

JOURNAL OF THE HOUSE.
Monday, February 11, 2002.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. DiMasi of Boston 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, the Ultimate Source of Compassion and Forgiveness, we begin this legislative workweek by seeking Your guidance and assistance in personal and legislative matters. Inspire us to select thoughtful, reasonable and, on occasion, perhaps unpopular options, which in our judgement, serve the best interests of the people and the Commonwealth. Grant us the wisdom as legislators to promote confidence, peace, trust and integrity in the hearts and the minds of the people as we struggle with current complex political, cultural and economic challenges. Let not our moments of discouragement and disappointments prevent us from serving You and the people to the best of our ability. Amen.

At the request of the Chair (Mr. DiMasi), 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 providing for public safety equipment purchases (House, No. 4905) was filed in the office of the Clerk on Thursday, February 7.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Long-Term Debt and Capital Expenditures.

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 certain actions and authorizing certain reimbursements by the town of Oak Bluffs (House, No. 4906) was filed in the office of the Clerk on Friday, February 8.

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.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to further promoting public safety in the Commonwealth (House, No. 4907) was filed in the office of the Clerk on Thursday, February 7.

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

Resolutions.

Resolutions (filed with the Clerk by Mr. Brown of Wrentham) in recognition of Richard Morse on being named the Walpole Chamber of Commerce Citizen of the Year, were referred, under Rule 85, to the committee on Rules.

Mrs. Harkins of Needham, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Kaufman of Lexington, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Cabral of New Bedford, petition (subject to Joint Rule 12) of Antonio F. D. Cabral and other members of the General Court relative to standards and accountability concerning bilingual education in the Commonwealth.

By Mr. Connolly of Everett, petition (subject to Joint Rule 12) of Edward G. Connolly (with the approval of the mayor and city council) relative to bids and sub-bids for school construction projects in the city of Everett.

By Mr. Fagan of Taunton, petition (subject to Joint Rule 12) of James H. Fagan and other members of the House relative to student fees assessed by public institutions of higher education.

By Mr. Fallon of Malden, petition (subject to Joint Rule 12) of Christopher G. Fallon and other members of the House relative to the statute of limitations for the crime of rape.

By Mr. Kafka of Sharon, petition (subject to Joint Rule 12) of Louis L. Kafka and William C. Galvin relative to reimbursing cities, towns and regional school districts for costs incurred in the education of certain living in family shelters.

By Ms. Polito of Shrewsbury, petition (subject to Joint Rule 12) of Karyn E. Polito and other members of the General Court relative to the donation of bone marrow by certain minors.

By Mrs. Pope of Wayland, petition (subject to Joint Rule 12) of Susan W. Pope and other members of the General Court relative to the enforcement of child support obligations.

By Mr. Rogers of New Bedford, petition (subject to Joint Rule 12) of George Rogers relative to limiting the number of scup allowed to be taken by recreational fishermen.

By Mr. Wagner of Chicopee, petition (subject to Joint Rule 12) of Joseph F. Wagner, Guy W. Glodis and other members of the General Court relative to repealing the clean elections law and establishing a limited public financing of campaigns for statewide elective office.

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

Papers from the Senate.

Bills

Designating a walking path at Squantum Point Park as the Janet Niles Murphy Walkway (Senate, No. 627) (on a petition);

Relative to the Ashland home rule charter (Senate, No. 2105, changed by striking out section 29 and inserting in place thereof the following section:

“SECTION 29. This act shall be submitted to the voters of the town of Ashland at the next annual or special town election in the form of the following question which shall be placed on the official ballot to be used at the election:—

Shall an act passed by the General Court in the year 2001, entitled ‘An Act Relative to the Ashland Home Rule Charter’, be accepted?

If a majority of the votes cast in answer to such question is in the affirmative, this act shall thereupon take effect, but not otherwise.”) (on a petition) [Local Approval Received];

Providing for a charter for the town of Sandwich (Senate, No. 2192, changed by adding at the end thereof the following section (as changed by the Senate committee on Bills in the Third Reading):

“SECTION 2. This act shall be submitted for acceptance to the voters of the town of Sandwich at an annual or special town election in the form of the following question which shall be placed on the official ballot:— Shall an act passed by the General Court in the year 2001, entitled ‘An Act providing for a charter for the town of Sandwich’ be accepted?

If a majority of the votes cast in answer to the question is in the affirmative, this act shall take effect, but not otherwise.”) (on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by resolve, Senate, No. 2246) of Stanley C. Rosenberg and Shaun P. Kelly that provision be made to allow the State Treasury to reimburse Major General Chester E. Gorski, Massachusetts Army National Guard, for legal expenses. To the committee on the Judiciary.

Petition (accompanied by bill, Senate, No. 2247) of Stephen M. Brewer and David C. Bunker, Jr., for legislation relative to a retirement buyback from the Worcester county retirement system for Mary T. O’Connell;

Petition (accompanied by bill, Senate, No. 2248) of Stephen M. Brewer, David C. Bunker, Jr., and Christine Monette for legislation relative to creditable service for employees of CAPS Collaborative;

Petition (accompanied by bill, Senate, No. 2249) of Stephen M. Brewer, Reed V. Hillman and Thomas M. Petrolati for legislation relative to retirement buy-back provisions for certain employees of the University of Massachusetts at Amherst;

Petition (accompanied by bill, Senate, No. 2250) of Stephen M. Brewer and Mary S. Rogeness for legislation relative to retirement benefits for David Burgess;

Petition (accompanied by bill, Senate, No. 2251) of Stephen M. Brewer, Stephen Kulik and John F. Merrigan (by vote of the town) for legislation relative to the position of Deputy Fire Chief in the town of Athol;

Petition (accompanied by bill, Senate, No. 2252) of Michael W. Morrissey for legislation relative to providing retirement buyback provisions for retired teachers with armed services experience;

Petition (accompanied by bill, Senate, No. 2253) of Michael W. Morrissey for legislation relative to the retirement of certain members of the district attorneys' office; and

Petition (accompanied by bill, Senate, No. 2254) of Robert E. Travaglini, Anthony Petrucci, Charles E. Shannon, Stanley C. Rosenberg and other members of the General Court for legislation to protect employees of any agency or authority of the Commonwealth laid off or terminated due to acts of terrorism;

Severally to the committee on Public Service.

Petition (accompanied by bill, Senate, No. 2255) of Cynthia S. Creem, Linda J. Melconian, David P. Magnani, Dianne Wilkerson and other members of the General Court for legislation relative to the taxation of income in the Commonwealth. To the committee on Taxation.

Notice was received that the Minority Leader of the Senate had announced the appointment of Senator Sprague of the Norfolk, Bristol and Plymouth District to the special commission established (pursuant to item 9110-0100 contained in section 2 of Chapter 177 of the Acts of 2001) to study the future of long-term health care and the status and needs of the long-term care workforce.

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 Thomas F. Reilly, Attorney General, Marie J. Parente, Steven A. Tolman, Anthony J. Verga and Susan W. Pope relative to the number of selectmen and terms of office in towns. To the committee on Local Affairs.

Petition (accompanied by bill) of Mark J. Carron and other members of the General Court relative to residency requirements for members of police and fire departments;

Petition (accompanied by bill) of Kay Khan and Cynthia Stone Creem that the Teachers' Retirement Board be authorized to grant creditable service to Janet Brandwein for retirement purposes;

Petition (accompanied by bill) of James R. Miceli and Susan C. Tucker that the State Retirement Board be directed to grant certain creditable service to Christine Sprague for retirement purposes;

Petition (accompanied by bill) of Marie J. Parente and Richard T. Moore (by vote of the town) relative to the appointment of Luann M. Tomaso as a police officer in the town of Milford, notwithstanding the maximum age requirements; and

Petition (accompanied by bill) of John F. Quinn (by vote of the town) that the Bristol County Retirement Board be directed to increase the retirement allowance paid to Louis Caton, a retired police officer of the town of Dartmouth;

Severally to the committee on Public Service.

Petition (accompanied by bill) of Shaun P. Kelly and Stanley C. Rosenberg that the Division of Capital Asset Management and Maintenance be directed to convey a certain parcel of land located in the town of Ashfield to Bruce and Marcia Willard for the construction of a septic system. To the committee on State Administration.

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

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill establishing an open space real property acquisition fund in the city known as the town of Franklin (House, No. 4851) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Vallee of Franklin, the bill was read a second time forthwith; and it was ordered to a third reading.

Engrossed Bills.

Engrossed bills

Authorizing certain military personnel to receive group insurance discounts (see Senate, No. 773, changed and amended);

Clarifying the definition of physician (see Senate, No. 2142);

(Which severally originated in the Senate);

Exempting certain positions in the town of Burlington from the civil service law (see House, No. 4307); and

Relative to the conservation commission of the town of Sutton (see House, No. 4325);

(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.

Orders of the Day.

The House Bill ensuring the environmental protection of the northern 15,000 acres of the Massachusetts Military Reservation (Senate, No. 2180) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended in section 3, in line 7, by striking out the following: “January 1, 2002” and inserting in place thereof the following: “August 1, 2002”,— was adopted.

The bill (Senate, No. 2180, 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 on Wednesday next at eleven o'clock A.M.

At eleven minutes after twelve o'clock noon, on motion of Mr. Scaccia of Boston (Mr. DiMasi of Boston being in the Chair), the House adjourned, to meet on Wednesday next at eleven o'clock A.M.

