

JOURNAL OF THE HOUSE.
Tuesday, October 2, 2001.

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

Most Gracious God, we often thank You for the material and spiritual blessings which You give to us daily and for the great human and material resources which we have and enjoy as citizens of this Commonwealth and nation. Today we pray for the wisdom and the good sense to translate this gratitude into sound and relevant legislation, programs and public policy. As leaders, who are charged with the responsibility of protecting our basic institutions and of making thoughtful, not merely emotional decisions, help us to remain clearly focused on current and future societal needs in these changing times. Guide our efforts to foster and promote peace, security, prosperity and civility by our commitment to sound human and spiritual values.

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

At the request of the Chair (Mr. Walsh), 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. Loscocco of Holliston) honoring Edna Hibel; and

Resolutions (filed by Representatives Malia of Boston and Fitzgerald of Boston) congratulating Norma F. Moseley on the occasion of her retirement;

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

Petitions.

Petitions severally were presented and referred as follows:

By Ms. Balser of Newton, petition (accompanied by bill, House, No. 4604) of Ruth B. Balser, Cynthia S. Creem, Peter J. Koutoujian, Kay Khan and Rachel Kaprielian (with the approval of the mayor and board of aldermen) relative to authorizing the appointment of John F. Neville, III as a firefighter in the city of Newton, notwithstanding the maximum age requirements; and

By Mr. O'Flaherty of Chelsea, petition (accompanied by bill, House, No. 4605) of Eugene L. O'Flaherty (with the approval of the city council) that the retirement board of the city of Chelsea

be authorized to allow Marion M. Dixon, the widow of Howard F. Dixon, to make a certain change to her survivor benefits;

Severally to the committee on Public Service.

Severally sent to the Senate for concurrence.

Ms. Balser of Newton presented a petition (subject to Joint Rule 12) of Ruth B. Balser, Peter J. Koutoujian, Kay Khan, Cynthia S. Creem and Rachel Kaprielian (with the approval of the mayor and board of aldermen) relative to authorizing the city of Newton to convey a certain easement to the Massachusetts Water Resources Authority; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

A Bill designating a portion of the Blackstone River and Canal Heritage Park as the Honorable William A. L. Bazeley Memorial Recreation Area (Senate, No. 1089) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports

Of the committee on Public Service, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1325) of Robert S. Creedon, Jr., and Brian A. Joyce for legislation relative to the salaries of chief court officers and first assistant court officers of the Trial Court; and

Of the petition (accompanied by bill, Senate, No. 1470) of Stanley C. Rosenberg for legislation to provide creditable service for Joseph A. Quinlan;

And recommending that the same severally be referred to the Senate committee on Ways and Means.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence, insomuch as relates to the discharge of the committee.

Notice was received that the President of the Senate had announced that Senator Magnani of the Middlesex, Norfolk and Worcester District had resigned as a delegate to the New England Board of Higher Education (established under the provisions of section 1 of Chapter 589 of the Acts of 1954) and that Senator Antonioni of the Worcester and Middlesex District had been appointed to fill the vacancy.

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 Carol C. Cleven relative to the tuition costs for certain persons residing both in the city of Lowell and the town of Chelmsford. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill) of George Rogers relative to the banning of motor scooters. To the committee on the Judiciary.

Petition (accompanied by bill) of Robert Correia, Joan M. Menard and Michael J. Rodrigues (with the approval of the mayor and city council) relative to authorizing the housing authority of the city of Fall River to transfer a certain parcel of land for the development of affordable housing, notwithstanding the uniform procurement law. To the committee on State Administration.

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

By Mr. Mariano of Quincy, for the committee on Insurance, on House, No. 4535, an Order relative to authorizing the committee on Insurance to make an investigation and study of a certain House document concerning the licensing and regulation of insurance advisers (House, No. 4598).

By Mr. Toomey of Cambridge, for the committee on Public Safety, on House, Nos. 136, 139, 140, 143, 145, 159, 165, 173, 185 and 188, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning various boards within the Executive Office of Public Safety, school bus safety, Registry of Motor Vehicles rebate programs and other related matters (House, No. 4599).

By Mr. Dempsey of Haverhill, for the committee on Public Service, on House, Nos. 325, 346, 529, 671, 672, 674, 682, 690, 696, 726, 871, 878, 881, 887, 903, 904, 920, 1090, 1103, 1104, 1299, 1468, 1486, 1487, 1494, 1495, 1660, 1853, 1860, 1865, 2059, 3176, 3182, 3617 and 4008, an Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning retirement rights and benefits for active and retired public employees of cities and towns and the Commonwealth (House, No. 4600).

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.

By Mr. Wagner of Chicopee, for the committee on Election Laws, on a petition, a Bill relative to recall elections in the town of Fairhaven (House, No. 4473) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to voting precincts in the town of Franklin (House, No. 4474) [Local Approval Received].

By the same member, for the same committee, on a message from Her Honor the Lieutenant-Governor, Acting Governor, a Bill relative to voting precincts in the town of Ludlow (printed in House, No. 4518, changed in section 1, in lines 10 and 11, by striking out the words “, but shall never be less than three nor more than six”).

By Mr. Bosley of North Adams, for the committee on Government Regulations, on a petition, a Bill authorizing the town of Fairhaven to issue an additional license for the sale of beer and wine to Excel Restaurant Group, Inc. d/b/a Hickory Creek (House, No. 4321) [Local Approval Received].

By Mrs. Parente of Milford, for the committee on Local Affairs, on a petition, a Bill relative to the conservation commission of the town of Sutton (House, No. 4325) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Chatham to grant an easement in certain conservation land (House, No. 4369) [Local Approval Received].

By the same member, for the same committee, on a message from Her Honor the Lieutenant-Governor, Acting Governor, a Bill validating the actions taken at certain town meetings held in the town of Oak Bluffs (printed in House, No. 4383).

By the same member, for the same committee, on a petition, a Bill authorizing the town of Sudbury to use certain conservation land for municipal purposes (House, No. 4394) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relating to the debt limit of the town of Millis (House, No. 4421) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Millis to pay a vendor (House, No. 4422) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing certain terms for borrowing by the town of Norfolk for constructing a golf course (House, No. 4423) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill providing for the leasing and construction of improvements to the Coolidge School in the city known as the town of Watertown (House, No. 4424) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to reduction of sewer fee liability in the town of Dedham in exchange for volunteer services by persons over age sixty (House, No. 4445) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill permitting the town of Framingham to offer an elderly discount program for water and sewer rates (House, No. 4463) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to affordable housing in the town of Truro (House, No. 4476) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Truro to establish an affordable housing trust fund (House, No. 4477) [Local Approval Received].

By Mr. Casey of Winchester, for the committee on Taxation, on a petition, a Bill relative to open space in the town of Saugus (House, No. 2081) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill relative to the crimes of assault and battery and assault and battery by means of a dangerous weapon (Senate, No. 167, amended) 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; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain easements in the towns of Groton and Pepperell (House, No. 1879) ought to pass with certain amendments.

By the same member, for the same committee, that the Bill to establish a victims of drunk driving trust fund (House, No. 2028) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4601).

By the same member, for the same committee, that the Bill authorizing leaves of absence for certain employees participating in Red Cross emergencies (House, No. 2405) ought to pass with an amendment substituting therefor a bill with same title (House, No. 4602).

By the same member, for the same committee, that the Bill providing for capital facility improvements and repairs for the Commonwealth (House, No. 4352) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4603) [Bond Authorization: \$385,146,288.00].

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

Bill prohibiting the use of certain latex products by persons who handle food (House, No. 1152);

Bill releasing certain land in Northampton from the operation of an agricultural preservation restriction (House, No. 1845);

Bill pertaining to certain licenses alcohol and drug counselors (House, No. 2184);

Bill establishing the Acton economic development and industrial corporation (House, No. 4011) [Local Approval Received];

Bill relative to handicapped stickers for motorcycle license plates (House, No. 4099);

Bill relative to carriers (House, No. 4214, changed);

Bill relative to the budget of the Up-Island Regional School District of Martha's Vineyard (House, No. 4410);

Bill relative to unemployment insurance rates (House, No. 4531); and

Bill to establish sentencing guidelines (House, No. 4596);

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 following matters be scheduled for consideration by the House:

Senate bills

Relative to municipal light plant contracts (Senate, No. 421);

Relative to civil service preference for a police officer in the city of Medford (Senate, No. 1816) [Local Approval Received];

Providing for recall election for the Athol-Royalston regional school district (Senate, No. 1854) [Local Approval Received];

Relative to the Amherst town government (Senate, No. 1855) [Local Approval Received];

Providing for recall elections in the town of Bernardston (Senate, No. 1862) [Local Approval Received]; and

Authorizing the city of Marlborough to convey a certain parcel of recreation land to Louis Seymour (Senate, No. 1876) [Local Approval Received]; and

House bills

Relative to the Nantucket Historic District Commission (House, No. 3634) [Local Approval Received];

Relative to civil service in the city known as the town of Weymouth (House, No. 4019) [Local Approval Received];

Authorizing the town of Stoneham to grant licenses for the sale of alcoholic beverages to be drunk on the premises to theaters (House, No. 4166) [Local Approval Received];

Authorizing the town of Hingham to establish a retiree healthcare liability trust fund (House, No. 4183) [Local Approval Received];

Providing for the filling of vacancies in the city known as the town of Agawam (House, No. 4273) [Local Approval Received];

To authorize the town of Needham to amend its zoning by-law to provide for a traffic mitigation fund (House, No. 4290) [Local Approval Received];

Providing for recall elections in the town of Blandford (House, No. 4291) [Local Approval Received];

Relative to certain conservation land in the town of Sherborn (House, No. 4295) [Local Approval Received];

Relative to sewer bylaws and regulations of the town of Sturbridge (House, No. 4305) [Local Approval Received]; and

Authorizing the town of Edgartown to convey a certain parcel of land (House, No. 4361) [Local Approval Received];

Severally placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills.

Engrossed bills

Authorizing the conservation commission of the town of Dennis to establish fees for the employment of consultants (see House, No. 4188); and

Relative to the charter of the city known as the town of Watertown (see House, No. 4478);

(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 House Bill relative to a certain alcoholic beverage license in the town of Westborough (House, No. 4143), 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. 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 tomorrow at one o'clock P.M.

At thirteen minutes after eleven o'clock A.M., on motion of Mr. O'Flaherty of Chelsea (Mr. Walsh of Boston being in the Chair), the House adjourned, to meet tomorrow at one o'clock P.M.

