

JOURNAL OF THE HOUSE.

Wednesday, February 20, 2002.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, 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, Our Creator, we believe that You watch over us constantly and are concerned with our total well-being. Grant us the maturity and the wisdom to respond to Your personal interest in us, as well as to Your offer of spiritual assistance to us, by following in our daily life, Your ways, priorities and precepts. In taking up the often complex and misunderstood political, social and ethical issues of the moment, help us to form a right conscience, so that society will be served well by our lofty standards, sound decisions and personal integrity. May we have the intellectual and moral strength to select the legislative options which are responsible, relevant and serve the common good.

Bestow Your blessings on the Speaker, the members 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.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. Bunker of Rutland, Spellane of Worcester and Naughton of Clinton) congratulating the Wachusett Regional High School girls soccer team on winning the 2001 Division I State Championship;

Resolutions (filed by Mr. Carron of Southbridge) congratulating the St. Stanislaw B&M Mens Society on the occasion of their ninetieth anniversary;

Resolutions (filed by Mr. Connolly of Everett) commemorating the "Irish-America heritage" in the United States of America;

Resolutions (filed by Ms. Lewis of Dedham) congratulating Paul Monahan on the occasion of his retirement;

Resolutions (filed by Mr. Miceli of Wilmington) congratulating the Girl Scouts of the USA on the ninetieth anniversary of its founding; and

Resolutions (filed by Mr. Scaccia of Boston) congratulating John L. Spencer on receiving the 2002 Red Hill Award;

Mr. Honan 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. Verga of Gloucester, 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. Ruane of Salem, petition (accompanied by bill, House, No. 4916) of J. Michael Ruane (with the approval of the mayor and city council) relative to establishing an affordable housing trust fund in the city of Salem. To the committee on Housing and Urban Development.

By Mr. deMacedo of Plymouth, petition (accompanied by bill, House, No. 4917) of Viriato Manuel deMacedo, Thomas J. O'Brien and Therese Murray (by vote of the town) relative to establishing the Plymouth Development Corporation. To the committee on Local Affairs.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Broadhurst of Methuen, petition (subject to Joint Rule 12) of Arthur J. Broadhurst and another relative to the appointment of a school committee member to serve on the Board of Education.

By Mr. Correia of Fall River, petition (subject to Joint Rule 12) of Robert Correia, Joan M. Menard and Michael J. Rodrigues (with the approval of the mayor and city council) that the housing authority of the city of Fall River be authorized to transfer ownership of the Watuppa Heights state-aided public housing development, notwithstanding the uniform procurement law.

By Mrs. Harkins of Needham, petition (subject to Joint Rule 12) of Lida E. Harkins relative to the School Building Assistance program.

By Mr. Linsky of Natick, petition (subject to Joint Rule 12) of David Paul Linsky and other members of the General Court relative to a temporary freeze on toll rates and to provide funding for the Central Artery/Tunnel Project.

By the same member, petition (subject to Joint Rule 12) of David Paul Linsky and other members of the General Court relative to a freeze on toll rates and provide funding for the Central Artery/Tunnel Project.

By Mr. O'Flaherty of Chelsea, petition (subject to Joint Rule 12) of Eugene L. O'Flaherty relative to authorizing the Division of Capital Asset Management and Maintenance to convey an easement in certain park land in the city of Chelsea.

By Mr. Petersen of Marblehead, petition (subject to Joint Rule 12) of Douglas W. Petersen relative to the determination of custodial parents of public school students.

By Mr. Rogers of New Bedford, petition (subject to Joint Rule 12) of George Rogers and David L. Flynn for legislation directing the Department of Highways to make certain traffic improvements in the Bridgewater area.

By Mr. Travis of Rehoboth, petition (subject to Joint Rule 12) of Philip Travis, Patricia A. Haddad and Joan M. Menard (by vote of the town) relative to establishing a finance advisory board in the town of Swansea.

By Ms. Wolf of Cambridge, petition (subject to Joint Rule 12) of Alice K. Wolf for legislation to authorize the Cambridge District Court to establish a sick leave bank for Robin Tirrell McCree.

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

Papers from the Senate.

An Order relative to recommending that the Joint Rules of the preceding General Court be adopted as the permanent Joint Rules of the present General Court with certain recommended changes (Senate, No. 2259) (on Senate order, No. 2240), having been adopted by the Senate, was referred, under Rule 24, to the committee on Rules.

A Bill promoting efficiency and fairness in environmental law enforcement (Senate, No. 2242) (on Senate bill, No. 2163), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A petition of Guy W. Glodis and Joseph F. Wagner for legislation relative to the special election for the First Essex Senatorial District, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Election Laws.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2264) was referred, in concurrence, to the committee on Election Laws.

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 requiring certain notice to lessees of vehicles for motor vehicle excise tax (Senate, No. 1654),— and recommending that the same be referred to the committee on Rules; and

Of the Bill relative to bond requirements (House, No. 949),— and recommending that the same be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill requiring the posting of security for the

seizure and impoundment of animals (House, No. 2202),— and recommending that the same be referred to the committee on Public Safety. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the reference.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Insurance to make an investigation and study of certain Senate and House documents concerning the requirements and coverage for life, health, motor vehicle and homeowners insurance (House, No. 4406) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 746) of Robert A. Havern for legislation to clarify the inclusion of guaranteed products issued out of life insurance company separate accounts,— and recommending that the same be recommitted to the committee on Insurance. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Scaccia of Boston, for the committee on Rules, asking to be discharged from further consideration of the Order relative to authorizing the committee on Insurance to make an investigation and study of a certain House document concerning insurance premiums paid by employees of the city of Pittsfield (House, No. 4803),— and recommending that the same be recommitted to the committee on Insurance; and

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill to insure fair taxation of affordable housing (House, No. 2090),— and recommending that the same be recommitted to the committee on Taxation.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration

Of the Bill further regulating the Julian D. Steele public housing development in the city of Lowell (Senate, No. 2241); and

Of the Bill providing for certain information technology improvements (Senate, No. 2256);

And recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing a board of public works and a department of public works in the city of Northampton (Senate, No. 2172) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Kaufman of Lexington, 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 requiring certain religious officials to be mandated reporters of abuse of children

(Senate, No. 2230, printed as amended) be scheduled for consideration by the House.

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

By Mr. Larkin of Pittsfield, for the committee on Education, Arts and Humanities, on House, No. 4876, an Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of a certain House document concerning the imposition of a moratorium on new charter schools (House, No. 4918).

By the same member, for the same committee, on House, No. 4884, an Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of a certain House document concerning the safety of school sponsored travel (House, No. 4919).

Severally 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, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Bosley of North Adams, for the committee on Government Regulations, on House, Nos. 1747 and 3088, a Bill providing for the certification of alcoholic beverages licenses and servers of alcoholic beverages (House, No. 1747). Read; and, referred, under Rule 33, to the committee on Ways and Means.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill relative to credit union real estate loans (Senate, No. 2214) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Wagner of Chicopee, for the committee on Election Laws, on a petition, a Bill relative to the withdrawal of candidates nominated for elective office in the city of Malden (House, No. 4879) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill providing for recall elections in the city of Salem (House, No. 4880, changed in section 3, in line 7, by striking out the figures: "45" and inserting in place thereof the figures: "70"; and by striking out section 4 and inserting in place thereof the following section:

"SECTION 4. Any officer sought to be removed may be a candidate to succeed himself and, unless he requests otherwise in writing, the city clerk shall place his name on the ballot without nomination and without the completion of a candidate's statement. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act. However, no preliminary election shall be conducted. A candidate's

statement shall be filed no later than the deadline for filing nomination papers with the board of registrars for certification.”) [Local Approval Received].

By Mr. Bosley of North Adams, for the committee on Government Regulations, on a petition, a Bill relative to cities and towns borrowing outside their debt limit (House, No. 1371).

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a recommitted petition, a Bill relative to the establishment of a special police force in the town of Agawam (House, No. 4190) [Local Approval Received].

By the same member, for the same committee, on House, No. 4658, a Bill authorizing the certification and appointment of Kelly L. Reynolds as a police officer in the town of Wilmington (House, No. 4920).

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

Engrossed Bill.

Mr. Donato of Medford being in the Chair,— the engrossed Bill funding campaigns for public office (see Senate, No. 2263) (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.

Orders of the Day.

Mr. O’Flaherty of Chelsea being in the Chair,— the House Order relative to the appointment of a joint special committee to make an investigation and study of the Joint Rules of the two branches of the General Court (House, No. 2824) was considered, the question being on concurring with the Senate amendments.

The amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered, as follows:— in line 2 by striking out the word “four” and inserting in place thereof the word “seven”; in line 11 by inserting after the word “them” the words “including matters referred after the initial period” [A]; and in line 12 by inserting after the word “legislation” the following: “and the procedure for filing legislation after the required time; amending joint rule 12A to allow additional formal sessions for limited purposes including overriding vetoes”.

Mr. Marini of Hanson and other members of the House then moved that the House concur with the Senate in its amendments with a further amendment by striking out, at [A], the following: “; and in line 12 by inserting after the word ‘legislation’ the following: ‘and the procedure for filing legislation after the required time; amending joint rule 12A to allow additional formal sessions for limited purposes including overriding vetoes’”.

The further amendment was adopted. The House then concurred with the Senate in its amendments, as amended. Sent to the Senate for concurrence in the further amendment.

The House Bill relative to Mini-Fenway Park, Inc. (House, No. 4362), 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.

At twenty-eight minutes after eleven o'clock A.M., on motion of Ms. Blumer of Framingham (Mr. O'Flaherty of Chelsea being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.