

JOURNAL OF THE HOUSE.

Wednesday, May 1, 2002.

Met at seven minutes past one o'clock P.M.

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, on this Mayday we take a brief time out from our legislative schedules and burdens to observe and enjoy the beauty of nature which reminds us of new life, new hope and new enthusiasm. These special days of May help us to recognize and to reflect on the grandness, the vastness and the mysteriousness of our material world which You have created for our benefit and enjoyment. Teach us to use Your gifts to us in a mature, constructive and responsible manner. Inspire us to promote the continuing work of creation, Your work, by respecting the dignity of each person whom we encounter, by serving the needs of people who cannot care for themselves and by advancing programs and proposals which generate peace and prosperity in our communities.

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

At the request of the Speaker, the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resignation of Representative Thomas M. McGee of Lynn.

The following communication, received by the Clerk from the office of the Speaker of the House, was read for the information of the House; and placed on file.

May 1, 2002.

The Honorable THOMAS M. FINNERAN
Speaker of the House
State House, Room 356
Boston, MA 02133

Dear Mr. Speaker:

I write to submit my resignation as State Representative from the Eleventh Essex District, effective at noon today, Wednesday, May 1, 2002. At that time, I will take the Oath of Office and begin my service as State Senator from the First Essex District.

I wish to take this opportunity to thank you, my colleagues in the House, everyone in the Clerk's Office, the Court Officers, the staff of the committees on which I have served, and the entire House staff for all of your kindness over the years — I have truly enjoyed working with you. I would also like to express my sincere thanks to the citizens of the Eleventh Essex District who have chosen me to serve as their State Representative since 1994.

I consider myself fortunate to have served in the House of Representatives, and I look forward to continuing to serve the people of my district and of the Commonwealth in the Senate.

Sincerely,
THOMAS M. McGEE,
*State Representative,
Eleventh Essex District.*

Resolutions.

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

Resolutions (filed by Mr. Greene of Billerica) honoring Mickey Ouellette;

Resolutions (filed by Mrs. Hahn of Westfield) honoring James F. Shea;

Resolutions (filed by Mrs. Poirier of North Attleborough) honoring Henry McDeed; and

Resolutions (filed by Mrs. Poirier of North Attleborough) on the occasion of the observance of National Catholic Schools Week by St. Mary's/Sacred Heart School in North Attleborough;

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. Marini of Hanson, 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. Straus of Mattapoisett, petition (accompanied by bill, House, No. 5049) of William M. Straus (by vote of the town) that the town of Rochester be authorized to appropriate a certain sum of money for the payment of an unpaid bill to LaFleur Electrical Co., Inc. To the committee on Local Affairs.

By Mrs. Pope of Wayland, petition (accompanied by bill, House, No. 5051) of Susan W. Pope, Susan C. Fargo and Pamela P. Resor (by vote of the town) relative to real estate tax exemptions for certain persons over the age of sixty in the town of Sudbury. To the committee on Taxation.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Fagan of Taunton, petition (subject to Joint Rule 12) of James H. Fagan and other members of the House for legislation to establish a trust fund for victims of spinal cord injuries.

By Mr. Keenan of Southwick, petition (subject to Joint Rule 12) of Daniel F. Keenan relative to the suspension of child labor laws in certain emergencies.

By Mr. Larkin of Pittsfield, petition (subject to Joint Rule 12) of Peter J. Larkin relative to requiring the Teachers' Retirement Board to grant certain retirement benefits to Carol Mellett, surviving spouse of Thomas Mellett.

By Mrs. Owens-Hicks of Boston, petition (subject to Joint Rule 12) of Shirley Owens-Hicks and Gloria L. Fox relative to authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Boston.

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

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill for the protection of natural resources and authorizing the Fire District Number Two in the town of South Hadley to convey certain parcels of land to the Department of Environmental Management for conservation purposes (House, No. 5029) 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.

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

Engrossed Bills.

Engrossed bills

Relative to the town of Holliston and the establishment of a cemetery care fund (see Senate, No. 2144, changed); and

Relative to a separate account for Milton community schools (see Senate, No. 2295);

(Which severally originated in the Senate);

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 Speaker and sent to the Senate.

Orders of the Day.

The House Bill expanding access of health care, reducing youth smoking and the use of tobacco products, and improving the public health in the Commonwealth (printed as Senate, No. 1703, changed) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substituting therefor a Bill relative to the collection of excise taxes on certain tobacco products (House, No. 5050),— was adopted.

On the question on ordering the substituted bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Marini of Hanson; and on the roll call 124 members voted in the affirmative and 29 in the negative.

[\[See Yea and Nay No. 287 in Supplement.\]](#)

Therefore the bill (House, No. 5050) was ordered to a third reading. Mr. Marini then moved that this vote be reconsidered and the motion to reconsider was entertained forthwith; and it was negatived.

Subsequently a statement of Mr. Atsalis of Barnstable was spread upon the records of the House, as follows:

MR. SPEAKER: During the taking of the above yeas and nays, I was present in the House Chamber and voted in the negative. Nevertheless I now find that due to an error in the electronic voting machine, I was recorded as having voted in the affirmative. Had the voting machine been in proper working order, I would have been recorded in the negative.

*Joint Session of the Two Houses to Consider
Specific Amendments to the Constitution.*

At seven minutes past two o'clock P.M., pursuant to assignment, the two Houses met in

JOINT SESSION

and were called to order by the Honorable Thomas F. Birmingham, President of the Senate, who made the following observations:

“Pursuant to an order previously adopted, the two houses are in joint session for the purpose of considering various proposals for amendments to the Constitution. The matters that have been called for consideration are seasonably laid before this session in conformity with the provisions of Article XLVIII and LXXXI of the Amendments to the Constitution.”

The following proposals for amendments to the Constitution were seasonably laid before the joint session for consideration:

Proposal for a Legislative Amendment to the Constitution relative to the filling of vacancies in the office of Governor or Lieutenant-Governor (see House, No. 799), with reference to which the committee on Election Laws has reported recommending that the amendment ought to pass; and

Proposal for a Legislative Amendment to the Constitution relative to the tenure of judicial officers (see House, No. 3357), with reference to which the committee on the Judiciary has reported recommending that the amendment ought NOT to pass (under Joint Rule 23).

Initiative petition of Bryan G. Rudnick and others for an initiative amendment to the Constitution relative to the protection of marriage (see House, No. 4840) [for majority report,

see Senate, No. 2335], with reference to which the committee on Public Service has reported recommending that the initiative amendment ought NOT to pass;

Without taking action on the matters duly and constitutionally assigned for consideration, on motion of Ms. Melconian, at eight minutes past two o'clock P.M., the joint session was recessed until two o'clock P.M. on Wednesday, June 19; and the Senate withdrew from the House Chamber under the escort of the Sergeant-at-Arms.

Order.

On motion of Mr. Ruane of Salam,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at ten o'clock A.M.; and that, notwithstanding the provisions of House Rule 12, there being no objection, the Clerk be authorized to print a Calendar containing only House, No. 5050.

Mr. Honan of Boston then moved that as a mark of respect to the memory of Richard R. Caples, a member of the House from Boston from 1951 to 1958, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at eighteen minutes after two o'clock P.M., on motion of Mr. Ruane of Salem, the House adjourned, to meet tomorrow at ten o'clock A.M.