

## **JOURNAL OF THE HOUSE.**

Thursday, September 26, 2002.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. O'Brien of Kingston 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:

Gracious God, the Ultimate Source and Peace and Truth, we depend upon Your gifts of wisdom and patience to address current complex (often emotional) legislative issues and the reasonable expectations of the electorate. Your guidance enables us to respond in a just and a creative manner to our daily obligations. In crafting and evaluating legislation and proposed programs, inspire us to be aware of and sensitive to both human and spiritual values. Let our decisions and choices remain intellectually sound and morally correct. We place our trust in You and Your ways.

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

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

### *Quarterly Reports.*

#### Quarterly reports

Of the Massachusetts Turnpike Authority (under the provisions of Section 9 of Chapter 87 of the Acts of 2000) on the status of the Central Artery/Ted Williams Tunnel Project; and

Of the Massachusetts Convention Center Authority (under the provisions of Section 5L of Chapter 152 of the Acts of 1997) relative to all contracts regarding the Boston Convention and Exhibition Center project entered by said authority;

Severally were placed on file.

### *Resolutions.*

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

Resolutions (filed by Ms. Donovan of Woburn) congratulating Woburn High School on the occasion of its 150th anniversary;

Resolutions (filed by Mr. George of Yarmouth) congratulating the South Yarmouth Methodist Church on the occasion of its one hundred and fiftieth anniversary;

Resolutions (filed by Mr. Kocot of Northampton) honoring Robie Hubley for outstanding service to the citizens of the Commonwealth of Massachusetts;

Resolutions (filed by Mr. Scaccia of Boston) congratulating Alberico Tropeano on the occasion of his 95th birthday;

Resolutions (filed by Mrs. Simmons of Leominster) congratulating Theodore R. O'Leary on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mr. Vallee of Franklin) congratulating Richard Warren, PhD, on the occasion of his 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 Mr. Smizik of Brookline, 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.*

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

Petition (accompanied by bill, Senate, No. 2479) of Robert A. Antonioni, Patricia A. Walrath and Pamela P. Resor for legislation relative to the borrowing of money for the Nashoba Regional School District. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill, Senate, No. 2480) of Robert S. Creedon, Jr., Timothy J. Cruz, Plymouth County District Attorney, Marc R. Pacheco and David L. Flynn for legislation relative to the commitment of sexually dangerous persons. To the committee on the Judiciary.

Petition (accompanied by bill, Senate, No. 2481) of Thomas M. McGee, and Douglas W. Petersen (by vote of the town ) for legislation to remove the position of plumbing inspector from civil service and appointment by the Board of Selectmen in the town of Marblehead. To the committee on Public Service.

#### *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 Harold P. Naughton, Jr., relative to the vacation rights of John J. McAuliffe, an employee of the Trial Court Department. To the committee on the Judiciary.

Petition (accompanied by bill) of Paul C. Casey, Carol A. Donovan, Michael E. Festa and Richard R. Tisei relative to the selectmen-town administrator form of government; and

Petition (accompanied by bill) of David M. Torrisi, Bruce E. Tarr, Steven A. Baddour, Bradley H. Jones, Jr., and Bradford Hill relative to a change in the boundary line between the towns of

Boxford and North Andover;

Severally to the committee on Local Affairs.

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

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a message from Her Honor the Lieutenant-Governor, Acting Governor, a Bill relative to the retirement of certain employees of the town of Tewksbury (printed in House, No. 5327) [Senator Chandler dissenting]. 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. Peterson of Grafton, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. The bill (printed in House, No. 5327) then was sent to the Senate for concurrence.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain Senate and House documents concerning active and retired public employees (House, No. 4000) reports, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4656) of Elizabeth Poirier and other members of the General Court relative to the discrimination against veterans in employment,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Wagner of Chicopee, for the committee on Election Laws, on House, Nos. 5237 and 5264, an Order relative to authorizing the committee on Election Laws to make an investigation and study of certain House documents concerning the towns of Burlington and North Attleborough (House, No. 5341). 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.

The same member, for said committee on Rules, on the foregoing order, then reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 5264) of Charles A. Murphy and Robert A. Havern (by vote of the town) relative to the election of town meeting members in the town of Burlington,— and recommending that the same be recommitted to the committee on Election Laws. Under Rule 42, the report was

considered forthwith; and it was accepted.

By Mr. Greene of Billerica, for the committee on Commerce and Labor, on House, Nos. 4979 and 5203, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain House documents concerning consumer credit reporting and the rights of customers of supermarkets (House, No. 5338).

By Mr. Larkin of Pittsfield, for the committee on Education, Arts and Humanities, on House, No. 4873, an Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of a certain House document concerning promoting fairness in education funding (House, No. 5339).

By Mr. Dempsey of Haverhill, for the committee on Public Service, on House, Nos. 4390, 5165, 5168 and 5244, an Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning retirement and civil service (House, No. 5340).

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.

#### *Engrossed Bills.*

The engrossed Bill establishing a distinctive registration plate process (see House, No. 5028, amended) (which originated in the House) (which had been returned by Her Honor the Lieutenant-Governor, Acting 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.

The engrossed Bill relative to parking violations in the city of Worcester (see House, No. 5230) (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.

#### *Orders of the Day.*

##### House Bills

Relative to state highways in Barnstable County (House, No. 4737); and

Authorizing Leona S. Ferrara to take the civil service examination for firefighter in the town of Mansfield notwithstanding maximum age requirement (House, No. 5232);

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 crimes against the elderly and disabled persons (Senate, No. 2350) was read a second time.

Pending the question on ordering the bill to a third reading, Ms. Flavin of Easthampton moved that it be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5342.

Pending the question on adoption of the amendment, Mr. Tobin of Quincy moved that the proposed substitute text be amended by striking out section 2 and inserting in place thereof the following section:

“SECTION 2. Section 13H of chapter 265 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

Whoever commits an indecent assault and battery on an elder or a person with a disability, as defined in section 13K, shall be punished by imprisonment in the state prison for not more than 5 years, or by imprisonment in the house of correction for not more than 2½ years, and whoever commits a second or subsequent such offense shall be punished by imprisonment in the state prison for not more than 10 years; provided, however, that a prosecution commenced under this section shall not be placed on file or continued without a finding.”.

The further amendment was adopted.

The amendment offered by Ms. Flavin of Easthampton (text of House, No. 5342, printed as amended) also was adopted.

The bill (Senate, No. 2350, amended) then 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 twenty-five minutes after eleven o'clock A.M., on motion of Mr. Smizik of Brookline (Mr. O'Brien of Kingston being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.