

JOURNAL OF THE HOUSE.

Tuesday, July 23, 2002.

Met according to adjournment, at eleven o'clock A.M.

Mr. Marini of Hanson asked for a count of the House to ascertain if a quorum was present. The Speaker, 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 115 members were recorded as being in attendance.

[\[See Yea and Nay No. 411 in Supplement.\]](#)

Therefore a quorum was present.

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, in a spirit of humility, we look to You for clear guidance and direction, as we organize and evaluate our legislative options and responsibilities. Often the political and ethical issues which we face and the public policy issues which we propose are complex and open to misunderstanding. Help us to articulate clearly the content and purpose of legislation, so that the common good is served and in our institutions deepened. Teach us to work together even on emotional or sensitive issues so that all will benefit from reasonable decisions and fair legislation. In these times of increased violence against children, women and young people, inspire us to defend vigorously the respect, the rights and personal and religious freedom which are the fundamental rights of each person.

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

At the request of the Speaker, the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement of Representative Festa of Melrose.

A statement of Mr. Festa of Melrose 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 the sitting of Friday last due to a medical emergency. Any roll calls that I may have missed that day was due entirely to the reason stated. Had I been present for Yea and Nay No. 403, on enactment of House, No. 5300; and Yea and Nay No. 404, on enactment of House, No. 4865, I would have voted in the affirmative in both instances.

Statement of Representative Kaprielian of Watertown.

A statement of Ms. Kaprielian of Watertown 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 yesterday's sitting due to personal business. Any roll calls that I may have missed yesterday was due entirely to the reason stated.

Statement of Representative Loscocco of Holliston.

A statement of Mr. Loscocco of Holliston 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 the sitting of Friday last due to official business in another part of the State House. Any roll calls that I may have missed that day was due entirely to the reason stated.

Papers from the Senate.

The House Bill relative to the enhanced emergency telephone system in the city known as the town of Weymouth (House, No. 4012) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end of section 1 the following 4 sentences: "The emergency 911 communications shall be monitored at a secure location within the fire department headquarters staffed at all times by fire department personnel fully trained in such monitoring. The emergency 911 communications shall be monitored in a manner that prevents any broadcast of them to the general public. The secure location used for monitoring emergency 911 communications shall be restricted to trained fire department personnel when such communications are being monitored. No such modification or change in the city's telephone company equipment or enhanced 911 system shall cause any degradation of the state's 911 system."

Under suspension of Rule 35, on motion of Mr. Murphy of Weymouth, 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 House Bill relative to handicapped stickers for motorcycle license plates (House, No. 4099) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2293; and inserting before the enacting clause the following emergency preamble:

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to extend forthwith handicap access rights to persons owning motorcycles, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

Under suspension of Rule 35, on motion of Mr. Toomey of Cambridge, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn, as changed)

were considered forthwith; and they were adopted, in concurrence.

The House Bill authorizing the Commissioner of the Division of Capital Asset Management to convey certain land in the town of Westborough (House, No. 4844) 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 2397.

Under suspension of Rule 35, on motion of Ms. Polito of Shrewsbury, 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.

A Bill relative to apprenticeship training programs (Senate, No. 2421) (on Senate bill, No. 43), passed to be engrossed by the Senate, was read.

Under suspension of the rules, on motion of Mr. Greene of Billerica, the bill was read a second time forthwith; and it was ordered to a third reading.

A Bill relative to the licensing of barbers and cosmetologists (Senate, No. 447) (on House, No. 43 and a part of House, No. 8), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Petition (accompanied by bill, Senate, No. 2425) of Robert A. O'Leary, Colleen M. Garry and Andrea F. Nuciforo, Jr. for legislation to provide for the transfer and preservation of certain interests in land held for natural resource purposes by now abolished counties. To the committee on Counties.

Petition (accompanied by bill, Senate, No. 2426) of Stephen M. Brewer, Reed V. Hillman, Robert A. O'Leary, Anne M. Gobi and other members of the General Court for legislation to proclaim May twenty-fifth as Missing Children's Day; and

Petition (accompanied by bill, Senate, No. 2427) of Marc R. Pacheco, Joan M. Menard and other members of the General Court for legislation to authorize the Department of Environmental Management and the Division of Fisheries and Wildlife to acquire conservation restrictions in and to lands owned by the cities of New Bedford and Taunton and the towns of Freetown, Lakeville, Middleborough and Rochester;

Severally to the committee on State Administration.

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 Thomas J. O'Brien, Viriato Manuel deMacedo and Therese Murray (by vote of the town) relative to authorizing the Division of Fisheries and Wildlife and the Department of Environmental Management to take or acquire conservation restrictions in

and to land of the town of Plymouth. To the committee on Natural Resources and Agriculture.

Petition (accompanied by bill) of Martin J. Walsh relative to the possession of electronic weapons. To the committee on Public Safety.

Petition (accompanied by bill) of Martin J. Walsh relative to including John Comerford in the early retirement incentive program for employees of the Commonwealth. To the committee on Public Service.

Petition (accompanied by bill) of William G. Greene, Jr., and Robert A. Havern relative to designating a certain bridge in the town of Billerica as the Gordon C. Brainerd Bridge;

Petition (accompanied by bill) of George Rogers and David L. Flynn for legislation directing the Department of Highways to make certain traffic improvements in the Bridgewater area; and

Petition (accompanied by bill) of George Rogers that the Department of Highways be directed to install and maintain traffic signals at a certain intersection in the town of Freetown;

Severally to the committee on Transportation.

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

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Safety to make an investigation and study of certain Senate and House documents concerning public safety (House, No. 5257) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2291) of Guy W. Glodis and Timothy J. Toomey, Jr. for legislation relative to the operation of low-speed vehicles,— and recommending that the same be recommitted to the committee on Public Safety. Under Rule 42, the report was considered forthwith; and it was accepted.

Ms. Lewis of Dedham being in the Chair,— Mr. Kujawski of Webster reported, for the committee on Steering, Policy and Scheduling, that the House Bill relative to enhancing the penalties for distribution of methylenedioxy methamphetamine (House, No. 1726) be scheduled for consideration by the House.

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

By Mr. Toomey of Cambridge, for the committee on Public Safety, on a petition, a Bill further regulating furloughs of committed offenders (House, No. 5064).

By Mr. Scaccia of Boston, for the committee on Rules, on House No. 4918, a Bill imposing a moratorium on Commonwealth charter schools (House, No. 4876).

By Mr. Hall of Westford, for the committee on State Administration, on Senate, No. 2418, a Bill authorizing certain conveyances of land to establish the Southeastern Massachusetts

Bioreserve (House, No. 5270).

By the same member, for the same committee, on House, No. 5036, a Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to the town of Wellesley (House, No. 5271).

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

By Mr. Verga of Gloucester, for the committee on Local Affairs, on a petition, a Bill relative to the sale of certain land by the city of Chicopee (House, No. 5182) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the Chicopee Municipal Light Plant to make certain payments to the city of Chicopee (House, No. 5183) [Local Approval Received].

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 authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey easements for the transmission of natural gas over lands under the control of the Department of Environmental Management for conservation/recreation purposes in the town of North Andover to Maritimes & Northeast Pipelines, L. L. C. (House, No. 5200) ought to pass. 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.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the utilization of retired police officers by the city of Leominster (House, No. 5015, changed) [Local Approval Received] be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading.

Orders of the Day.

House bills

Authorizing the city of Lowell to place municipal charge liens on certain properties in the city of Lowell for nonpayment of any local charges, fee or fine (House, No. 4022);

Relative to regional retirement systems (House, No. 4438);

Authorizing the town of Brewster to establish a capital investment fund (House, No. 4828);

Relative to the withdrawal of candidates nominated for elective office in the city of Malden (House, No. 4879);

Authorizing the city of Worcester to lease a certain building for courthouse use (House, No. 4966, amended);

Authorizing the city of Lowell to pay a certain unpaid bill (House, No. 5112); and

Relative to voting precincts for the city of Chicopee (House, No. 5178) (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.

The engrossed Bill relative to a certain employee of the Division of Industrial Accidents (see House, No. 4418), having been returned by Her Honor the Lieutenant-Governor, Acting Governor, with her objections thereto in writing (for message, see House, No. 5267), was considered.

Pending the question on passing the bill, notwithstanding the said objections, further consideration thereof was postponed, on motion of Mr. Jones of North Reading, until Thursday, August 15, 2002.

The engrossed Bill enhancing state revenues (see House, No. 5250), which had been returned to the House by Her Honor the Lieutenant-Governor, Acting Governor, with her objections thereto in writing (for message, see House, No. 5269), was considered.

After debate (Mr. Petrolati of Ludlow being in the Chair) the question on passing the bill, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 122 members voted in the affirmative and 29 in the negative.

[\[See Yea and Nay No. 412 in Supplement.\]](#)

Therefore the bill was passed, notwithstanding the said objections of the Acting Governor (more than two-thirds of the members having agreed to pass the same). Sent to the Senate for its action.

Mr. DiMasi of Boston being in the Chair,—

The House Bill regulating telemarketing solicitation (House, No. 5225), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

After debate on the question on passing the bill to be engrossed, Messrs. Buoniconti of West Springfield and Ruane of Salem moved that the bill be amended in section 10, in line 5 (as printed), by inserting after the word “violation” the following: “but not less than \$1,500.00 for a knowing violation involving a consumer 65 years of age or older”.

After remarks the amendment was adopted.

Mr. Miceli of Wilmington then moved that the bill be amended in section 4, in lines 5 to 12,

inclusive (as printed), by striking out the following: “, unless (A) such call was made by a telephone solicitor that first began doing business in the commonwealth on or after January 1, 2002, (B) a period of less than one year has passed since such telephone solicitor first began doing business in the commonwealth, and (C) the consumer to which such call was made had not on a previous occasion stated to such telephone solicitor that such consumer no longer wishes to receive the telephone sales calls of such telephone solicitor”.

After remarks the amendment was adopted.

Mr. Straus of Mattapoisett then moved that the bill be amended in section 3, in line 17 (as printed), by inserting after the word “request” the words “or in any other such manner and at such times as the division may prescribe which may include electronic notification”; and the amendment was adopted.

Mr. Rogers of Norwood then moved that the bill be amended in section 2, in line 20 (as printed), by striking out the figures “12” and inserting in place thereof the figures “24”; and the amendment was adopted.

Mr. Broadhurst of Methuen then moved that the bill be amended in section 2 (as printed), in line 47, by striking out the word “or”, and in line 50, by inserting after the word “solicitor” the following: “; or (D) in which the sale of goods and services is not completed, and payment or authorization of payment is not required, until after a face-to-face sales presentation by the telephone solicitor or a meeting between the telephone solicitor and customer”. The amendments were adopted.

Mr. Fallon of Malden then moved that the bill be amended in section 12 (as printed), in line 3 and also in line 6, by striking out the word “two” and inserting in place thereof, in each instance, the word “three”; and the amendment was adopted.

Mr. Miceli of Wilmington then moved that the bill (as printed) be amended in section 2, in lines 12 and 13, by striking out the paragraph contained therein, and by inserting after line 31 the following paragraph:

“‘Office’, means the Office of Consumer Affairs and Business Regulation;” and in section 3, in lines 1, 3, 10, 13, 14, 17 and 19; in section 4, in line 5; in section 6, in line 12; in section 7, in lines 1, 4, 7 and 18; in section 8, in line 4; and in section 16, in lines 1, 6, 9 (both times it appears) and 12, by striking out the word “division” and inserting in place thereof, in each instance, the word “office”.

After remarks the amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Greene of Billerica; and on the roll call 148 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 413 in Supplement.\]](#)

Therefore the bill (House, No. 5225, amended) was passed to be engrossed. Sent to the Senate

for concurrence.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the town of Arlington to use a certain parcel of park land for public way purposes (see Senate, No. 2023) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, 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 bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 148 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 414 in Supplement.\]](#)

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

Orders of the Day.

The Senate Bill establishing the crime of communicating a terroristic threat (Senate, No. 2122, amended) was considered, the main question being on ordering the bill to a third reading.

Pending the question on adoption of the amendment previously offered by Messrs. Hargraves of Groton and Koutoujian of Newton,— 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 4968,— the further amendment offered by Miss Garry of Dracut,— that the proposed substitute text be amended by adding at the end thereof the following three sections:

“SECTION 2. Section 102A½ of Chapter 266 of the General Laws is hereby amended in line 3 by inserting, after the word ‘device’, the words ‘or hoax substance’.

SECTION 3. Section 102A½ of Chapter 266 of the General Laws is hereby amended by inserting, after the word ‘automatically’, in line 14, the following new paragraph:—

For the purpose of this section, the term ‘hoax substance’ shall mean any substance that would cause a person reasonably to believe that such substance is a harmful chemical or biological agent, a poison a harmful radioactive substance, or any other substance for causing serious bodily injury, endangering life or doing unusual damage to property, or both.

SECTION 4. Section 102A½ of Chapter 266 of the General Laws is hereby amended by adding at the end thereof the following new section:—

(d) The court shall, after conviction, conduct a hearing to ascertain the extent of costs incurred, damages and financial loss suffered by local, county or state public safety agencies and the amount of property damage caused as a result of the defendant’s crime. A person found guilty of violating this section shall, in all cases, upon conviction, in addition to any other punishment,

be ordered to make restitution to the local, county or state government for any costs incurred, damages and financial loss sustained as a result of the commission of the crime. Restitution shall be imposed in addition to incarceration or fine, and not in lieu thereof; provided, however, the court shall consider the defendant's present and future ability to pay in its determinations regarding a fine. In determining the amount, time and method of payment of restitution, the court shall consider the financial resources of the defendant and the burden restitution will impose on the defendant.”,— was adopted.

Mr. Hargraves of Groton and other members of the House then moved that the proposed substitute text be amended in lines 4 to 7, inclusive (as printed), by striking out the following: “A person commits the offense of communicating a terroristic threat if that person:

(1) Makes a terroristic threat, which is: (A) a threat to commit or cause to be committed a crime which, if committed,” and inserting in place thereof the following:— “(1) Whoever, (A) commits or causes to be committed a crime that”; in line 24 (as printed), by striking out the words “A person communicating a terroristic threat” and inserting in place thereof the following:— “Whoever violates a subdivision of subsection (1) of this section”; and in lines 28, 41 and 48, by striking out the words “terroristic threat” and inserting in place thereof, in each instance, the word:— “act”.

The further amendments were adopted.

Mr. Rushing of Boston and other members of the House then moved that the proposed substitute text be amended in line 75 (as printed) by inserting after the word “defendant” the following paragraph:

“(f) Nothing in this provision shall authorize the criminal prosecution of picketing, public demonstrations or similar forms of expressing views.”.

The amendment was adopted.

Mr. Marini of Hanson and other members of the House then moved that the proposed substitute text be amended by adding at the end thereof the following section:

“SECTION 5. Chapter 269 of the General Laws is hereby amended by inserting after section 12E the following section:—

Section 12F. (a) For the purposes of this section, the following words shall have the following meanings:—

‘airplane’, an aircraft operated by an air carrier holding a certificate issued under 49USC 41101 or any aircraft ordinarily used to transport passengers or cargo for hire.

‘cutting device’, any knife, cutlery, straight razor, box cutter or other device containing a fixed, folding or retractable blade, which are not included in the definition of section 10(b) of chapter 269.

‘prohibited weapon’, any infernal machine as defined in section 102A of chapter 266, any stun

gun as defined in section 131J of chapter 140, any rifle, shotgun or firearm as defined in section 121 of chapter 140 or any weapon as defined in section 10(b) of chapter 269.

‘secure area’, any area of the airport where access to is restricted through security measures by the airport authority or a public agency; or, the area beyond a passenger or property screening checkpoint at an airport.

‘airplane cabin’, any passenger or flight crew areas within an airplane when the airplane is on or over the ground in the state or over the state.

(b) Whoever, occupies, or attempts to enter or occupy, the secure area of an airport or the cabin of an airplane knowingly having in his possession or in his control and knowingly concealing, a cutting device or a prohibited weapon, notwithstanding any license to possess such a weapon, shall be punished by imprisonment in a house of correction for not more than 2½ years or by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$5,000, or by both such fine and imprisonment.

(c) Whoever, with intent to commit a felony, occupies, or attempts to enter or occupy, the secure area of an airport or the cabin of an airplane knowingly having in his possession or in his control, a cutting device or a prohibited weapon shall be punished by imprisonment in a house of correction for not more than 2 years or by imprisonment in the state prison for not more than 10 years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

(d) Whoever, with intent to commit a felony, places, or attempts to place, or attempts to have placed within the secure area of an airport or the cabin of an airplane, a prohibited weapon or cutting device, notwithstanding any license to possess such a weapon or device, shall be punished by imprisonment in a house of correction for not more than 2 1/2 years or by imprisonment in the state prison for not more than 10 years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

(e) Whoever willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, violates subsections (b), (c) or (d) of this section shall be punished by imprisonment in the state prison for not more than 20 years or by a fine of not more than \$20,000, or by both such fine and imprisonment.

(f) This section shall not apply to:

(1) a law enforcement officer of a state or political subdivision of a state, an officer or employee of the U.S. Government, or U.S. military personnel, authorized to carry prohibited weapons or cutting devices in an official capacity;

(2) a duly licensed individual transporting an unloaded, lawful, weapon or cutting device in baggage not accessible to a passenger in flight and, in the case of a lawful weapon, if the air carrier was informed of the presence of the weapon.

(3) a cutting device, which is otherwise lawfully possessed, ordinarily used in the course of the holder’s employment, trade or occupation, while the holder is authorized to conduct such

employment, trade or occupation within a secure area of an airport or airplane cabin.”.

The further amendment was adopted.

Mr. Marini and other members of the House then moved that the proposed substitute text be amended by adding at the end thereof the following section:

“SECTION 6. Section 102A of Chapter 266 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following clause:

(b) Whoever, without lawful authority, knowingly develops, produces, stockpiles, acquires, transports, possesses or uses any biological, chemical or nuclear weapon or delivery system, with the intent to cause death, bodily injury or property damage, or whoever has in his possession or under his control such an article, contrivance, device or substance, with said intent, shall be punished by imprisonment in the house of corrections for not more than 2 1/2 years or by imprisonment in the state prison for not more than 20 years or by a fine of not more than \$20,000, or by both such fine and imprisonment.

(c) For the purposes of this section, the following terms shall have the following meaning:

(1) ‘biological weapon’, any microorganism, virus, infectious substance or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, except where intended for a purpose not prohibited under this section, specifically prepared in a manner to cause death, disease or other biological malfunction in a human, an animal, a plant or another living organism, deterioration of food, water, equipment supplies, or material of any kind; or deleterious alteration of the environment;

(2) ‘chemical weapon’, a toxic chemical or its precursors, except where intended for a purpose not prohibited under this section as long as the type and quantity is consistent with such a purpose; a munition or device, specifically designed to cause death or other harm through toxic properties of those toxic chemicals which would be released as a result of the employment of such munition or device;

(3) ‘nuclear weapon’, a device designed to release radiation or radioactivity at a level, which can cause bodily harm or a dangerous radioactive substance.

(4) ‘delivery system’, any equipment specifically designed for use directly in connection with employment of chemical, biological or nuclear weapons.”.

The further amendment was adopted.

Mr. Marini of Hanson and other members of the House then moved that the proposed substitute text be amended by adding at the end thereof the following section:

“SECTION 7. Section 12 of chapter 148 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out section 12 and inserting in place thereof the

following section:—

Section 12. No building shall be used for the manufacturing of fireworks or firecrackers without a license from the local licensing authority. No building or structure shall be used for the manufacturing or storage of explosive materials without a permit issued by the marshal. Any person who has applied for or has been issued such a permit by the marshal, shall be deemed to have consented to periodic administrative inspections by the marshal or his designees of any building, structure, magazine or facility used to store such explosive materials or any records relating thereto. No person shall sell, transfer or exchange explosive materials within the Commonwealth to any other person unless: (1) said transferee possesses the proper permit or certificate to possess, receive or store explosive materials and (2) said transferee maintains, at the place of delivery, an approved, permitted, explosive storage magazine or bunker. Any information, data or record maintained by the marshal or his agents or designees, in any form, relative to the amount, location or nature of explosive material within the Commonwealth, shall not be considered a public record, as defined in clause 26, section 7, of chapter 4 of the General Laws. This shall not preclude the release of such information to law enforcement personnel. The terms ‘explosive materials’, ‘fireworks’ and ‘firecrackers’ as used in this section, shall be defined by the board pursuant to its authority as provided by section of chapter 148 of the General Laws. The board shall promulgate regulations to carry out the provisions of this section including strict record keeping requirements. Any person who violates the provisions of subsections 1, 2 or 3 of this section shall be punished by imprisonment in a house of correction for not more than 2 1/2 years or by a fine of not more than \$5,000.00, or by such fine and imprisonment.”.

The further amendment was adopted.

Mr. Marini of Hanson and other members of the House then moved that the proposed substitute text be amended by adding at the end thereof the following section:

“SECTION 8. Clause Twenty-Six of Section 7 of Chapter 4 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after paragraph (m) the following paragraph:—

(n) records, including but not limited to, blueprints, plans, policies, procedures and schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, or any other records relating to the security or safety of persons or buildings, structures, facilities, utilities, transportation or other infrastructure located within the Commonwealth, the disclosure of which, in the reasonable judgment of the record custodian, is likely to jeopardize public safety.”.

The further amendment was adopted.

After debate the substitute text, as amended, was adopted.

On the question on ordering the bill, as amended, to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Hargraves of Groton; and on the roll call 145 members voted in the affirmative and 2 in the negative.

[\[See Yea and Nay No. 415 in Supplement.\]](#)

Therefore the bill (Senate, No. 2122, amended) was ordered to a third reading.

Subsequently a statement of Mr. Hodgkins of Lee 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 the taking of the previous vote due to official business in another part of the State House. Had I been able to be present, I would have voted in the affirmative.

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.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eleven minutes before four o'clock P.M., on motion of Mrs. Harkins of Needham (Ms. Lewis of Dedham being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.