

## JOURNAL OF THE HOUSE.

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Thursday, November 18, 2004.

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:

God, Our Creator, in today's prayer of petition, we ask for Your assistance as we take up the straight forward, complex and sensitive issues on this and every day. In our common search for truth, knowledge and accuracy, we pray for patience, integrity and objectivity. These qualities enable us to address correctly the many current needs of families, people and our communities. In today's diverse society, teach us to respect on all occasions all people and their personal values with which we may differ. But grant us the self confidence and faith to live up to and implement our personal religious principles, beliefs and traditions in our daily living. May Your gift of peace fill our hearts and minds throughout this day. Prayer.

Bestow Your blessings on the Speaker, the members and employees of this House and their families. Amen.

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. 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. DiMasi of Boston) congratulating Gerald Pucillo on the occasion of his eightieth birthday; Gerald Pucillo.
- Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Captain Glenn B. Clough, Jr. on the occasion of his retirement; Glenn B. Clough, Jr.
- Resolutions (filed by Ms. Balser of Newton and other members of the House) congratulating the Jewish Community Relations Council of Greater Boston; Jewish Community Relations Council.
- Resolutions (filed by Representatives DeLeo of Winthrop, Connolly of Everett, Falzone of Saugus and Reinstein of Revere) honoring Lance Corporal James Preston Crosby; James Preston Crosby.
- Resolutions (filed by Messrs. Demakis of Boston, Honan of Boston and Rushing of Boston) congratulating the Arlington Street Church on the occasion of its two hundred and seventy-fifth anniversary; Arlington Street Church.
- Resolutions (filed by Representatives Haddad of Somerset, Correia of Fall River, Rodrigues of Westport and Sullivan of Fall River) congratulating Thomas P. Murray on being named Outstanding Citizen of the Year; Thomas P. Murray.
- Resolutions (filed by Mr. Miceli of Wilmington) congratulating Captain Robert Fowler on the occasion of his retirement from the Tewksbury Fire Department; Robert Fowler.

Richard P. Morris.

Resolutions (filed by Messrs. Miceli of Wilmington and Finegold of Andover) congratulating Richard P. Morris upon the dedication of the Richard P. Morris Building at the Tewksbury Hospital;

Francis J. Shea, Jr.

Resolutions (filed by Representatives Peisch of Wellesley and Finneran of Boston) congratulating Francis J. Shea, Jr. on the occasion of his retirement from the Wellesley Co-operative Bank;

James A. Driscoll.

Resolutions (filed by Mr. Rush of Boston) congratulating Father James A. Driscoll of Providence College on the occasion of his fifty years in the priesthood;

David Magnani.

Resolutions (filed by Representatives Spilka of Ashland, Blumer of Framingham, Linsky of Natick, Loscocco of Holliston, Peisch of Wellesley and Vallee of Franklin) congratulating Senator David Magnani on his twenty years of service to the metrowest community as State Representative and Senator; and

National Adoption Month.

Resolutions (filed by Mrs. Teahan of Whitman and other members of the House) recognizing National Adoption Month in Massachusetts;

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

*Paper from the Senate.*

Brian Bowman, sick leave bank.

A petition of Jarrett T. Barrios, Kathi-Anne Reinstein and Robert A. DeLeo for legislation to establish a sick leave bank for Brian Bowman an employee of the Department of Correction, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2504) was referred, in concurrence, to the committee on Public Service.

*Reports of Committees.*

Suffolk County, unified clerk.

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 and Eugene L. O’Flaherty relative to the appointment of a unified session clerk in the Superior Court for Criminal Business in Suffolk County.

Under suspension of the rules, on motion of Mr. O’Flaherty of Chelsea, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred, Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, on the foregoing petition, reported a Bill relative to the unified session clerk (House, No. 5130). 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. Stanley of Waltham, the bill was read a second time forthwith; and it was ordered to a third reading.

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 A. Stephen Tobin for legislation to authorize the Trial Court to establish a sick leave bank for Sean Glennon, an employee of said court. Under suspension of the rules, on motion of Mr. O’Flaherty of Chelsea, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Sean Glennon, sick leave bank.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill making certain corrective changes in the General Laws (House, No. 24, changed) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Insurance laws.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House, with an amendment previously recommended by the committee on Insurance pending.

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

The amendment previously recommended by the committee on Insurance,— that the bill be amended by adding at the end thereof the following section:

“SECTION 21. Chapter 176N, section 1, of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting in line 30, after the words ‘liability insurance,’ the following words:— specified disease insurance that it purchased as a supplement and not as a substitute for a health plan and meets any requirements the commissioner by regulation may set.”,— was adopted.

Pending the question on ordering the bill, as amended to a third reading, Mr. Mariano of Quincy moved that it be amended by adding at the end thereof the following four sections:

“SECTION 22. Chapter 175, Section 132G of the General Laws as appearing in the 2000 Official Edition, is hereby amended by striking in line 29 the words ‘contract on a variable basis’ and inserting in place thereof the following:— such variable, fixed or guaranteed contract.

SECTION 23. Chapter 175, Section 132G of the General Laws as appearing in the 2000 Official Edition, is hereby amended by striking in line 57 the words ‘such contract’ and inserting in place thereof the following:— any contract funded by such separate account.

SECTION 24. Chapter 175, Section 132F of the General Laws as appearing in the 2000 Official Edition, is hereby amended by striking in lines 19, 21, 27, 29, 31, 46 and 68 the word ‘dollar’.

SECTION 25. Chapter 175, Section 132I of the General Laws as appearing in the 2000 Official Edition, is hereby amended by striking in line 3 the word ‘dollar’.”.

The amendment was adopted; and the bill, as amended, was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Stanley of Waltham, the bill (having been 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, its title having been changed by said committee to read: "An Act further regulating insurance laws of the commonwealth." The bill (House, No. 24, changed and amended) then was sent to the Senate for concurrence.

Justice  
Philip  
Rapozza.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to judicial leaves of absence (House, No. 5126) 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 Rule 7A, on motion of Mr. Stanley of Waltham, the bill was read a second time forthwith; and it was ordered to a third reading.

Under suspension of the rules, on further motion of the same member, the bill (having been 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 to be engrossed, Mr. Cabral of New Bedford moved that it be amended by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith a judicial leave of absence, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (House, No. 5126, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Milton,  
school  
construction.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to certain school construction projects in the town of Milton (Senate, No. 1974, changed) 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 Rule 7A, on motion of Mr. Driscoll of Braintree, the bill was read a second time forthwith; and it was ordered to a third reading.

Mary  
Jane  
Simmons.

By Mr. Rogers of Norwood, for the committee on Ways and Means, on a petition, a Resolve in favor of the estate of Mary Jane Simmons (House, No. 5073). 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. Cabral of New Bedford, the resolve was read a second time forthwith; and it was ordered to a third reading.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill authorizing the city of Waltham to construct a veterans memorial and community bandstand on Waltham Common and to install plaques honoring veterans and notable individuals and events in Waltham's History (House, No. 5075) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Waltham,  
veterans  
memorial.

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. Torrissi of North Andover, 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 designating a certain intersection in the city of Lynn (Senate, No. 2483) be scheduled for consideration by the House.

Lynn,  
911  
memorial  
intersection.

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.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to certain housing in the city of Peabody (Senate, No. 2501) be scheduled for consideration by the House.

Peabody,  
housing.

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. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill making social workers subject to the malpractice tribunal (House, No. 731, changed) be scheduled for consideration by the House.

Social  
workers,  
malpractice.

Under suspension of Rule 7A, on motion of Mr. Rodrigues of Westport, 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 House Bill providing for recall elections in the town of Rowe (House, No. 4772) be scheduled for consideration by the House.

Rowe,  
recall  
elections.

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

Report of the committee on Steering, Policy and Scheduling, that the House Bill relative to evidence of negligence in motor vehicle homicide (Senate, No. 2484) be scheduled for consideration by the House, the time within which said committee was required to report having expired. Placed in the Orders of the Day for the next sitting for a second reading.

Vehicular  
homicide.

*Engrossed Bills.*

Engrossed bills  
 Relative to the water supply protection trust (see Senate, No. 2488) (which originated in the Senate);  
 Designating the official colors of the Commonwealth (see House, No. 2694); and  
 Authorizing the retirement board of the city of Fall River to increase the pension payable to Dennis O'Neil, a retired police officer (see House, No. 4960);  
 (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; and they were signed by the acting Speaker and sent to the Senate.

Bills enacted.

*Orders of the Day.*

House bills  
 Providing greater consumer protection powers to the boards within the Division of Professional Licensure (House, No. 5074) (its title having been changed by the committee on Bills in the Third Reading); 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. 5112);  
 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.

Third reading bills.

*Recess.*

At nineteen minutes before twelve o'clock noon, on motion of Mr. Spellane of Worcester (Mr. Donato of Medford being in the Chair), the House recessed until half past one o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Recess.

*Emergency Measure.*

The engrossed Bill authorizing a certain judicial leave of absence (see House, No. 5126, amended), 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 4 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.

Justice Philip Rapoza.

Bill enacted.

*Order.*

On motion of Mr. DiMasi of Boston,—  
*Ordered*, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M. Next sitting.

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At five minutes after two o'clock P.M., on motion of Mr. Cabral of New Bedford (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.