

**JOURNAL OF THE HOUSE.**

Thursday, October 11, 2001.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. O'Flaherty of Chelsea 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 depend upon You and Your assistance in recognizing and responding to our daily responsibilities, both personal and legislative. In Your kindness, inspire us to make sound, fair and prudent decisions in our efforts to serve You and the people who expect us to make good legislative judgements and to select good common sense legislative options. Grant us the physical, emotional and intellectual courage and the gift of wisdom to resolve complex political and social and economic issues which we face now and in the years ahead. Bestow upon us those leadership qualities which are in demand at the moment so that the people will continue to have confidence in us, our institutions and in our Commonwealth and Country.

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'Flaherty), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

*Message from the Acting Governor.*

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to extending simulcast wagering of horse and dog racing (House, No. 4652) was filed this day in the office of the Clerk.

The message was read; and it was referred, on motion of Mr. Scaccia of Boston, with the accompanying draft of a bill, to the committee on Rules.

Mr. Scaccia, for said committee, reported on the foregoing message, a Bill relative to extending simulcast wagering of horse and dog racing (printed in House, No. 4652), which was read.

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. Sent to the Senate for concurrence.

*Statement of Representative Donato of Medford.*

A statement of Mr. Donato of Medford was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for Tuesday's sitting due to a previous commitment outside of the Commonwealth. Had I been present for the taking of the yeas and nays on amendments offered to the House Bill establishing new sentencing guidelines, I would have voted, in each instance, in the negative. Furthermore, had I been present for the taking of the yeas and nays on passing said bill to be engrossed, I would have voted in the affirmative.

### *Resolutions.*

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

Resolutions (filed by Mrs. Harkins of Needham) honoring John F. Hodgman upon his retirement from the Massachusetts Technology Development Corporation;

Resolutions (filed by Mr. Binienda of Worcester and other members of the House) honoring Worcester County Sheriff John “Mike” Flynn on the occasion of the celebration of his seventy-fifth birthday;

Resolutions (filed by Mr. Galvin of Canton) on the retirement of Canton Fire Chief James A. Fitzpatrick, Jr.;

Resolutions (filed by Mr. Hall of Westford) congratulating Diane K. Brogan on the occasion of her retirement;

Resolutions (filed by Mr. Hall of Westford) congratulating Robert G. Parsons on the occasion of his retirement from the Westford Fire Department; and

Resolutions (filed by Ms. Stanley of West Newbury and other members of the House) congratulating Florence Kerrigan on the occasion of her retirement after 13 years of outstanding service to the Massachusetts House of Representatives and the citizens of the Commonwealth;

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

### *Communications.*

#### Communications

From the Department of Environmental Management (under the provisions of Section 8C of Chapter 21 of the General Laws) submitting a copy of the decisions of the Water Resources Commission regarding the approval of the town of Foxborough’s request for an Interbasin Transfer for two proposed wells adjacent to Witch Pond in said town; and

From Wonderland Greyhound Park, Inc. (under the provisions of Section 2 of Chapter 128C of the General Laws) submitting copies of contracts for the simulcasting of dog races;

Severally were placed on file.

### *Annual and Special Reports.*

#### Annual reports

Of the Director of the Biologic Laboratories of the University of Massachusetts (under the

provisions of Section 43 of Chapter 75 of the General Laws) of the activities of said laboratories for the fiscal year 2001;

Of the Group Insurance Commission (under the provisions of Section 20 of Chapter 32A of the General Laws) relative to vendor quality improvement program activities for fiscal year 2001;

Of the Massachusetts Legal Assistance Corporation (under the provisions of Section 10 of Chapter 221A of the General Laws) relative to the description and evaluation of each program and a summary of the expenditures for such programs for the fiscal year ending June 30, 2001; and

Of the Merrimack Valley Regional Transit Authority (under the provisions of Section 8(g) of Chapter 161B of the General Laws) of its operations for the fiscal year ending June 30, 2001; and

Report of the Massachusetts Turnpike Authority (under the provisions of Section 178 of Chapter 653 of the Acts of 1989) of the bi-monthly cost report for the Central Artery/Third Harbor Tunnel Project;

Severally were placed on file.

#### *Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Murphy of Burlington, petition (accompanied by bill, House, No. 4649) of Charles A. Murphy and Robert A. Havern (by vote of the town) relative to authorizing the town of Burlington to lease a certain parcel of land to be used for the construction of a wireless communication facility. To the committee on Local Affairs.

By Mr. Larkin of Pittsfield, petition (accompanied by bill, House, No. 4650) of Peter J. Larkin, Andrea F. Nuciforo, Jr., and Shaun P. Kelly (with the approval of the mayor and city council) relative to exempting certain positions in the city of Pittsfield from provisions of the civil service law; and

By Mr. Swan of Springfield, petition (accompanied by bill, House, No. 4651) of Benjamin Swan, Paul E. Caron and Cheryl A. Rivera (with the approval of the mayor and city council) that the retirement board of the city of Springfield be authorized to pay certain surviving spouse benefits to Gloria Sears;

Severally to the committee on Public Service.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Bosley of North Adams, petition (subject to Joint Rule 12) of Daniel E. Bosley, Shaun

P. Kelly and Andrea F. Nuciforo, Jr., relative to the Northern Berkshire Solid Waste District.

By Mr. Connolly of Everett, petition (subject to Joint Rule 12) of Edward G. Connolly relative to designating a certain bridge in the city of Everett as the Private First Class Patrick Moreschi Memorial Bridge.

By Mr. Donato of Medford, petition (subject to Joint Rule 12) of Paul J. Donato relative to providing an exemption for water charges of certain elderly persons.

By Mr. Loscocco of Holliston (by request), petition (subject to Joint Rule 12) of Deborah L. Edwards relative to a certain eminent domain taking by the Department of Highways in land in the town of Southborough.

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

#### *Papers from the Senate.*

A petition (accompanied by bill, Senate, No. 2138) of Richard T. Moore and Mark J. Carron (by vote of the town) for legislation to establish an elected water and sewer commission in the town of Charlton, 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. 2140) of Suzanne Parker Higgins for legislation relative to the abuse of clergy. To the committee on Criminal Justice.

Petition (accompanied by bill, Senate, No. 2141) of Therese Murray, Matthew C. Patrick and Ruth W. Provost for legislation to authorize the Division of Fisheries and Wildlife to convey an easement over a certain parcel of land in Bourne. To the committee on State Administration.

#### *Reports of Committees.*

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on Senate, No. 680 and House, No. 1411, an Order relative to authorizing the committee on Human Services and Elderly Affairs to make an investigation and study of certain Senate and House documents concerning caseloads and rates of human service providers (House, No. 4643).

By the same member, for the same committee, on Senate, Nos. 683 and 704 and House, Nos. 1026, 1027, 1398, 1402, 1771, 2187, 2342 and 4127, an Order relative to authorizing the committee on Human Services and Elderly Affairs to make an investigation and study of certain Senate and House documents concerning disability services (House, No. 4644).

By the same member, for the same committee, on Senate, Nos. 685 and 714 and House, Nos. 205, 206, 269, 1024, 1405, 2338, 2339, 2914, 2920, 3117, 3119, 3328 and 3546, an Order relative to authorizing the committee on Human Services and Elderly Affairs to make an investigation and study of certain Senate and House documents concerning adolescent and children services (House, No. 4645).

By the same member, for the same committee, on Senate, No. 688 and House, Nos. 619, 621, 623, 1196, 1959, 2340, 3115 and 3738, an Order relative to authorizing the committee on Human Services and Elderly Affairs to make an investigation and study concerning veterans affairs and benefits (House, No. 4646).

By the same member, for the same committee, on Senate, No. 726 and House, Nos. 1958, 2336, 2916, 3028 and 3874, an Order relative to authorizing the committee on Human Services and Elderly Affairs to make an investigation and study of certain Senate and House documents concerning welfare reform programs (House, No. 4647).

By the same member, for the same committee, on House, Nos. 271, 273, 275 and 281, an Order relative to authorizing the committee on Human Services and Elderly Affairs to make an investigation and study of certain House documents concerning mental health services (House, No. 4648).

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. Dempsey of Haverhill, for the committee on Public Service, on a recommitted petition, a Bill authorizing the State Retirement Board to grant creditable service to Harvey J. Chopp (House, No. 869, changed in lines 9 to 12, inclusive, by striking out the sentence contained therein and inserting in place thereof the following sentence: "Eligibility for said creditable service shall be conditioned upon payment into the state employees' retirement system of an amount equal to the amount that would have been deducted had he received regular compensation during said period at an annual rate equal to the annual rate of regular compensation that he was receiving immediately prior to said period together with regular interest thereon.").

By the same member, for the same committee, on a petition, a Bill relative to the retirement benefits of certain public employees (House, No. 4456).

By Mr. Casey of Winchester, for the committee on Taxation, on House, Nos. 189 and 203, a Bill to simplify compliance with income tax withholding and employment taxes (House, No. 203, changed by striking out section 3 and inserting in place thereof the following two sections:

"SECTION 3. Section 46 of Chapter 151A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following subsection:

(h) Nothing in this chapter shall prohibit the commissioner from participating with the commissioner of the department of revenue in a program which permits employing units subject to this chapter to file with the department of revenue a consolidated return which includes, but is not limited to, unemployment insurance, unemployment health insurance, workforce training,

income tax withholding and wage reporting information, together with the required payment.

SECTION 4. This act shall take effect upon passage.”).

By the same member, for the same committee, on a recommitted petition, a Bill relative to the taxation of certain income (House, No. 1890).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a petition, a Bill authorizing the city of Waltham to establish a post employment health insurance trust fund (House, No. 349) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to payment of certain medical expenses of Boston firefighters Joseph Cady and Alonzo P. Brooks (House, No. 4056) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Ware to extend health insurance to retired town employees (House, No. 4245, changed in section 1, in line 1, by striking out the word “The” and inserting in place thereof the following “Except for those eligible for coverage under section 12 of chapter 32A, the”) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Needham to establish a post retirement insurance liability fund (House, No. 4306) [Local Approval Received].

By Mr. Casey of Winchester, for the committee on Taxation, on a recommitted petition, a Bill relative to the assessment of local taxes (House, No. 376).

By the same member, for the same committee, on a recommitted petition, a Bill to insure fair taxation of affordable housing (House, No. 2090).

By Mr. Sullivan of Braintree, for the committee on Transportation, on a petition, a Bill relative to state highway Route 6A (House, No. 2629).

By the same member, for the same committee, on a petition, a Bill relative to state highways in Barnstable County (House, No. 3852).

By the same member, for the same committee, on a petition, a Bill relative to dedication of bridges and connector roads (House, No. 4437) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill designating a certain bridge as the Pearl Harbor Veterans Bridge (House, No. 4534).

By the same member, for the same committee, on a petition, a Bill relative to the Korean Veterans Memorial Highway (House, No. 4577).

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

Scheduling.

*Engrossed Bill.*

The engrossed Bill providing for the filling of vacancies in the city known as the town of Agawam (see House, No. 4273) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. Keenan of Southwick moved that Rule 40 be suspended; and the motion prevailed. The same member then moved that the bill be amended by striking out section 2 and inserting in place thereof the following two sections:—

“SECTION 2. Notwithstanding section 42C of Chapter 54 of the General Laws, as appearing in the 2000 Official Edition, this act shall be submitted to the voters of the city known as the town of Agawam in the form of the following question which shall be placed on the ballot for the next municipal election:

‘Shall an act passed by the General Court in the year 2001 entitled, “An Act providing for the filling of vacancies in the city known as the town of Agawam”, be accepted?’ If a majority of the votes cast in answer to said question is in the affirmative, section 1 shall take effect with the next term for the position of councilor in said city, but not otherwise.

SECTION 3. Section 2 of this act shall take effect upon its passage.”.

The amendment was adopted. Sent to the Senate for concurrence.

*Orders of the Day.*

House bills

Relative to deceased depositors (House, No. 3479);

Validating action taken at the town election held in the town of Buckland (printed in House, No. 4341) (its title having been changed by the committee on Bills in the Third Reading);

Relative to voting precincts in the town of Franklin (House, No. 4474); and

Relative to the board of selectmen in the town of Dalton (House, No. 4560);

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 House Bill to enhance the aquaculture industry of the Commonwealth (House, No. 300,



changed) was read a second time.

Pending the question on ordering the bill to a third reading, it was recommitted, on motion of Mr. Peterson of Grafton, to the committee on Natural Resources and Agriculture.

*Recess.*

At half past eleven o'clock A.M., the Chair (Mr. O'Flaherty of Chelsea) declared a recess subject to the call of the Chair; and at a quarter after two o'clock P.M., the House was called to order with Mr. O'Flaherty in the Chair.

*Emergency Measure.*

The engrossed Bill relative to extending simulcast wagering of horse and dog racing (see House bill printed in House, No. 4652), 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.

Subsequently, 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.

*Engrossed Bill.*

The engrossed Bill providing for the filling of vacancies in the city known as the town of Agawam (see House, No. 4273, amended) (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.

*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 nineteen minutes before three o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. O'Flaherty of Chelsea being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.

