

JOURNAL OF THE HOUSE.

Thursday, December 2, 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:

Prayer.

Eternal God, the Ultimate Source of Forgiveness and Truth, each day we try to serve You faithfully and the people who depend upon our reasoned decisions, honorably. As members of the one human family, inspire us, as elected leaders, to unite our multicultural communities in seeking common goals and the common good. When consensus fails, teach us, in our diverse communities, to respect the rights and freedoms of all to express their political, philosophical and religious views and beliefs at all times. May our personal views and principles respect the rights of others even at times of serious disagreements. Teach us to reject prejudice and intolerance in building safe, peaceful, civil and prosperous communities.

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.

Message from the Governor.

Collective bargaining agreements.

A message from His Excellency the Governor submitting requests for appropriations (under Section 7 of Chapter 150E of the General Laws) to fund collective bargaining agreements between the Commonwealth and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93 and the Service Employees International Union, AFL-CIO, Local 888 and 509 (House, No. 5141) was filed in the office of the Clerk on Wednesday, December 1.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Resolutions.

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

Traffic Gaming Group.

Resolutions (filed by Mr. Kennedy of Brockton and other members of the House) condemning the Traffic Gaming Group for attempting to profit from the assassination of John F. Kennedy and for sensationalizing the tragedy of November 22, 1963;

Holly Gunner.

Resolutions (filed by Representatives Khan of Newton, Balsler of Newton and Koutoujian of Waltham) honoring Holly Gunner;

Robert L. Connearney.

Resolutions (filed by Mr. Rush of Boston) congratulating Robert L. Connearney on the occasion of his retirement from the United States Navy; and

Resolutions (filed by Mr. Travis of Rehoboth) honoring Jeremy Wayne Moeser;

Jeremy Wayne Moeser.

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.

Petitions.

Mr. Costello of Newburyport presented a petition (accompanied by bill, House, No. 5140) of Michael A. Costello (by vote of the town) that the town of Salisbury be authorized to issue two additional licenses for the sale of alcoholic beverages to be drunk on the premises; and the same was referred to the committee on Government Regulations. Sent to the Senate for concurrence.

Salisbury, liquor licenses.

Petitions severally were presented and referred as follows:

By Mr. Donelan of Orange, petition (subject to Joint Rule 12) of Christopher J. Donelan and Daniel E. Bosley relative to the standardbred horse breeding program of the Commonwealth.

Standardbred breeding program.

By Mr. Kulik of Worthington, petition (subject to Joint Rule 12) of Stephen Kulik and Stanley C. Rosenberg that the term "dumbwaiter" be excluded from the definition of "elevators" under the building inspection laws of the Commonwealth.

Dumbwaiters, inspections.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

The engrossed Bill relative to creditable service for vocational education teachers (see Senate, No. 1559, amended), which had been returned to the Senate by His Excellency the Governor, with recommendation of amendment (for message, see Senate, No. 2443) came from said branch with the endorsement that the Senate had refused to amend the bill.

Vocational education teachers.

Under suspension of the rules, on motion of Ms. Blummer of Framingham, the amendment recommended by the Governor was considered in the following form (as approved by the committee on Bills in the Third Reading):

Adding at the end thereof the following section:

"SECTION 2. This act shall be effective upon an appropriation by the commonwealth for deposit into the Pension Reserves Investment Trust of funds equal to the amount by which the actuary of the public employee retirement administration projects that this act will increase the commonwealth's pension liability."

The House then also refused to amend the bill.

The House Bill authorizing the city of Medford to use certain land for memorial purposes (House, No. 4864) came from the Senate passed to be engrossed, in concurrence, with amendments in line 4 striking out the words "a restriction" and inserting in place thereof the following: "the restriction numbered 1"; in line 8 inserting after the figures: "511" the words "solely to the extent neces-

Medford, land use.

sary”; and in line 12 inserting after the following: “II.” the following sentence: “Except to the extent expressly released pursuant to the immediately preceding sentence, the restriction shall remain in full force and effect.”

Under suspension of Rule 35, on motion of Ms. Wolf of Cambridge, 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.

Revere, land conveyance.

A petition of Jarrett T. Barrios, Kathi-Anne Reinstein and Robert A. DeLeo for legislation to authorize the conveyance of a certain parcel of land in the city of Revere, came from the Senate referred, under suspension of Joint Rule 12, to the committee on State Administration.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2511) was referred, in concurrence, to the committee on State Administration.

Correctional facilities, inspection reports.

Reports of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities, as follows:

Of the Barnstable County Correctional Facility, in the town of Bourne;

Of the Berkshire County House of Correction and Jail, in the city of Pittsfield;

Of the Bridgewater State Hospital, in the town of Bridgewater;

Of the Dukes County Jail and House of Correction, in the town of Edgartown; and

Of the Massachusetts Treatment Center, in the town of Bridgewater;

Severally were spread upon the records of the House; and returned to the Senate.

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:

Consumers, credit scores.

Petition (accompanied by bill) of Michael A. Costello and other members of the House that certain consumer reporting agencies be required to provide consumer credit scores to consumers. To the committee on Commerce and Labor.

Higher education, trustees.

Petition (accompanied by bill) of Michael A. Costello for legislation to increase the terms of members appointed to boards of trustees of public institutions of higher education in the Commonwealth. To the committee on Education, Arts and Humanities.

Salisbury, water district.

Petition (accompanied by bill) of Michael A. Costello and Steven A. Baddour for legislation to increase the borrowing authority of the Ring’s Island Water District of Salisbury. To the committee on Local Affairs and Regional Government.

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

By Mr. Straus of Mattapoisett, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill validating actions taken at the 2004 annual election in the town of Boxborough (printed in House, No. 4997). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Boxborough, validate actions.

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. Wolf of Cambridge, 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 relative to the granting of all alcoholic beverages licenses to be drunk on the premises by the town of Rockport (House, No. 5107) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Rockport, liquor licenses.

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

By Mr. Honan of Boston, for the committee on Housing and Urban Development, on a petition, a Bill authorizing the town of Duxbury to establish an affordable housing trust fund (House, No. 5015). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Duxbury, housing trust fund.

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.

By Mr. Mariano of Quincy, for the committee on Insurance, on a petition, a Bill authorizing the town of Concord to establish a post-retirement group insurance trust fund (House, No. 4777) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Concord, group health insurance.

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. Mariano, the bill 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, that the Bill authorizing the Middlesex Retirement Board to grant a certain pension (House, No. 4266) ought to pass [Local Approval Received]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

William F. Felton, retirement.

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

John Fitts, 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 John Fitts, an employee of the Department of Youth Services (House, No. 5092). 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. Walsh of Lynn, the bill was read a second time forthwith; and it was ordered to a third reading.

Joseph Feeney Court House.

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill designating the South Boston District Court as the Honorable Chief Justice Joseph F. Feeney Memorial Court House (House, No. 5006). 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 bill was read a second time forthwith; and it was ordered to a third reading.

Ann Muldoon, retirement buy-back.

By Mr. Rogers of Norwood, for the committee on Ways and Means, on a petition, a Bill relative to a retirement buy-back for Donald Muldoon (printed as Senate, No. 1591). 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 bill was read a second time forthwith; and it was ordered to a third reading.

Bonds and notes, terms.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 5108) 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. Speliotis of Danvers, the bill was read a second time forthwith; and it was ordered to a third reading.

Attorney liens, fees.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to attorney's lien for fees (Senate, No. 2389) ought to pass with amendments striking out sections 1 and 3. 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. Walsh of Lynn, the bill was read a second time forthwith.

The amendments recommended by the committee on Ways and Means then were adopted; and the bill (Senate, No. 2389, amended) was ordered to a third reading.

Engrossed Bills.

Engrossed bills

Exempting the position of town hall custodian of the town of Stoneham from the civil service law (see House, No. 4803); and

Bills enacted.

Relative to the underground cable reimbursement schedule (see House, No. 4892, amended);

(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.

Orders of the Day.

Senate bills

Establishing the Taunton industrial improvement district in the city of Taunton (Senate, No. 2444); and

Third reading bills.

Authorizing certain terms for borrowing by the town of Falmouth for the construction of a golf course (Senate, No. 2447) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Relative to town meeting warrants in the town of North Andover (House, No. 4785);

Authorizing the certification for appointment of Eric K. Gouck as a firefighter in the town of North Attleborough (House, No. 4963);

Authorizing the city of Northampton to convert licenses for the seasonal sale of wine and malt beverages to be drunk on the premises (House, No. 5085) (its title having been changed by the committee on Bills in the Third Reading); and

Designating a certain bridge in the town of Chelmsford as the Marine Lance Corporal Andrew J. Zabierek Memorial Bridge (House, No. 5103);

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.

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.

At five minutes before twelve o'clock noon, on motion of Mr. Smizik of Brookline (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.