

JOURNAL OF THE HOUSE.

Thursday, February 14, 2002.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Mariano of Quincy 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, Creator of the Universe and of Human Life, we turn our thoughts to You, recognize Your presence in our midst and ask for Your assistance and guidance in both legislative and personal matters. Your help enables us to accept more easily our responsibilities now and to plan in a thoughtful manner for the future of the people and the Commonwealth. As a nation, we are about to celebrate Presidents' Day. The holiday offers us an opportunity to reflect on the patriotism, idealism, creativity and the leadership qualities of two great presidents. We are grateful to them for their response to the crises opportunities of their times. May we be open to and learn from the loyalty, idealism and experiences of these unique leaders in our desire to build a better tomorrow.

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

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

Resolutions.

Resolutions (filed with the Clerk by Mr. Linsky of Natick) honoring David Baier on the occasion of the celebration of his 20th year with the Massachusetts Municipal Association, were referred, under Rule 85, to the committee on Rules.

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

Communications.

Communications

From the Secretary of the Executive Office for Administration and Finance (under the provisions of Section 3B of Chapter 7 of the General Laws) transmitting notice relative to proposed changes in fees for licenses, permits and services to be charged by certain agencies; and

From the Executive Office of Elder Affairs (under the provisions of Item 9110-9002 of Section 2 of Chapter 177 of the Acts of 2002) submitting a study report on the financial conditions of

Councils on Aging in the Commonwealth;

Severally were placed on file.

Quarterly and Special Reports.

Quarterly report of the Division of Employment and Training (under the provisions of Section 68 of Chapter 233 of the Acts of 1983) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for the period ending December 31, 2001; and

Report of the Massachusetts Turnpike Authority (under the provisions of Section 178 of Chapter 653 of the Acts of 1989) of the bi-monthly cost report for the Central Artery/Third Harbor Tunnel Project;

Severally were placed on file.

Paper 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.

Under suspension of the rules, on motion of Mrs. Harkins of Needham, the order was considered forthwith; and it was adopted, in concurrence.

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 David L. Flynn for legislation to authorize the Old Colony Correctional Facility in the town of Bridgewater to establish a sick leave bank for Justin Joyce, an employee of said facility; and

Petition (accompanied by bill) 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;

Severally to the committee on Public Service.

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

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain House documents concerning economic development and other related matters (House, No. 4346) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2836) of Daniel E. Bosley, other members of the General Court and another that the Corporation for Business, Work and Learning be directed to establish a self-sufficiency standard for incomes in the Commonwealth,— and recommending that the same be recommitted to the committee on Commerce and Labor. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Larkin of Pittsfield, for the committee on Education, Arts and Humanities, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4745) of Angelo M. Scaccia relative to increasing school safety,— and recommending that the same be referred to the committee on Criminal Justice. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Dempsey of Haverhill, for the committee on Public Service, recommending that the 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) be placed on file.

Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Mrs. Parente of Milford, for the committee on Long-Term Debt and Capital Expenditures, on House, No. 4213, reported, in part, a Bill providing for the preservation and improvement of the environmental assets of the Commonwealth (House, No. 4909) [General Obligation Debt: \$625,000,000.00—Deauthorization of General Obligation Debt: \$412,000,000.00]. Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Mrs. Parente of Milford, for the committee on Long-Term Debt and Capital Expenditures, on House, No. 4213, reported, in part, a Bill providing for the improvement of public libraries (House, No. 4910) [General Obligation Debt: \$48,000,000.00].

By Mr. Dempsey of Haverhill, for the committee on Public Service, on House, No. 4838, a Bill amending the early retirement incentive program (House, No. 4911).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Mr. Rogers of Norwood, for the committee on Ways and Means, under the provisions of House Rule 30, reported a Bill making appropriations for the fiscal year 2002 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4914). Read; and 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; and, under said Rule 7A, the bill was placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill reducing medication waste in certain licensed facilities (Senate, No. 2186, amended) ought to pass with certain amendments.

By the same member, for the same committee, that the Bill concerning high school diplomas and veterans of World War II and the Korean War (House, No. 2874, changed) ought to pass with certain amendments.

By the same member, for the same committee, that the Bill relative to the assignment of prizes from the Massachusetts State Lottery (House, No. 3093) ought to pass with certain amendments.

By the same member, for the same committee, that the Bill permitting the use of photomonitoring devices as a means of promoting traffic safety in the cities of Boston and Cambridge (House, No. 4138) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4912).

By the same member, for the same committee, that the Bill further defining beneficiary under the retirement law (House, No. 4193) ought to pass with certain amendments.

By the same member, for the same committee, that the Bill establishing standards for stage II vapor recovery systems (House, No. 4379) ought to pass with an amendment.

By the same member, for the same committee, that the Bill relative to areas of critical environmental concern (House, No. 4479) ought to pass with certain amendments.

By the same member, for the same committee, that the Resolve establishing a John Adams memorial study commission (House, No. 4516) ought to pass with certain amendments.

By the same member, for the same committee, that the Bill in connection with nuclear power plants (House, No. 4683) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4913).

By the same member, for the same committee, that the Bill authorizing an alternative mode of construction for the Blue Hills and Spot Pond area covered water storage tanks (House, No. 4816) ought to pass with certain amendments.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the following bills ought to pass:

Eliminating the collection and dissemination of certain reports by the Division of Banks (House, No. 18);

Relative to creditable service for town moderators (House, No. 1469);

To ensure appropriate funding for certain telecommunications programs within the Commonwealth (House, No. 1751);

To create a citizens advisory board on uses of the Rumney Marsh area of critical environmental concern (House, No. 1877);

Further regulating insurance benefits (House, No. 1961);

To insure adequate bond protection for all construction contracts for which bonds are issued in the Commonwealth (House, No. 2433);

Relative to the election of survivor benefits (House, No. 4084);

Establishing an affordable housing trust fund in the town of Provincetown (House, No. 4145) [Local Approval Received];

Relative to a code of conduct for school athletic programs (House, No. 4408);

To require the take back of used cathode ray tubes (House, No. 4716); and

Relative to the terms of certain notes issued by the Commonwealth (printed in House, No. 4765);

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

The Senate Bill relative to stealing registration plates and the possession of stolen registration plates (Senate, No. 1836); and

House bills

Relative to the pronouncement of death by a nurse practitioner (House, No. 1758, changed);

Relative to John Robinson and Anne Robinson as residents of the town of Chelmsford for school purposes (House, No. 4761); and

Relative to labor relations (House, No. 4889);

Severally placed in the Orders of the Day for the next sitting for a second reading.

Orders of the Day.

The House Bill authorizing the city of Salem to grant easements in certain park land (House, No. 4842), 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.

Mr. Rushing of Boston being in the Chair,—

The House Bill relative to the licensing of insurance producers (House, No. 28, changed and amended), 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. Mariano of Quincy moved that it be amended in section 19, in line 13, by inserting before the word “Such” the following sentence (previously stricken out by amendment): “The commissioner may, upon the payment of the fees prescribed by section 14, issue to a partnership, a license to act as a special insurance broker subject to the conditions specified in section 173.” (as changed by the committee on Bills in the Third Reading); and in lines 13 to 23, inclusive, by striking out the sentence contained therein.

The amendments were adopted; and the bill (House, No. 28, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At eighteen minutes after eleven o’clock A.M., Mr. Mariano of Quincy returned to the Chair and declared a recess subject to the call of the Chair; and at eight minutes before eight o’clock the House was called to order with the Ms. Flavin of Easthampton in the Chair.

Emergency Measure.

The engrossed Bill establishing a victims of drunk driving trust fund (see House, No. 4601, 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 4 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

The engrossed Bill regulating the sale of mercury thermometers (see House, No. 3772, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting

Speaker and sent to the Senate.

Order.

Mr. Kaufman of Lexington offered the following order:

Ordered, That when the House adjourns today, it adjourn to meet on Tuesday next at the hour of eleven o'clock A.M.

Pending the question on adoption of the order, the same member asked for a count of the House to ascertain if a quorum was present. The Chair (Ms. Flavin), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, a quorum not being in attendance, at six minutes before nine o'clock P.M., the Chair (Ms. Flavin of Easthampton) declared that the House stands adjourned to meet tomorrow at the hour of eleven o'clock A.M.