

JOURNAL OF THE HOUSE.
Monday, August 12, 2002.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mrs. Walrath of Stow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

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

Holy Spirit of God, we depend upon the light of Your guidance and the gift of Your spiritual assistance as we address conscientiously our daily responsibilities. Help us to cope successfully with each day's challenges and to accept graciously all opportunities for serving You, the people and our communities. Let our hearts and minds be open to that peace and joy which You alone can give. At all times, as elected officials, may our intentions and motives be good and honorable and our priorities reasonable and realistic. Inspire us to be a symbol of hope and trust to the people whom we represent.

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

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

*Messages from the Acting Governor — Bills Returned with
Recommendations of Amendment.*

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill relative to the taxation of certain personal property [see House, No. 4442, amended] (for message, see House, No. 5307) was filed in the office of the Clerk on Thursday, August 8.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by the Acting Governor, the bill was referred, on motion of Mr. Knuutila of Gardner, to the committee on Bills in the Third Reading.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill relative to affordable housing in the town of Truro [see House, No. 4476] (for message, see House, No. 5308) was filed in the office of the Clerk on Saturday, August 10.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by the Acting Governor, the bill was referred, on motion of Mrs. Gomes of Harwich, to the committee on Bills in the Third Reading.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Ms. Khan of Newton) congratulating the Elliot House on the occasion of its 10th anniversary;

Resolutions (filed by Mrs. Owens-Hicks of Boston) congratulating the New England Regional Black Nurses Association, Inc., on the occasion of its 30th anniversary; and

Resolutions (filed by Mr. Petersen of Marblehead) congratulating the Pleon Yacht Club;

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 Mrs. Haddad of Somerset, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Annual Report.

The annual report of the committee on Long-Term Debt and Capital Expenditures (under the provisions of House, Rule 17D) for the year 2002, was placed on file.

Papers from the Senate.

The House Bill relative to the sounding of train whistles in the town of Tewksbury (House, No. 765) 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 following:

“Section 85 of chapter 11 of the acts of 1997 is hereby amended by inserting after the first paragraph the following paragraph:—

After notice and an opportunity for hearing, the board of selectmen of the town may assess a civil fine of not more than \$1,000 upon a railroad corporation that violates this section. Each sounding shall constitute a separate violation.”.

Under suspension of Rule 35, on motion of Mr. Miceli of Wilmington, 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 allowing Joseph McMann, a former employee of the Trial Court, an ordinary disability retirement option (Senate, No. 2459) (on Senate bill No. 922), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A petition (accompanied by bill, Senate, No. 2462) of Susan C. Fargo (by vote of the town) for legislation to authorize the town of Carlisle to grant conservation restrictions for town owned conservation land, was referred, in concurrence, to the committee on Local Affairs.

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

Petition (accompanied by bill, Senate, No. 2469) of Marc R. Pacheco and Patricia A. Haddad (by vote of the town) for legislation to authorize the town of Dighton to establish a special fund. To the committee on Local Affairs.

Petition (accompanied by bill, Senate, No. 2470) of Michael W. Morrissey and Robert J. Nyman (by vote of the town) for legislation to authorize the town of Rockland to increase its motel-hotel tax to six percent and distribute the monies to the town's capital improvement and stabilization funds. To the committee on Taxation.

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 James R. Miceli and Susan C. Tucker (by vote of the town) relative to placing the name of Paul Thomas on the civil service list for police officer in the town of Tewksbury. To the committee on Public Service.

Petition (accompanied by bill) of George N. Peterson and Guy W. Glodis relative to authorizing the Division of Capital Asset Management and Maintenance to convey an easement in a certain parcel of land in the town of Grafton. To the committee on State Administration.

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

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill relative to the rights of adopted persons under a certain instrument (Senate, No. 825) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measures.

The engrossed Bill relative to dental and vision care carriers (see House, No. 4676, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 11 to 0. Sent to the Senate for concurrence.

The engrossed Bill authorizing the Attorney General to suspend certain labor laws in an emergency (see House, No. 5189), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 9 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey an easement to the town of Milford (see House, No. 4754, 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.

Engrossed bills

Relative to the Brockton 21st Century Corporation (see Senate bill printed in Senate, No. 4) (which originated in the Senate); and

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

Orders of the Day.

Senate bills

Relative to repeat offenders of the crime of operating a motor vehicle under the influence of alcohol (Senate, No. 2116); and

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

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

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 the actions taken at the special town meeting held by the town of Rockland (printed in House, No. 5153) (its title having been changed by the committee on Bills in the Third Reading); and

Validating action taken at the special town meeting held by the town of Lancaster (House, No. 5184);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. Finneran of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

At twenty minutes after eleven o'clock A.M., on motion of Mrs. Provost of Sandwich (Mrs. Walrath of Stow being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.

