of the Day.

The Senate amendments of the House Bill relative to the operation of motorized scooters (House, No. 1544, amended) (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were considered, as follows:

Motorized scooters, regulate.

In section 1 (as printed), in line 4, striking out the word "tandem" (inserted by amendment by the House); in line 16, striking out the word "twenty-five" and inserting in place thereof the figures "20"; and in lines 19 to 29, inclusive, striking out the sentence contained therein and inserting in place thereof the following sentence: "A person operating a motorized bicycle or motorized scooter upon a way shall have the right to use all public ways in the commonwealth except limited access or express state highways where signs specifically prohibiting bicycles and scooters have been posted, and shall be subject to all traffic laws and regulations of the commonwealth and the regulations contained in this section, except that: (1) a motorized bicycle or scooter operator shall keep to the right side of the road at all times, including when passing a motor vehicle which is moving in the travel lane of the way; and (2) the motorized bicycle or scooter shall be equipped with operational stop and turn signals so that the operator can keep both hands on the steering bars at all times."

Pending the recurring question on concurring with the Senate in its amendments, Representatives Fennell of Lynn and Paulsen of Belmont moved that the House concur with the Senate amendments with a further amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5125. The further amendment was adopted.

The House then concurred with the Senate in its amendments, as amended. Sent to the Senate for concurrence in the further amendment.

The Senate Bill relative to the city of Melrose (Senate, No. 2374), 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.

Third reading bill.

The House Bill authorizing the city of Fall River Retirement Board to increase the pension payable to Dennis O'Neil a retired police officer (House, No. 4960), 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.

fi

The House Bill relative to tax deferral agreements in the town of Sharon (House, No. 4849) was read a second time; and it was ordered to a third reading.

Second reading bill.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

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

At seventeen minutes after eleven o'clock A.M., on motion of Mr. Ruane of Salem, (Mr. Correia of Fall River being in the Chair) the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.