

## **JOURNAL OF THE HOUSE.**

Monday, January 7, 2002.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Greene of Billerica 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, with the meaningful religious and joyous holiday celebrations over for this season, we begin again to address both the ordinary and the extraordinary legislative issues of the new year. Let our hearts and minds be filled with positive feelings, genuine enthusiasm, thanks for our blessings and for the new opportunities to serve the people and our communities. If disappointments and discouragement do come our way, we know that we can depend upon You, Your assistance and Your personal concern for each of us. Inspire us to be open to Your gift of wisdom which enables us to see reality as it is and to follow the way of life and values which You have made known to us. Your gifts to us insure personal happiness and fulfillment.

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

At the request of the Chair (Mr. Greene), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### *Message from the Acting Governor.*

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to amending the Early Retirement Incentive Program (House, No. 4838) was filed in the office of the Clerk on Thursday, January 3.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Public Service. Sent to the Senate for concurrence.

### *Resolutions.*

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

Resolutions (filed by Ms. Donovan of Woburn) congratulating Jared Rennie on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Flynn of Bridgewater) congratulating Helen O'Brien on the occasion of her one hundredth birthday;

Resolutions (filed by Ms. Kaprielian of Watertown and other members of the House) honoring Captain Robert B. McCarthy, President of the Professional Firefighters of Massachusetts, on

the occasion of his retirement;

Resolutions (filed by Messrs. Patrick of Falmouth and Turkington of Falmouth) acknowledging the contributions of the Mashpee Wampanoag People to the Commonwealth; and

Resolutions (filed by Mr. Stanley of Waltham) congratulating Bill Walsh on being named 2001 Elks Citizen of the Year by the Waltham Lodge of Elks No. 953;

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

#### *Initiative Petitions.*

An initiative petition of Lincoln J. Tamayo and others for the passage of An Act relative to the teaching of English in Public Schools (House, No. 4839) (received on January 2, 2002, from the Secretary of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution), was referred, under said Article and Rule 24, to the committee on Education, Arts and Humanities. Sent to the Senate for concurrence.

An initiative petition of Bryan G. Rudnick and others for an initiative amendment to the Constitution relative to the protection of marriage (House, No. 4840) (received on January 2, 2002, from the Secretary of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments of the Constitution), was referred, under said Article and Rule 24, to the committee on the Judiciary. Sent to the Senate for concurrence.

An initiative petition of Carla A. Howell and others for the passage on An Act relative to the small government act to end the income tax (House, No. 4841) (received on January 2, 2002, from the Secretary of the Commonwealth, having been transmitted by him to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution), was referred, under said Article and Rule 24, to the committee on Taxation. Sent to the Senate for concurrence.

#### *Petition.*

Mr. Ruane of Salem presented a petition (accompanied by bill, House, No. 4842) of J. Michael Ruane (with the approval of the mayor and city council) that the city of Salem be authorized to grant easements in certain park land; and the same was referred to the committee on Local Affairs. Sent to the Senate for concurrence.

#### *Papers from the Senate.*

The engrossed Bill relative to the granting of licenses for the sale of wines and malt beverages to be drunk on the premises in the town of Sharon (see House, No. 3701) came from the Senate with an amendment in section 1, in lines 3 and 4 (as engrossed), by striking out the following:

“or section 17 of said chapter 138 relative to the number of licenses to be held”.

Under suspension of Rule 35, on motion of Mr. Kafka of Sharon, 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.

The engrossed Bill authorizing the town of Needham to establish a post retirement insurance liability fund (see House, No. 4306) came from the Senate with an amendment in section 1, in line 19 (as printed), by striking out the word “unfounded” and inserting in place thereof the word “unfunded”.

Under suspension of Rule 35, on motion of Mrs. Harkins of Needham, 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.

The engrossed Bill relative to a certain parcel of land in the town of North Reading (see House, No. 4733) came from the Senate with an amendment striking out the title and inserting in place thereof the following title: “An Act relative to a certain parcel of conservation land in the town of North Reading.”.

Under suspension of Rule 35, on motion of Mr. Jones of North Reading, 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.

#### *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:

Petition (accompanied by bill) of Peter J. Larkin and other members of the General Court relative to providing liens for molders. To the committee on Commerce and Labor.

Petition (accompanied by bill) of William M. Straus and Marc R. Pacheco relative to the water and sewer commission of the town of Mattapoisett. To the committee on Local Affairs.

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

By Mr. Casey of Winchester, for the committee on Taxation, on House, No. 4734, an Order relative to authorizing the committee on Taxation to make an investigation and study of a certain House document concerning the sales tax (House, No. 4836). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was

accepted.

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a petition, a Bill regarding employees of the Department of Correction (House, No. 723).

By the same member, for the same committee, on House, No. 4753, a Bill authorizing and directing the reinstatement of Diantha G. Ferrier as a member in service of the teachers' retirement system (House, No. 4837).

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

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a recommitted petition, a Bill relative to the appointment of retired police officers in the town of Stoneham (House, No. 4168, changed by striking out section 4 and inserting in place thereof the following section:

“SECTION 4. Said special police officers shall be appointed for an indefinite term, subject to removal by the town administrator at any time with fourteen (14) days written notice. Upon request, the appointing authority shall provide the reasons therefore in writing.”.) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill exempting the position of deputy chief of police in the town of Webster from the civil service law (House, No. 4758) [Local Approval Received].

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

#### *Engrossed Bill.*

The engrossed Bill relative to the charter of the town of Swampscott (see House, No. 4720) (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.*

##### House bills

Relative to powers of state chartered banks (House, No. 4358, amended) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the town of Sudbury to use certain conservation land for municipal purposes (House, No. 4394);

Relative to the Korean Veterans Memorial Highway (House, No. 4577);

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

and

Relative to group marketing plans (House, No. 4796);

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.

The House Bill relative to town meeting members in the town of Burlington (House, No. 4704), 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. Murphy of Burlington moved that it be amended by adding at the end thereof the following section:

“SECTION 2. This act shall take effect upon its passage.”.

The amendment was adopted; and the bill (House, No. 4704, amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Order.*

On motion of Mr. Hynes of Marshfield,—

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