

JOURNAL OF THE HOUSE.

Monday, March 4, 2002.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Verga of Gloucester 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, we pause for a moment of prayer and reflection and we ask, in a spirit of humility, for Your guidance and direction in legislative and governmental matters. In addressing current complex and controversial political, social and ethical issues, inspire us to make mature, thoughtful and rational decisions, and thus avoid hasty and panicky choices. Increase our sensitivity to the needs of people and the times, and by our political leadership build hope, trust and confidence in the hearts and minds of people. Let our commitment to You and our religious beliefs and principles assist us in serving the best interests of the people and of our communities.

Bestow Your blessings on the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Verga), 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 Ms. Polito of Shrewsbury); honoring Ashley Hayden; and

Resolutions (filed by Ms. Wolf of Cambridge) honoring Robert Straus;

Mrs. Harkins of Needham, 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 Ms. Story of Amherst, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Annual Report.

The annual report of the Workers' Compensation Advisory Council (under the provisions of Paragraph 2 of Section 17 of Chapter 23E of the General Laws) relative to the state of the workers's compensation system for fiscal year 2001, was placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Atsalis of Barnstable, petition (subject to Joint Rule 12) of Demetrius J. Atsalis and other members of the General Court for legislation to designate a certain rest area in the town of Barnstable as the Korean War Veterans Memorial Rest Area.

By Mrs. Gomes of Harwich, petition (subject to Joint Rule 12) of Shirley Gomes and Robert O’Leary that the towns of Harwich and Eastham be authorized to regulate the operation of herring runs in said towns.

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

Papers from the Senate.

A Bill providing for capital facility improvements and repairs for the Commonwealth (Senate, No. 2271) (on Senate bill, No. 2270), passed to be engrossed by the Senate, was read; and it was referred, under Rule 32A, to the committee on Long-Term Debt and Capital Expenditures.

Bills

Authorizing farmer-brewers to sell malt beverages on Sundays and legal holidays (Senate, No. 373) (on a petition);

Relative to reporting certain medication errors (Senate, No. 531, amended in lines 23 and 24 by striking out the words “action of contract, or any other” and inserting in place thereof the word “an”) (on a petition);

Further regulating the sale and distribution of bottled water and certain other non-alcoholic beverages (Senate, No. 535) (on a petition);

Relative to the inspection, registration, construction and reconstruction of dams (Senate, No. 2269) (on Senate bill, No. 2092);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Clarifying employer sanctions for improper expenditure of withholdings or deductions from wages (Senate, No. 109) (on a petition);

Relative to leasing motor vehicles (Senate, No. 1240, amended in line 4 by striking out the words “any vehicle” and inserting in place thereof the following: “a passenger vehicle under 8,500 pounds gross vehicle weight rating”) (on a petition);

Authorizing the town of Brewster to establish a road betterment fund (Senate, No. 2273) (on Senate bill, No. 2206) [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 bill, Senate, No. 2274) of Stephen M. Brewer, Michael J. Rodrigues, George N. Peterson, Jr. and other members of the General Court for legislation to further define loaded shotgun and loaded rifle. To the committee on Public Safety.

Petition (accompanied by bill, Senate, No. 2275) of Harriette L. Chandler and David C. Bunker, Jr. (by vote of the town) for legislation to authorize the town of Holden to lease a certain school building for 99 years. To the committee on State Administration.

Notice was received that the President of the Senate had announced the appointment of Senator Moore of the Worcester and Norfolk District to the special commission established (pursuant to Section 74 of Chapter 177 of the Acts of 2001) to devise a fair and equitable allocation of the burden of uncompensated care.

Notice also was received that the President of the Senate had announced that Senator Chandler of the First Worcester District had been relieved of duty (at her own request) from the first position on the committee on Federal Financial Assistance; and that Senator Hart of the First Suffolk District had been appointed to said position to fill the vacancy.

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 Rules 12 and 9 be suspended on the petition of Shirley Gomes and Robert A. O'Leary relative to the powers and duties of the Provincetown Pier Corporation. Under suspension of the rules, on motion of Mrs. Paulsen of Belmont, the report was considered forthwith. Joint Rules 12 and 9 were suspended; and the petition (accompanied by bill) was referred to the committee on Commerce and Labor. Sent to the Senate for concurrence.

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 John J. Binienda relative to the commercialization of fuel cell technology. To the committee on Energy.

Petition (accompanied by bill) of Karyn E. Polito and other members of the General Court relative to the donation of bone marrow by certain minors. To the committee on Health Care.

Petition (accompanied by bill) 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. To the committee on Housing and Urban Development.

Petition (accompanied by bill) of John J. Binienda and other members of the House relative to the exemption of the sales tax on energy efficient appliances. To the committee on Taxation.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, 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, asking to be discharged from further consideration of the Bill clarifying restrictive covenants (House, No. 2532),— and recommending that the same be recommitted to the committee on Human Services and Elderly Affairs. 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. 4924, 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 compensation of principals of charter schools (House, No. 4936). 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. Dempsey of Haverhill, for the committee on Public Service, on a recommitted petition, a Bill relative to the settlement of small retirement allowances (House, No. 3177). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Larkin of Pittsfield, for the committee on Education, Arts and Humanities, on House, No. 4919, a Bill relative to safety of school-sponsored travel (House, No. 4937). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

The engrossed Bill increasing the fee for admitting a person to bail (see House, No. 843 changed, and amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills

Further regulating the minimum size of American lobsters (see Senate, No. 1847);

Relative to the declaration of noncash dividends by trust companies (see Senate, No. 1873);

Establishing wireless enhanced 911 services (see Senate, No. 1920, amended);

(Which severally originated in the Senate);

Relative to production of records for review by the State Auditor (see House, No. 3);

Relative to the management of state chartered banks (see House, No. 1723, amended); and

Relative to certain licenses for alcohol and drug counselors (see House, No. 2184);

(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.

Reconsideration.

Mr. Finneran of Boston asked unanimous consent to move that the vote be reconsidered by which the House, on Tuesday, January 22, 2002, insisted on its reference to the committee on the Judiciary of the initiative petition of Bryan G. Rudnick and others for an initiative amendment to the Constitution relative to the protection of marriage (House, No. 4840) (which the Senate had referred in non-concurrence to the committee on Public Service); and, there being no objection, the motion to reconsider was entertained, and it prevailed.

On further motion of the same member, the House then receded from its insistence in the reference to the committee on the Judiciary; and the initiative petition was referred, in concurrence, to the committee on Public Service.

Order.

On motion of Mr. Finneran of Boston,—

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

At twenty-four minutes after eleven o'clock A.M., on motion of Mr. Sullivan of Fall River (Mr. Verga of Gloucester being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.