

## **JOURNAL OF THE HOUSE.**

Tuesday, November 12, 2002.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford 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: Holy Spirit God, we depend upon You, Your assistance and Your special gift of wisdom for guidance in our daily struggle to measure up to our personal and constitutional responsibilities. In addressing and coping with the complex challenges of today's changing and stressful times, Your help is essential. As people and a nation, we place our hope and trust in You, Our Creator, for you continue to watch over us and this land. Yesterday, Veterans Day, an occasion to remember, reflect and to pray, reminded us of the personal and often painful sacrifices of all veterans and their loving families. We are grateful to them for guarding, defending and protecting the freedoms and the way of life which we enjoy today.

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

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

### *Messages from the Acting Governor.*

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to unemployment insurance rates (House, No. 5370) was filed in the office of the Clerk on Friday, November 8.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Commerce and Labor. Sent to the Senate for concurrence.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to extending the agency filing deadline in a gubernatorial election year (House, No. 5369) was filed in the office of the Clerk on Thursday, November 7.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on State Administration. Sent to the Senate for concurrence.

### *Appointments to Special Commissions.*

The Speaker announced the following appointments:

Representatives Haddad of Somerset, Honan of Boston, St. Fleur of Boston and Leary of Worcester to the special commission created (pursuant to Section 4A of Chapter 97 of the Acts of 2002) to study state-assisted family public housing in the Commonwealth;

Representatives Kelly of Dalton and Kocot of Northampton to the special commission created (pursuant to Section 234 of Chapter 184 of the Acts of 2002) to study the vitality of the dairy farming industry in the Commonwealth;

Representatives Donato of Medford, Finegold of Andover and Patrick of Falmouth to the special commission created (pursuant to Section 238 of Chapter 184 of the Acts of 2002) to study the adequacy and effectiveness of cable television operations in the Commonwealth;

Representatives Broadhurst of Methuen, Falzone of Saugus, Buoniconti of West Springfield and Stanley of Waltham and Donald Dubendorf of Williamstown and Bart Guerrerri of Framingham to the special commission created (pursuant to Section 6 of Chapter 142 of the Acts of 2002) to study the state-wide information technology strategy for Commonwealth entities;

Representatives Kulik of Worthington and Rushing of Boston to the special commission created (pursuant to Section 36 of Chapter 236 of the Acts of 2002) to study the definition of agricultural land for APR purposes;

Representatives Goguen of Fitchburg, Simmons of Leominster and Knuuttila of Gardner to the special commission created (pursuant to Section 59 of Chapter 246 of the Acts of 2002) to study intermodal transportation improvements to the city of Fitchburg; and

Representatives Timilty of Milton, Reinstein of Revere and Koutoujian of Newton to the special commission created (pursuant to Section 52 of Chapter 300 of the Acts of 2002) to study educational technology in the public schools of the Commonwealth.

#### *Petition.*

Mr. Dempsey of Haverhill presented a petition (accompanied by bill, House, No. 5372) of Brian S. Dempsey, Stephen A. Baddour and Harriett L. Stanley (with the approval of the mayor and city council) relative to exempting the position of auditor of the city of Haverhill from provisions of civil service law; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

#### *Resolutions.*

Resolutions (filed with the Clerk by Representatives Casey of Winchester and Donovan of Woburn) congratulating Howard Porter on being named Citizen of the Year for 2002, were referred, under Rule 85, to the committee on Rules.

Mr. Honan of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Hynes of Marshfield, 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 Senate Bill further protecting children (Senate, No. 2436) came from the Senate with the endorsement that said branch had non-concurred with the House in its amendment by adding at the end thereof the following two sections (as changed by the House committee on Bills in the Third Reading):

“SECTION 1. Section 168A of chapter 6 of the General Laws, as appearing in the 2000 Official Edition, is amended by inserting after the word ‘institutions’, in line 25, the following words:— or to any employer.

SECTION 2. Section 172 of said chapter 6, as so appearing, is hereby amended by inserting after the word ‘agencies’, in line 12, the following word:— , employers.”.

On motion of Ms. Story of Amherst, the House receded from its amendment.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the South Middlesex Pre-Release Center in the town of Framingham, located in the town of Norfolk, was spread upon the records of the House; and returned to the Senate.

*Reports of Committees.*

By Ms. Balsler of Newton, for the committee on Local Affairs, on a message from Her Honor the Lieutenant-Governor, Acting Governor, a Bill providing for the office of town clerk-collector-treasurer in the town of Deerfield to be an appointed office (printed in House, No. 5260). 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.

By Mr. Scaccia of Boston, for the committee on Rules, that the recommitted Bill relative to the sounding of certain warning devices in the town of Concord (House, No. 4226) ought to pass [Local Approval Received]. 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. Scaccia of Boston, for the committee on Rules, that the Bill relative to the list of legal investments prepared by the Commissioner of Banks (House, No. 1339) 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.

Under suspension of Rule 7A, on motion of Mr. Cabral of New Bedford, 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 eligibility for extended federal unemployment benefits (House, No. 5355) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mrs. Paulsen of Belmont, the bill was read a second time forthwith.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 5368),— was adopted.

The substituted bill then was ordered to a third reading.

*Emergency Measure.*

The engrossed Bill relative to Nora O'Reilly (see Senate, No. 2219), 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 13 to 0. Sent to the Senate for concurrence.

*Engrossed Bills.*

The engrossed Bill validating action taken at the annual town election held by the town of Huntington (see House bill printed in House, No. 5140) (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 (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills

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

Relative to property tax exemptions for rental properties in the town of Wellfleet deed restricted as to affordable housing (see House, No. 5097);

Authorizing the town of Holden to purchase water from the city of Worcester (see House, No. 5222); and

Authorizing the town of Hingham to grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5358);

(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 Senate Bill establishing a building reserve fund in the city of Revere (Senate, No. 2068), 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 taxation of real and personal property (House, No. 3436) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to the deferral of certain sewer betterments in the town of Marion (House, No. 5114); 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.

*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.

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At twenty-four minutes before twelve o'clock noon, on motion of Mr. O'Brien of Kingston (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.

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