

JOURNAL OF THE HOUSE.
Monday, October 28, 2002.

Met at eight minutes past 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: Gracious God, the Ultimate Source of Goodness and Wisdom, we depend upon You and Your assistance for directions and enlightenment as we begin this legislative session and take up today's items. We pray for a clarity of vision, an accuracy of judgment and integrity of action in addressing proposed and pending legislation. Inspire us to deepen our commitment and to implement our high personal, philosophical and ethical ideals on all levels of human endeavor. May our legislative priorities and goals inspire confidence, hope and trust in the minds of the electorate as we, together, continue our efforts to build a stable, civil and responsible society. 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.

Resolutions.

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

Resolutions (filed by Mr. DiMasi of Boston and other members of the House) congratulating the Honorable William J. Tierney, Chief Justice of the Boston Municipal Court Department of the Trial Court Department of the Commonwealth, on the occasion of his retirement;

Resolutions (filed by Representatives Casey of Winchester and Donovan of Woburn) honoring Janice T. Houghton;

Resolutions (filed by Ms. Donovan of Woburn) congratulating Emily Concannon on the occasion of her retirement; and

Resolutions (filed by Mr. Pedone of Worcester) congratulating Arthur A. Shephard on the occasion of his 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. Casey, 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.

The House Bill relative to the Nantucket Islands Land Bank (House, No. 3659) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 5 and inserting in place thereof the following section:

“SECTION 5. Said section 12 of said chapter 669 is hereby further amended by striking out

paragraph (j), as amended by section 7 of chapter 666 of the acts of 1987, and inserting in place thereof the following paragraph:—

(j) Transfers made to a stockholder of a corporation in liquidation of the corporation, and transfers made to a partner of a partnership or to a member of a limited liability company in dissolution of the partnership or limited liability company; but the transfer shall be exempt only if (i) with respect to a corporation, the transferee had before the transfer a controlling interest in the corporation, or (ii) with respect to a partnership or limited liability company, the transferee had before the transfer rights to capital interests in excess of 50 per cent of the total capital interests within the partnership or limited liability company or had rights to profit interests within the partnership or limited liability company or had rights to profit interests within the partnership or limited liability company in excess of 50 per cent of the total profit interests within the partnership or limited liability company.”.

Under suspension of Rule 35, on motion of Mr. Turkington of Falmouth, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

A report of the committee on Education, Arts and Humanities, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2416) of Stephen M. Brewer and John F. Merrigan for legislation to authorize the Pioneer Valley Regional School District to borrow money for construction costs at the Warwick community school, and recommending that the same be referred to the Senate committee on Ways and Means,—accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the discharge of the committee.

Bills

Relative to distinctive initial plates (Senate, No. 1148) (on House, No. 187 and a part of House, No. 173); and

Relative to the plumbing inspector in the town of Marblehead (Senate, No. 2481) (on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities, as follows:

Of the Franklin County Jail and House of Correction, in the town of Greenfield;

Of the Hampden County Sheriff’s Department and Correctional Center, in the town of Ludlow; and

Of the M.C.I. Shirley Medium Security Facility, in the town of Shirley;

Severally were spread upon the records of the House; and returned to the Senate.

Reports of Committees.

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a petition, a Bill authorizing the appointment of Alcino Fernandes as a police officer in the town of Milford (House, No. 5346) [Local Approval Received]. 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. Smizik of Brookline, 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 charter of the town of Plymouth (House, No. 5253) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Hynes of Marshfield, 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 authorizing the town of Hingham to grant certain licenses (House, No. 5358) [Local Approval Received] be scheduled for consideration by the House.

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

By Ms. Balser of Newton, for the committee on Local Affairs, on House, No. 5315, an Order relative to authorizing the committee on Local Affairs to make an investigation and study of a certain House document concerning the appointment of assessors and a town treasurer-collector in the town of Chester (House, No. 5361). 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.

Engrossed Bills.

Mr. O'Brien of Kingston being in the Chair,—

Engrossed bills

Designating a portion of the Blackstone River and Canal Heritage Park as the Honorable William A. L. Bazeley Memorial Recreation Area (see Senate, No. 1089);

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land to the Taunton Development Corporation (see Senate, No. 1591, changed); (Which severally originated in the Senate); and

Relative to residency requirements for candidates for local office in the city of Newton (see House, No. 5210) (which 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.

House bills

Relative to payment of certain medical expenses of retired Boston firefighter Charles J. Kelley (House, No. 4626);

Relative to property tax exemptions for rental properties in the town of Wellfleet deed restricted as to affordable housing (House, No. 5097); and
Authorizing the town of Hingham to issue two additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5356);
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 further regulating the use of crossbows in the Commonwealth (Senate, No. 2162) was read a second time; and it was ordered to a third reading.

Recess.

At twenty-one minutes before twelve o'clock noon, the Chair (Mr. O'Brien of Kingston) declared a recess until half past two o'clock P.M.; and at that time the House was called to order with Mr. O'Brien in the Chair.

Reports of Committees.

By Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from Her Honor the Lieutenant-Governor, Acting Governor, a Bill making certain amendments to the General Appropriation Act for fiscal year 2003 and other technical corrections (printed in House, No. 5359). 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 Mrs. Paulsen of Belmont, 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. Peterson of Grafton, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act relative to certain amendments to the General Appropriation Act for fiscal year 2003 and certain other laws."

Pending the question on passing the bill to be engrossed, Mrs. Paulsen moved that it be amended by inserting after section 11 the following section:

"SECTION 11A. Chapter 139 of the Acts of 2001 is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:— The chair of the State Racing Commission shall act as chair of the special commission which will issue a report to the joint committee on government regulations on or before February 28, 2003; provided further, that if the special commission doesn't meet, the state racing commission shall prepare a report."

The amendment was adopted; and the bill (printed in House, No. 5359, amended) was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a petition, a Bill exempting the position of chief of police in the town of Carver from the civil service laws

(House, No. 5256) [Local Approval Received]. 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 time forthwith; and it was ordered to a third reading.

Recesses.

At twelve minutes before four o'clock, on motion of Mr. Peterson of Grafton (Mr. O'Brien of Kingston being in the Chair), the House recessed until a quarter after four o'clock P.M.; and at twenty-four minutes after four o'clock, the House was called to order with Mr. O'Brien in the Chair.

The House thereupon took a further recess, on further motion of Mr. Peterson, until a quarter before five o'clock; and at that time, the House was called to order with Mr. O'Brien of Kingston in the Chair.

Engrossed Bill.

The engrossed Bill relative to certain amendments to the General Appropriation Act for fiscal year 2003 and certain other laws (see House bill printed in House, No. 5359, 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 Thursday next at eleven o'clock A.M.

At thirteen minutes before five o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. O'Brien of Kingston being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.