

**JOURNAL OF THE HOUSE.**

Wednesday, February 13, 2002.

Met according to adjournment, at eleven o'clock A.M.

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Holy Spirit of God, people and churches throughout the world today observe Ash Wednesday, the beginning of the Easter Season. The religious significance of the day is recognized in the marketplace and in the sanctuary. The Easter biblical teachings on human and spiritual values serve as a guide in our quest for meaning, happiness and direction in our daily living. In our desire to serve faithfully and justly the people and our communities, help us to articulate accurately the complex challenges and the opportunities of these changing times. As elected leaders, deepen our commitment to seek and speak the truth as we together build trust and confidence in our institutions, agencies and in You, Our Creator.

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

At the request of the Speaker, the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

*Statement Concerning Representative Gobi of Spencer.*

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

*Statement Concerning Representative Gomes of Harwich.*

A statement of Mr. Marini of Hanson concerning Mrs. Gomes of Harwich 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 Gomes of Harwich, will not be present in the House Chamber for today's sitting due to an out-of-state obligation. Any roll calls that she may miss today is due entirely to the reason stated.

*Statement of Representative Keenan of Southwick.*

A statement of Mr. Keenan of Southwick 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 I will not be present in the House Chamber for the remainder of today's sitting due to a family emergency. Any roll calls that I may miss today is due entirely to the reason stated.

*Order.*

On motion of Mrs. Harkins of Needham,—

*Ordered*, That, notwithstanding the provisions of the rules, the Speaker shall assign a court officer to cast the votes, except for quorum roll calls, of members of the committee of conference on the disagreeing votes with reference to the House Bill relative to authorizing the financing of the production and preservation of affordable housing in the Commonwealth (House, No. 4274).

*Papers from the Senate.*

The House Bill establishing a victims of drunk driving trust fund (House, No. 4601, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2235.

Under suspension of Rule 35, on motion of Mr. Rogers of Norwood, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Bills

Further regulating the Julian D. Steele public housing development in the city of Lowell (Senate, No. 2241) (on Senate bill, No. 2217); and

Providing for certain information technology improvements (Senate, No. 2256) (on part of House bill, No. 4603);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Bills

Relative to cord blood banking (Senate, No. 493) (on a petition);

Authorizing the Metropolitan District Commission to grant certain easements for underground electric transmission cables (Senate, No. 625) (on a petition);

Authorizing a retroactive veteran's annuity to Paul Bartel, Jr. (Senate, No. 1513, amended by striking out sections 3 and 4; and 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 forthwith to provide certain veterans' benefits to Paul Bartel, Jr., therefore it is hereby declared to be an emergency law necessary for the immediate preservation of the public convenience.” ) (on a petition);

Directing the Public Employee Retirement Administration Commission to review the appropriateness of the ordinary disability retirement of retired Arlington police officer Albert Spina (Senate, No. 2012) (on a petition) [Local Approval Received];

Increasing benefits to children who are survivors of an accidental death (Senate, No. 2185) (on Senate, No. 1343); and

Establishing an environmental justice designation program (Senate, No. 2243) (on Senate bill, No. 2213); and

Resolve providing for an investigation and study by a special commission relative to dairy farming in the Commonwealth (Senate, No. 2182) (on a petition);

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 Bill providing for certain transportation improvements (Senate, No. 2245, amended in section 5 by adding at the end thereof the following sentence: “Notwithstanding this section, for those cities and towns receiving \$100,000 or less of chapter 90 funds, use restrictions shall not apply to the first \$10,000 received.”) (on part of House bill, No. 4603), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33A, to the committee on Long-Term Debt and Capital Expenditures.

A Bill relative to pre-marital testing (Senate, No. 476) (on House, No. 134, 1386 and 3723 and on a part of House, No. 130), 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 Committees.*

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill designating the Boston Cream Donut as the official donut of the Commonwealth (Senate, No. 1606),— and recommending that the same be recommitted to the committee on State Administration. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Toomey of Cambridge, for the committee on Public Safety, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4885) of Thomas J. O’Brien, Michael E. Festa, Gale D. Candaras, Susan W. Pope and Rachel Kaprielian relative to the licensing of second hand motor vehicle dealers,— and recommending that the same be referred to the committee on Government Regulations. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to the Ashland home rule charter (Senate, No. 2105, changed) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Spilka of Ashland, the bill was read a second

time forthwith; and it was ordered to a third reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill designating a certain bridge in the town of Sharon as the Lance Corporal Daniel J. Dabreu Memorial Bridge (Senate, No. 2190) be scheduled for consideration by the House.

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

By Mr. Koczera of New Bedford, for the committee on Natural Resources and Agriculture, on the residue of Senate, No. 1895 (sections 1-6, 10, 16, 23 and 34), a Bill to protect local food supplies, farmland and farm viability (House, No. 4908). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Bosley of North Adams, for the committee on Government Regulations, on a petition, a Bill authorizing the city of Easthampton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4871) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

#### *Emergency Measure.*

The engrossed Bill regulating the sale of mercury thermometers (see House, No. 3772, 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 20 to 0. Sent to the Senate for concurrence.

#### *Engrossed Bills.*

Engrossed bills

Providing equitable coverage of services under health plans (see Senate, No. 2139, amended) (which originated in the Senate);

Providing for a board of public works in the town of Pepperell (see House, No. 4585); and

Protecting the privacy of elderly persons (see House, No. 4735);

(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 Speaker and sent to the Senate.

Mrs. Harkins of Needham being in the Chair,—

The engrossed Bill exempting Herbert Stacey and Timothy Getchell from the maximum age requirements as a police officer in the city of Methuen (see House, No. 4853) (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.

Mr. Caron of Springfield being in the Chair,—

The engrossed Bill relative to the licensing of amusement parks (see House, No. 3529) (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.

*Motions to suspend Rule 24(3).*

Before proceeding to consideration of the Orders of the Day, Mr. Kaufman of Lexington moved that Rule 24(3) be suspended so that he might offer, from the floor, a petition (subject to Joint Rule 12) of Jay R. Kaufman and other members of the House for legislation to further regulate the law relative to the financing of campaigns of certain candidates for state public offices.

Pending the question on suspension of said rule, further consideration thereof was postponed, on further motion of the same member, until the hour of one o'clock P.M.

Subsequently, the noon recess having terminated, the motion to suspend Rule 24(3) was considered further.

Ms. Story of Amherst then asked for a count of the House to ascertain if a quorum was present. The Speaker, 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 146 members were recorded as being in attendance.

[\[See Yea and Nay No. 244 in Supplement.\]](#)

Therefore a quorum was present.

After debate, the motion to suspend Rule 24(3) was negatived; and the petition (accompanied by bill) was referred, under said rule, to the committee on Rules.

Before proceeding to consideration of the Orders of the Day, Mr. Kaufman of Lexington moved that Rule 24(3) be suspended so that he might offer, from the floor, a petition (subject to Joint Rule 12) of Jay R. Kaufman and other members of the House that the Office of Campaign and Political Finance be authorized to dispense certain clean elections funds to candidates for public office.

Pending the question on suspension of said rule, further consideration thereof was postponed, on further motion of the same member, until the hour of one o'clock P.M.

Subsequently, the noon recess having terminated, the motion to suspend Rule 24(3) was

considered further.

After debate, the motion to suspend Rule 24(3) was negatived; and the petition (accompanied by bill) was referred, under said rule, to the committee on Rules.

### *Orders of the Day.*

The Senate Bill relative to the one trial system for civil cases in certain counties (Senate, No. 1937, 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. Sent to the Senate for concurrence in the amendments previously adopted by the House.

House bills

Authorizing the town of Hingham to establish a retiree healthcare liability trust fund (House, No. 4183); and

Relative to the charter of the town of Reading (House, No. 4776);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

At twenty-seven minutes before twelve o'clock noon, on motion of Mr. O'Brien of Kingston (the Speaker being in the Chair), the House recessed until one o'clock P.M.; and at that time the House was called to order with the Speaker in the Chair.

The motion of Ms. Balser of Newton, that the vote be reconsidered by which the House, on Wednesday, February 6, refused to pass to be engrossed the House Bill providing for behavioral science representation on the Parole Board (House, No. 2574, changed) was considered.

After debate on the motion to reconsider, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 69 members voted in the affirmative and 82 in the negative.

### [\[See Yea and Nay No. 245 in Supplement.\]](#)

Therefore the motion to reconsider was negatived.

The Senate Bill relative to the environmental protection of the Massachusetts Military Reservation (printed as Senate, No. 2180, amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Messrs. George of Yarmouth, Turkington of Falmouth and Atsalis of Barnstable moved that it be amended in section 11 by adding at the end thereof the following three paragraphs:

“The Massachusetts National Guard shall comply with all decisions and orders of the Commission, provided such decisions or orders do not conflict with federal or state law.

The Massachusetts National Guard and any other user of the Reserve shall immediately cease or adjust any activity that, in the determination of the Massachusetts National Guard, causes or threatens to cause imminent and substantial damage to the drinking water supply or the wildlife habitat.

In the case of an order by the Commission to abate an activity that causes or threatens to cause imminent and substantial damage to the drinking water supply or wildlife habitat, the Massachusetts National Guard shall cease the activity while any request for reconsideration is pending.”.

After debate the amendment was adopted.

The same members then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 16. The Massachusetts Army National Guard shall have priority in the traditional training areas within the northern 15,000 acres of the Massachusetts Military Reservation.”.

The amendment was adopted.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Turkington; and on the roll call 150 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 246 in Supplement.\]](#)**

Therefore the bill (Senate, No. 2180, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments adopted by the House.

The House Bill relative to criminal offender record information checks for assisted living employees (House, No. 2313) was ordered to a third reading.

The House Bill to further allow group life and health insurance (printed as Senate, No. 748) was considered.

Pending the question on ordering the bill to a third reading, Ms. Flavin of Easthampton moved that it be amended by striking out section 2 and inserting in place thereof the following section:

“SECTION 2. Chapter 175 of the General Laws, as so appearing, is hereby amended by adding the following section:—

Section 132A<sup>1/2</sup>. A group annuity offered to a resident of the commonwealth under a group annuity contract issued to a group other than one described in section 132A of said chapter shall be subject to the following requirements:



A. No such group annuity contract shall be delivered in the commonwealth unless the commissioner finds that:

- (1) The issuance of the group annuity contract is not contrary to the best interests of the public;
- (2) The issuance of the group annuity contract would result in economies of acquisition or administration; and
- (3) The benefits are reasonable in relation to the premiums charged.

B. The premium for the annuity contract shall be paid either from the contract holder's funds or from funds contributed by the covered persons, or from both.”.

The amendment was adopted; and the bill (Senate, No. 748, amended) 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 tomorrow at eleven o'clock A.M.

