

JOURNAL OF THE HOUSE.

Wednesday, May 29, 2002.

Met according to adjournment, at eleven o'clock A.M., 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:

Holy Spirit of God, we pause for a moment of reflection to pray for Your spirit gifts of wisdom and understanding as we carry out our legislative and personal responsibilities and struggle to read accurately the signs of the times. In today's world of change in economies, the culture and values, inspire us to review and learn from the past as we deal with present challenges for our children and plan for a safe and peaceful future. Strengthen our pursuit of high personal ideals and ethical goals in our daily activities and in public service. In Your goodness, grant us the courage to remain faithful to You, to Your ways and to our commitment for justice, fairness and equal opportunities for all in our diverse 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. O'Flaherty), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement Concerning Representative Story of Amherst.

A statement of Mr. DiMasi of Boston concerning Ms. Story of Amherst was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Story of Amherst, will not be present in the House Chamber for today's sitting due to family business in the state of Texas. Any roll calls that she may miss today will be due entirely to the reason stated.

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 Kevin Chaisty on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mrs. Hahn of Westfield) congratulating Christopher William Vogel on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Kaufman of Lexington) congratulating Bob Litchfield on receiving the

Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Messrs. O'Brien of Kingston and Straus of Mattapoisett) congratulating Tristan M. Ellis on receiving the Eagle Award of the Boy Scouts of America;

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

Papers from the Senate.

The engrossed Bill providing for a charter for the town of Sandwich (see Senate, No. 2192, changed) came from the Senate with an amendment in lines 557 to 615, inclusive, striking out the seven paragraphs contained therein and inserting in place thereof the following paragraph:

“This charter may be amended or revised by special act of the general court upon the recommendation of town meeting, or pursuant to chapter 43B of the General Laws.”.

Under suspension of Rule 35, on motion of Mrs. Provost of Sandwich, 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.

The House Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain easements to the city of Gardner (House, No. 4821) came from the Senate passed to be engrossed, in concurrence, with certain amendments in section 1, in line 16, striking out the words “The city” and inserting in place thereof the words “In lieu of full and fair market value, the city of Gardner”; and in section 3, in line 6, striking out the word “shall” and inserting in place thereof the word “may”.

Under suspension of Rule 35, on motion of Mr. Marini of Hanson, 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.

Notice was received that the President of the Senate had announced the appointment of Senator Tolman of the Middlesex and Suffolk District to the special commission established (pursuant to section 76 of Chapter 177 of the Acts of 2001) to make an investigation and study relative to services and supports for adults with autistic spectrum disorders; and Senators Glodis of the Second Worcester District, Magnani of the Middlesex, Norfolk and Worcester District and Creedon of the Second Plymouth and Bristol District and Ms. Joanna T. Lau to the special commission established (pursuant to section 79 of Chapter 177 of the Acts of 2001) to make an investigation and study relative to the use of biometric technology.

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 Daniel F. Keenan relative to the suspension of child labor laws in certain emergencies. To the committee on Commerce and Labor.

Petition (accompanied by bill) of James E. Vallee relative to the taxation of certain tangible property and services purchased through mobile telecommunications. To the committee on Taxation.

Under suspension of the rules, on motion of Mr. Keenan of Southwick, 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, that the Senate Bill further regulating advertising on motor fuel dispensing devices (Senate, No. 2327) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Jones of North Reading, 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 House Bill relative to historic resources in the Community Preservation Act (printed as Senate, No. 2343) be scheduled for consideration by the House.

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

Recess.

At six minutes after eleven o'clock A.M., on motion of Mr. Finneran of Boston (Mr. O'Flaherty of Chelsea being in the Chair), the House recessed until one o'clock P.M.; and at twenty-six minutes before two o'clock the House was called to order with the Speaker in the Chair.

Engrossed Bills.

Mr. DiMasi of Boston being in the Chair,—

Engrossed bills

Providing for the annual observance of motorcycle safety and awareness time (see Senate, No. 2286) (which originated in the Senate);

Relative to gun ranges (see House, No. 313, changed and amended); and

Authorizing the town of Dedham to reduce sewer fee liability in exchange for volunteer services by persons over age 60 (see House, No. 4445, amended);

(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.*

House bills

Authorizing the town of Winchester to establish a retiree healthcare liability trust fund (printed as Senate, No. 2191); and

Authorizing the city of Worcester to place a conservation restriction on Green Hill Park (House, No. 4939);

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.

Relative to emergency telecommunications (Senate, No. 2349); and

House bills

Relating to the requirement of approval for certain lands formerly appurtenant to railroad right of ways (House, No. 1135);

To punish flights from arrest (printed in House, No. 4944);

Relative to the Provincetown Pier Corporation (House, No. 4976);

Establishing a sick leave bank for Holly Andersen, an employee of the trial court of the Commonwealth (House, No. 5047);

Authorizing the town of Dedham to send certain information to the voters of the town (House, No. 5055, changed); and

Authorizing the town of Wayland to convey certain park land (House, No. 5059);

Severally were read a second time; and they were ordered to a third reading.

Recesses.

At five minutes after two o'clock P.M., on motion of Mr. O'Flaherty of Chelsea (Mr. DiMasi of Boston being in the Chair), the House recessed until half past two o'clock; and at that time the House was called to order with Mr. DiMasi in the Chair.

The House thereupon took a further recess, on motion of Mr. Spellane of Worcester, until three o'clock; and at that time the House was called to order with Mr. Spellane in the Chair.

The Chair (Mr. Spellane) thereupon declared a further recess until a quarter after three o'clock; and at twenty-nine minutes before four o'clock the House was called to order with Mr. DiMasi of Boston in the Chair.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the town of North Andover to grant a certain conservation restriction (see House, No. 4830, changed) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 147 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 367 in Supplement.\]](#)

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain easements to the city of Gardner (see House, No. 4821, amended) (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.

The Speaker being in the Chair,—

The engrossed Bill relative to the appointing of alternate members to the conservation commission of the town of North Andover (see House, No. 4017) (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 Speaker and sent to the Senate.

Order.

On motion of Mr. Peterson of Grafton,—

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at five minutes after four o'clock P.M., on motion of Mr. Peterson (the Speaker being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.

