

## **JOURNAL OF THE HOUSE.**

Tuesday, November 13, 2001.

Met according to adjournment, at eleven o'clock A.M., with Mr. DiMasi 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:

Holy Spirit of God, at the opening of today's legislative session, we seek guidance and a renewal of spirit, both spiritual and intellectual, in our desire to serve You and the people whom we represent. May our personal and political goals and priorities be in accord with Your ways and values. In Your kindness, bless our efforts to be patient listeners and skillful speakers as we articulate current issues for the benefit of the people who depend upon our good judgment in legislative matters. May our hearts and minds be open to Your inspirations and assistance so that we may do what is morally right, value truth and protect the rights of all from the smallest child to the oldest senior.

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

At the request of the Chair (Mr. DiMasi), 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 providing tax relief for Massachusetts families and encourage economic activity (House, No. 4734) was filed in the office of the Clerk on Friday, November 9.

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

### *Appointment to a Joint Special Commission.*

The Speaker announced the appointment (under Section 6 of Chapter 3 of the General Laws) of Jennifer Braceras to a term of one year to the Commission on the Status of Women.

### *Statement Concerning Representative Bosley of North Adams.*

A statement of Mrs. Harkins of Needham concerning Mr. Bosley of North Adams 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 one of our colleagues, Representative Bosley of North Adams, will not be present in the House Chamber

for today's sitting due to official business in his district. Any roll calls that he may miss today will be due entirely to the reason stated.

*Resolutions.*

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

Resolutions (filed by Mr. Finneran of Boston) congratulating Noreen Harrison on the occasion of her one hundredth birthday;

Resolutions (filed by Ms. Rogeness of Longmeadow) commending Robert W. Clarke for 25 years of dedicated service as a member of the Board of Directors of the Behavioral Health Network, Inc., of Springfield;

Resolutions (filed by Representatives Balser of Newton, Demakis of Boston, Donnelly of Boston, Golden of Boston and Smizik of Brookline) commemorating the celebration of Hanukkah;

Resolutions (filed by Mr. Barrios of Cambridge) congratulating the Greater Boston Business Council on the occasion of its tenth anniversary;

Resolutions (filed by Messrs. Finegold of Andover, Santiago of Lawrence, Smizik of Brookline and Torrisi of North Andover) commending Joseph McColley on the completion of his cross country bicycle journey to raise awareness and funds for the homeless;

Resolutions (filed by Mr. Honan of Boston) honoring Harold Connolly;

Resolutions (filed by Mr. Stanley of Waltham) congratulating Thomas Foley on the occasion of his retirement from the Waltham Public Schools; and

Resolutions (filed by Mrs. Teahan of Whitman) congratulating Margaret C. McGillivray on her retirement after 28 years of dedicated service to the Commonwealth;

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

*Order.*

An Order (filed this day by Ms. Story of Amherst) relative to the precepts to be issued by the Speaker for the filling of the vacancy existing in the office of Representative from the First Hampshire District, was referred, under Rule 24, to the committee on Rules.

*Petitions.*

Mr. Jones of North Reading presented a petition (accompanied by bill, House, No. 4733) of Bradley H. Jones, Jr., and Bruce E. Tarr (by vote of the town) relative to authorizing the town of North Reading to convey a certain parcel of land located in said town; and the same was referred to the committee on Local Affairs. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred, Mrs. Parente of Milford, for said committee, reported on the foregoing petition, a Bill relative to a certain parcel of land in the town of North Reading (House, No. 4733) [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. Jones, the bill was read a second time forthwith; and it was ordered to a third reading.

Petitions severally were presented and referred as follows:

By Mrs. Parente of Milford, petition (accompanied by bill, House, No. 4728) of Marie J. Parente, Richard T. Moore and James E. Vallee (by vote of the town) relative to authorizing the town of Bellingham to establish a capital investment fund; and

By Mr. Sullivan of Braintree, petition (accompanied by bill, House, No. 4729) of Joseph C. Sullivan, Michael W. Morrissey, Robert L. Hedlund and others (by vote of the town) relative to authorizing the town of Braintree to convey a certain parcel of town forest land;

Severally to the committee on Local Affairs.

By Mr. Festa of Melrose, petition (accompanied by bill, House, No. 4730) of Michael E. Festa (with the approval of the mayor and city council) that the city of Melrose be authorized to issue certain pension obligation bonds; and

By Mrs. Parente of Milford, petition (accompanied by bill, House, No. 4731) of Marie J. Parente and Richard T. Moore (by vote of the town) relative to original and promotional appointments in the police department of the town of Milford;

Severally to the committee on Public Service.

By the same member, petition (accompanied by bill, House, No. 4732) of Marie J. Parente, Richard T. Moore and James E. Vallee (by vote of the town) relative to authorizing the town of Bellingham to establish a tax stabilization fund. To the committee on Taxation.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Correia of Fall River, petition (subject to Joint Rule 12) of Robert Correia, Thomas M. Finneran, Joan M. Menard and other members of the General Court relative to erecting a

memorial on the Battleship USS Massachusetts in honor of the residents of the Commonwealth who were victims of terrorism on September 11, 2001.

By Ms. Donovan of Woburn, petition (subject to Joint Rule 12) of Carol A. Donovan, Ellen Story, Anne M. Paulsen and Philip Travis relative to the procedures for filling vacancies in the office of Representative in the General Court.

By Mr. Hart of Boston, petition (subject to Joint Rule 12) of John A. Hart, Jr., for legislation to direct the Division of Waterways to dredge the harbor area surrounding the Old Colony Yacht Club in the city of Boston.

By the same member, petition (subject to Joint Rule 12) of John A. Hart, Jr., for legislation to establish a fire fighter and police memorial fund and to authorize voluntary tax refund contributions for said fund.

By Mr. Larkin of Pittsfield, petition (subject to Joint Rule 12) of Peter J. Larkin and other members of the General Court relative to providing liens for molders.

By Mr. Miceli of Wilmington, petition (subject to Joint Rule 12) of James R. Miceli and another relative to certain retirement allowances.

By Mrs. Parente of Milford, petition (subject to Joint Rule 12) of Marie J. Parente and Richard T. Moore (by vote of the town) relative to the appointment of Luann M. Tomaso as a police officer in the town of Milford, notwithstanding the maximum age requirements.

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

*Papers from the Senate.*

The House Bill authorizing the transfer of a certain parcel of land in the town of North Reading (House, No. 356) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

In section 1, in line 5, inserting after the word "land" the words "currently used for open space, forest and recreation purposes"; in section 3, in line 8, striking out the words "division of capital asset management and maintenance" (as changed by the House committee on Bills in the Third Reading) and inserting in place thereof the words "commonwealth in the care and control of the department of environmental management"; and in section 4, in line 2, striking out the words "General Fund of the commonwealth" (as changed by the House committee on Bills in the Third Reading) and inserting in place thereof the following: "Conservation Trust established by section 1 of chapter 132A of the General Laws".

Under suspension of Rule 35, on motion of Mr. Jones of North Reading, the amendments were considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House NON-concur with the Senate in its amendments; and the report was accepted.

The House NON-concurred with the Senate in its amendments. The bill then was sent to the Senate for its action.

A petition of Robert S. Creedon, Jr. and Kathleen M. Teahan (by vote of the town) for legislation to authorize the town of East Bridgewater to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Government Regulations.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2175) was referred, in concurrence, to the committee on Government Regulations.

### *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 Colleen M. Garry and Susan C. Tucker relative to designating a certain traffic island in the town of Dracut as the Captain John Ogonowski Memorial Island; and

Petition (accompanied by bill) of David B. Sullivan and other members of the General Court relative to designating a certain bridge in the city of Fall River as the Richard Magan Memorial Bridge;

Severally to the committee on Transportation.

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

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents on judicial procedures and other related matters (House, No. 4280) reported, in part, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1232) of Susan W. Pope and Cele Hahn relative to the release of homestead for certain married women deemed incompetent; and

Of the petition (accompanied by bill, House, No. 1431) of Louis L. Kafka relative to the health insurance of children of divorced parents;

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

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

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Taxation to make an investigation and study of certain House documents

concerning tax burdens, tax incentives, personal income tax and various other related matters (House, No. 4520) reported, in part, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 755) of Edward G. Connolly, other members of the General Court and another relative to real estate tax exemptions for the spouses of certain deceased veterans;

Of the petition (accompanied by bill, House, No. 1507) of Paul K. Frost and Guy W. Glodis relative to betterment assessments for sewerage facilities in the town of Millbury;

Of the petition (accompanied by bill, House, No. 1888) of Nancy Flavin, Michael R. Knapik and Cele Hahn relative to the taxation of certain military organizations; and

Of the petition (accompanied by bill, House, No. 3657) of Ruth W. Provost, Thomas N. George, Eric Turkington, Shirley Gomes, Demetrius J. Atsalis and Matthew C. Patrick that certain towns in Barnstable County be eligible for certain grants under the Community Preservation Trust Fund;

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

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

By Mr. Scaccia of Boston, for the committee on Rules, asking to be discharged from further consideration of the residue of the Order relative to authorizing the committee on Local Affairs to make an investigation and study of certain House documents concerning the town of Braintree and the town of Amherst (House, No. 4619),— and recommending that the same be recommitted to the committee on Local Affairs. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of North Attleborough to continue the employment of Brian F. Coyle (House, No. 4308) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mrs. Poirier of North Attleborough, 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 following bills ought to pass:

Clarifying the jurisdiction of the Energy Facilities Siting Board (House, No. 55, changed); and

Regulating public notice of meetings of municipal governmental bodies (House, No. 486);

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

By Mr. Broadhurst of Methuen, for the committee on Science and Technology, that the following bills ought to pass:

Providing for public access to licensure and monitoring information maintained by the Office of Child Care Services (House, No. 4455); and

In connection with nuclear power plants (House, No. 4683);

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

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

Providing for equal treatment of resident owners of cooperative housing corporations in assessment of local taxes (House, No. 386);

Relative to liquor license violations in the town of Dedham (House, No. 1181) [Local Approval Received];

Exempting certain positions in the town of Burlington from the civil service laws (House, No. 4307) [Local Approval Received];

Establishing a sick leave bank for a certain employee of the District Court Department (House, No. 4553);

Authorizing the certification and appointment of John F. Neville, III as a firefighter in the city of Newton (House, No. 4604) [Local Approval Received];

Exempting certain positions in the city of Pittsfield from the civil service law (House, No. 4650) [Local Approval Received];

Authorizing the repaying of sewer fees paid in error (House, No. 4694) [Local Approval Received]; and

Relative to fraudulent statements made in insurance applications (House, No. 4707);

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

*Engrossed Bill.*

The engrossed Bill relative to limitations on total obligations of 1 borrower to a stock corporation or thrift institution (see Senate, No. 1874) (which originated in the Senate), 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.

*Orders of the Day.*

Senate bills

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Boston (Senate, No. 1615, amended);

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

Authorizing the town of Topsfield to convey a certain parcel of conservation land to the town of Boxford for conservation purposes (Senate, No. 2106);

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, in concurrence.

#### House bills

Authorizing the conservation commission of the town of Andover to grant a sewer easement (House, No. 295) (its title having been changed by the committee on Bills in the Third Reading);

Relative to appellate review by state police officers (House, No. 1808) (its title having been changed by the committee on Bills in the Third Reading);

Relative to an agricultural preservation restriction on certain land in the city of Northampton (House, No. 1845) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the Division of Capital Asset Management and Maintenance to convey certain easements in the towns of Groton and Pepperell (House, No. 1879, amended);

Relative to certain licenses for alcohol and drug counselors (House, No. 2184) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the finances of regional school committees (House, No. 3071);

Authorizing the conservation commission of the town of Andover to grant a certain easement (House, No. 4014);

Relative to certain conservation land in the town of Sherborn (House, No. 4295);

Authorizing the city of Peabody to use certain park land for school purposes (House, No. 4301);

Authorizing the town of Edgartown to convey a certain parcel of land (House, No. 4361); and

Authorizing the town of Chatham to grant an easement in certain conservation land (House, No. 4369);

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 requiring the Massachusetts Water Resources Authority to provide water to the town of Stoughton (Senate, No. 2086, changed); 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);

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

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);

Relative to dedication of bridges and connector roads (House, No. 4437);

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

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

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

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); and

Authorizing the town of Tyngsborough to refund certain payments (House, No. 4661);

Severally were read a second time; and they were ordered to a third reading.

The Senate Bill releasing certain land in Colrain from the operation of an agricultural preservation restriction (Senate, No. 1871) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 1, in line 6, by striking out the word “release” and inserting in place thereof the words “execute a certificate releasing”, in line 13, by inserting after the word “shown” the following: “as Parcel 3”, and by adding at the end of said section the following sentence: “Said parcel contains approximately 2,100 square feet or 0.048, more or less, according to the recorded plan.”,— were adopted.

The bill (Senate, No. 1871, amended) then was ordered to a third reading.

The House Bill defining “Corporation” to include a limited liability company for the purposes of M. G. L. Chapter 138 (House, No. 10) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a Bill relative to including limited liability companies for the purposes of certain alcoholic beverages (House, No. 4727),— was adopted.

The substituted bill then was ordered to a third reading.

The House Bill authorizing the State Retirement Board to grant creditable service to Harvey J. Chopp (House, No. 869, changed) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in line 4 by inserting after the word “Chopp” the words “of Boston, Massachusetts”, in line 10 by inserting after the word “payment” the words “by Harvey J. Chopp of Boston, Massachusetts”,— were adopted.

The bill (House, No. 869, changed and amended) then was ordered to a third reading.

The House Bill relative to securities (House, No. 955) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 3, in line 47, by inserting after the word “secretary” the words “or his designee”, in line 53, by inserting after the word “filing” the words “by the secretary or his designee”, and by adding at the end of said section the following paragraph:

“(4) Any fee that is required to be paid pursuant to this section or the accompanying regulations may be transmitted through a designee.”; by inserting after section 9 the following section:

“SECTION 9A. Section 401 of said chapter 110A, as so appearing, is hereby amended in subsection (h) of line 52 by inserting after the words ‘an unincorporated organization’ the following:— limited liability company, limited liability partnership.”; and by inserting after section 24 the following section:

“SECTION 24A. Section 412 of chapter 110A, as so appearing, is hereby amended by adding the following new subparagraph:—

(g) Assessments collected by the secretary pursuant to administrative actions may be used to assist investors. Such assistance may include, but is not limited to, restitution for victims of financial fraud or other violations of this chapter.”,— were adopted.

The bill (House, No. 955, amended) then was ordered to a third reading.

The House Bill relating to the Insurers Insolvency Fund (House, No. 1784) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended in section 1, in line 9, by inserting after the word “deemed” the word “net”,— was adopted.

The bill (House, No. 1784, amended) then was ordered to a third reading.

The House Bill to support a birth defects monitoring program (House, No. 2163) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended in section 1 by adding at the end thereof the following paragraph:

“Within thirty days after the date of birth of any child with mental retardation, or within thirty days after any child has been diagnosed as having mental retardation, the physician making such diagnosis shall report, with the approval of the parents, such mental retardation to the department of mental retardation for the purpose of having said department inform such parents of existing information and support services. The contents of such report shall be solely for the use as described herein and shall be open to public inspection or constitute a public record”,— was adopted.

The bill (House, No. 2163, amended) then was ordered to a third reading.

The House Bill relative to powers of state-chartered banks (House, No. 4358) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in line 4 by striking out the word “sentence” and inserting in place thereof the word “sentences”; and by adding at the end thereof the following sentence: “In the event that federal or out-of-state banks located in the commonwealth lose the authority to exercise any power or engage in any activity based upon which comparable authority was granted to state-chartered banks pursuant to this section, then unless such authority is authorized by another law of the commonwealth, or a rule, regulation or policy adopted pursuant to such other law of the commonwealth, or by a judicial decision, the division shall act to revoke said authority or power for state-chartered banks pursuant to this section.”,— were adopted.

The bill (House, No. 4358, amended) then was ordered to a third reading.

The House Bill relative to dissection choice (House, No. 4409) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended adding at the end thereof the following two sentences:

“Said alternate method shall require a level of time and effort by the student that is comparable to, but not greater than, the level of time and effort required of students participating in dissection. The provisions of this section shall not excuse a student who does not wish to participate in dissection from taking and passing any examinations that are required of those students who do participate in dissection.”,— was adopted.

The bill (House, No. 4409, amended) then was ordered to a third reading.

The House Bill further regulating the use of non-public personal information by insurance companies (House, No. 2356) was considered.

Pending the question on ordering the bill to a third reading, it was recommitted to the committee on Insurance, on motion of Mr. Mariano of Quincy.

The House Bill to protect the privacy of elders (House, No. 4562) was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Pending the question on passing the bill to be engrossed, Mr. Koczera of New Bedford moved that it be amended by substitution of a Bill protecting the privacy of elderly persons (House, No. 4735), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

At sixteen minutes before twelve o'clock noon, on motion of Mr. Scaccia of Boston (Mr. DiMasi of Boston being in the Chair), the House recessed until one o'clock P.M.; and at thirteen minutes after one o'clock the House was called to order with Mrs. Harkins of Needham in the Chair.

The House Bill relative to the use of telephones in places of detention (House, No. 1430) was considered.

Pending the question on ordering the bill to a third reading, Mr. Marini of Hanson and other members of the House moved that it be amended in line 6 by striking out the words “or pet”.

The amendment was adopted; and the bill (House, No. 1430, amended) was ordered to a third reading.

The House Bill to clarify inspections at certain animal facilities (House, No. 2569) was considered.

Pending the question on ordering the bill to a third reading, Mr. Marini of Hanson and other members of the House moved that it be amended in section 1, in line 4, by inserting after the word “animals,” the words “when probable cause of animal cruelty exists,”.

The amendment was adopted; and the bill (House, No. 2569, amended) was ordered to a third reading.

The House Bill permitting breast-feeding in public (House, No. 4401) was considered.

Pending the question on ordering the bill to a third reading, it was referred to the committee on Rules, on motion of Mr. Jones of North Reading.

The House Bill relative to CPR certification for teachers and coaches (House, No. 4415) was considered.

Pending the question on ordering the bill to a third reading, Mr. Marini of Hanson and other members of the House moved that it be amended by striking out section 2.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Flynn of Bridgewater; and on the roll call 44 members voted in the affirmative and 104 in the negative.

**[See Yea and Nay No. 138 in Supplement.]**

Therefore the amendment was rejected.

Messrs. Larkin of Pittsfield and Travis of Rehoboth then moved that the bill be amended in section 2 by adding at the end thereof the following sentence: “Such requirement shall take effect as of September 1, 2002.”; and the amendment was adopted.

The bill (House, No. 4415, amended) then was ordered to a third reading.

The House report of the committee on Human Services and Elderly Affairs, ought NOT to pass, on the petition (accompanied by bill, House, No. 1596) of Ruth W. Provost that the Department of Social Services be required to notify non-custodial parents by mail of certain abuse reports, was considered.

Pending the question on acceptance of the report, the petition was recommitted to the committee on Human Services and Elderly Affairs, on motion of Mrs. Provost of Sandwich.

The Senate Bill relative to obscene materials (Senate, No. 2111) was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Marini of Hanson and other members of the House moved that it be amended by adding at the end thereof the following section:

“SECTION 2. Section 31 of chapter 272 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the definition of ‘visual material’ and inserting in place thereof the following definition:—

‘Visual material’, means any motion picture film, picture, photograph, videotape, book, magazine, pamphlet, or depiction by computer that contains pictures, photographs or similar visual representations or reproductions. Undeveloped photographs, pictures, motion picture films, videotapes and similar visual representations or reproductions may be visual materials notwithstanding that processing, development or similar acts may be required to make the contents thereof apparent.”.

The amendment was adopted; and the bill (Senate, No. 2111, amended) was ordered to a third reading.

The House Bill further regulating motor vehicle insurance (House, No. 3746) was read a second time; and it was ordered to a third reading.

The Senate Bill authorizing the Department of Environmental Protection to grant a Chapter 91 license to the Boston Tea Party Ship, Inc. (Senate, No. 1830, changed) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out the emergency preamble (previously inserted by change) and inserting in place thereof the following:

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to make certain changes in law so as to allow for the immediate granting of a license under the provisions of section 14 of chapter 91, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”,— was adopted.

The bill (Senate, No. 1830, changed and amended) then was ordered to a third reading.

The House Bill relative to community residency assuring fairness for clients of the Department of Mental Health residential programs (House, No. 3741, changed) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out the title (inserted by change) and inserting in place thereof the following title: “An Act relative to community residency tenancy protections.”,— was adopted.

The bill (House, No. 3741, changed and amended) then was ordered to a third reading.

The House Bill establishing a limited access deposit account (House, No. 4633) was read a second time; and it was ordered to a third reading.

*Order.*

On motion of Mrs. Provost of Sandwich,—

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

At two minutes before three o'clock P.M., on motion of Mr. Sullivan of Braintree (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.