

## **JOURNAL OF THE HOUSE.**

Monday, February 25, 2002.

Met at six minutes after 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:

God, Our Creator, strengthened intellectually and morally by Your spiritual gift of wisdom which You offer to us daily, we are about to begin a new legislative workweek. During the course of this and every week, we depend upon You. You help us deepen our commitment to offer and endorse legislation and programs which are just, honorable, ethical and contribute to the building of an orderly, civil and compassionate society. We pray for the knowledge to include and to implement human and spiritual values and principles in our legislative proposals. By remaining faithful to You and to our own religious beliefs and ideals, may we be a symbol of hope, confidence and trust in the minds of the people during these uncertain times.

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.

### *Resolutions.*

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

Resolutions (filed by Representatives Atsalis of Barnstable, George of Yarmouth, Gomes of Harwich, Patrick of Falmouth, Provost of Sandwich and Turkington of Falmouth) congratulating the Cape Cod Chamber of Commerce on the occasion of its eightieth anniversary;

Resolutions (filed by Mr. Finegold of Andover and other members of the House) urging the National Football League to allow a rebroadcast of the 2002 Super Bowl; and

Resolutions (filed by Messrs. Merrigan of Greenfield and Kulik of Worthington) on the occasion of the retirement of the honorable Thomas T. Merrigan, first justice of the Orange District Court;

Mr. DiMasi 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.

### *Communications.*

#### Communications

>From the Executive Director of the Office of Community Corrections (under the provisions of Item 0339-1004 of Section 2 of Chapter 177 of the Acts of 2001) submitting a spending and management plan for said Office; and

>From the Office of the Commissioner of Probation (under the provisions of Section 5 of Chapter 211F of the General Laws) submitting a report on the Office of Community Corrections;

Severally were placed on file.

### *Special Report.*

A report of the Massachusetts Convention Center Authority (under the provisions of Section 5L of Chapter 152 of the Acts of 1997) relative to all contracts regarding the Boston Convention and Exhibition Center project entered into by said authority, was placed on file.

### *Papers from the Senate.*

The House Bill authorizing the town of Mashpee to convey a certain parcel of land (House, No. 4299) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 2 by adding at the end thereof the following sentence: "The land being conveyed by the Willowbend Development Corporation to the town shall be of equal or greater value than the parcel being conveyed in section 1 by the town to the Willowbend Development Corporation.".

Under suspension of Rule 35, on motion of Mr. Ruane of Salem, 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.

A Bill including employees of the Central Massachusetts Regional Planning Commission in the group insurance plan (Senate, No. 2131) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

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

Petition (accompanied by bill, Senate, No. 2266) of Marian Walsh, Richard T. Moore, Patricia A. Walrath and other members of the General Court for legislation to protect children from physical and sexual abuse. To the committee on Criminal Justice.

Petition (accompanied by bill, Senate, No. 2267) of Linda J. Melconian, Cheryl A. Rivera, Gale D. Candaras, Benjamin Swan and other members of the General Court for legislation to designate the Western Massachusetts Visitor Information Center as the William C. Sullivan Visitor Information Center. To the committee on State Administration.

Reports of the Department of Public Health (under the provisions of Sections 5 and 20 of

Chapter 111 of the General Laws) relative to inspections of certain correctional facilities, as follows:

Of the Massachusetts Boot Camp/Longwood Treatment Center, in the town of Bridgewater;

Of the Minimum Security Facility, Annex, Work Release and Warehouse of the Worcester County House of Correction and Jail, in the town of West Boylston;

Of the Worcester County House of Correction and Jail, in the town of West Boylston; and

Of the Worcester County House of Correction and Jail Modular Unit, in the town of West Boylston;

Severally were spread upon the records of the House; and returned to the Senate.

Notice was received that the President had announced the appointment of Senators Montigny of the Second Bristol District, Moore of the Worcester and Norfolk District, Murray of the Plymouth and Barnstable District, Tucker of the Second Essex and Middlesex District, Panagiotakos of the First Middlesex District and Chandler of the First Worcester District to the special commission established (under item 9110-0100 of Section 2 of Chapter 177 of the Acts of 2001) for the purpose of making an investigation and study 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 J. James Marzilli, Jr., and William M. Straus relative to the disclosure of consumer credit reporting information. To the committee on Commerce and Labor.

Petition (accompanied by bill) of Antonio F. D. Cabral and other members of the General Court relative to standards and accountability concerning bilingual education in the Commonwealth; and

Petition (accompanied by bill) of Peter J. Larkin and other members of the General Court relative to enhancing English opportunities for students of the Commonwealth;

Severally to the committee on Education, Arts and Humanities.

Petition (accompanied by bill) of George Rogers relative to limiting the number of scup allowed to be taken by recreational fishermen. To the committee on Natural Resources and Agriculture.

Petition (accompanied by bill) of Viriato Manuel deMacedo, Thomas J. O'Brien and Therese Murray relative to authorizing the Division of Capital Asset Management and Maintenance to

convey certain easements to the town of Plymouth. To the committee on State Administration.

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

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 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); and

Of the 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);

And recommending that the same severally be recommitted to the committee on Education, Arts and Humanities.

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

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4312) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1653) of Professional Fire Fighters of Massachusetts and Christine E. Canavan that infectious diseases contracted by certain public safety employees be included in the disability retirement law,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4655) reported, in part, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 4432) of James B. Leary, Richard T. Moore and Harriette L. Chandler for legislation to authorize and direct the reinstatement of Mary A. Ryan as a member in service of the teachers' retirement system; and

Of the petition (accompanied by bill, House, No. 4447) of Vincent A. Pedone relative to pension benefits for persons returning to public service;

And recommending that the same severally be recommitted to the committee on Public Service.

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

By Mr. Toomey of Cambridge, for the committee on Public Safety, asking to be discharged

from further consideration of the message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to further promoting public safety in the Commonwealth (House, No. 4907),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the discharge of the committee.

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 providing for the preservation and improvement of the environmental assets of the Commonwealth (House, No. 4909),— and recommending that the same be referred to the committees on Rules. 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, on House, No. 4898, 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 appropriation of state aid for public schools in the town of Orleans (House, No. 4928). 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 asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Broadhurst of Methuen, for the committee on Science and Technology, that the Bill relative to advertising or sale of insurance on the Internet (House, No. 3121) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

#### House bills

Providing for the establishment and administration of rent regulations and the control of evictions in manufactured housing communities in the town of Kingston (House, No. 4845) [Local Approval Received]; and

Relative to zoning in the town of Kingston (House, No. 4847) [Local Approval Received];

Severally placed in the Orders of the Day for the next sitting for a second reading. A report of the committee on Steering, Policy and Scheduling (under the last sentence of Rule 7A), that the House Bill relative to dangerous dogs (House, No. 1168) be scheduled for consideration by the House (the time within which said committee is required to report having expired), was placed in the Orders of the Day for the next sitting for a second reading.

*Engrossed Bills.*

The engrossed Bill establishing a victims of drunk driving trust fund (see House, No. 4601, 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. The engrossed Bill relative to the charter of the town of Reading (see House, No. 4776) (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.*

The Senate Bill relative to motor homes (Senate, No. 2178), 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. House bills

Establishing a citizens advisory board on uses of the Rumney Marsh Area (House, No. 1877) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the Division of Capital Asset Management and Maintenance to convey an easement to the town of Milford (House, No. 4754, amended);

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. *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. At sixteen minutes after eleven o'clock A.M., on motion of Mr. Hynes of Marshfield (Mr. O'Flaherty of Chelsea being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.