

## **JOURNAL OF THE HOUSE.**

Thursday, July 25, 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 proclaim our belief and trust in You and in Your ways which often we find difficult to comprehend and accept. Your ways are not always our ways. We also believe that we live each moment of the day in Your presence and You are not indifferent to our total human and spiritual needs. When, on occasion, we are disappointed or discouraged, You are still with us to offer encouragement and courage to cope with the day's complex challenges. May we be open and alert to use all opportunities wisely in our efforts to serve You and the people who depend upon our sound judgements and prudent decisions.

Grant Your blessings to the Speaker, 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.

### *Statement of Representative Cahill of Beverly.*

A statement of Mr. Cahill of Beverly 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 Tuesday's and yesterday's sittings. Had I been present on Tuesday for Yea and Nay No. 413 on passing House, No. 5225 to be engrossed; Yea and Nay No. 414 on enactment of Senate, No. 2023; and Yea and Nay No. 415 on ordering to a third reading Senate, No. 2122, I would have voted in the affirmative in each instance. Had I been present yesterday for Yea and Nay No. 416 on enactment of House, No. 5083; Yea and Nay No. 417 on enactment of Senate, No. 1590; Yea and Nay No. 418 on passing Senate, No. 2421 to be engrossed; Yea and Nay No. 419 on enactment of House, No. 5059; Yea and Nay No. 420 on ordering Senate, No. 2340 to a third reading; and Yea and Nay No. 421 on passing Senate, No. 2122 to be engrossed, I would have voted in the affirmative, in each instance.

### *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 yesterday's sitting 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. 416 on enactment of House, No. 5083; Yea and Nay No. 417 on enactment of Senate, No. 1590; Yea and Nay No. 418 on passing Senate, No. 2421 to be engrossed; Yea and Nay No. 419 on enactment of House, No. 5059; Yea and Nay No. 420 on ordering Senate, No. 2340 to a third reading; and Yea and Nay No. 421 on passing to be engrossed Senate, No. 2122, I would have voted in the affirmative, in each instance.

*Resolutions.*

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 Eric Kubic on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mrs. Hahn of Westfield) congratulating Kenneth Liberty on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Koczera of New Bedford) congratulating William Edward Santos II on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Ms. Malia of Boston) honoring Alison Amoroso for her dedicated service to the greater Boston community;

Resolutions (filed by Messrs. O'Brien of Kingston and deMacedo of Plymouth) congratulating Kevin J. Burke on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Messrs. O'Brien of Kingston and deMacedo of Plymouth) congratulating Joshua Greer on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mrs. Provost of Sandwich) congratulating Nicholas J. Hyde on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Ms. Stanley of West Newbury) congratulating the Ipswich/Georgetown 4x400 relay team;

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

*Papers from the Senate.*

The House Bill relative to community residency assuring fairness for clients of the Department of Mental Health residential programs (House, No. 3741, changed and amended) came from the Senate passed to be engrossed, in concurrence, with certain amendments, adding at the end thereof the following section:

“SECTION 2. This act shall take effect as of July 1, 2002.”; 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 provide forthwith certain protections to community residency tenancies, 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 Mrs. Paulsen of Belmont, 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.

The House Bill transferring certain administrative responsibilities to the chief of the police department of the town of Sandwich (House, No. 4693) came from the Senate passed to be engrossed, in concurrence, with an amendment in line 5 inserting after the word “dogs” the following: “under said section 157”.

Under suspension of Rule 35, on motion of Mrs. Provost of Sandwich, 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 authorizing the town of Holden to lease a certain school building for 99 years (Senate, No. 2298) (on Senate bill, No. 2275), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A petition of Brian A. Joyce, Walter F. Timilty, William C. Galvin, Joseph C. Sullivan and Bruce J. Ayers for legislation to direct the Division of Capital Asset Management and Maintenance to convey a certain parcel of land located in the town of Randolph, came from the Senate referred, under suspension of Joint Rule 12, to the committee on State Administration.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2438) was referred, in concurrence, 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 Stephen J. Buoniconti and other members of the House relative to restricting telephone solicitation. To the committee on Commerce and Labor.

Petition (accompanied by bill) of John A. Lepper, Cheryl A. Jacques, Jo Ann Sprague and Elizabeth Poirier (with the approval of the mayor and city council) that the Secretary of the Commonwealth be directed to place a certain question on the biennial state election ballot in the city of Attleboro in the current year concerning property taxes. To the committee on Election Laws.

Under suspension of the rules, on motion of Ms. Polito of Shrewsbury, the reports were

considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill providing for capital facility improvements and repairs for the Commonwealth (Senate, No. 2271) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5280. [General Obligation Bond: \$459,000,000.00; General Obligation Bond Deauthorization: \$316,013,021.00]. 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, with the amendment previously recommended by the committee on Long-Term Debt and Capital Expenditures and the amendment recommended by the committee on Ways and Means, pending.

Under suspension of Rule 7A, on motion of Mr. Donato of Medford, the bill was read a second time forthwith.

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 5148,— was rejected.

The amendment 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 5280,— was adopted.

The bill (Senate, No. 2271, amended) then was ordered to a third reading.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill providing for capital facility improvements and repairs for the Commonwealth (printed in House, No. 5037) 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.

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

By Mr. Verga of Gloucester, for the committee on Local Affairs, on House, Nos. 5151, 5180 and 5181, an Order relative to authorizing the committee on Local Affairs to make an investigation and study of certain House documents concerning the communities of Burlington, Somerville and West Newbury (House, No. 5283). 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. Scaccia of Boston, for the committee on Rules, that the Bill relative to jet skis, surf jets, wet bikes, and other personal watercraft in municipalities (House, No. 5019) ought to pass with an amendment in section 3, in line 9, by inserting after the word “lake” the following: “not exceeding 500 acres”. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill providing for the right to counsel for litigants at trial of divorce proceedings (House, No. 473) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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 relative to the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 5046).

By Mr. Toomey of Cambridge, for the committee on Public Safety, on Senate, No. 2291, a Bill relative to the operation of low-speed vehicles (House, No. 5282).

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 issuance of certain bonds by the city of Everett (House, No. 5228) [Local Approval Received].

Mr. Scaccia of Boston, for the committee on Rules, on House No. 4000, reports, in part, a Bill relative to payment of certain medical expenses of retired Boston firefighter Charles J. Kelley (House, No. 4626) [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 open trenches and construction safety (Senate, No. 2234) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5279; and by striking out the title and inserting in place thereof the following title: “An Act relative to excavation and trench safety.”.

By the same member, for the same committee, that the Bill relative to the inspection, registration, construction and reconstruction of dams (Senate, No. 2269) ought to pass with certain amendments.

By the same member, for the committee, that the Bill relative to the employee benefits of a certain employee of the Trial Court (House, No. 4249) ought to pass with an amendment.

By the same member, for the same committee, that the Bill to establish safe havens for newborn infants (House, No. 4453) ought to pass with an amendment, by substitution of a Bill relative to

the safe placement of newborns and infants (House, No. 5281).

By the same member, for the same committee, that the Bill to establish a paraprofessional incentive program (House, No. 4702) ought to pass with certain amendments.

By the same member, for the same committee, that the Bill relative to establishing a distinctive registration plate process (House, No. 5028) ought to pass with certain amendments.

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

Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the following bills ought to pass:

#### Senate bills

Relative to certificates of birth resulting in stillbirth (Senate, No. 2160, amended);

Authorizing the State Retirement Board to grant a certain pension to Michael G. Sweeney (Senate, No. 2236, amended);

Authorizing an exchange of certain land between the town of Tewksbury and the Commonwealth (Senate, No. 2342, amended);

Authorizing the Metropolitan District Commission and the Massachusetts Bay Transportation Authority to enter into certain temporary construction agreements and convey certain permanent easements to facilitate the reconstruction of the Red Line Charles/ MGH station in Boston (Senate, No. 2373);

Releasing certain land in Hadley from the operation of an agricultural preservation restriction (Senate, No. 2387);

Establishing a board of registration of credit counselors (Senate, No. 2414); and

Relative to creditable service of certain employees of the city of Boston (printed as House, No. 3426) [Local Approval Received]; and

#### House bills

Relative to the taxation of certain income (House, No. 1890); and

Authorizing the town of Lexington to establish a post retirement insurance liability fund (House, No. 4856) [Local Approval Received];

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

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

*Engrossed Bills.*

Engrossed bills

Facilitating the use of land transfer of development rights (see Senate, No. 1011); and

Relative to apprenticeship training programs (see Senate, No. 2421);

(Which severally originated in the Senate);

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.*

Senate bills

Further regulating advertising on motor fuel dispensing devices (Senate, No. 2327); and

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

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, in concurrence.

House bills

Relative to the dissemination of information to private detectives (House, No. 2957);

Relative to the Provincetown Pier Corporation (House, No. 4976);

Providing for liens for molders (House, No. 5079, amended);

Authorizing the town of Sudbury to establish a special fund for deposit of certain funds to be used for affordable housing (House, No. 5093); and

Authorizing the commissioner of the Division of Capital Asset Management and Maintenance to convey certain easements in the town of North Andover (House, No. 5200) (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 Senate Bill designating a walking path at Squantum Point Park as the Janet Niles Murphy Walkway (Senate, No. 627), reported by the committee on Bills in the Third Reading to be

correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Ayers of Quincy moved that it be amended in section 1, in line 3, by striking out the word “Walkway” and inserting in place thereof the words “Harbor View Walking Path”; by adding at the end thereof the following section:

“SECTION 2. This act shall take effect upon its passage.”; and by striking out the title and inserting in place thereof the following title: “An Act designating a walking path at Squantum Point Park in the city of Quincy as the Janet Niles Murphy Harbor View Walking Path.”.

The amendments were adopted; and the bill (Senate, No. 627, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments.

The House Bill providing for the recall of elected officials in the city of Salem (House, No. 4880, changed), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Ruane of Salem moved that it be amended in section 2, in lines 25, 26 and 27, by striking out the words “total number of persons who voted at the most recent municipal election from the district the official sought to be recalled represents” and inserting in place thereof the words “registered voters in the district the official sought to be recalled represents at the date such affidavit was filed with said clerk”.

The amendment was adopted; and the bill (House, No. 4880, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

#### *Recess.*

At two minutes before twelve o'clock noon, on motion of Mr. Donato of Medford (Mr. Spellane of Worcester being in the Chair), the House recessed until half past one o'clock P.M.; and at that time the House was called to order with the Mr. Spellane in the Chair.

#### *Paper from the Senate.*

A Bill authorizing the town of Saugus to convey certain parcels of land (Senate, No. 2411) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read.

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

#### *Reports of Committees.*

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill providing for the leasing and construction of improvements to the Coolidge School in the city known as the town of Watertown (House, No. 4424) [Local Approval Received] ought to pass, with an amendment in section 1, in line 8, by inserting after the word “thereof,” the following: “provided that said term does not exceed 25 years,”. 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.

Under suspension of Rule 7A, on motion of Mr. Rodrigues of Westport, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (House, No. 4424, amended) was ordered to a third reading.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill releasing certain land in Hatfield from the operation of an agricultural preservation restriction (Senate, No. 2368) 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.

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

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill releasing certain land in Hadley from the operation of an agricultural preservation restriction (Senate, No. 2386) 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.

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

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill releasing certain land in Whately from the operation of an agricultural preservation restriction (House, No. 732) 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.

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

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to granting of an easement by the city of Newton to the Metropolitan Water Resources Authority (House, No. 4965) 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.

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

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Asset Management and Maintenance to grant certain easements to the town of Plymouth (House, No. 4975) 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.

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

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill authorizing certain conveyances of land to establish the Southeastern Massachusetts Bioreserve (House, No. 5270) 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.

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

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill authorizing the Division of Fisheries and Wildlife and the Department of Environmental Management to take or acquire conservation restrictions in and to lands of the town of Plymouth (House, No. 5276) 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.

Under suspension of Rule 7A, on motion of Mr. Rodrigues of Westport, the bill was read a second time forthwith; and it 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 on Monday next at eleven

o'clock A.M.

At twelve minutes after two o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Spellane of Worcester being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M.