

JOURNAL OF THE HOUSE.

Thursday, August 30, 2001.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session.

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

Gracious God, we pause for a moment of prayer to focus our attention on You and on the relevance of spiritual realities in our daily living. We pray for Your assistance as we constantly revise our goals, priorities and values so that they are in conformity with Your ways and spiritual values. As a nation and as a people, we celebrate a national holiday on Monday, Labor Day. This special day reminds us of the dignity and rights of all workers as well as the dignity and values of human labor. We are all grateful for the benefits which we enjoy as a result of the hard work and ingenuity of working men and women in this country. It is our hope that labor and management, by working together, will continue to make our nation great and our people prosperous.

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

Resolutions.

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

Resolutions (filed by Representatives Atsalis of Barnstable, George of Yarmouth, Patrick of Falmouth, Gomes of Harwich, Turkington of Falmouth and Provost of Sandwich) congratulating Cape Cod Community College on the occasion of its fortieth anniversary;

Resolutions (filed by Mr. Keenan of Southwick) recognizing the dedication of the Western Massachusetts Buddy Walk in hosting an event in honor of the observance of Down Syndrome Awareness Month;

Resolutions (filed by Mr. Lepper of Attleboro) congratulating David A. Perry, Jr., on his retirement from the Attleboro Conservation Commission;

Resolutions (filed by Mr. Miceli of Wilmington) congratulating Mr. and Mrs. Eugene R. Saccardo on the occasion of their fiftieth wedding anniversary;

Resolutions (filed by Mr. Miceli of Wilmington) congratulating the Friendship Lodge of Ancient Free and Accepted Masons in Wilmington on the occasion of its one hundredth anniversary;

Resolutions (filed by Mr. Nyman of Hanover) congratulating Anthony F. P. Muscato on the occasion of his eightieth birthday;

Resolutions (filed by Mr. Ruane of Salem) congratulating Saint Nicholas Orthodox Church in Salem on the occasion of its one hundredth anniversary;

Resolutions (filed by Mr. Scaccia of Boston) honoring the great “Babe” Ruth for his contributions to the Boston Red Sox;

Resolutions (filed by Mr. Swan of Springfield) congratulating Adrienne Caulton on the occasion of her retirement; and

Resolutions (filed by Mr. Travis of Rehoboth) congratulating Mary G. DeSilva on the occasion of her retirement;

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

Petitions.

Ms. Atkins of Concord presented a petition (accompanied by bill, House, No. 4513) of Cory Atkins (by vote of the town) relative to creating a program to promote access to affordable housing in the town of Concord; and the same was referred to the committee on Housing and Urban Development. Sent to the Senate for concurrence.

Petitions severally were presented and referred, as follows:

By Mr. Bradley of Hingham, petition (subject to Joint Rule 12) of Garrett J. Bradley relative to sex crimes against children.

By Ms. Candaras of Wilbraham, petition (subject to Joint Rule 12) of Gale D. Candaras relative to prohibiting the use of runners for insurance claims.

By Mr. Hall of Westford, petition (subject to Joint Rule 12) of Geoffrey D. Hall and Steven C. Panagiotakos relative to reimbursement by the Department of Education to school districts for costs incurred relating to the MCAS exam.

By Mr. Hynes of Marshfield, petition (subject to Joint Rule 12) of Frank M. Hynes, Mary S. Rogeness and Robert M. Koczera relative to promoting driver safety for persons operating a motor vehicle with a learner’s permit.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

A Bill relative to the Massachusetts Water Resources Authority bond cap (Senate, No. 1142) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 32A, to the committee on Long-Term Debt and Capital Expenditures.

Mrs. Walrath of Stow, for said committee, reported that the foregoing bill ought to pass.

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

Under suspension of the rules, on motion of Mr. Rogers of Norwood, the bill was read a third time.

Pending the question on passing the bill to be engrossed, in concurrence, the same member moved that it be amended by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to increase the Massachusetts Water Resources Authority bond limit in order to avoid disruption of ongoing projects, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.”.

The amendment was adopted; and the bill (Senate, No. 1142, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

A Bill authorizing the city of Newburyport to establish certain maintenance and capital investment funds (Senate, No. 1889) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was 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. Tirone of Amesbury, the bill was read a second time forthwith; and it was ordered to a third reading.

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 petition of Robert M. Koczera, other members of the General Court and others for legislation to protect the privacy of elders. Under suspension of the rules, on motion of Mr. Koczera of New Bedford, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Human Services and Elderly Affairs. Sent to the Senate for concurrence.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill facilitating the use of land transfer of development rights (Senate, No. 1011);

Of the Bill relative to condominium by-laws (printed as Senate, No. 641);

Of the Bill expanding the powers of the licensing authority of the town of Brookline (House, No. 460);

Of the Bill to define a hotel or other building for temporary residence (House, No. 3935);

Of the Bill amending Chapter 66 of the Acts of 1998 that established a liability insurance fund in the town of Brookline (House, No. 4302); and

Of the Bill concerning parking violations in the town of Brookline (House, No. 4304);

And recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Koczera of New Bedford, for the committee on Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4463) of Deborah D. Blumer and David P. Magnani (by vote of the town) that the town of Framingham be authorized to establish an elderly discount program for water and sewer rates,— and recommending that the same be referred to the committee on Local Affairs. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to Hale Hospital in the city of Haverhill (House, No. 4327) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4512), which was read.

Under suspension of the rules, on motion of Ms. Stanley of West Newbury, the bill was read a second time forthwith.

Pending the question on adoption of the amendment recommended by the committee on Ways and Means, and the main question on ordering the bill to a third reading, Mr. Marini of Hanson and other members of the House moved that the proposed substitute bill be amended in section 7, in line 2, by inserting after the word “indirectly” the words “, including, but not limited to, unfunded pension liabilities”.

The further amendment was adopted.

The amendment recommended by the committee on Ways and Means, as amended, then also was adopted; and the substituted bill was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the bill (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. The bill (House, No. 4512, printed as amended) then was 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 signing of death certificates (House, No. 1005) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Kennedy of Brockton, 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 the taxation of certain personal property (House, No. 4442) be scheduled for consideration by the House.

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

By Mr. Koczera of New Bedford, for the committee on Natural Resources and Agriculture, on Senate, Nos. 1052, 1058, 1066, 1113 and 1139 and House, No. 1248, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain Senate and House documents relative to recycling (House, No. 4505).

By the same member, for the same committee, on Senate, Nos. 1061 and 1072 and House, Nos. 1067, 1246, 1255, 1256, 1449, 2015, 2206, 2220, 2763 and 3777, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain Senate and House documents concerning hunting and fishing license fees, the fishing industry, wildlife management and other related matters (House, No. 4506).

By the same member, for the same committee, on Senate, No. 1065 and House, No. 1247, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain Senate and House documents concerning solid waste management and the release of balloons into the environment (House, No. 4507).

By the same member, for the same committee, on Senate, Nos. 1076, 1077, 1091, 1119, 1129 and 1130 and House, Nos. 650, 1626, 1840, 1841, 2382, 2383, 2388 and 3965, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain Senate and House documents relative to a sewer rate relief fund and the delivery of water to ratepayers of the Massachusetts Water Resources Authority (House, No. 4508).

By the same member, for the same committee, on Senate, Nos. 1087 and 1135 and House, Nos. 1250, 2013, 2951, 3153, 3161 and 3162, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain Senate and House documents relative to solid waste reduction, landfill capping grants and areas of critical environmental concern (House, No. 4509).

By the same member, for the same committee, on Senate, Nos. 1114, 1123, 1124, 1125, 1126, 1127 and 1134 and House, Nos. 1846 and 2571, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain Senate and House documents concerning waterways laws enforcement, water supplies in cities and towns,

the Ware and Quabbin Watershed advisory committees and other related matters (House, No. 4510).

By the same member, for the same committee, on House, Nos. 491, 2205 and 3388, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain House documents concerning the Environmental Protection Agency and environmental impact reports (House, No. 4511).

Severally 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, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Recess.

At three minutes before twelve o'clock noon, the Speaker declared a recess subject to the call of the Chair; and at five minutes before five o'clock P.M., the House was called to order with Mr. O'Flaherty of Chelsea in the Chair.

Emergency Measures.

The Speaker being in the Chair,—

The engrossed Bill relative to the Massachusetts Water Resources Authority bond cap (see Senate, No. 1142, 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 3 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

The engrossed Bill relative to the Hale Hospital in the city of Haverhill (see House, No. 4512), 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 3 to 0. Sent to the Senate for concurrence.

Subsequently (Mr. Peterson of Grafton being in the Chair), the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

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.