

## **JOURNAL OF THE HOUSE.**

Thursday, June 13, 2002.

Met according to adjournment, at 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, the Ultimate Source of Forgiveness and Wisdom, we believe that You watch over us constantly, even during our most trying and difficult circumstances. Inspire us to recognize and to be conscious of that presence. Each day, Your assistance and guidance help us in selecting the best personal and legislative options which are available to us. In observing and celebrating Bunker Hill Day on Monday, may we deepen our appreciation and vision of the founders of this nation. Teach us to use the basic religious and human freedoms which they handed down to us in a mature, prudent and thoughtful manner.

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.

### *Messages from the Acting Governor.*

A message from Her Honor the Lieutenant-Governor, Acting Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating action taken at the annual town election held by the town of Huntington on May 18, 2002 (House, No. 5140) was filed in the office of the Clerk on Wednesday, June 12.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Election Laws. Sent to the Senate for concurrence.

A message from Her Honor the Lieutenant-Governor, Acting Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to making a technical correction in a special law relative to certain land in the town of Sherborn (House, No. 5141) was filed in the office of the Clerk on Wednesday, June 12.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Local Affairs. Sent to the Senate for concurrence.

### *Statement Concerning Representative Naughton of Clinton.*

A statement of Mr. DiMasi of Boston concerning Mr. Naughton of Clinton 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 Naughton of Clinton, was not present in the House Chamber for the sitting of Tuesday last due to a family medical emergency. Any roll calls that he missed that day is 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 Mr. Jones of North Reading) congratulating Charles E. Jones on the occasion of his retirement;

Resolutions (filed by Mr. Jones of North Reading) congratulating Raymond S. Mears on the occasion of his retirement; and

Resolutions (filed by Representatives Creedon of Brockton, Canavan of Brockton and Kennedy of Brockton) congratulating Dr. Mayer Rubenstein on the occasion of his retirement;

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

*Communication.*

A communication from the Massachusetts Bay Transportation Authority (under Section 151(11) of Chapter 127 of the Acts of 1997) submitting a summary of its efforts to maximize non-transportation revenues of said authority, was placed on file.

*Reports of Committees.*

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Taxation to make an investigation and study of certain House documents concerning the towns of Burlington and Franklin (House, No. 4882) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4705) of Charles A. Murphy and Robert A. Havern (by vote of the town) relative to certain tax exempt properties in the town of Burlington,— and recommending that the same be recommitted to the committee on Taxation. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill further regulating the use of paint ball guns (Senate, No. 2308),— and recommending that the same be referred to the committee on Rules; and

Of the Bill providing for the leasing and construction of improvements to the Coolidge School in the city known as the town of Watertown (House, No. 4424),— 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. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill exempting the positions of school custodian and school food service worker in the town of North Andover from the civil service law (printed in House, No. 4999) be scheduled for consideration by the House.

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

By Mr. Cahill of Beverly, for the committee on Housing and Urban Development, on Senate, Nos. 639 and 647 and House, Nos. 3318, 3322, 3903, 3904, 3905, 4144, 4180, 5036 and 5066, an Order relative to authorizing the committee on Housing and Urban Development to make an investigation and study of certain Senate and House documents concerning affordable housing and other matters (House, No. 5137). 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. Cahill of Beverly, for the committee on Housing and Urban Development, on a petition, a Bill relative to the Massachusetts rental voucher program (House, No. 1955).

By Mr. Hall of Westford, for the committee on State Administration, on House, No. 5041, a Bill relative to the disposition of certain state-owned property in the city of Somerville (House, No. 5138).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Cahill of Beverly, for the committee on Housing and Urban Development, on a petition, a Bill relative to community preservation (House, No. 1194).

By the same member, for the same committee, on a petition, a Bill relative to establishing an affordable housing trust fund in the city of Salem (House, No. 4916) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Sudbury to establish a special fund for deposit of certain funds to be used for affordable housing (House, No. 5093) [Local Approval Received].

By the same member, for the same committee, on House, No. 4513, a Bill authorizing the establishment of an affordable housing trust fund to promote access to affordable housing in the town of Concord (House, No. 5139).

By Mr. Koczera of New Bedford, for the committee on Natural Resources and Agriculture, on a petition, a Bill changing a part of the harbor line on the Merrimack River along the waterfront of the city of Haverhill (House, No. 5081).

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

### *Orders of the Day.*

House bills

Relative to the licensing of pipefitters (House, No. 142);

Authorizing Quincy College to adopt a six year tenure system (House, No. 4695); and

Establishing the city of Medford stadium and athletic commission (House, No. 4878, changed) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

At twelve minutes after eleven o'clock A.M., the Chair (Mr. O'Flaherty of Chelsea) declared a recess until the hour of one o'clock P.M.; and at two minutes after two o'clock the House was called to order with Mr. O'Flaherty in the Chair.

The House Bill relative to the membership of the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (House, No. 4991, amended) (its title having been changed by the committee on Bills in the Third Reading), was read a third time.

Said committee reported recommending that the bill be amended by striking out section 8 (as printed) and inserting in place thereof the following section:

“SECTION 8. Paragraph (e) of said section 4 of said chapter 701 is hereby amended by striking out the words “; provided, however, that no acquisition of real property or capital improvement in excess of fifty thousand dollars shall be undertaken by the authority within the town of Barnstable unless written notice of said real property acquisition or capital improvement is forwarded by registered mail and subsequently approved by the Barnstable town council, a majority of the members thereof present and voting. Said notice shall include, but not be limited to, a detailed description of the proposed real property acquisition or capital improvement and any other documents relevant or pertinent to said proposal. Failure on the part of said town

council to render a vote on said real property acquisition or capital improvement within ninety days of the receipt of said notice shall constitute approval of said town council, inserted by section 105 of chapter 33 of the acts of 1991.”; by striking out sections 19 and 20 (inserted by amendment) and inserting in place thereof the following three sections:

“SECTION 20. The state secretary shall cause the following question to be placed on the official ballot to be used in the city of New Bedford and the towns of Barnstable and Falmouth at the biennial state election to be held in the year 2002: ‘Shall an act passed by the general court in the year 2002, entitled “An Act relative to the membership of the Woods Hole, Martha’s Vineyard and Nantucket Steamship Authority,” be accepted?’ If a majority of the vote cast in answer to said question is in the affirmative in each municipality, this act shall take full effect but not otherwise.

SECTION 21. Section 20 of this act shall take effect upon its passage.

SECTION 22. This act shall take effect on January 1, 2003 or upon the final adjudication or dismissal with prejudice of the case of the City of New Bedford et als v. The Woods Hole, Martha’s Vineyard and Nantucket Steamship Authority pending in the United States District Court for the District of Massachusetts, whichever is sooner.”.

The amendments were adopted.

Pending the question on passing the bill, as amended, to be engrossed, Representatives Sullivan of Braintree, Quinn of Dartmouth, Turkington of Falmouth, Atsalis of Barnstable, Cabral of New Bedford, Gomes of Harwich, Koczera of New Bedford, Patrick of Falmouth, Provost of Sandwich, Rogers of New Bedford and Straus of Mattapoisett moved, there being no objection, that it be amended by substitution of a bill with the same title (House, No. 5142), 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 Tuesday next at eleven o’clock A.M.

At five minutes after two o’clock P.M., on motion of Mr. Quinn of Dartmouth (Mr. O’Flaherty of Chelsea being in the Chair), the House adjourned, to meet on Tuesday next at eleven o’clock A.M., in an Informal Session.

