

## **JOURNAL OF THE HOUSE.**

Thursday, August 29, 2002.

Met at ten minutes past eleven o'clock A.M., in an Informal Session, 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:

God Our Creator, we take this moment for a prayer to thank You for all of the material and spiritual blessings which You offer and give us daily. As a nation and a people we enjoy the vast wealth of natural resources and the benefits of a great labor force. In celebrating Labor Day we recognize and honor the dedication, the skills, the human dignity and uniqueness of all worker's who have been created by You, Our Maker. Let the experiences of the past and our hopes for the future unite Labor and Management in building a responsible, peaceful and just society in which human dignity and fundamental spiritual values are held in high esteem.

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.

### *Resolutions.*

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

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Keith L. Stranger on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Leary of Worcester) congratulating the Retired Men's Club of Greendale on their 50th anniversary celebration; and

Resolutions (filed by Mr. Nyman of Hanover) congratulating Mary E. Levangie on the occasion of her eightieth birthday;

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

### *Communications.*

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>From the Secretary of the Executive Office for Administration and Finance (under Section 3B of Chapter 7 of the General Laws) transmitting notice of the Secretary's intention to amend certain CMR regulations relative to fees charged for certain medical exams; and

>From the Secretary of Administration and Finance (under Section 3B of Chapter 7 of the General Laws) transmitting notice of the Secretary's intention to amend certain CMR regulations relative to fees charged by the Operational Services Division;

Severally placed on file.

#### *Quarterly Report.*

The quarterly report of the Division of Employment and Training (under Section 68 of Chapter 233 of the Acts of 1983) relative to the condition of the Commonwealth's Unemployment Trust Fund for the period ending August 31, 2002, was placed on file.

#### *Papers from the Senate.*

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

Petition (accompanied by bill, Senate, No. 2473) of Guy W. Glodis, Vincent P. Ciampa, David M. Nangle and other members of the General Court for legislation relative to the Massachusetts motor vehicle inspection and maintenance program. To the committee on Public Safety.

Petition (accompanied by bill, Senate, No. 2474) of Richard T. Moore and Paul K. Frost for legislation relative to retirement benefits for David Triba. To the committee on Public Service.

Petition (accompanied by bill, Senate, No. 2475) of Jo Ann Sprague, Michael J. Coppola and Elizabeth A. Poirier for legislation to designate a certain trail in Mansfield as the World War II veterans trail. To the committee on Transportation.

#### *Emergency Measure.*

The engrossed Bill establishing a sick leave bank for a certain employee of the Department of Social Services (see House, No. 5073, 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 23 to 0. Sent to the Senate for concurrence.

#### *Engrossed Bills.*

The engrossed Bill relative to affordable housing in the town of Truro (see House, No. 4476, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it

was signed by the acting Speaker and sent to the Senate.

#### Engrossed bills

Establishing the crime of reckless endangerment to children (see Senate, No. 2340, amended);

Relative to creditable service of certain employees of the city of Boston (see printed as House, No. 3426);

(Which severally originated in the Senate);

Authorizing the town of Lexington to establish a post retirement insurance liability fund (see House, No. 4856); and

Relative to the taxation of real property in the city of Attleboro (see House, No. 5291, changed);

(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.

#### *Orders of the Day.*

The Senate Bill directing the Secretary of the Commonwealth to place a certain nonbinding question on the biennial state election ballot in the city of Holyoke (Senate, No. 2320, changed), 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.

#### House bills

Validating certain elections held in the town of Essex (printed in House, No. 4052);

Relative to establishing an affordable housing trust fund in the city of Salem (House, No. 4916); and

Relative to the indemnification of retired police officers and fire fighters in the town of Halifax (House, No. 5003, changed);

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.

The Senate Bill relative to creditable service of certain employees of the city of Boston (printed as House, No. 3426) was read a second time; and it was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Donato of Medford, the bill was read a third time forthwith; and it was passed to be engrossed, in concurrence.

The Senate Bill relative to the inspection, registration, construction and reconstruction of dams (Senate, No. 2269, amended), 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. Koczera of New Bedford moved that it be amended in section 2, in line 19, by striking out the word “and” (previously inserted by amendment by the House) and inserting in place thereof the word “or”; and by adding at the end of said section the following paragraph:

“Section 48B. The owner of a dam shall be responsible for liability for damage to property of others or injury to persons, including but not limited to loss of life, resulting from the operation, failure of or misoperation of a dam. The provisions of sections 44 to 48, inclusive, shall not relieve from or lessen the responsibility of any person owning, or operating a dam from any damages to persons or property caused by dam defects, nor shall the commissioner be held liable by reason of the inspections required or permits issued.”.

The amendments were adopted; and the bill (Senate, No. 2269, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments adopted by the House.

*Order.*

On motion of Mr. Finneran of Boston,—

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

Mr. Murphy of Lowell then moved that as a mark of respect to the memory of John J. Desmond, a member of the House from Lowell from 1965 to 1972, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at four minutes before twelve o'clock noon, (Mr. DiMasi of Boston being in the Chair), the House adjourned, to meet on Tuesday next at eleven o'clock A.M., in an Informal Session.