

## **JOURNAL OF THE HOUSE.**

Thursday, July 18, 2002.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Spellane of Worcester 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, we are grateful for Your gift of life and for the way of life for successful living which You have made known to us. We believe that Your personal concern for our total well being and by utilizing prudently Your spiritual gifts and our human talents we will reach the goals for which we have been created. As we struggle to achieve our human and spiritual potential and to act according to right reason, help us to form and follow a right conscience. Guide our efforts as a nation and a people, from Wall Street to Main Street, in restoring trust in our economic system, our basic institutions and in each other.

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

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

### *Resolutions.*

Resolutions (filed with the Clerk by Representatives Smizik of Brookline, Balser of Newton, Demakis of Boston and Golden of Boston) commending the Boston Ronald McDonald House and the Boston Harley Owners Group on their 11th anniversary ride and for their outstanding support for children with cancer and their families, were referred, under Rule 85, to the committee on Rules.

Mr. Scaccia 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. 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.

### *Petition.*

Mr. Carron of Southbridge presented a petition (subject to Joint Rule 12) of Mark J. Carron and Robert L. Hedlund relative to the operation of magnetic resonance imagers; and the same was referred, under Rule 24, to the committee on Rules.

### *Papers from the Senate.*

The House Bill relative to liquor liability insurance (House, No. 1787, amended) 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 2346.

Under suspension of Rule 35, on motion of Mr. Fresolo of Worcester, 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.

## Bills

Relative to credit unions (Senate, No. 5) (on a petition);

Authorizing educational psychologists to receive certain insurance payments (Senate, No. 791, amended by adding at the end thereof the following section:

“SECTION 6. This act shall apply to all policies, contracts, agreements, plans and certificates of insurance issued or delivered within or without the commonwealth on or after March 1, 2003, and to all policies, contracts, agreements, plans and certificates of insurance in effect before that date upon renewal or after March 1, 2003.”) (on Senate, No. 791 and House, No. 3553);

Directing the state board of retirement to pay a certain retirement benefit to the surviving spouse of State Trooper Michael Brugman (Senate, No. 1374, changed in section 1, in line 6, by striking out the following: “chapter 21” and inserting in place thereof the following: “chapter 32”; and amended by striking out sections 2 and 3 and inserting in place thereof the following section:

“SECTION 2. This act shall take effect upon its passage.”) (on a petition);

Relative to the taxation of cable television facilities (Senate, No. 1694, amended by adding at the end thereof the following two sections:

“SECTION 3. The commissioner of revenue may promulgate rules and regulations necessary to implement this act.

SECTION 4. Sections 1 and 2 shall become effective on the first day of the calendar month following 150 days after the passage of this act.”) (on a petition);

Relative to certificates of birth resulting in stillbirth (Senate, No. 2160, amended in line 6 by inserting after the word “death” the words “as defined in section 202 of chapter 111,”) (on Senate, No. 453);

Releasing certain land in Hatfield from the operation of an agricultural preservation restriction (Senate, No. 2368) (on a petition);

Releasing certain land in Hadley from the operation of an agricultural preservation restriction (Senate, No. 2386) (on a petition);

Releasing certain land in Hadley from the operation of an agricultural preservation restriction

(Senate, No. 2387) (on a petition);

Relative to certain veterans' registration plates (Senate, No. 2408, amended in section 4, in line 5, by inserting after the word "use" the words "and the surviving spouse of a deceased recipient killed as a result of injuries suffered in combat may apply for the plate,") (on Senate bill, No. 1284);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

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

Petition (accompanied by bill, Senate, No. 2416) of Stephen M. Brewer and John F. Merrigan for legislation to authorize the Pioneer Valley Regional School District to borrow money for construction costs at the Warwick community school. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill, Senate, No. 2417) of Stephen M. Brewer, Stephen Kulik, Stanley C. Rosenberg, Reed V. Hillman and other members of the General Court for legislation to dedicate certain lands in the towns of Pelham, Belchertown, Sunderland and Leverett under the care, custody and control of the University of Massachusetts to conservation and public recreational purposes;

Petition (accompanied by bill, Senate, No. 2418) of Joan M. Menard, Robert Correia, Marc R. Pacheco, Stephen M. Brewer and other members of the General Court for legislation relative to a land conveyance from the Division of Fisheries and Wildlife for the purposes of the Southeastern Massachusetts Bioreserve; and

Petition (accompanied by bill, Senate, No. 2419) of Stanley C. Rosenberg and Stephen Kulik for legislation to release certain land in Deerfield from the operation of an agricultural preservation restriction;

Severally to the committee on State Administration.

#### *Reports of Committees.*

Mr. Rogers of Norwood, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2301) of the House Bill making appropriations for the fiscal year 2003 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for the interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101), reported, in part, a Bill making appropriations for the fiscal year 2003 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5300).

Placed in the Orders of the Day for the next sitting, the question being on acceptance.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain Senate and House documents concerning apprentice training and agreements (House, No. 4682) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2842) of Robert M. Koczera and Stephen F. Lynch relative to apprenticeship training programs,— and recommending that the same be recommitted to the committee on Commerce and Labor. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Toomey of Cambridge, for the committee on Public Safety, on Senate, No. 2291 and House, No. 4959, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain Senate and House documents concerning public safety issues (House, No. 5257). 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. Casey of Winchester, for the committee on Taxation, on House, No. 4893, a Bill to provide tax relief to victims of terrorist attacks (House, No. 5258). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a recommitted petition, a Bill relative to the utilization of retired police officers by the city of Leominster (House, No. 5015, changed in section 1, in lines 7 and 8, by striking out the sentence contained therein) [Local Approval Received].

By the same member, for the same committee, on a message of Her Honor the Lieutenant-Governor, Acting Governor, a Bill relative to acceptance of the municipal early retirement incentive by the town of Westport (printed in House, No. 5194).

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

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to the implementation of a housing improvement plan in the city of Fall River (House, No. 4971) ought to pass [Local Approval Received]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

*Emergency Measure.*

The engrossed Bill providing for the payment of certain retirement benefits (see House, No. 5072, changed), 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 20 to 0. Sent to the Senate for concurrence.

#### *Engrossed Bills.*

The engrossed Bill authorizing the Attorney General to suspend certain labor laws in an emergency (see House, No. 5189) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing farmer-brewers to sell malt beverages on Sundays and legal holidays (see Senate, No. 373) (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.*

The engrossed Bill relative to the employment of certain minors (see House, No. 4310, amended), which had been returned to the House by Her Honor the Lieutenant-Governor, Acting Governor with recommendation of amendment (for message, see House, No. 5236), was adopted in the following form (as approved by the committee on Bills in the Third Reading):

By striking out all after the enacting clause and inserting in place thereof the following:

“Section 62 of chapter 149 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘description’, in line 8, the following words:— except golf carts on a golf course provided such minor has been issued a license to operate motor vehicles and.”.

Sent to the Senate for its action.

House bills

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

Relative to insurance assessments (House, No. 5215);

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.

#### *Order.*

On motion of Mr. Finneran of Boston,—

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

Mr. Petruccelli Boston then moved that as a mark of respect to the memory of Michael A. Porrazzo, a member of the House from Boston from 1953 to 1959, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty-two minutes after eleven o'clock A.M., on motion of Mr. Walsh of Boston (Mr. Spellane of Worcester being in the Chair), the House adjourned, to meet tomorrow at ten o'clock A.M.