

JOURNAL OF THE HOUSE.

Wednesday, January 16, 2002.

Met at six minutes after eleven o'clock A.M., with Mr. Rodrigues of Westport 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, the Ultimate Source of Forgiveness and Compassion, we recognize and acknowledge Your presence in our midst. We believe that You watch over us every moment of the day and that Your dynamic assistance is available to us in good times and bad and in times of success as well as in times of disappointments. We also believe that Your guidance enables us to craft legislation which, in our best judgment, meets the reasonable needs and expectations of our diverse and pluralistic society. Let our hearts, and minds be filled with hope, trust and peace because You are both with us and for us.

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

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

Recess.

At nine minutes after eleven o'clock A.M., on motion of Mr. Linsky of Natick (Mr. Rodrigues of Westport being in the Chair), the House recessed until the hour of one o'clock P.M.; and, at eleven minutes after one o'clock the House was called to order with the Speaker in the Chair.

Message from the Acting Governor.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to amending the economic development incentive program (House, No. 4860) was filed this day in the office of the Clerk.

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

Statement of Representative Asselin of Springfield.

A statement of Mr. Asselin of Springfield 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 I was unable to be present in the House Chamber for a portion of today's sitting due to official business in another part of the State House. Any roll calls that I missed today is due entirely to the reason stated.

Statement Concerning Representative Caron of Springfield.

A statement of Mr. DiMasi of Boston concerning Mr. Caron of Springfield 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 Caron of Springfield, will not be present in the House Chamber for today's sitting due to his attendance at a funeral in his district. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement of Representative Knuutila of Gardner.

A statement of Mr. Knuutila of Gardner 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 I will not be present in the House Chamber for the remainder of today's sitting due to a scheduling conflict. If I could be present for the roll call on passing over the Governor's veto House bill, No. 1808, I would vote in the affirmative.

Statement of Representative Tirone of Amesbury.

A statement of Mr. Tirone of Amesbury 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 I was unable to be present in the House Chamber for a portion of today's sitting due to official business in another part of the State House. Any roll calls that I missed today is due entirely to the reason stated.

Guests of the House.

During the session, the Speaker declared a brief recess; and introduced the Division I Super Bowl Champion Everett High School football team and cheerleaders, accompanied by Head Coach John DiBiaso as well as several other coaches and school administrators. They were the guests of Representative Connolly of Everett.

Resolutions.

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

Resolutions (filed by Mr. Marini of Hanson and other members of the House) expressing the complete support of the House for the actions of the President of the United States and Congress in their efforts to combat terrorism;

Resolutions (filed with the Clerk by Messrs. Binienda of Worcester and Fresolo of Worcester) congratulating William T. Breault on receiving the prestigious Claire B. Burns Award;

Resolutions (filed by Messrs. Kujawski of Webster and Vallee of Franklin) congratulating Gregory Steven Beaulieu on becoming an Eagle Scout as a member of the Boy Scouts of America;

Resolutions (filed by Messrs. Kujawski of Webster and Vallee of Franklin) congratulating Daniel Emory Curran on becoming an Eagle Scout as a member of the Boy Scouts of America;

Resolutions (filed by Messrs. Kujawski of Webster and Vallee of Franklin) congratulating Thomas Michael Dunayeski II on becoming an Eagle Scout as a member of the Boy Scouts of America; and

Resolutions (filed by Ms. Malia of Boston) congratulating Eleanor Shay 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 Mr. Peterson of Grafton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Reports of Committees.

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a recommitted petition, a Bill relative to creditable service for town moderators (House, No. 1469).

By Mr. Hall of Westford, for the committee on State Administration, on House, No. 1502, a Bill relative to certain school construction projects in the city of Waltham (House, No. 4858) [Local Approval Received] [Representative Teahan of Whitman dissenting].

By the same member, for the same committee, on House, No. 4259, a Bill relative to certain school construction projects in the town of Winchester (House, No. 4859) [Local Approval Received] [Representative Teahan of Whitman dissenting].

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

There being no objection, Mr. Rogers of Norwood, for the committee on Ways and Means, on House No. 4777, reported, in part, a Bill making appropriations for the fiscal year 2002 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4857).

[Cost: Major Fund Appropriation: \$331,205,699.00

Minor Fund Appropriation: \$ 89,975,809.00

Total Appropriation: \$421,184,503.00

Major Fund Revenue Offset: \$115,138,354.00

Minor Fund Revenue Offset: \$ 31,760,000.00

Total Revenue Offset: \$146,898,354.00.]

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; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the town of Sudbury to use certain conservation land for municipal purposes (see House, No. 4394) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 229 in Supplement.\]](#)

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

The engrossed Bill relative to a certain parcel of land in the town of North Reading (see House, No. 4733) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 230 in Supplement.\]](#)

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill establishing an elected water and sewer commission in the town of Charlton (Senate, No. 2138), 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.

House bills

Relative to sewer by-laws and regulations of the town of Sturbridge (House, No. 4305) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the town of Medfield and the Medfield Shelter 2000, Inc. (House, No. 4360); and

Relative to voting precincts in the town of Framingham (House, No. 4805).

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.

Senate bills

Relative to contracts between court reporters and an attorney, party or party having a financial interest in an action (Senate, No. 978); and

Relative to the safety of certain Massachusetts Bay Transportation Authority employees (Senate, No. 2149); and

The House Bill further regulating the use of non-public personal information by insurance companies (House, No. 2356);

Severally were ordered to a third reading.

Senate bills

Establishing wireless enhanced 911 services (Senate, No. 1920, amended);

Relative to the debt limit of the town of Holliston (Senate, No. 2155); and

Relative to the recreation revolving fund in the town of Rutland (Senate, No. 2195); and

House bills

Making certain corrective changes in the General Laws (House, No. 29);

Relative to veteran registration plates for motorcycles (House, No. 4334);

Authorizing the town of Amherst to acquire easements and to construct thereon sewerage pumping stations and related facilities (House, No. 4462); and

Providing for the merger of the Boylston and Morningdale water districts (House, No. 4815);

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

The Senate Bill allowing certain military personnel to receive group insurance discounts (Senate, No. 773, changed) was read a second time.

The amendment previously recommended by the committee on Insurance, — that the bill be amended in lines 16 and 17, by striking out the words “or national security service, or segments or categories thereof”, — was adopted.

The bill (Senate, No. 773, changed and amended) then was ordered to a third reading.

The Senate Bill authorizing the town of Andover to convey land to the Andover Village Improvement Society (Senate, No. 1046) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 1, in line 1, by striking out the words “notwithstanding any general or special law to the contrary” and inserting in place thereof the following: “Subject only to sections 16(a), 16(b) and 16(g) of chapter 30B of the General Laws”, by adding at the end thereof the following sentence: “Said parcels shall be held by the Andover Village Improvement Society solely for the purpose of open space preservation.”; and by striking out section 2 and inserting in place thereof the following two sections:

“SECTION 2. In the event that the parcels of land identified in section 1 of this act are used for a purpose other than open space preservation following their conveyance by the town of Andover, said property shall revert to the town of Andover and any further disposition of said parcels shall require the prior approval of the General Court.

SECTION 3. This act shall take effect upon its passage.”,— were adopted.

The bill (Senate, No. 1046, amended) then was ordered to a third reading.

The Senate Bill relative to the one trial system for civil cases in certain counties (Senate, No. 1937) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 20, in line 13, by striking out the figure “32” and inserting in place thereof the figure “30” and by striking out the word “January” and inserting in place thereof the word “March”,— were adopted.

The bill (Senate, No. 1937, amended) then was ordered to a third reading.

The House Bill relative to the licensing of insurance producers (House, No. 28, changed) was read a second time.

The amendments previously recommended by the committee on Ways and Means, that the bill be amended by inserting after section 18 the following section:

“SECTION 18A. Said section 168 of said chapter 175 is hereby further amended by striking out the words:— and before receiving such license shall execute and deliver to the state treasurer a bond in the penal sum of two thousand dollars, with such sureties as he shall approve, conditioned that the licensee will faithfully comply with all the requirements of this section,”; in section 19, in line 6, by striking out the words, “which is organized exclusively for”, in lines 10 to 13, inclusive, by striking out the sentence contained therein, in lines 26 and 27, by striking out

the word “which is incorporated exclusively for the purpose of acting as an adjuster of fire losses”, and in lines 29 to 38, inclusive, by striking out the two sentences contained therein; and by inserting after section 37 the following 2 sections:

“SECTION 37A. Section 177E of said chapter 175 is hereby amended by striking out paragraph I(2) and inserting in place thereof the following:— Nonresident producers who hold an equivalent license or licenses in their home state and have satisfied their home state’s continuing education requirements, if the home state recognizes the satisfaction of its continuing education requirements imposed upon producers from the commonwealth on the same basis.

SECTION 37B. Section 177O of said chapter 175 is hereby amended by adding the following paragraph:—

Unless denied licensure pursuant to subsection E, non-resident applicants shall receive a reinsurance intermediary license if: (1) the applicant is currently licensed and in good standing in the applicant’s home state; (2) the applicant has paid the fees prescribed by section 14; (3) the applicant has submitted or transmitted to the insurance commissioner the application for licensure that the applicant submitted to the applicant’s home state, or in lieu of the same, a completed Uniform Application; and (4) the applicant’s home state awards nonresident reinsurance intermediary licenses to residents of the commonwealth on the same basis,— were adopted.

The bill (House, No. 28, changed and amended) then was ordered to a third reading.

The House Bill relative to workers’ compensation coverage for sole proprietors, partnerships and corporate officers (House, No. 4348) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in line 6, by inserting after the word “owns” the following: “at least;” and by striking out, in lines 17 to 21, inclusive, the following: “and no company shall issue a compensation insurance policy unless it makes a mandatory offer to issue a sole proprietor or partnership, at his option, compensation insurance as provided for in accordance with the provisions of this chapter.” and inserting in place thereof the following: “A sole proprietor or partnership may elect coverage by securing insurance with a carrier.”,— were adopted.

The bill (House, No. 4348, amended) then was ordered to a third reading.

The House Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain property in the city of North Adams (House, No. 4595) was read a second time.

The amendment previously recommended by the committee on Ways and Means, — that the bill be amended in section 2, in line 1, by striking out the word “The” and inserting in place thereof the words “The consideration to be paid by the city of North Adams for the”,— was adopted.

The bill (House, No. 4595, amended) then was ordered to a third reading.

Mr. DiMasi of Boston being in the Chair,—

The Senate Bill relative to crimes against chastity (Senate, No. 175) (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.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Marini of Hanson asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. DiMasi of Boston), 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 149 members were recorded as being in attendance.

[\[See Yea and Nay No. 231 in Supplement.\]](#)

Therefore a quorum was present.

Mrs. Poirier of North Attleborough then moved that it be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4861.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay, No. 232 in Supplement.\];](#)

Therefore the amendment was adopted.

The bill (Senate, No. 175, changed and amended) was then passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House.

The House Bill establishing the Mashpee economic development and industrial corporation (House, No. 4430), 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.

The engrossed Bill providing for civil service commission review of state police disciplinary proceedings (see House, No. 1808) (which had been returned to the House by Her Honor the Lieutenant-Governor, Acting Governor, with her objections thereto in writing) [for veto message, see House, No. 4834] was considered.

After debate, the question on passing the bill, notwithstanding the said objections, was determined by the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 117 members voted in the affirmative and 35 in the negative.

[\[See Yea and Nay No. 233 in Supplement.\]](#)

Therefore the bill was passed, notwithstanding the objections of the Acting Governor (more than two-thirds of the members having voted in the affirmative). Sent to the Senate for its action.

The House Bill relative to a certain employee of the Division of Industrial Accidents (House, No. 4418) was read a second time; and it was ordered to a third reading.

The House Bill authorizing the Division of Capital Asset Management and Maintenance to convey an easement to the town of Milford (House, No. 4754) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 1, in line 3, by inserting after the word “convey” the words “, by deed approved as to form by the attorney general,”, and in the Emergency Preamble, in line 3, by inserting after the word “of” the words “an interest in”,— were adopted.

The bill.(House, No. 4754, amended) then was ordered to a third reading.

Order.

On motion of Mr. Finneran of Boston—

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