

## **JOURNAL OF THE HOUSE.**

Wednesday, February 6, 2002.

Met according to adjournment, at eleven o'clock A.M., with Mr. O'Flaherty of Chelsea 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 pray to You this morning for Your spiritual gift of wisdom which enlightens our minds and expands our intellectual ability in our daily search for truth and knowledge in responding to our legislative obligations. In Your goodness, help us to remain focused and simultaneously creative as we together address and resolve today's different governmental issues. In our diverse society and communities, teach us to respect the rights and views of all people, but to remain faithful to our own basic principles and sound traditional spiritual values. Inspire us to keep active and dynamic our personal commitment to and faith in You even when we are stressed out by disappointments and frustrations on all levels of daily life.

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

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

### *Messages from the Acting Governor.*

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to the Commonwealth's pension funding schedule (House, No. 4894) was filed in the office of the Clerk on Tuesday, February 5.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to accelerating and improving the English language acquisition and educational performance of non-English speaking students (House, No. 4895) was filed in the office of the Clerk on Tuesday, February 5.

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

### *Statement Concerning Representative Coppola of Foxborough.*

A statement of Mr. Marini of Hanson concerning Mr. Coppola of Foxborough 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 Coppola of Foxborough, will not be present in the House Chamber for today's sitting due to illness. Any roll calls that he may miss today is due entirely to the reason stated.

*Statement Concerning Representative George of Yarmouth.*

A statement of Mr. Marini of Hanson concerning Mr. George of Yarmouth 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 George of Yarmouth, will not be present in the House Chamber for today's sitting due to a family medical matter. Any roll calls that he may miss today is due entirely to the reason stated.

*Statement Concerning Representative Lepper of Attleboro.*

A statement of Mr. Marini of Hanson concerning Mr. Lepper of Attleboro 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 Lepper of Attleboro, will not be present in the House Chamber for today's sitting due to an urgent family medical matter. Any roll calls that he may miss today is due entirely to the reason stated.

*Statement Concerning Representative Marzilli of Arlington.*

A statement of Mr. DiMasi of Boston concerning Mr. Marzilli of Arlington 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 Marzilli of Arlington, will not be present in the House Chamber for today's sitting due to legislative business outside the State House. Any roll calls that he may miss today is due entirely to the reason stated.

*Statement Concerning Representative Rushing of Boston.*

A statement of Ms. Fox of Boston concerning Mr. Rushing of Boston 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 Rushing of Boston, will not be present in the House Chamber for today's sitting due to official business outside of the Commonwealth. Any roll calls that he may miss today is due entirely to the reason stated.

*Statement Concerning Representative Toomey of Cambridge.*

A statement of Mr. DiMasi of Boston concerning Mr. Toomey of Cambridge 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 Toomey of Cambridge, will not be present in the House Chamber for today's sitting due to his participation in a peace keeping mission in Bosnia. 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. Coppola of Foxborough and other members of the House) congratulating the New England Patriots on winning Super Bowl XXXVI;

Resolutions (filed by Mr. LeDuc of Marlborough) congratulating Mr. and Mrs. Vincent Bucchino on the occasion of their sixtieth wedding anniversary;

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Cub Scout Den 2 of Pack 12 of North Attleborough for being selected as the Massachusetts representative to the Angel Project; and

Resolutions (filed by Mr. Straus of Mattapoisett) honoring Samuel D. Freitas;

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. Jones of North Reading, 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. 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 Carol C. Cleven and other members of the General Court relative to reviving and continuing the Governor's Advisory Council on Alzheimer's Disease. Under suspension of the rules, on motion of Mr. Kaufman of Lexington, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Human Services and Elderly Affairs. Sent to the Senate for concurrence.

*Engrossed Bill.*

The engrossed Bill validating certain actions by the Blackstone Valley Vocational Regional School District and its member towns (see Senate, No. 2212, changed) (which originated in the Senate), 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.

*Recess.*

At eleven minutes after eleven o'clock A.M., on motion of Mrs. Walrath of Stow (Mr. O'Flaherty of Chelsea being in the Chair), the House recessed until half past twelve o'clock noon; and at twenty-four minutes before one o'clock P.M. the House was called to order with Mrs. Harkins of Needham in the Chair.

*Quorum.*

Mr. Peterson of Grafton 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 140 members were recorded as being in attendance.

[\[See Yea and Nay No. 241 in Supplement.\]](#)

Therefore a quorum was present.

*Order.*

On motion of Mr. DiMasi of Boston,—

*Ordered*, That a special committee be appointed to escort Her Honor the Lieutenant-Governor, Acting Governor, to the House Chamber for the purpose of attending the Speaker's annual address to the citizens of the Commonwealth.

Representatives Flynn of Bridgewater and Cleven of Chelmsford (co-chairs) and Representatives Canavan of Brockton, Gomes of Harwich, Haddad of Somerset, Hahn of Westfield, Hill of Ipswich, Jehlen of Somerville, Jones of North Reading, Lewis of Dedham, Marini of Hanson, Paulsen of Belmont, Poirier of North Attleborough, Polito of Shrewsbury, Pope of Wayland, Reinstein of Revere and Rogeness of Longmeadow were appointed the committee.

Soon afterward Her Honor the Lieutenant-Governor, Acting Governor, Jane M. Swift, entered the Chamber under the escort of the special committee.

*Distinguished Guests of the House.*

Prior to the Speaker's remarks, the Chair (Mrs. Harkins of Needham) introduced Acting Governor Jane Swift, Auditor Joseph DeNucci, Senator Mark Montigny, Senator Stephen Baddour, Clerk of the Supreme Judicial Court Maura Doyle, Commissioner of the Department of Education David Driscoll, Suffolk County Attorney Elizabeth Keeley, Plymouth County Action Attorney Timothy Cruise, Councillors Carol Viola and Marilyn Devaney, former Representative and now Sheriff of Middlesex County James DiPaolo, Senator Robert O'Leary, former Speaker of the House Charles Flaherty, former Speaker of the House and now Holyoke Community College President David Bartley, Mayor McGlynn of Medford, Senator Andrea Nuciforo and Governor's Council member Michael Callahan.

Address of Speaker Thomas M. Finneran of Boston to the citizens of the Commonwealth.

The Speaker then presented his annual address to the citizens of the Commonwealth [for printed address of the Speaker, see House document numbered 4900]. the citizens of the Commonwealth.

The Speaker then introduced his wife, Donna Finneran, his daughter, Shannon Finneran, and Shannon's friend and classmate from Holy Cross, Joyce.

*Recess.*

At twenty-five minutes before two o'clock P.M., on motion of Mrs. Parente of Milford (Mrs. Harkins of Needham being in the Chair), the House recessed until a quarter after two o'clock; and at twenty-seven minutes before three o'clock the House was called to order with Mrs. Harkins in the Chair.

*Orders of the Day.*

House bills

Relative to the calculation of certain retirement contributions and benefits (House, No. 2604); and

Exempting Herbert Stacey and Timothy Getchell from the maximum age requirements as a police officer in the city of Methuen (House, No. 4853) (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 providing for behavioral science representation on the Parole Board (House, No. 2574, changed), 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. Jones of North Reading 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 142 members were recorded as being in attendance.

**[\[See Yea and Nay No. 242 in Supplement.\]](#)**

Therefore a quorum was present.

After debate on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Marini of Hanson; and on the roll call 74 members

voted in the affirmative and 74 in the negative.

**[See Yea and Nay No. 243 in Supplement.]**

Therefore the bill was rejected.

Ms. Balser of Newton then moved that this vote be reconsidered; and, under Rule 54, the motion to reconsider was placed in the Orders of the Day for the next sitting.

*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 fourteen minutes before four o'clock P.M., on motion of Mr. DiMasi of Boston (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.