

## **JOURNAL OF THE HOUSE.**

Monday, April 1, 2002.

Met at eleven minutes after one o'clock P.M., in an Informal Session, with Mr. DiMasi of Boston 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, who watches over the destiny of all nations and the personal concerns of all people, we pause for a moment of prayer on this Easter Monday to offer thanks for the material and spiritual gifts which You bestow upon us daily. Easter often unites families and friends around a table for a special meal which deepens friendships, love, hope and appreciation. Let the Easter spirit of joy and peace continue to fill our hearts and minds and the hearts and minds of world leaders during these troublesome, dangerous and violent times. Inspire us to remain faithful to You and to the virtues and values of Easter.

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

At the request of the Chair (Mr. DiMasi), 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 Mrs. Haddad of Somerset) congratulating Christopher D. Borden on receiving the Boy Scouts of America Eagle Award;

Resolutions (filed by Mr. Miceli of Wilmington) on the occasion of the nine hundredth anniversary of the Abbey Choir from Tewksbury, England; and

Resolutions (filed by Mr. Swan of Springfield) honoring Barbara Jefferson;

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 Mr. Rushing of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### *Paper from the Senate.*

The House Bill establishing a limited access deposit account (House, No. 4633) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in lines 52 to 62, inclusive, striking out the paragraph contained therein and inserting in place thereof the

following two paragraphs:

“In the event of the incapacity or death of the principal, and receipt of written notice by the financial institution holding the account, withdrawals shall not be permitted, except by a court appointed fiduciary, unless otherwise provided for in the declaration of intent. Notice of the death or incapacity of the principal of a limited access deposit account shall be given, in the case of a bank or federally chartered bank, to the main office of the bank.

A bank shall not be required to monitor the limited access deposit account in a manner different from its other checking or savings accounts. A bank shall not be liable for withdrawals and payments made by the signatory before it receives notice of amendments or revocation of the declaration of intent, or before it receives notice of the death or incapacity of the principal.”; and in section 2, in lines 55 to 65, inclusive, striking out the paragraph contained therein and inserting in place thereof the following two paragraphs:

“In the event of the incapacity or death of the principal, and receipt of written notice by the financial institution holding the account, no withdrawals shall be permitted except by a court appointed fiduciary, unless otherwise provided for in the declaration of intent. Notice of the death or incapacity of the principal of a limited access deposit account shall be given to the main office of the credit union holding the account.

A credit union shall not be required to monitor the limited access deposit account in a manner different from its other checking or savings accounts. A bank shall not be liable for withdrawals and payments made by the signatory before it receives notice of amendments or revocation of the declaration of intent, or before it receives notice of the death or incapacity of the principal.”.

Under suspension of Rule 35, on motion of Ms. Flavin of Easthampton, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

#### *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 Senate Order relative to extending the temporary Joint Rules and the provisions of Joint Rule 10 until Thursday, February 28, 2002; and

Of the Bill relative to leasing motor vehicles (Senate, No. 1240, amended);

And recommending that the same severally be referred to the committee on Rules; and

Of the Bill clarifying employer sanctions for improper expenditure of withholdings or deductions from wages (Senate, No. 109),— 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. Wagner of Chicopee, for the committee on Election Laws, on a message from Her Honor the Lieutenant-Governor, Acting Governor, a Bill relative to a voting precinct in the town of Dracut (printed in House, No. 4954). 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.

Under suspension of the rules, on motion of Miss Garry of Dracut, the Bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Tobin of Quincy, for the committee on Criminal Justice, on House, Nos. 136, 148, 149, 150, 588, 1171, 1347, 2297, 3062, 3063, 3064, 3495, 3679 and 3856, an Order relative to authorizing the committee on Criminal Justice to make an investigation and study of certain House documents concerning criminal checks and the Criminal History Systems Board (House, No. 4988). 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 the 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. Sullivan of Braintree, for the committee on Transportation, on House, No. 4748, a Resolve providing for an investigation and study of crosswalks in the Commonwealth (House, No. 4989). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Sullivan of Braintree, for the committee on Transportation, on a message from Her Honor the Lieutenant-Governor, Acting Governor, a Bill relative to providing additional funding for the Central Artery/Ted Williams Tunnel Project (printed in House, No. 4561). Read; and referred, under Rule 32A, to the committee on Long-Term Debt and Capital Expenditures.

By Mr. Sullivan of Braintree, for the committee on Transportation, on House, No. 3661, a Bill relative to abandoning a certain rail line in the town of Falmouth (House, No. 4990).

By the same member, for the same committee, on House, No. 4232, a Bill revising the membership of the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (House, No. 4991).

Severally 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 further regulating the Julian D. Steele public housing development in the city of Lowell (Senate, No. 2241) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

By Mr. Wagner of Chicopee, for the committee on Election Laws, on a petition, a Bill establishing a certain voting subprecinct in the city of Newton (House, No. 4977) [Local

Approval Received].

By Mr. Bosley of North Adams, for the committee on Government Regulations, on House, Nos. 8 and 39, a Bill relative to reporting of criminal convictions of certain professionals (House, No. 39, changed in line 10, and also in line 18, by adding at the end thereof, in each instance, the following sentence: "Said records received by the appropriate board of registration pursuant to this statute shall not be part of the public record unless the appropriate board uses the record for disciplinary purposes.").

By the same member, for the same committee, on a petition, a Bill relative to the Residential Contractor's Guaranty Fund (House, No. 2157).

By Mr. Sullivan of Braintree, for the committee on Transportation, on Senate, No. 1780 and House, No. 2637, a Bill to regulate train crews relating to the minimum number of persons required on train crews and granting rulemaking authority (House, No. 2637).

By the same member, for the same committee, on a petition, a Bill relative to the sounding of certain warning devices in the town of Concord (House, No. 4226) [Local Approval Received].

By the same member, for the same committee, on Senate, Nos. 1867 and 2224 and House, Nos. 4296, 4867 and 4904, a Bill relative to local infrastructure (House, No. 4992).

By the same member, for the same committee, on House, No. 2103, a Bill relative to regulations of street excavations by utility companies (House, No. 4993).

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

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to infectious diseases under the public employee retirement law (House, No. 4925) ought to pass. 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, it was 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:

Senate bills

Designating Civilian Conservation Corps Day (Senate, No. 409, amended);

Relative to the town of Holliston and the establishment of a cemetery care fund (Senate, No. 2144, changed) [Local Approval Received]; and

Authorizing the town of Brewster to establish a road betterment fund (Senate, No. 2273) [Local

Approval Received]; and

House bills

Authorizing the town of Somerset to issue an additional license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 4827) [Local Approval Received];

Relative to class 2 motor vehicle dealers (House, No. 4885);

Relative to safety of school-sponsored travel (House, No. 4937); and

Establishing a sick leave bank for a certain employee of the district court department (House, No. 4938);

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

By Mr. Bosley of North Adams, for the committee on Government Regulations, ought NOT to pass, on the petition (accompanied by bill, House, No. 442) of Patricia A. Walrath, Pamela P. Resor, Gale D. Candaras, Anthony J. Verga, Thomas J. O'Brien and Benjamin Swan relative to the registration of real estate brokers. 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, it was placed in the Orders of the Day for the next sitting, the question being on acceptance.

#### *Engrossed Bills.*

Engrossed bills

Relative to the Nantucket Historic District Commission (see House, No. 3634, amended); and

Authorizing the town of Framingham to offer an elderly discount program for water and sewer rates (see House, No. 4463);

(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.

#### *Orders of the Day.*

The House Bill relative to licensing hospice programs (House, No. 1756, changed) (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; and it was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to dedication of bridges and connector roads (House, No. 4437) was

read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a Bill relative to the designation of certain bridges, overpasses and connector roads in the city of Marlborough (House, No. 4994), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. 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 on Wednesday next at eleven o'clock A.M.

At twenty-six minutes before two o'clock P.M., on motion of Mrs. Walrath of Stow (Mr. DiMasi of Boston being in the Chair), the House adjourned, to meet on Wednesday next at eleven o'clock A.M.