

## **JOURNAL OF THE HOUSE.**

Thursday, January 3, 2002.

Met according to adjournment, at eleven o'clock A.M., with Ms. Flavin of Easthampton 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:

Gracious God, we pause for a moment of prayer and reflection to acknowledge Your presence in our midst. We depend upon You and Your divine assistance for our daily material and spiritual needs and for focusing our attention on the pending legislative issues of the new year. In Your goodness, help us make reasoned, mature and moral decisions which will serve and benefit the people, society and the Commonwealth. May we be open to new information and new suggestions, but committed to our own principles and religious beliefs. As the tragic September event united the people of this country in a bond of unity, may we be united in recognizing and serving You and the best interests of the people.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Ms. Flavin), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

### *Statement Concerning Representative George of Yarmouth.*

A statement of Mr. Marini of Hanson concerning Representative George of Yarmouth was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative George of Yarmouth, will not be present in the House Chamber for today's sitting due to long-scheduled commitments in his district. Any roll calls that he may miss today will be due entirely to the reason stated.

### *Statement Concerning Representative Wolf of Cambridge.*

A statement of Mr. DiMasi of Boston concerning Representative Wolf of Cambridge was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Wolf of Cambridge, will not be present in the House Chamber for today's sitting due to an important long-standing appointment that could not be rescheduled. Any roll calls that she may miss today will be due entirely to the reason stated.

### *Resolutions.*

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

Resolutions (filed by Ms. Rogeness of Longmeadow) congratulating Joseph G. Flahive on the occasion of his retirement; and

Resolutions (filed by Messrs. Leary of Worcester and Naughton of Clinton) congratulating Barbara Deschenes on the occasion of her retirement;

Mr. DiMasi 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. Verga of Gloucester presented a petition (accompanied by bill, House, No. 4835) of Anthony J. Verga and Bruce E. Tarr (with the approval of the mayor and city council) relative to a betterment program for private road improvements in the city of Gloucester; and the same was referred to the committee on Local Affairs. Sent to the Senate for concurrence.

Mr. Straus of Mattapoisett presented a petition (subject to Joint Rule 12) of William M. Straus and Marc R. Pacheco relative to the water and sewer commission of the town of Mattapoisett; and the same was referred, under Rule 24, to the committee on Rules.

*Papers from the Senate.*

The engrossed Bill relative to the charter of the town of Swampscott (see House, No. 4720) came from the Senate with an amendment in section 1, in lines 576 to 598, inclusive (as printed), by striking out the text contained therein and inserting in place thereof the following:

“Chapter 15

Continuation of Government.

SECTION 15-1; Continuation of Government.

All town agencies shall continue to perform their duties until reappointed, reelected or until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another town agency in accordance with this charter.

Chapter 16

Review Committee to be Appointed.

## SECTION 16-1: Review Committee to be Appointed.

The town moderator shall appoint a committee consisting of 1 member of each of 6 precincts and 1 member at large which shall prepare a report to be presented at the annual town meeting 4 years after the effective date of chapters 7 to 16, inclusive. The review committee shall have the power to make recommendations necessary in the interest of good town government.”.

Under suspension of Rule 35, on motion of Mr. Petersen of Marblehead, 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.

### Bills

Regulating liability for reporting violations to the Board of Registration in Nursing (Senate, No. 483) (on a petition);

Authorizing municipalities to petition for public involvement plans in cases of hazardous material sites (Senate, No. 1067) (on a petition);

Further regulating the minimum size of American lobsters (Senate, No. 1847) (on a petition);

Relative to the declaration of non-cash dividends by trust companies (Senate, No. 1873) (on Senate, No. 9);

Further regulating the use of crossbows in the Commonwealth (Senate, No. 2162) (on Senate, No. 1053 and House, Nos. 655 and 1258);

Relative to credit union real estate loans (Senate, No. 2214) (on Senate bill, No. 6);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Notice was received that the President of the Senate had announced the appointment of Zakiya Alake, Juan M. Cofield and Robert Kinney o the Urban Initiative Fund Advisory Committee established by section 137 of Chapter 133 of the Acts of 1992.

### *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 petition of Karen E. Polito, George N. Peterson and Paul J. P. Loscocco relative to authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Westborough. Under suspension of the rules, on motion of Mr. Cabral of New Bedford, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration. 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 Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4312) reported, in part, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1469) of William C. Galvin for legislation to grant creditable service to town moderators for retirement purposes; and

Of the petition (accompanied by bill, House, No. 4168) of Paul C. Casey, Michael E. Festa and Richard R. Tisei (by vote of the town) relative to the appointment of retired police officers in the town of Stoneham;

And recommending that the same severally be recommitted to the committee on Public Service.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4655) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4515) of Reed V. Hillman and Stephen M. Brewer (by vote of the town) relative to authorizing the appointment of Steven E. Granlund as a police officer in the town of Ware, notwithstanding the maximum age requirements,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

#### *Engrossed Bills.*

The engrossed Bill increasing the fee for admitting a person to bail (see House, No. 843, changed) (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.

Mr. DiMasi of Boston being in the Chair,—

Engrossed bills

Relative to the sale of gas heating equipment (see House, No. 2575); and

Relative to the finances of regional school committees (see House, No. 3071);

(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.

#### *Motion to Suspend Rule 24(2).*

Ms. Flavin of Easthampton being in the Chair,—

Mrs. Paulsen of Belmont moved that Rule 24(2) be suspended so that she might offer, from the floor, Resolutions (filed by her and other members of the House) for prompt address of serious deficiency issues.

Pending the question on suspension of Rule 24(2), further consideration thereof was postponed, on further motion of the same member, until the hour of one o'clock P.M.

Subsequently, the noon recess having terminated (Mr. DiMasi of Boston being in the Chair), the motion was considered further.

Ms. Khan of Newton then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. DiMasi), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 144 members were recorded as being in attendance.

**[See Yea and Nay No. 227 in Supplement.]**

Therefore a quorum was present.

After debate the motion to suspend Rule 24(2) was negatived; and the resolutions were referred, under said rule, to the committee on Rules.

*Orders of the Day.*

The House Bill authorizing the Division of Capital Asset Management and Maintenance to grant an access easement over certain land in the Brighton District of Boston (House, No. 4109, amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill relative to fraudulent insurance claims (Senate, No. 2096); and

House bills

Clarifying the jurisdiction of the Energy Facilities Siting Board (House, No. 55, changed);

Relative to the reselling of tickets (House, No. 998);

Relative to the board of licensing commissioners in the city of Springfield (House, No. 4743);  
and

Providing real estate tax exemptions for the spouses of deceased veterans (House, No. 4769);

Severally were ordered to a third reading.

House bills

Relative to fees of justices of the peace (House, No. 2745, changed); and

Authorizing the town of Bellingham to establish a tax stabilization fund (House, No. 4732);

Severally were read a second time; and they were ordered to a third reading.

The House Bill relative to police mutual aid agreements (House, No. 1269) was considered, the main question being on ordering the bill to a third reading.

The amendment previously recommended by the committee on Public Safety,— that the bill be amended by substitution of a bill with the same title (House, No. 4768),— was adopted.

The substituted bill then was ordered to a third reading.

The House Bill authorizing the conveyance of certain property in the city of Boston (House, No. 3630) was considered, the main question being on ordering the bill to a third reading.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 2, in line 4, by striking out the word “encourage” and inserting in place thereof the word “recommend”, in lines 4 and 5, by inserting after the words “industrial/manufacturing” the word “commercial”, in line 6, by striking out the word “encourage” and inserting in place thereof the word “recommend”, and in line 11, by striking out the words “encourage developers to” and inserting in place thereof the words “recommend that developers”,— were adopted.

The bill (House, No. 3630, amended) then was ordered to a third reading.

At eighteen minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Ms. Flavin of Easthampton being in the Chair), the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order with Mr. DiMasi in the Chair.

The House Bill establishing Congressional districts (printed in House, No. 4778, Appendix A, amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Marini of Hanson; and on the roll call 118 members voted in the affirmative and 30 in the negative.

**[\[See Yea and Nay No. 228 in Supplement.\]](#)**

Therefore the bill (House, No. 4778, Appendix A, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to assistant town clerks in certain towns (House, No. 3151) was passed to be engrossed. Sent to the Senate for 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.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-five minutes after two o'clock P.M., on motion of Mr. Scaccia of Boston (Mr. DiMasi of Boston being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.