

## **JOURNAL OF THE HOUSE.**

Wednesday, January 23, 2002.

Met according to adjournment, at eleven o'clock A.M., with Mr. Casey of Winchester 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 focus our attention on You, Our Creator. We demonstrate our trust and belief in You by our words and by the way we carry out our daily responsibilities. In Your kindness, help us to respond intelligently and accurately to the issues of the moment so that the people will enjoy a healthy, happy and prosperous way of life in our Commonwealth. As a society, teach us to respect the rights (civil, human and religious) of all as well as diversity of political views in our communities, but grant us the courage to remain faithful to our own beliefs and principles. In our capacity as elected leaders, inspire us to develop the skills, wisdom and sound reasoning to make good and thoughtful legislative judgments.

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

At the request of the Chair (Mr. Casey), 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, submitting the annual budget of the Commonwealth for the fiscal year beginning July 1, 2002 (including capital outlay program) (House, No. 1A) was filed this day in the office of the Clerk.

The message was read; and it was referred, under Rule 30, with the accompanying schedules, 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:

Resolutions (filed by Messrs. Fagan of Taunton and Falzone of Saugus) congratulating Mr. and Mrs. Alfred Wilbur on the occasion of their sixtieth wedding anniversary;

Resolutions (filed by Ms. Lewis of Dedham) congratulating Robert DeVirgilio on the occasion of his retirement;

Resolutions (filed by Ms. Lewis of Dedham) congratulating William Griffin on his years of

service to the town of Dedham; and

Resolutions (filed by Mr. Locke of Wellesley) congratulating Regis College on the occasion of its seventy-fifth anniversary;

Mrs. Harkins of Needham, 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. Walrath of Stow, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Bi-annual and Special Reports.*

Bi-annual report of the Department of Telecommunications and Energy (under the provisions of Section 1E(d) of Chapter 164 of the General Laws) on the status of mediation claims reviewed by said department for the period July 1, 2001 to December 31, 2001; and

**Reports**

Of the Massachusetts Convention Center Authority (under the provisions of Section 5L of Chapter 152 of the Acts of 1997) relative to all contracts regarding the Boston Convention and Exhibition Center project entered into by said authority; and

Of the Commissioner of Insurance (under the provisions of Sections 4A and 4B of Chapter 175 of the General Laws) on the current state of the homeowners insurance market in the Commonwealth;

Severally were placed on file.

*Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Binienda of Worcester, petition (subject to Joint Rule 12) of John J. Binienda and other members of the House relative to the exemption of the sales tax on energy efficient appliances.

By Mr. George of Yarmouth, petition (subject to Joint Rule 12) of Thomas N. George, Scott P. Brown and Philip Travis relative to the protection of certain real estate from the removal of minerals.

By Mr. Petersen of Marblehead, petition (subject to Joint Rule 12) of Douglas W. Petersen relative to the exchange of real estate tax liability for volunteer services performed by persons over sixty years of age.

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

*Papers from the Senate.*

The Senate Bill relative to the crimes of assault and battery and assault and battery by means of a dangerous weapon (Senate, No. 167, amended) came from the Senate with the endorsement

that said branch had concurred with the House in its amendment (in section 2, in line 15, by striking out the following: “or (iii)” and inserting in place thereof the following: “(iii) upon a child under the age of 14; or (iv)”), with the following further amendment:

In section 2, in lines 11 to 26, inclusive, by striking out the paragraph contained therein (as amended by the House) and inserting in place thereof the following paragraph:

“(c) Whoever (i) by means of a dangerous weapon, commits an assault and battery upon another and by such assault and battery causes serious bodily injury; (ii) by means of a dangerous weapon, commits an assault and battery upon another who is pregnant at the time of such assault and battery, knowing or having reason to know that the person is pregnant; (iii) by means of a dangerous weapon, commits an assault and battery upon another who he knows has an outstanding temporary or permanent vacate, restraining or no contact order or judgment issued pursuant to section 18, section 34B or section 34C of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A, or section 15 or 20 of chapter 209C, in effect against him at the time of such assault and battery; or (iv) is 17 years of age or older and, by means of a dangerous weapon, commits an assault and battery upon a child under the age of 14; shall be punished by imprisonment in the state prison for not more than 15 years or in the house of correction for not more than 2½ years, or by a fine of not more than \$10,000, or by both such fine and imprisonment.”.

Under suspension of Rule 35, on motion of Mr. Tobin of Quincy, the further amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

The same member moved that the House concur with the Senate in its further amendment with a still further amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4870.

After remarks the still further amendment was adopted.

The House then concurred with the Senate in its further amendment, as amended. Sent to the Senate for concurrence in the still further amendment.

A Bill relative to certain school construction projects in the towns of Milton and Winchester and the cities of Brockton, Revere and Waltham (Senate, No. 2228) (on Senate bill, No. 2202) [Representative Teahan of Whitman for the committee on State Administration dissenting], passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A Bill establishing a board of public works and a department of public works in the city of Northampton (Senate, No. 2172) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

## Reports

Of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111

of the General Laws) relative to an inspection of the Old Colony Correctional Center, in the town of Bridgewater; and

Of the Bureau of Special Investigations (under the provisions of Section 15D (6) of Chapter 22 of the General Laws) of its activities for the month of November, 2001;

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

A petition of Jo Ann Sprague, Robert J. DeFontes and Philip Travis for legislation relative to mandatory retirement of police officers, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2229) was referred, in concurrence, to the committee on Public Service.

#### *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 Ruth B. Balser and other members of the General Court relative to safety of school-sponsored travel. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill) of William C. Galvin, Louis L. Kafka and other members of the General Court relative to borrowing by cities and towns for the costs of school construction projects. To the committee on Local Affairs.

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

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill authorizing the Commissioner of the Division of Capital Asset Management to convey certain land in the town of Westborough (House, No. 4844). Read; and referred, under Rule 33, to the committee on Ways and Means.

#### *Emergency Measure.*

The engrossed Bill authorizing the Trial Court to establish a sick leave bank for Roseanne Moore, an employee of the Trial Court (see Senate, No. 2188, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote

of 8 to 0. Sent to the Senate for concurrence.

Subsequently (Mr. DiMasi of Boston being in the Chair), the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

#### *Engrossed Bill.*

The engrossed Bill establishing the position of director of finance in the town of Dedham (see House, No. 4822) (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.

#### *Recesses.*

At seventeen minutes after eleven o'clock A.M., on motion of Mr. Kaufman of Lexington (Mr. Casey of Winchester being in the Chair), the House recessed until one o'clock P.M.; and at that time the House was called to order with Mr. Donnelly of Boston in the Chair.

The House thereupon took a further recess, on motion of Mr. Finneran, until the hour of three o'clock P.M.; and at twenty minutes after three o'clock the House was called to order with Mr. DiMasi of Boston in the Chair.

#### *Orders of the Day.*

The Senate Bill designating natural heritage functions of the Department of Fisheries, Wildlife and Environmental Law Enforcement (Senate, No. 1112, amended), 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 name changes by inmates (House, No. 144);

Authorizing the city of Waltham to establish a post employment health insurance trust fund (House, No. 349);

Authorizing the assumption of certain utility costs by lessees and tenants (House, No. 408);

Relative to the privacy of municipal employees (House, No. 853);

Relative to the commitment of mentally ill persons (House, No. 3359) (its title having been changed by the committee on Bills in the Third Reading);

Relating to the debt limit of the town of Millis (House, No. 4421); and

Transferring certain administrative responsibilities to the chief of the police department of the

town of Sandwich (House, No. 4693) (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. Severally sent to the Senate for concurrence.

The House Bill relative to bond requirements (House, No. 949) was considered.

Pending the question on ordering the bill to a third reading, it was recommitted to the committee on Steering, Policy and Scheduling, on motion of Mr. Quinn of Dartmouth.*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.

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