

**JOURNAL OF THE HOUSE.**

Tuesday, July 30, 2002.

Met according to adjournment, at eleven o'clock A.M., with Mr. DiMasi of Boston 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:

Holy Spirit of God, at the beginning of today's session, we open our hearts and minds to You and Your spiritual gifts and assistance which enable us to carry out our responsibilities in a mature, thoughtful and prudent manner. In trying to meet the daily needs and the expectations (sometimes unrealistic) of the the people who depend upon our good judgments and leadership, we are often unsuccessful or disappointed. Many aspects of today's real world are well beyond our control. Inspire us each day to make good faith efforts to serve the people in a fair, reasonable and honorable manner. May sound principles and solid values be our guiding lights as we work together, as a people, in building a safe, civil, peaceful society in which the rights and dignity of all are recognized and respected.

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

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

*Message from the Acting Governor — Disapprovals and*

*Reductions in General Appropriation Bill.*

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with her disapproval of certain items and sections and parts of certain items and reductions in certain items and parts of certain items contained in the engrossed 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 [see House, No. 5300] (for message, see House, No. 5301) was filed in the office of the Clerk on Monday, July 29.

The message was read; and, under the provisions of Article II of Section I of Chapter I of the Constitution, the House proceeded to "reconsider" such vetoes and reductions.

The message then was referred, under Rule 30, to the committee on Ways and Means.

*Message from the Acting Governor.*

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to making certain amendments to the General Appropriation Act for fiscal year 2003 (House, No. 5293) was filed in the office of the Clerk on Monday, July 29.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Public Service. Sent to the Senate for concurrence.

*Statement of Representative Brown of Wrentham.*

A statement of Mr. Brown of Wrentham 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 not able to be present in the House Chamber for a portion of today's session due to a previously scheduled family commitment. Had I been present for the taking of Yea and Nay No. 431, I would have voted in the negative.

*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 not able to be present in the House Chamber for a portion of today's sitting. Had I been present for the taking of Yea and Nay No. 431, I would have voted in the affirmative.

*Resolutions.*

Resolutions (filed with the Clerk by Representatives Koczera of New Bedford, Cabral of New Bedford and Haddad of Somerset) honoring Raymond A. Belanger on his retirement, were referred, under Rule 85, to the committee on Rules.

Mrs. Harkins of Needham, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Koczera of New Bedford, 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 engrossed Bill authorizing the town of Truro to establish an affordable housing trust fund (see House, No. 4477, amended) came from the Senate with an amendment in section 4 (as printed) adding at the end thereof the following sentence: "This section shall not apply to proceeds from the sale of park land."

Under suspension of Rule 35, on motion of Mrs. Gomes of Harwich, 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 engrossed Bill exempting the position of deputy chief of police in the town of Webster from the civil service law (see House, No. 4758, amended) came from the Senate with amendments in section 1, in lines 1 and 2 (as engrossed), by striking out the words "temporary deputy chief of police" and inserting in place thereof the words "deputy chief of police"; and by inserting after section 1 the following section:

"SECTION 1A. Section 1 of this act shall not impair the civil service status of any incumbent holding the position of deputy chief of police in the town of Webster on the effective date of

this act.”.

Under suspension of Rule 35, on motion of Mr. Kujawski of Webster, 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 relative to licensing hospice programs (House, No. 1756, changed) came from the Senate passed to be engrossed, in concurrence, with an amendment in line 22 (as printed), by striking out the word “Said”, the second time it appears, and inserting in place thereof the words “The department shall issue not more than 6 licenses under this section to maintain an inpatient hospice program and shall promulgate regulations to govern the issuance of licenses to such programs. Hospice program”.

Under suspension of Rule 35, on motion of Ms. Stanley of West Newbury, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

The same member then moved that the House concur with the Senate in its amendment with a further amendment in line 25 by inserting after the word “license.” the following two sentences: “After two years, the department shall conduct an interim review of the number of licenses allowed for inpatient hospice programs. After four years, the department shall conduct a final review, and shall expand or contract the number of licenses allowed for inpatient hospice programs through regulation if appropriate to meet patient demand.”.

The further amendment was adopted. The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

The House Bill providing for insurance coverage of certain clinical trials (House, No. 4376, 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 2121.

Under suspension of the rules, on motion of Mr. Koutoujian of Newton, the amendment was considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House non-concur with the Senate in its amendment; and the report was accepted.

Mr. Koutoujian then moved that the House concur with the Senate in its amendment, with further amendments by striking out section 1; and in section 6, in line 3 and also in line 5 (as changed by the Senate committee on Bills in the Third Reading), by striking out the year “2002” and inserting in place thereof, in each instance, the year “2003”. The further amendments were adopted.

The House then concurred with the Senate in its amendments, as amended. Sent to the Senate for concurrence in the further amendments.

The House Bill establishing standards for stage II vapor recovery systems (House, No. 4379,

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 2431, amended in lines 28 to 31, inclusive (as printed), by striking out the paragraph contained therein and inserting in place thereof the following two paragraphs:

“(d) The department shall not promulgate or enforce a requirement that less than 2 responsible individuals or officials shall certify, subject to criminal sanctions or civil penalties, all Stage II system compliance requirements at a dispensing facility where the facility is owned by 1 party, leased or managed by another independent party, and both parties have separate Stage II compliance responsibilities.

(e) The department shall establish and implement ongoing programs to communicate the department’s Stage II system standards and operating requirements to motor vehicle fuel dispensing facility operators.”.

Under suspension of Rule 35, on motion of Mr. Caron of Springfield, 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 commercial area revitalization districts (House, No. 4637) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 5, inserting after the word “institutions” the words “within the city of Boston”.

Under suspension of Rule 35, on motion of Ms. Malia of Boston, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

The same member then moved that the House concur with the Senate in its amendment with a further amendment by striking out section 1 and inserting in place thereof the following section:

“SECTION 1. The third paragraph of subsection (a) of section 8 of chapter 23G of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following sentence:— Notwithstanding any provision of this paragraph to the contrary, the agency may finance projects for institutions without meeting any of the requirements other than those contained in the first two sentences of this paragraph.”.

The further amendment was adopted. The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

The House Bill relative to enhancing English opportunities for all students in the Commonwealth (House, No. 5010, 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 2439.

Under suspension of the rules, on motion of Mr. Larkin of Pittsfield, the amendment was

considered forthwith.

Mr. Cabral of New Bedford then moved that the House concur with the Senate in its amendment with further amendments in section 17 by striking out the words “two years” and inserting in place thereof the words “three years”; and in said section by striking out the words “student’s first year” and inserting in place thereof the words “student’s second year”. After debate the further amendments were rejected.

The same member then moved that the House concur with the Senate in its amendment with further amendments in section 15 by striking out the words “fifty or more limited English proficient students” and inserting in place thereof, in each instance, the words “twenty or more limited English proficient students”. After debate the further amendments were rejected.

The House then concurred with the Senate in its amendment.

A Bill establishing a commission on law, ethics and technology for the purpose of advising the governor and legislature (Senate, No. 2357, amended in line 1 by striking out the words “Subject to appropriation, there” and inserting in place thereof the word “There”; and by adding at the end thereof the following paragraph:

“The commission may seek the assistance of state agencies with expertise in issues of law, ethics, science and technology in formulating its recommendations. The agencies may provide the commission with such professional and administrative support as the agencies can reasonably provide within their existing resources. For administrative purposes, the commission, though independent, will be associated with the state ethics commission.”) (on Senate, No. 1797), passed to be engrossed by the Senate, was read; and it was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

## Bills

Authorizing the Division of Capital Asset Management and Maintenance to convey permanent easements on state property in the town of North Andover to Lucent Technologies, Inc. for the purpose of water and sewer force mains (Senate, No. 1868) (on Senate, No. 1553);

Relative to bank and credit union employees retirement associations (Senate, No. 2338, amended in section 1, in line 8, in section 2, in line 7, and also in section 5, in line 8, by inserting after the word “benefits”, in each instance, the word “services”) (on Senate, No. 15 and House, No. 3034);

Designating certain lands in the towns of Phillipston, Royalston and Templeton for conservation and public recreational purposes in conjunction with the Department of Environmental Management (Senate, No. 2393, amended in section 1, in line 3, by inserting after the word “dedicated” the words “in consultation with the division of capital asset management and maintenance”; and, in line 22, by striking out the words “(insert date)” and inserting in place thereof the date “April 8, 2002”) (on a petition);

For the protection of natural resources authorizing the Department of Environmental Management and the Division of Fisheries and Wildlife to acquire conservation restrictions in

and to lands of the Springfield Water and Sewer Commission (Senate, No. 2441) (on Senate bill No. 2383);

To end child hunger in Massachusetts (Senate, No. 2447) (on Senate bill No. 722); and

Authorizing the Department of Environmental Management to take or acquire conservation restrictions in and to lands of the city of Leominster (Senate, No. 2448) (on Senate bill No. 2382);

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

A petition of Therese Murray, Ruth W. Provost, Matthew C. Patrick, Demetrius J. Atsalis and Eric Turkington (by vote of the town) for legislation to authorize the Division of Capital Asset Management and Maintenance to convey certain conservation land to the town of Sandwich, 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. 2446) 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 William C. Galvin, Brian A. Joyce and Walter F. Timilty for legislation to include housing for individuals with long term disabilities in the definition of low and moderate income housing. To the committee on Housing and Urban Development.

Petition (accompanied by bill) of Eugene L. O'Flaherty relative to designating a certain section of the Soldiers' Home in the city of Chelsea to the memory of Vincent F. Sullivan. To the committee on Human Services and Elderly Affairs.

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

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the South Hadley Housing Authority (House, No. 5241) [Local Approval Received] be scheduled for consideration by the House.

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

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill relative to acceptance of the municipal early retirement incentive by the town of

Westport (printed in House, No. 5194) 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.

Mr. Scaccia of Boston, for the committee on Rules, on House Order No. 5212, reported, in part, a Bill providing for the elimination of the residency requirement for the town administrator of the town of Dedham (House, No. 5060) [Local Approval Received]. Read; and 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 the rules, on motion of Ms. Lewis of Dedham, 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 a petition, a Bill authorizing the town of North Andover to grant open space restrictions (House, No. 5286) [Local Approval Received]. Read; and 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 the rules, on motion of Mr. Torrisi of North Andover, 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 a petition, a Bill authorizing the town of Hopedale to use certain conservation land for water supply purposes (House, No. 5287) [Local Approval Received]. Read; and 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 the rules, on motion of Mrs. Parente of Milford, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain conservation land to the town of Sandwich (printed as Senate, No. 2446) [Local Approval Received]. Read; and referred, under Rule 33, to the committee on Ways and Means.

Mr. Rogers of Norwood, for the committee on Ways and Means, reported that the bill 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 the rules, on motion of Mrs. Provost of Sandwich, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to convey an easement in certain parkland (House, No. 5169, changed in section 4, in lines 2 and 3, by striking out the following: “Metropolitan Parks Trust Fund established by section 34 of chapter 92 of the General Laws” and inserting in place thereof the words “general fund of the commonwealth”), which was read.

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

By Mr. Sullivan of Braintree, for the committee on Transportation, on a petition, a Bill relative to truck traffic in the town of Dedham (House, No. 1333) [Local Approval Received], which was read.

Under suspension of the rules, on motion of Ms. Lewis of Dedham, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Cahill of Beverly, for the committee on Housing and Urban Development, on a petition, a Bill relative to certain land in the town of Stoneham (House, No. 5274).

By Mrs. Parente of Milford, for the committee on Long-Term Debt and Capital Expenditures, on House, No. 4458, reports, in part, a Bill relative to the terms of certain bonds issued by the Commonwealth (House, No. 5292).

By the same member, for the same committee, on House No. 4458, reports, in part, a Bill relative to the terms of certain bonds issued by the Commonwealth (House, No. 5296).

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a petition, a Bill directing the State Retirement Board to grant a certain pension to Gerald McLaughlin (House, No. 5104).

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

By Mr. Bosley of North Adams, for the committee on Government Regulations, on House, No. 5207, a Bill authorizing the town of Topsfield to issue a license for the sale of wine and malt beverages to be drunk on the premises (House, No. 5297) [Local Approval Received].

By the same member, for the same committee, on House, No. 5208, a Bill authorizing the town of Topsfield to issue a license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 5298) [Local Approval Received].

By the same member, for the same committee, on House, No. 5209, a Bill authorizing the town of Topsfield to grant certain persons special per diem liquor licenses (House, No. 5299) [Local

Approval Received].

By Mr. Verga of Gloucester, for the committee on Local Affairs, on a petition, a Bill relative to the membership of the conservation commission of the town of Bourne (House, No. 5229) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill concerning parking violations in the city of Worcester (House, No. 5230) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Brookline to lease certain town-owned property for twenty-five years (House, No. 5254) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the city of Lowell to pay a certain unpaid bill (House, No. 5266) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the Rehoboth Water District to hold its annual district meeting at the Dighton-Rehoboth Regional High School building (House, No. 5275).

By Mr. Toomey of Cambridge, for the committee on Public Safety, on a petition, a Bill relative to police powers in certain buildings in the town of Framingham (House, No. 5186) [Local Approval Received].

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a petition, a Bill relative to the retirement allowance of Louis Caton of the town of Dartmouth (House, No. 5071, changed in section 1, by striking out, in lines 5 to 7, inclusive, the words “regular rate of compensation which he would have been paid had he continued in service as a police officer of said town” and inserting in place thereof the words “retirement allowance to which he would have been entitled had he continued in service”; and in section 2 by adding at the end thereof the following sentence: “The town of Dartmouth shall be liable to the Bristol County Retirement System for all costs and liabilities imposed upon said system pursuant to the provisions of this act.”) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing Leona S. Ferrara to take the civil service examination for firefighter in the town of Mansfield notwithstanding maximum age requirement (House, No. 5232) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Dominique Gutierrez (House, No. 5261).

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill relative to the Jacob Sears Memorial Library (House, No. 5251).

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 regarding

information records of the Commonwealth (House, No. 642) ought to pass with an amendment.

By the same member, for the committee, that the Bill authorizing the Division of Capital Asset and Management to convey easements and land originally acquired for water quality protection for the Sudbury Reservoir in the city of Marlborough (House, No. 3192, changed) ought to pass with certain amendments.

Severally read; and 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. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Bill relative to the licensing of telecommunications professionals (Senate, No. 2375, amended) be scheduled for consideration by the House.

Placed in the Orders of the Day for the next sitting for a second reading, with the amendment previously recommended by the committee on Ways and Means pending.

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

#### Senate bills

Authorizing the Division of Capital Asset Management and Maintenance to convey permanent easements on state property in the town of North Andover to Lucent Technologies, Inc. for the purpose of water and sewer force mains (Senate, No. 1868); and

Authorizing the Division of Capital Asset Management and Maintenance to convey certain property to the Division of Law Enforcement of the Department of Enforcement of the Department of Fisheries, Wildlife and Environmental Law Enforcement (Senate, No. 2401, amended); and

#### House bills

Relative to disability insurance (House, No. 630);

Relative to agricultural land at the University of Massachusetts (House, No. 4219);

Clarifying tastings (House, No. 4814);

Relative to abandoning a certain rail line in the town of Falmouth (House, No. 4990); and

Authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to the town of Wellesley (House, No. 5271); and

The Resolve providing for an investigation and study of crosswalks in the Commonwealth (House, No. 4989);

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.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill relative to civil commitment of sexually dangerous persons (House, No. 4915) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading.

### *Engrossed Bills.*

The engrossed Bill relative to community residency tenancy protections (see House, No. 3741, changed and amended) (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 relative to the implementation of a housing improvement plan in the city of Fall River (see House, No. 4971) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted. Mr. Correia of Fall River moved that this vote be reconsider; and the motion to reconsider was negatived. The bill then was signed by the acting Speaker and sent to the Senate.

### Engrossed bills

Establishing an affordable housing trust fund in the town of Provincetown (see House, No. 4145);

Relative to certain food products and dietary supplements (see House, No. 4353);

Relative to court advisement (see House, No. 4413);

Relative to affordable housing in the town of Truro (see House, No. 4476);

Exempting the position of deputy chief of police in the town of Webster from the civil service law (see House, No. 4758, amended);

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

Providing for liens for molders (see 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 (see House, No. 5093);

Authorizing the town of Canton to appoint police officers (see House, No. 5096);

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

Further regulating motor vehicle rental agreements (see House, No. 5174); and

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

(Which severally originated in the House);

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.

*Recess.*

At fourteen minutes before twelve o'clock noon, on motion of Mr. Petruccelli of Boston (Mr. DiMasi of Boston being in the Chair), the House recessed until a quarter after twelve o'clock; and at twenty-two minutes after twelve o'clock the House was called to order with Mr. Correia of Fall River in the Chair.

*Engrossed Bills — Land Takings.*

The engrossed Bill releasing certain land in the town of Hadley from the operation of an agricultural preservation restriction (see Senate, No. 2386) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, 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 149 members voted in the affirmative and 1 in the negative.

**[\[See Yea and Nay No. 427 in Supplement.\]](#)**

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

Subsequently a statement of Mr. Rogers of Norwood 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 not present in the House Chamber for the previous vote due to official business in another part of the State House. Had I been present for the taking of said yeas and nays, I would have voted in the affirmative.

Subsequently a statement of Ms. Spilka of Ashland 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, due to a malfunction in the electronic voting machine, on the previous vote I was recorded as having voted in the negative. Had the machine been operating properly, I would have been recorded as having voted in the affirmative.

The engrossed Bill releasing certain land in Hatfield from the operation of an agricultural preservation restriction (see Senate, No. 2368) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, 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 152 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 428 in Supplement.\]](#)**

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.*

Senate bills

Authorizing an increase in parking fines in the city of Somerville (Senate, No. 1819) (its title having been changed by the committee on Bills in the Third Reading);

Establishing a board of public works and a department of public works in the city of Northampton (Senate, No. 2172);

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 the city of Boston (Senate, No. 2373) (its title having been changed by the committee on Bills in the Third Reading);

Releasing certain land in the town of Hadley from the operation of an agricultural preservation (Senate, No. 2387) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the town of Saugus to convey certain parcels of land (Senate, No. 2411);

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

Releasing certain land in the town of Whately from the operation of an agricultural preservation restriction (House, No. 732) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the repaying of certain sewer fees paid in error by the town of Dedham (House, No. 4694) (its title having been changed by the committee on Bills in the Third Reading);

Relative to granting of an easement by the city of Newton to the Metropolitan Water Resources Authority (House, No. 4965);

Authorizing the town of Dedham to reimburse certain real estate taxes (House, No. 5062);

Establishing a 4 year term for the office of mayor in the city of Everett (House, No. 5176, changed); and

Relative to the taxation of certain corporations (House, No. 5268) (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 House Bill authorizing the Commonwealth to take or acquire conservation restrictions in and to lands of the Auburn Water District (printed as Senate, No. 2435) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a bill with the same title (House, No. 5295), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The House 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) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a Bill authorizing the town of Plymouth to convey certain easements in conservation land (House, No. 5294), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

House bills

Relative to the leasing of real property to civic or social organizations by municipalities (House, No. 1685);

Prohibiting the enticing of minors into motor vehicles (House, No. 4969);

Relative to civil service placement (House, No. 5016);

Authorizing the city of Springfield to convey a certain parcel of land (House, No. 5115);

Authorizing the town of Ware to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 5121);

Authorizing the town of Adams to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5135);

Validating action taken at the annual town election held by the town of Huntington on May 18, 2002 (printed in House, No. 5140);

Relative to recall in the town of North Brookfield (House, No. 5150);

Validating the actions taken at the special town meeting held by the town of Rockland on May 13, 2002 (printed in House, No. 5153);

Regarding compensation of assessors in the town of Tewksbury (House, No. 5163); and

Clarifying the civil service status of the positions of director of police services and director of fire services in the town of Arlington (House, No. 5233);

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

The Senate Bill relative to certificates of birth resulting in stillbirth (Senate, No. 2160, amended), 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. Sent to the Senate for concurrence in the amendments previously adopted by the House.

The Senate Bill reducing medication waste in certain licensed facilities (Senate, No. 2186, amended), 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. Sent to the Senate for concurrence in the amendments previously adopted by the House.

The report of the committee of conference on the disagreeing votes of the two branches with



reference to the Senate amendment of the House Bill relative to authorizing the financing of the production and preservation of affordable housing in the Commonwealth (House, No. 4274), was considered; and after debate the report was accepted. The report then was sent to the Senate for concurrence.

The House Bill to establish safe havens for newborn infants (House, No. 4453) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended substitution of a Bill relative to the safe placement of newborns and infants (House, No. 5281),— was adopted.

After debate on the question on ordering the substituted bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Finegold of Andover; and on the roll call 144 members voted in the affirmative and 10 in the negative.

**[\[See Yea and Nay No. 429 in Supplement.\]](#)**

Therefore the bill (House, No. 5281) was ordered to a third reading.

The report (in part) of the committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment of the House Bill relative to the production and preservation of affordable housing in the Commonwealth (House, No. 5288), was considered.

After debate on the question on acceptance of the report, Mr. Hynes of Marshfield asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Correia of Fall River), 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 147 members were recorded as being in attendance.

**[\[See Yea and Nay No. 430 in Supplement.\]](#)**

Therefore a quorum was present.

After further debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of Mr. Fagan of Taunton; and on the roll call 89 members voted in the affirmative and 62 in the negative.

**[\[See Yea and Nay No. 431 in Supplement.\]](#)**

[Mr. Naughton of Clinton answered “Present” in response to his name.]

Therefore the report of the committee of conference was accepted. Mr. Marini of Hanson then moved that this vote be reconsidered.

After debate on the motion to reconsider, the sense of the House was taken by yeas and nays, at

the request of Mr. Jones of North Reading; and on the roll call 46 members voted in the affirmative and 106 in the negative.

**[See Yea and Nay No. 432 in Supplement.]**

[Mr. Naughton of Clinton answered “Present” in response to his name.]

Therefore the motion to reconsider was negatived. The report then was sent to the Senate for concurrence.

*Papers from the Senate.*

The committee of conference on the disagreeing votes of the two branches, with reference to the House amendments (striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5177; and striking out the emergency preamble and inserting in place thereof a new emergency preamble) of the Senate Bill providing for the preservation and improvement of the environmental assets of the Commonwealth (Senate, No. 2319), reported, in part, a Bill providing for the preservation and improvement of the environmental assets of the Commonwealth (Senate, No. 2437).

Under suspension of the rules, on motion of Mr. Rodrigues of Westport, the report (having been approved by the committees on Bills in the Third Reading of the two branches, acting concurrently) was considered forthwith; and (Mr. Petrolati of Ludlow being in the Chair) it was accepted, in concurrence.

A Bill providing for disclosure of certain information relating to tobacco products sold in the Commonwealth (Senate, No. 518, amended by striking out, in line 27, as printed, the following: “(b) and (c)” and inserting in place thereof the following: “(2), (3) and (4)”) (as changed by the Senate committee on Bills in the Third Reading) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A Bill relative to the Brockton 21st Century Corporation (printed in Senate, No. 4) (on a message from the Lieutenant-Governor, Acting Governor), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Engrossed Bill.*

The engrossed Bill relative to enhancing English opportunities for all students in the Commonwealth (see House, No. 5010, amended) (which originated in the House), 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.

*Order.*

On motion of Mr. Jones of North Reading,—

*Ordered*, That when the House adjourns today, it adjourn to meet tomorrow at eleven o’clock

A.M.

Accordingly, at six minutes after nine o'clock P.M. (there being no objection), without further consideration of the remaining matters in the Orders of the Day, on motion of Mr. Jones, the House adjourned, to meet tomorrow at eleven o'clock A.M.

