

JOURNAL OF THE HOUSE.

Wednesday, June 19, 2002.

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

Holy Spirit of God, we depend upon You and Your assistance for direction and guidance as we take up the items on today's legislative Calendar. We believe that Your presence and the spiritual energy which You communicate to us in our hearts and minds offer us personal peace, happiness and the courage to respond to all issues in a fair and just manner. Your spiritual gift of counsel enables us to reflect on the merits and consequences of our daily decisions. As we address the concerns of our diverse communities with a diversity of interests, teach us to respect the dignity and rights of all people, but to remain faithful to our own goals, ideals and priorities. May we be a source of hope, confidence and trust as we together plan for a bright and prosperous future for our children and their children.

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

At the request of the Chair (Mr. Walsh), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message 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 the actions taken at the special town meeting held by the town of Rockland on May 13, 2002 (House, No. 5153) was filed in the office of the Clerk on Tuesday, June 18.

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.

Resolutions.

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

Resolutions (filed by Messrs. Bunker of Rutland and Marini of Hanson) honoring Mary Jane McKenna; and

Resolutions (filed by Mr. Connolly of Everett) congratulating Kevin P. Dunn on receiving the Eagle Award of the Boy Scouts of America;

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

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

Resolutions (filed by Mrs. Hahn of Westfield) congratulating Professor Suzanne Davis on the occasion of her retirement;

Resolutions (filed by Messrs. O'Brien of Kingston and Straus of Mattapoissett) congratulating Christopher King on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Messrs. O'Brien of Kingston and Straus of Mattapoissett) congratulating James Sylvia on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mrs. Teahan of Whitman) congratulating Lieutenant Donald G. Sherman on the occasion of his retirement;

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. Cabral of New Bedford, 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 Commission on End of Life Care (under Section 480 of Chapter 159 of the Acts of 2000) submitting a copy of its report relative to the improvement of end of life care services,— was placed on file.

Annual Report.

The annual report of the Massachusetts Office of Dispute Resolution (under Section 51 of Chapter 7 of the General Laws) for the fiscal year ending June 31, 2002,— was placed on file.

Papers from the Senate.

The engrossed Bill relative to gun ranges (see House, No. 313, changed and amended) came from the Senate with an amendment in the second paragraph, in the last sentence (as engrossed), striking out the word “reasonably”.

Under suspension of Rule 35, on motion of Mr. Peterson of Grafton, 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 engrossed Bill designating certain bridges in the town of Saugus and the city of Woburn (see House, No. 4612, amended) came from the Senate with an amendment striking out section

2 (as changed by the House and Senate committees on Bills in the Third Reading) and inserting in place thereof the following section:

“SECTION 2. Chapter 474 of the acts of 1996 is hereby amended by striking out section 2 and inserting in place thereof the following section:—

Section 2. The bridge located on Main street and spanning United States highway route 1 in the town of Saugus shall be designated and known as the Saugus Veterans of Foreign Wars S/Sgt. Arthur F. DeFranzo Post 2346 Bridge. The department of highways shall erect and maintain a suitable marker on the bridge bearing the designation in compliance with the standards of the department.”

Under suspension of Rule 35, on motion of Ms. Donovan of Woburn, 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.

Reports of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities, as follows:

Of the Dartmouth Women’s Center, in the town of Dartmouth;

Of the Dukes County Jail and House of Correction, in the town of Edgartown;

Of M.C.I. Cedar Junction, in the town of Walpole; and

Of the M.C.I. Shirley Medium Security Facility, in the town of Shirley;

Sevreally were spread upon the records of the House; and returned to the Senate.

Emergency Measure.

The engrossed Bill providing for certain information technology improvements (see Senate, No. 2256, printed as amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 45 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) 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 “loan” bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 372 in Supplement.\]](#)

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

Engrossed Bills.

Engrossed bills

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

Relative to the appointment of retired police officers in the town of Stoneham (see House, No. 4168, changed and amended); and

Designating certain bridges in the town of Saugus and the city of Woburn (see House, No. 4612, 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

Relative to CPR certification for teachers and coaches (House, No. 4415); and

Providing for a betterment program for private road improvements in the city of Gloucester (House, No. 4835);

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.

Senate bills

Relative to the enhanced emergency telephone system in the town of Braintree (Senate, No. 2153, amended);

Relative to the identification of burial grounds and cemeteries on certain state-owned land (Senate, No. 2315); and

Establishing a comprehensive wastewater reuse and greywater management plan (Senate, No. 2329); and

House bills

Relative to day care providers notifying their local fire department (House, No. 662);

Relative to the “school-to-work” program (House, No. 2852);

Relative to the retirement benefits of certain public employees (House, No. 4456); and

Authorizing the Commonwealth of Massachusetts to convey certain land in the city of Boston (House, No. 5083);

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

The Senate Bill protecting consumers from unsolicited loans (Senate, No. 7, amended) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in lines 21 to 33, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

“(b) the financial institution or lender has disclosed in easily understandable language printed in 14 point type capital letters on the endorsement side of the check the following information: (1) a statement which reads, ‘THIS IS A SOLICITATION FOR A LOAN. BY ENDORSING THIS CHECK YOU BECOME LEGALLY LIABLE FOR REPAYING MONEYS, INCLUDING INTEREST, AS SPECIFIED IN THE ENCLOSED AGREEMENT/DISCLOSURE STATEMENT’; (2) the amount financed; (3) the annual percentage rate; (4) the number of installments; and (5) the amount of each installment payment.”;

in line 43 by striking out the figure “5” and inserting in place thereof the figures “10”; in line 50 by striking out the word “tenth” and inserting in place thereof the word “fifth”; and in line 98 by inserting after the word “act.” the following sentence: “This chapter shall not apply to a transaction in which a consumer has submitted an application or requested an extension of credit from the lender before receiving the check or instrument, or where the lender has an existing account relationship with the consumer.”,— were adopted.

The bill (Senate, No. 7, amended) then was ordered to a third reading.

The Senate Bill creating a municipal police training committee (Senate, No. 1274, changed and amended) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended in section 9, in line 8, by striking out the words “related to the committee” and inserting in place thereof the words “incurred in the discharge of their official committee duties”,— was adopted.

The bill (Senate, No. 1274, changed and amended) then was ordered to a third reading.

The House Bill providing for the use of uniform accounting principles (House, No. 1213) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 5134),— was adopted.

The substituted bill then was ordered to a third reading.

At twenty-one minutes after eleven o'clock A.M., on motion of Mr. Verga of Gloucester (Mr. Walsh of Boston being in the Chair), the House recessed until one o'clock P.M.; and at twelve minutes after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

At five 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.

The Proposal for a Legislative Amendment to the Constitution relative to a vacancy in the office of Governor or Lieutenant-Governor (see House, No. 799) (with reference to which the committee on Election Laws has reported, in accordance with Joint Rule 23, recommending that the amendment ought to pass,— was read twice in succession in accordance with the provisions of the special rules.

The proposal reads as follows:—

ARTICLE OF AMENDMENT.

Section II of Chapter II of Part the Second of the Constitution of the Commonwealth is hereby amended by striking out Article III and inserting in place thereof the following two articles:

Article III. Whenever the chair of the governor shall be vacant, by reason of his death, resignation or removal, the lieutenant governor shall become governor. Whenever the chair of the governor shall be vacant by reason of his absence from the commonwealth, or otherwise, except for his death, resignation or removal, the lieutenant governor for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present.

Article IV. Whenever the office of lieutenant governor shall become vacant, the governor shall nominate a lieutenant governor who shall take office upon confirmation by a majority vote of both the house of representatives and the senate.

Pending the main question on ordering the proposal to a third reading, and without taking action on other matters duly and constitutionally assigned for consideration, on motion of Ms. Melconian, at six minutes past two o'clock P.M., the joint session was recessed until two o'clock P.M., on Wednesday, July 17.

Recesses.

Mr. DiMasi of Boston being in the Chair,—

At seven minutes after two o'clock P.M., on motion of Mrs. Harkins of Needham, the House recessed until half past two o'clock P.M.; and at that time the House was called to order with Mr. Petrolati of Ludlow in the Chair.

The Chair (Mr. Petrolati) thereupon declared a further recess, until a quarter after three o'clock; and at nineteen minutes before four o'clock the House was called to order with the Speaker in the Chair.

Orders of the Day.

The Senate Bill providing for the preservation and improvement of the environmental assets of the Commonwealth (Senate, No. 2319) was read a second time.

The amendment previously recommended by the committee on Long-Term Debt and Capital Expenditures,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5149,— was rejected.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5152; and by striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide for preservation and improvement of the environmental assets of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”,— were adopted.

The bill (Senate, No. 2319, amended) then was ordered to a third reading.

Orders.

On motion of Mr. Rogers of Norwood,—

Ordered, That amendments to the Senate Bill providing for the preservation and improvement of the environmental assets of the Commonwealth (Senate, No. 2319, amended) shall be submitted to the office of the Clerk of the House of Representatives no later than twelve o'clock noon on Monday, June 24, 2002.

On motion of Mr. Rogers of Norwood,—

Ordered, That, notwithstanding the provisions of House Rule 12, the Clerk be directed to print a Calendar for Tuesday, June 25, 2002, containing only the Senate Bill providing for the preservation and improvement of the environmental assets of the Commonwealth (Senate, No. 2319, amended).

On motion of Ms. Wolf of Cambridge,—

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 twenty-one minutes after four o'clock P.M., on motion of Ms. Blumer of Framingham (the Speaker being in the Chair) the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.