

JOURNAL OF THE HOUSE.
Wednesday, July 10, 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:

Gracious God, we proclaim our belief and trust in You and in Your personal interest in our total material and spiritual well-being and health. We also believe that You have created each one of us for a unique and specific purpose which, with Your assistance, we can achieve and have endowed each of us with an eternal destiny. As we carry out our daily obligations, inspire us to be responsive to You, Your expectations, ways and precepts. May our beliefs be reflected in our dealings with others and issues. Teach us to build our philosophical and religious principles on rock solid foundations, so that the people will continue to have confidence in us and our legislative programs. With Your assistance and guidance, we believe that our daily struggle to shape a responsible and responsive society will be successful.

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 Caron of Springfield.

A statement of Mr. DiMasi of Boston concerning Mr. Caron of Springfield 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 Caron of Springfield, will not be present in the House Chamber for today's sitting due to official business in his district. Any roll calls that he may miss today is due entirely to the reason stated.

Statement Concerning Representative Kelly of Dalton.

A statement of Mr. Marini of Hanson concerning Mr. Kelly of Dalton 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 Kelly of Dalton, will not be present in the House Chamber for today's sitting due to a previously scheduled commitment. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Provost of Sandwich.

A statement of Mr. DiMasi of Boston concerning Mrs. Provost of Sandwich 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 Provost of Sandwich, will not be present in the House Chamber for today's sitting due to illness. Any roll calls that she may miss today will be due entirely to the reason stated.

Resolutions.

Resolutions (filed with the Clerk by Representatives Smizik of Brookline, Balser of Newton, Demakis of Boston and Golden of Boston) commending the New England Institute of Art & Communication on the occasion of the 50th anniversary of their founding, were referred, under Rule 85, to the committee on Rules.

Mr. DiMasi of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Fagan of Taunton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

The following order (filed by Mr. Finneran of Boston) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, joint standing committees and the committees on Rules of the two branches, acting concurrently, be granted until Wednesday, September 4, 2002, within which to make its reports on all matters referred to them.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Petrolati of Ludlow, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Papers from the Senate.

The House Bill relative to health care carriers (House, No. 4676) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2376; and striking out the title and inserting in place thereof the following title: "An Act relative to dental and vision care services."

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.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2398) of Stephen M. Brewer and Brian Knuuttila for legislation relative to the licensing of home inspectors. To the committee on Government Regulations.

Petition (accompanied by bill, Senate, No. 2399) of Pamela P. Resor and Stephen P. LeDuc (with the approval of the mayor and city council) for legislation to authorize the city of Marlborough to employ Richard Oram as a special police officer for road construction details. To the committee on Public Service.

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 Bradford Hill, Anthony J. Verga, Bruce E. Tarr and others relative to requiring the use of warning flags on kayaks operating on the surface waters of the Commonwealth. To the committee on Public Safety.

Petition (accompanied by bill) of Thomas N. George and Robert A. O'Leary relative to trustee's of Jacob Sears Memorial Library in the town of Dennis. To the committee on State Administration.

Under suspension of the rules, on motion of Mr. Flynn of Bridgewater, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Hall of Westford, for the committee on State Administration, on House, No. 5082, a Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Ashfield (House, No. 5217). Read; and referred, under Rule 33, to the committee on Ways and Means.

Engrossed Bill.

The engrossed Bill providing for the annual observance of Thomas Paine Day (see Senate, No. 1602) (which originated in the Senate), 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.

Orders of the Day.

House bills

Relative to the charter of the city of Lawrence relative to the residency requirement for city employees (House, No. 4806) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the town of Westford to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 5130); and

Relative to the disposition of certain state owned property in the city of Somerville (House, No. 5138) (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.

Senate bills

Relative to complaints of sexual harassment and other forms of discrimination (Senate, No. 915); and

Relative to the retirement benefits of emergency medical technicians (Senate, No. 2348); and

House bills

Relative to speed limit violations in marked construction zones (House, No. 867);

Requiring the posting of security for the seizure and impoundment of animals (House, No. 2202);

Relative to certain tanks used for the storage of fluids (House, No. 4209);

Authorizing the city of Holyoke to enter into contracts for a sewer works system and operation (House, No. 4271, changed); and

Relative to creditable service in the armed forces of the United States (House, No. 5103);

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

The House Bill authorizing the Division of Capital Planning and Operations and the Metropolitan District Commission to convey a certain parcel of land in the city of Boston (House, No. 934) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended in section 2 by striking out the sentence contained in lines 3 to 6, inclusive, and inserting in place thereof the following two sentences: “The full and fair market value of the property shall be determined by an independent appraisal that shall be subject to the review of the inspector general. The recipients of said parcel shall assume the cost of said appraisal and any survey deemed necessary by the commissioner for the disposition of said parcel.”— was adopted.

The bill (House, No. 934, amended) then was ordered to a third reading.

The House Bill relative to insurance assessments (House, No. 1161, changed) 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. 5215),— was adopted.

The substituted bill then was ordered to a third reading.

The House Bill relative to veteran's agents and veterans' benefits (House, No. 4279) 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. 5216),— was adopted.

The substituted bill then was ordered to a third reading.

The House Bill authorizing the city of Worcester to lease a certain building for courthouse use (House, No. 4966) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 1, in lines 1 to 7, inclusive, by striking out the sentence contained therein and inserting in place thereof the following sentence: "The city of Worcester, acting by and through its city manager and city council, is hereby authorized to execute and deliver one or more instruments to lease to the juvenile court department of the trial court, a portion of the Worcester Memorial Auditorium for use as a courthouse by the Worcester division of said juvenile court department of the trial court and by state agencies and departments related to the operation or activities of the trial court."; and in line 12, by inserting after the word "supreme" the word "judicial",— were adopted.

The bill (House, No. 4966, amended) then was ordered to a third reading.

The House Bill relative to an initiative to promote the commercialization of fuel cell technology (House, No. 5063) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 1, by adding at the end thereof the following sentence: "This includes an energy storage device that also reverses said electrochemical process, thereby restoring its fuel."; and in section 2, in line 15, by inserting after the word "industry," the following: "(4A) representative from the transportation fuel cell industry,"— were adopted.

The bill (House, No. 5063, amended) then was ordered to a third reading.

At five minutes after eleven o'clock A.M., on motion of Mrs. Walrath of Stow (Mr. O'Flaherty of Chelsea being in the Chair), the House recessed until one o'clock P.M.; and at eleven minutes after one o'clock the House was called to order with Mr. DiMasi of Boston in the Chair.

The House Bill further regulating firearms (House, No. 5102) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 1, in line 7, by inserting after the word "of" the words "more than";

in section 10, in line 9, by striking out the following: “\$100 nor more than \$500” and inserting in place thereof the following: “\$500 nor more than \$5,000”; and by adding at the end thereof the following two sections:

“SECTION 12. Chapter 265 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after section 13K the following section:—

Section 13L. Whoever commits an assault and battery against a family or household member as defined in section 1 of chapter 209A, shall be punished by imprisonment for not more than two and one half years in a house of correction or by a fine of not more than \$1,000.

SECTION 13. Section 10 of this act shall take effect 1 year after passage.”,— were adopted.

After remarks on the question on ordering the bill, as amended, to a third reading, Mr. Linsky of Natick moved that it be amended by striking out section 6.

On the question on adoption of the amendment, Ms. Balser of Newton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. DiMasi of Boston), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 136 members were recorded as being in attendance.

[\[See Yea and Nay No. 383 in Supplement.\]](#)

Therefore a quorum was present.

After debate on the question on adoption of the amendment (Mr. Correia of Fall River being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Linsky; and on the roll call 37 members voted in the affirmative and 108 in the negative.

[\[See Yea and Nay No. 384 in Supplement.\]](#)

Therefore the amendment was rejected.

After debate on the question on ordering the bill, as amended, to a third reading (Mr. DiMasi of Boston being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Linsky of Natick; and on the roll call 115 members voted in the affirmative and 32 in the negative.

[\[See Yea and Nay No. 385 in Supplement.\]](#)

Therefore the bill (House, No. 5102, amended) was ordered to a third reading.

Order.

On motion of Mr. Finneran of Boston,—

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

Mr. Cahill of Beverly then moved that as a mark of respect to the memory of C. Henry Glovsky, a member of the House from Beverly from 1951 to 1953, inclusive, and a member of the Senate from 1953 to 1956, inclusive, the House adjourn; and the motion prevailed.

Accordingly without further consideration of the remaining matters in the Orders of the Day, at twenty-eight minutes before five o'clock P.M. (Mr. DiMasi of Boston being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.