

JOURNAL OF THE HOUSE.

Wednesday, July 17, 2002.

Met according to adjournment, at eleven o'clock A.M., with Mrs. Walrath of Stow 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 of Forgiveness and Truth, we pause for a moment of spiritual reflection to recognize Your presence and to ask for Your assistance as we organize and sort out our personal and legislative priorities, agenda and pending decisions. In addressing current difficult, controversial and complex legislative issues, of which these are many, we pray for a clear vision of reality which will enable us to see beyond the challenges of the moment and the consequences of our choices. In our diverse society and cultures teach, us to respect all people as members of the one human family, Your family. May we always be fair and open to the opinions of others, but firmly committed to our own principles and religious beliefs. As we work together to build stable and strong communities and to strengthen our basic institutions and family life, may we be guided by the moral light which You alone can provide.

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

At the request of the Chair (Mrs. Walrath), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Statement of Representative Atsalis of Barnstable.

A statement of Mr. Atsalis of Barnstable 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 I was unable to be present in the House Chamber for a portion of today's joint session due to my attendance at a funeral. The roll call that I missed in the joint session today 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 Ms. Atkins of Concord) condemning genocide by the governments of the Sudan and Mauritania;

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating the Hyannis Yacht Club on the occasion of its 60th anniversary;

Resolutions (filed by Mr. Merrigan of Greenfield) congratulating the Greenfield Kiwanis Club

on the occasion of its 80th anniversary; and

Resolutions (filed by Representatives Poirier of North Attleborough and Coppola of Foxborough) honoring Reverend Robert A. Oliveira on the occasion of the 25th anniversary of his ordination;

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. Smizik of Brookline, 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. O'Brien of Kingston, petition (accompanied by bill, House, No. 5253) of Thomas J. O'Brien, Viriato Manuel deMacedo and Therese Murray (by vote of the town) relative to amending the charter of the town of Plymouth concerning the filling of vacancies in the position of town meeting member; and

By Mr. Smizik of Brookline, petition (accompanied by bill, House, No. 5254) of Deborah Goldberg, Paul C. Demakis, Cynthia S. Creem, Brian Paul Golden, Ruth B. Balser and others (by vote of the town) that the town of Brookline be authorized to lease certain town-owned property for a period not to exceed twenty-five years;

Severally to the committee on Local Affairs.

By Mr. Connolly of Everett, petition (accompanied by bill, House, No. 5255) of Edward G. Connolly (with the approval of the mayor and city council) relative to the health insurance of certain employees of the city of Everett; and

By Mr. O'Brien of Kingston, petition (accompanied by bill, House, No. 5256) of Thomas J. O'Brien, Ruth W. Provost and Marc R. Pacheco (by vote of the town) relative to exempting the position of chief of police in the town of Carver from the civil service laws;

Severally to the committee on Public Service.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Binienda of Worcester, petition (subject to Joint Rule 12) of John J. Binienda and other members of the House relative to motor vehicle insurance surcharges.

By Mr. Correia of Fall River, petition (subject to Joint Rule 12) of Robert Correia, Michael J. Rodrigues, Joan M. Menard and David B. Sullivan that the Division of Capital Asset Management and Maintenance be authorized to convey certain property to the Southeastern

Massachusetts Bioreserve.

By Mr. Kulik of Worthington, petition (subject to Joint Rule 12) of Stephen Kulik, Stanley C. Rosenberg, John F. Merrigan, Stephen M. Brewer, Andrea F. Nuciforo, Jr., and Shaun P. Kelly relative to the Franklin County Regional Housing and Redevelopment Authority.

By Mr. Larkin of Pittsfield, petition (subject to Joint Rule 12) of Peter J. Larkin and other members of the House relative to establishing the Teacher, Principal and Superintendent Quality Fund.

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

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill clarifying tastings (House, No. 4814) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5247). Referred, under Rule 33, to the committee on Ways and Means with the amendment pending.

By Mr. Cahill of Beverly, for the committee on Housing and Urban Development, on House, Nos. 4686 and 4971, an Order relative to authorizing the committee on Housing and Urban Development to make an investigation and study of certain House documents concerning a parcel of land in the city of Fall River (House, No. 5245). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

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.

Subsequently, the same member, for the same committee on Rules, reported, in part, on the foregoing order, a Bill relative to the implementation of a housing improvement plan in the city of Fall River (House, No. 4686) [Local Approval Received]; and

On the the residue of the foregoing order, the same member reported, a Bill relative to the implementation of a housing improvement plan in the city of Fall River (House, No. 4971) [Local Approval Received].

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 House, No. 5145, a Bill relative to the disposition of certain state-owned property in the town of Belmont (House, No. 5248).

By Mrs. Parente of Milford, for the committee on Long-Term Debt and Capital Expenditures, on a message from Her Honor the Lieutenant-Governor, Acting Governor, a Bill providing for capital facility improvements and repairs for the Commonwealth (printed in House, No. 5037). [General Obligation Bonds: \$101,804,155.00].

By the same member, for the same committee, on House, No. 5120, a Bill relative to certain capital spending authorizations (House, No. 5249) [Deauthorization of General Obligation Bonds: \$568,500,000.00].

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

Orders of the Day.

The Senate Bill authorizing farmer-brewers to sell malt beverages on Sundays and legal holidays (Senate, No. 373), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

House bills

Authorizing the city of Waltham to continue the use of certain park land for water purposes (House, No. 4833);

Designating a certain bridge in the town of Andover as the Joseph A. Horan Bataan Corrigidor Veterans Memorial Bridge (House, No. 5022);

Relative to the repair of a certain road in the city of Leominster (House, No. 5118); and

Relative to the terms of certain bonds issued by the Commonwealth (House, No. 5198);

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.

The House Bill providing for increased organ donations through education and access (House, No. 4238, amended) was considered, the main question being on ordering the bill to a third reading.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 1 by striking out the sentence contained in lines 4 to 9, inclusive, and inserting in place thereof the following sentence: “The registrar shall provide to those persons licensed to operate a motor vehicle under this chapter who have signified their intention to make an anatomical gift under the provisions of chapter 113 access to information on federally designated organ procurement organizations so as to facilitate the level of communication between and reciprocal knowledge of said persons and said organizations on the issue of organ donation.”, by striking out in lines 9 and 10 the words “mutually agreeable format” and inserting in place thereof the following “a manner and form to be determined by the registration following consultation with federally designated organ procurement organizations”; in section 2, in line 6, by inserting after the word “available” the words “to said clients”,— were rejected.

Mr. George of Yarmouth then moved that the bill be amended by substitution of a bill with the same title (House, No. 5246), which was read.

The amendment was adopted; and the substituted bill was ordered to a third reading.

Recess.

At twenty-five minutes after eleven o'clock A.M., the Chair (Mrs. Walrath of Stow) declared a recess, subject to the call of the Chair.

Joint Session of the Two Houses to Consider

Specific Amendments to the Constitution.

At two 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.

Mr. Lees moved that the Joint Session adjourn; and the question thereon was determined by a call of the yeas and nays, at seven minutes past two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 137 — nays 53):

YEAS (137).

Senators.

Antonioni, Robert A.

Baddour, Steven A.

Berry, Frederick E.

Chandler, Harriette L.

Creedon, Robert S., Jr.

Creem, Cynthia Stone

Fargo, Susan C.

Hart, John A., Jr.

Havern, Robert A.

Jacques, Cheryl A.

Joyce, Brian A.

Knapik, Michael R.
Lees, Brian P.
McGee, Thomas M.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
O’Leary, Robert A.
Pacheco, Marc R.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 32.

Representatives.

Atkins, Cory
Ayers, Bruce J.
Balser, Ruth B.

Barrios, Jarrett T.
Binienda, John J.
Blumer, Deborah D.
Bosley, Daniel E.
Bradley, Garrett J.
Broadhurst, Arthur J.
Buoniconti, Stephen J.
Cabral, Antonio F. D.
Cahill, Michael P.
Canavan, Christine E.
Candaras, Gale D.
Caron, Paul E.
Ciampa, Vincent P.
Cleven, Carol C.
Creedon, Geraldine
DeLeo, Robert A.
Demakis, Paul C.
Dempsey, Brian S.
DiMasi, Salvatore F.
Donovan, Carol A.
Fagan, James H.
Fallon, Christopher G.
Falzone, Mark V.
Fennell, Robert F.
Festa, Michael E.

Finegold, Barry R.
Fitzgerald, Kevin W.
Flavin, Nancy
Flynn, David L.
Fox, Gloria L.
Galvin, William C.
Garry, Colleen M.
George, Thomas N.
Goguen, Emile J.
Golden, Brian Paul
Golden, Thomas A., Jr.
Haddad, Patria A.
Hahn, Cele
Hall, Geoffrey D.
Harkins, Lida E.
Hodgkins, Christopher J.
Honan, Kevin G.
Jehlen, Patricia D.
Kafka, Louis L.
Kaprielian, Rachel
Kaufman, Jay R.
Keenan, Dainel F.
Khan, Kay
Kocot, Peter
Koczera, Robert M.

Koutoujian, Peter J.
Kulik, Stephen
Larkin, Peter J.
Leary, James B.
Lewis, Maryanne
Linsky, David Paul
Locke, John A.
Malia, Elizabeth A.
Mariano, Ronald
Marzilli, J. James, Jr.
Merrigan, John F.
Murphy, Charles A.
Murphy, James M.
Murphy, Kevin J.
Nangle, David M.
Naughton, Harold P., Jr.
Nyman, Robert J.
O'Brien, Thomas J.
O'Flaherty, Eugene L.
Owens-Hicks, Shirley
Patrick, Matthew C.
Paulsen, Anne M.
Pedone, Vincent A.
Petersen, Douglas W.
Petrolati, Thomas M.

Petrucelli, Anthony
Pope, Susan W.
Provost, Ruth W.
Quinn, John F.
Reinstein, Kathi-Anne
Rivera, Cheryl A.
Rushing, Byron
Slattery, John P.
Smizik, Frank I.
Speliotis, Theodore C.
Spellane, Robert
Spilka, Karen
Stanley, Harriett L.
St. Fleur, Marie P.
Story, Ellen
Straus, William M.
Swan, Benjamin
Teahan, Kathleen M.
Timilty, Walter F.
Toomey, Timothy J., Jr.
Torrise, David M.
Turkington, Eric
Vallee, James E.
Wagner, Joseph F.
Walrath, Patricia A.

Walsh, Martin J.

Wolf, Alice K. — 105.

NAYS (53).

Senators.

Brewer, Stephen M.

Glodis, Guy W.

Hedlund, Robert L.

Magnani, David P.

Moore, Richard T..

Panagiotakos, Steven C.

Tarr, Bruce E.. — 7.

Representatives.

Asselin, Christopher P.

Carron, Mark J.

Casey, Paul C.

Connolly, Edward G.

Coppola, Michael J.

Correia, Robert

deMacedo, Viriato Manuel

Donato, Paul J.

Finneran, Thomas M.

Fresolo, John P.

Frost, Paul K.

Gobi, Anne M.

Gomes, Shirley
Greene, William G., Jr.
Hargraves, Robert S.
Hill, Bradford
Hillman, Reed V.
Hynes, Frank M.
Jones, Bradley H., Jr.
Kane, Michael F.
Kelly, Shaun P.
Knuuttila, Brian
Kujawski, Paul
LeDuc, Stephen P.
Lepper, John A.
Loscocco, Paul J. P.
Marini, Francis L.
Miceli, James R.
Parente, Marie J.
Peterson, George N., Jr.
Poirier, Elizabeth
Polito, Karyn E.
Rodrigues, Michael J.
Rogeness, Mary S.
Rogers, George
Rogers, John H.
Ruane, J. Michael

Santiago, Jose L.

Scaccia, Angelo M.

Stanley, Thomas M.

Sullivan, David B.

Sullivan, Joseph C.

Tirone, Paul E.

Tobin, A. Stephen

Travis, Philip

Verga, Anthony J. — 46.

The yeas and nays having been completed at seventeen minutes past two o'clock P.M., the motion to adjourn was adopted; and accordingly, the Joint Session was adjourned.

The Senate returned to its Chamber, under the escort of the Sergeant-at-Arms.

At twenty minutes past two o'clock P.M., the Senate reassembled.

At twenty-five minutes after two o'clock P.M., the House was called to order with Mr. DiMasi of Boston in the Chair.

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.

Representatives Fox of Boston, Rushing of Boston, Owens-Hicks of Boston, St. Fleur of Boston, Barrios of Cambridge, Swan of Springfield, Malia of Boston and Fitzgerald of Boston then moved that as a mark of respect to the memory of Royal L. Bolling, Sr., a member of the House from Boston from 1961 to 1968, inclusive, and 1971 to 1974, inclusive, and a member of the Senate from 1983 to 1988, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-nine minutes after two 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.

