

## **JOURNAL OF THE HOUSE.**

Thursday, November 8, 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 take a moment for a brief prayer to thank You for all the many blessings which You give us daily, and we frequently take for granted. The responsibilities and challenges of each busy day, at times, distracts our attention from You, Your gifts, values and presence. On Monday, we observe Veterans' Day, a day of giving thanks and a day of remembering. We, as a people, are grateful to all veterans who are at war. Their heroic duty has made this a great nation in which all are treated with respect and dignity. We, as a nation, on Monday, remember in our prayers and thoughts all veterans, the living and the dead, for their generous service to this country.

Bestow Your blessings on the Speaker, the members and employees of this House and 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 Messrs. Casey of Winchester and Festa of Melrose) congratulating Kathleen L. Bray on being named Citizen of the Year by the community of Stoneham; and

Resolutions (filed by Messrs. Casey of Winchester and Jones of North Reading) congratulating Nelson S. Burbank on being named outstanding citizen by the Reading/North Reading Chamber of Commerce;

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. Ruane of Salem, 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 Correction (under the provisions of Section 16 of Chapter 123A of the General Laws) submitting its report on the Massachusetts Treatment Center for Sexually Dangerous Persons; and

From the Department of Youth Services (under the provisions of Section 16 of Chapter 123A of the General Laws) in lieu of a report on the commitment of sexually dangerous persons;

Severally were placed on file.

*Papers from the Senate.*

The monthly report of the Bureau of Special Investigations (under the provisions of Section 11(8) of Chapter 14 of the General Laws) for the month of September, 2001, was spread upon the records of the House; and returned to the Senate.

A petition (accompanied by bill, Senate, No. 2172) of Stanley C. Rosenberg (with the approval of the mayor and city council) for legislation to establish a board of public works and a department of public works in the city of Northampton, was referred, in concurrence, to the committee on Local Affairs.

A petition of Richard T. Moore, Stanley C. Rosenberg, Harriett L. Stanley, Daniel E. Bosley and other members of the General Court for legislation to protect the public health of the Commonwealth from bio-terrorism, other forms of terrorism and activities related to terrorism, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Health Care.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2173) was referred, in concurrence, to the committee on Health Care.

*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 Marie J. Parente and Richard T. Moore relative to authorizing the Division of Capital Asset Management and Maintenance to convey an easement under the control of the State Quartermaster to the town of Milford for use by the fire department of said town. Under suspension of the rules, on motion of Mrs. Parente of Milford, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration. 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 increasing the availability of protective gear for renters of recreational sports equipment (Senate, No. 1236);

Of the Bill affecting jurisdiction for the purpose of care and protection petitions (House, No. 208);

Of the Bill to insure fair taxation of affordable housing (House, No. 2090);

Of the Bill further requiring the timely resolution of certain insurance claims (House, No. 3351); and

Of the Bill relative to arbitration for automobile insurance property damage (House, No. 3547);

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

Of the Bill relative to the operations and governance of credit unions (House, No. 3481, changed); and

Of the Bill relative to identification of aftermarket parts (House, No. 3939);

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

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

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

Of the Bill making certain corrective changes in the General Laws (House, No. 29, changed);

Of the Bill relative to the safe installation of auto glass (House, No. 1965, changed);

Of the Bill prohibiting insurance companies from designating glass companies for the repair of motor vehicle insurance (House, No. 1966);

Of the Bill relative to payment of auto damage claims (House, No. 1968, changed); and

Of the Bill further regulating the sale of insurance by motor vehicle rental companies (House, No. 4636);

And recommending that the same severally be recommitted to the committee on Insurance.

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

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Barnstable to convey certain land (House, No. 4708) [Local Approval Received] be scheduled for consideration by the House.

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

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a recommitted petition, a Bill relative to membership in county retirement systems (House, No. 3181). Read; and referred, under Rule 33, to the committee on Counties on the part of the House.

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a petition, a Bill further defining beneficiary under the retirement law (House, No. 4193). Read; and referred, under Rule

33, to the committee on Ways and Means.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill authorizing the Department of Environmental Protection to grant a Chapter 91 license to the Boston Tea Party Ship, Inc. (Senate, No. 1830, changed) ought to pass with an amendment.

By the same member, for the same committee, that the Bill releasing certain land in Colrain from the operation of an agricultural preservation restriction (Senate, No. 1871) ought to pass with certain amendments.

By the same member, for the same committee, that the Bill defining "Corporation" to include a limited liability company for the purposes of M. G. L. Chapter 138 (House, No. 10) ought to pass with an amendment substituting therefor a Bill relative to including limited liability companies for the purposes of certain alcoholic beverage licenses (House, No. 4727).

By the same member, for the same committee, that the Bill authorizing the State Retirement Board to grant creditable service to Harvey J. Chopp (House, No. 869, changed) ought to pass with certain amendments.

By the same member, for the same committee that the Bill relative to securities (House, No. 955) ought to pass with certain amendments.

By the same member, for the same committee, that the Bill relating to the Insurers Insolvency Fund (House, No. 1784) ought to pass with an amendment.

By the same member, for the same committee, that the Bill to support a birth defects monitoring program (House, No. 2163) ought to pass with an amendment.

By the same member, for the same committee, that the Bill relative to community residency assuring fairness for clients of the Department of Mental Health residential programs (House, No. 3741, changed) ought to pass with an amendment.

By the same member, for the same committee, that the Bill providing for increased organ donations through education and access (House, No. 4238) ought to pass with certain amendments.

By the same member, for the same committee, that the Bill relative to powers of state-chartered banks (House, No. 4358) ought to pass with certain amendments.

By the same member, for the same committee, that the Bill relative to dissection choice (House, No. 4409) ought to pass with an amendment.

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 with the amendments pending.

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

The Senate Bill requiring the Massachusetts Water Resources Authority to provide water to the town of Stoughton (Senate, No. 2086, changed) [Local Approval Received]; and

House bills

Authorizing the Division of Capital Asset Management and Maintenance to grant certain real property located in the town of Tewksbury to the Tewksbury Housing Authority (House, No. 733);

Relative to hospice programs, licensure and definition (House, No. 1756, changed);

Relative to the testing by homeowners for urea formaldehyde foam insulation (House, No. 3307);

Authorizing the town of Wareham to release their interests in a certain parcel of land (House, No. 4126) [Local Approval Received];

Authorizing the Commissioner of the Division of Capital Asset and Management to convey certain land to the town of Concord (House, No. 4373);

Establishing the Mashpee economic development and industrial corporation (House, No. 4430) [Local Approval Received];

Relative to the unemployment insurance system (House, No. 4452); and

Authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of West Boylston (House, No. 4494) [Local Approval Received];

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:

House bills

Relative to the sounding of train whistles in the town of Tewksbury (House, No. 765);

Relative to state highway Route 6A (House, No. 2629);

Authorizing the town of Ware to extend health insurance to retired town employees (House, No. 4245, changed) [Local Approval Received];

Relative to Mini-Fenway Park, Inc. (House, No. 4362);

Relative to dedication of bridges and connector roads (House, No. 4437) [Local Approval Received];

Relative to the Korean Veterans Memorial Highway (House, No. 4577);

Establishing a limited access deposit account (House, No. 4633);

Authorizing self-monitoring and treatment of students with diabetes (House, No. 4634);

Providing for the installation of certain traffic devices in the city of Medford (House, No. 4635);

Relative to the time for the payment of real property taxes (House, No. 4638);

Providing for the use of the breakdown lanes on Route 3 (House, No. 4639);

Authorizing the town of Tyngsborough to issue 2 licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 4660) [Local Approval Received]; and

Authorizing the town of Tyngsborough to refund certain payments (House, No. 4661) [Local Approval Received];

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

#### *Emergency Measures.*

The engrossed Bill relative to the income tax deduction for charitable giving (see Senate, No. 1826, changed and 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 7 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 providing for improvements to the horse and greyhound racing industry in the Commonwealth and the regulation thereof (see House, No. 4261, 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 6 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 Speaker and sent to the Senate.

*Orders of the Day.*

The Senate Bill relative to limitations on total obligations of one borrower to a stock corporation or thrift institution (Senate, No. 1874), 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, in concurrence.

House bills

Relative to the promotion of charitable giving in the Commonwealth (House, No. 2984); and

Authorizing the town of Braintree to establish a department of public works (House, No. 4326) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

*Order.*

On motion of Mr. Rogers of Norwood,—

*Ordered*, That when the House adjourns today, it adjourn to meet on Tuesday next at eleven o'clock A.M.

At nineteen minutes after eleven o'clock A.M., on motion of Mr. Hynes of Marshfield, the House adjourned, to meet on Tuesday next at eleven o'clock A.M.