

JOURNAL OF THE HOUSE.

Tuesday, January 22, 2002.

Met according to adjournment, at eleven o'clock A.M., with Mrs. Harkins of Needham 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:

Eternal God, we thank You for the gifts of life, which the bible ascribes to You, Our Creator, and for the human dignity and eternal destiny with which You have endeared us. We are also grateful for the human talents and the spiritual blessings which we enjoy. In Your goodness, inspire us to use Your gifts according to right reason and Your expectations. As we carry out our legislative and personal responsibilities, guide our efforts to unite people in pursuing legislative goals and promoting causes which serve the best interests of the people and the current needs of our communities. Let our hearts be filled with hope and happiness and our minds with enthusiasm and confidence as we face the challenges of these changing political and economic times. May our commitment to follow You, Your ways and spiritual values guide our daily judgments and decisions.

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

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

Messages from the Acting Governor —

Bills Returned with Recommendations of Amendments.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill establishing Congressional districts [see House bill printed in House, No. 4778, Appendix A, amended] (for message, see House, No. 4868) was filed in the office of the Clerk on Thursday, January 17.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by the Acting Governor, further consideration thereof was postponed, on motion of Mr. Petrolati of Ludlow, until after the noon recess.

Subsequently, the noon recess having terminated, the amendment was considered further. Pending the question on adoption of the amendment, Mr. Broadhurst of Methuen asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins of Needham),

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 143 members were recorded as being in attendance.

[\[See Yea and Nay No. 234 in Supplement.\]](#)

Therefore a quorum was present.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Marini of Hanson; and on the roll call 26 members voted in the affirmative and 127 in the negative.

[\[See Yea and Nay No. 235 in Supplement.\]](#)

Therefore the House refused to amend the bill. Sent to the Senate for its action.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill increasing the fee for admitting a person to bail [see House, No. 843, changed] (for message, see House, No. 4869) was filed in the office of the Clerk on Sunday, January 20.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon “before the General Court and subject to amendment and re-enactment”.

Pending the question on adoption of the amendment recommended by the Acting Governor, the bill was referred, on motion of Mr. Donnelly of Boston, to the committee on Bills in the Third Reading.

Statement Concerning Representative Knuuttila of Gardner.

A statement of Mr. DiMasi of Boston concerning Mr. Knuuttila 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 one of our colleagues, Representative Knuuttila of Gardner, will not be present in the House Chamber for today's sitting due to a scheduling conflict. Any roll calls that he may miss today is 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 Mr. Atsalis of Barnstable) honoring Matthew Trask;

Resolutions (filed by Ms. Jehlen of Somerville) commending Commissioner Barbara Jean Wood for 15 years of dedicated service to and tireless advocacy on behalf of the Massachusetts Commission for the Deaf and Hard of Hearing; and

Resolutions (filed by Mr. Speliotis of Danvers) on the occasion of the two hundred and fiftieth anniversary of the establishment of the town of Danvers;

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

Annual Report.

The annual report of the Public Employee Retirement Administration Commission (under Sections 21, 102 and 103 of Chapter 32 of the General Laws) relative to the percentum change in the average cost-of-living as shown by the United States consumer price index for the year 2001 compared with such index for the year 2000 (House, No. 4866), was referred to the committee on Public Service. Sent to the Senate for concurrence.

Petitions.

Petitions severally were presented and referred as follows:

By Ms. Donovan of Woburn, petition (subject to Joint Rule 12) of Carol A. Donovan and other members of the House relative to the penalties for the illegal disposal of infectious waste.

By Mrs. Pope of Wayland, petition (subject to Joint Rule 12) of Susan W. Pope, Pamela P. Resor and Susan C. Fargo relative to reducing to age sixty certain real estate tax exemptions.

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

Papers from the Senate.

A report of the committee on Education, Arts and Humanities, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2212) of Richard T. Moore, Guy W. Glodis, George N. Peterson, Jr., James E. Vallee and other members of the General Court for legislation to validate certain actions by the Blackstone Valley Vocational School District and its member towns, and recommending that the same be referred to the committee on Local Affairs,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

An Initiative petition of Bryan G. Rudnick and others for an initiative amendment to the Constitution relative to the protection of marriage (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 (House, No. 4840), came from the Senate with the endorsement that said branch had non-concurred with

the House in its reference to the committee on the Judiciary and that it had been referred, in non-concurrence, to the committee on Public Service.

On motion of Mr. Finneran of Boston, the House insisted on its reference. Sent to the Senate for its action.

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 Thomas J. O'Brien and other members of the General Court relative to imposing a moratorium on the granting of charters for charter schools in the Commonwealth. Under suspension of the rules, on motion of Mr. Donato of Medford, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education, Arts and Humanities. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Further defining the crime of incest (see Senate, No. 175, amended); and

Establishing an elected water and sewer commission in the town of Charlton (see Senate, No. 2138);

(Which severally originated in the Senate);

Authorizing the town of Natick to grant certain licenses for the sale of wines and malt beverages to be drunk on the premises (see House, No. 3923, amended); and

Authorizing the town of Ware to extend health insurance to retired town employees (see House, No. 4245, changed);

(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.

Recess.

At eighteen minutes after eleven o'clock A.M., on motion of Mr. Finneran of Boston (Mrs. Harkins of Needham being in the Chair), the House recessed until half past two o'clock P.M.; and at twenty-four minutes before three o'clock the House was called to order with Mr. Donnelly of Boston in the Chair.

Orders of the Day.

Mrs. Harkins of Needham being in the Chair,—

The House Bill further regulating the sale of mercury thermometers (House, No. 3772), 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, Messrs. Marzilli of Arlington and Koczera of New Bedford moved that it be amended by adding at the end thereof the following paragraph:

“The provisions of section 23 shall not apply to digital thermometers utilizing mercury-added button cell batteries.”.

After remarks the amendment was adopted.

Mr. Koczera then moved that the bill be amended in line 4 by inserting after the word “except” the words “for the purpose of depleting said person’s current inventory, or”; and the amendment was adopted.

The same member then moved that the bill 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 protect the water supply and to protect the public health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted.

After remarks 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. Peterson of Grafton; and on the roll call 151 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 236 in Supplement.\]](#)

Therefore the bill (House, No. 3772, amended) 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 tomorrow at eleven o’clock A.M.