

## **JOURNAL OF THE HOUSE.**

Monday, February 4, 2002.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mrs. Walrath of Stow 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, we pray to You for direction and guidance as we take up and evaluate the legislative issues which come before us today and every day. We believe that by our openness to You and to Your assistance we are able to make thoughtful, logical and relevant decisions which are right in principle and serve current societal needs. As elected leaders and creative legislators, let our minds and hearts be filled with the spirit of kindness, compassion, integrity and consideration of others. Inspire us to be aware of the legislative successes and failures of our predecessors as we face the challenges in the months ahead.

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

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

### *Message from the Acting Governor.*

A message from Her Honor the Lieutenant-Governor, Acting Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the action taken at the 2000 annual town meeting of the town of Amherst (House, No. 4890) was filed in the office of the Clerk on Thursday, January 31.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Local Affairs. 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 Mr. Marini of Hanson) congratulating Ellen Stillman of Hanson on the occasion of her 90th birthday; and

Resolutions (filed by Mr. Vallee of Franklin) congratulating Saint Mary's Parish on the occasion of its one hundred and twenty-fifth anniversary;

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

*Communication.*

A communication from the Public Employee Retirement Commission (PERAC) (under the provisions of Section 50 of Chapter 7 of the General Laws) submitting emergency rules and regulations governing the ability of public employees of the Commonwealth to use assets in other retirement accounts to purchase creditable service (House, No. 4888) was referred to the committee on Public Service. Sent to the Senate for concurrence.

*Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Atsalis of Barnstable (by request), petition (subject to Joint Rule 12) of Ken Moulton relative to records of the General Court and the Judiciary.

By Mr. Flynn of Bridgewater, petition (subject to Joint Rule 12) of David L. Flynn for legislation to authorize the Old Colony Correctional Facility in the town of Bridgewater to establish a sick leave bank for Dawn Rose-Burgo, an employee of said facility.

By Mr. Kujawski of Webster, petition (subject to Joint Rule 12) of Paul Kujawski relative to authorizing the Water Resources Authority to relocate certain sewer easements in the town of Canton.

By Mrs. Poirier of North Attleborough, petition (subject to Joint Rule 12) of Elizabeth Poirier relative to the operating temperature of vehicles operated by commercial drivers.

By the same member (by request), petition (subject to Joint Rule 12) of Gregory P. Lee relative to attorney fees.

By the same member (by request), petition (subject to Joint Rule 12) of Daniel M. Jetti and others relative to abuse prevention orders.

By the same member (by request), petition (subject to Joint Rule 12) of Alys LaBarge and another for legislation to prohibit smoking in public housing developments.

By Mr. Rogers of New Bedford, petition (subject to Joint Rule 12) of George Rogers and another relative to exempting annual individual State Lottery winnings of fifty thousand dollars or less from the income tax.

By Mr. Santiago of Lawrence, petition (subject to Joint Rule 12) of Jose L. Santiago and other members of the House for legislation to allow for the participation of single specialty ambulatory surgical centers in the Medicaid program.

By Mr. Walsh of Boston, petition (subject to Joint Rule 12) of Martin J. Walsh relative to the possession of electronic weapons.

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

*Papers from the Senate.*

The following order came from the Senate with the endorsement that it had been adopted by said branch:

*Ordered*, That, notwithstanding the provisions of an order previously adopted, the temporary Joint Rules of the General Court shall remain in effect until Friday, February 15, 2002; and be it further ordered that notwithstanding the provisions of Joint Rule 10, joint standing committees and the committees on Rules of the two branches, acting concurrently, be granted until Friday, February 15, 2002, within which to make reports on matters referred to them.

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling

A Bill validating certain actions by the Blackstone Valley Vocational Regional School District and its member towns (Senate, No. 2212, changed in section 1, in line 4, by striking out the figures: "\$360,000,000" and inserting in place thereof the figures: "\$36,000,000".) (on a petition), passed to be engrossed by the Senate, was read; and it was 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.

Under suspension of the rules, on motion of Mrs. Paulsen of Belmont, the bill was read a second time forthwith; and it was ordered to a third reading.

Bills

Authorizing the Department of Highways to acquire land in the city of Quincy for the purpose of flood control and prevention (Senate, No. 2232) (on Senate bill, No. 2145);

Relative to public employees serving in the Armed Forces of the United States (Senate, No. 2233) (on Senate bill, No. 2177); and

Relative to open trenches and construction safety (Senate, No. 2234) (on Senate bill, No. 2208);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

A report of the Senate committee on Rules, on the Senate Order relative to authorizing the joint committee on Taxation to make an investigation and study of Senate document numbered 1895, relative to farm viability (Senate, No. 2128), asking to be discharged from so much of the petition (accompanied by bill, Senate, No. 1895) of Marc R. Pacheco, Stephen Kulik, Michael J. Rodrigues, John F. Quinn and other members of the General Court for legislation to protect

local food supplies, farmland and farm viability, as relates to sections 1 to 6, inclusive, 10, 16, 23 and 34,— and recommending that the same be referred to the committee on Natural Resources and Agriculture, accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the reference to the joint committee.

*Reports of Committees.*

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. 4190) of Daniel F. Keenan (with the approval of the mayor and town council) relative to the appointment of special police officers in the city known as the town of Agawam,— 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.

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 and survivors (House, No. 4713) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4658) of James R. Miceli, Charles A. Murphy and Bruce E. Tarr (by vote of the town) relative to authorizing Kelly L. Reynolds to take the next civil service examination for police officer in the town of Wilmington, 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.

By Mr. Mariano of Quincy, for the committee on Insurance, on House, Nos. 1965, 1966 and 1968, an Order relative to authorizing the committee on Insurance to make an investigation and study of certain House documents concerning motor vehicle damage claims (House, No. 4887). 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 House, No. 1670, a Bill relative to labor relations (House, No. 4889). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Emergency Measure.*

The engrossed Bill authorizing leaves of absence for certain employees participating in Red Cross emergencies (see House, No. 4602), 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 6 to 0. Sent to the Senate for concurrence.

*Engrossed Bills.*

The engrossed Bill validating the actions taken at certain town meetings held in the town of Oak Bluffs (see House bill printed in House, No. 4383) (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 (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills

Relative to the crimes of assault and battery and assault and battery by means of a dangerous weapon (see Senate, No. 167, amended) (which originated in the Senate); and

Authorizing and directing the reinstatement of Robert W. Aylward as a member in service of the teachers' retirement system (see House, No. 4738) (which 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.

*Orders of the Day.*

The House Bill authorizing the town of Winchester to establish stabilization funds (House, No. 4831), 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.

*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.

At ten minutes after eleven o'clock A.M., on motion of Mr. Kaufman of Lexington (Mrs. Walrath of Stow being in the Chair), the House adjourned, to meet tomorrow at eleven eleven o'clock A.M.