

## **JOURNAL OF THE HOUSE.**

Wednesday, November 14, 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:

Eternal God, we pause for a moment of spiritual reflection to focus our attention and thoughts on You and on the relevance of implementing spiritual values in our daily living and in dealing with others. This time for prayer also reminds us of Your presence in our midst and of Your personal concern for us. We depend upon You and Your guidance as we struggle with the legislative and governmental issues of this and every day. In Your kindness, assist us in making reasonable, fair and thoughtful decisions which meet the needs of people and of the times. Help us to cope with the stress and pressure of public service during these critical times and to remain open to the legislative insights and suggestions of others. By serving You, we serve the people and the Commonwealth.

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.

### *Statement of Representative Kennedy of Brockton.*

A statement of Mr. Kennedy of Brockton 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 yesterday's sitting due to transportation problems. The fact that I was not recorded on the roll call taken yesterday is due to entirely to the reason stated.

### *Statement Concerning Representative Stanley of Waltham.*

A statement of Mrs. Harkins of Needham concerning Mr. Stanley of Waltham 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 Stanley of Waltham, is not present in the House Chamber for today's sitting, nor was he present for last week's sittings. Furthermore, he will not be present in the House Chamber for the next several days due to his being away on his honeymoon. Any roll calls that he has missed or may miss during this period is 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. Coppola of Foxborough) congratulating Douglas Joseph Miller III on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Fagan of Taunton) congratulating Robert William Shine on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Messrs. Mariano of Quincy, Tobin of Quincy and Ayers of Quincy) congratulating Lawrence A. Connors as the 2001-2002 Massachusetts Department Commander of the American Legion; and

Resolutions (filed by Representatives Provost of Sandwich, Atsalis of Barnstable and Patrick of Falmouth) congratulating Wallis Barton on receiving the Gold Award of the Girl Scouts of America;

Mr. DiMasi 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. Greene of Billerica, 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 relative to the practice of public accountancy (Senate, No. 402) came from the Senate with the endorsement that said branch had concurred with the House in its amendment with a further amendment striking out all after the enacting clause (inserted by amendment by the House) and inserting in place thereof the text contained in Senate document numbered 2174.

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

The House Bill authorizing the town of Walpole to use certain forest land for school purposes (House, No. 4055) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 3, inserting after the word "school" the words "park land".

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

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2181) of Cynthia S. Creem, David P. Linsky, Susan C. Tucker and Michael W. Morrissey for legislation relative to the crime of engaging in legal or medical running. To the committee on Criminal Justice.

Petition (accompanied by resolve, Senate, No. 2182) of Stephen M. Brewer that provision be made for an investigation and study by a special commission (including members of the General

Court) relative to dairy farming in the Commonwealth. To the committee on Natural Resources and Agriculture.

*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 Anne M. Paulsen, J. James Marzilli, Jr., and Robert A. Havern for legislation to authorize the Probate and Family Court Department to establish a sick leave bank for Maureen Craucher, an employee of said department. To the committee on the Judiciary.

Petition (accompanied by bill) of George N. Peterson Jr., and Guy W. Glodis relative to settlement and incorporation celebrations of cities and towns. To the committee on Local Affairs.

Petition (accompanied by bill) of Thomas M. Petrolati relative to authorizing the teachers retirement system to reinstate Diantha G. Ferrier. To the committee on Public Service.

Petition (accompanied by resolve) of Edward G. Connolly and other members of the General Court relative to establishing a special commission (including members of the General Court) to make an investigation and study of constructing a memorial for the victims of the national disaster of September 11, 2001. To the committee on State Administration.

Under suspension of the rules, on motion of Mr. Greene of Billerica, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally 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 establishing the crime of communicating a terroristic threat (Senate, No. 2122),— and recommending that the same be recommitted to the committee on Criminal Justice; and

Of the Bill relative to the issuance of subpoenas for records of providers of electronic communication services (Senate, No. 2137, amended),— and recommending that the same be recommitted to the committee on the Judiciary.

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 technical amendments to the Uniform Commercial Code covering provisions dealing with secured transactions (House, No. 4575);

Of the Bill relative to parking violations in the city of New Bedford (House, No. 4610); and

Of the Bill authorizing the sale of hypodermic syringes to persons 18 years of age or older (House, No. 4706);

And recommending that the same severally be referred to the committee on Rules.

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

Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration of the Resolve relative to establishing a special commission to examine the competitiveness of Massachusetts business (House, No. 3245),— and recommending that the same be referred to the committees on Rules. 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 relative to civil service preference of the children of Alton Grindle for appointment for fire service in the Commonwealth (House, No. 4611) be scheduled for consideration by the House.

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

By Mr. Cahill of Beverly, for the committee on Housing and Urban Development, on Senate, No. 658, an Order relative to authorizing the committee on Housing and Urban Development to make an investigation and study of a certain Senate document concerning large scale development exaction and mitigation programs in cities and towns (House, No. 4736). 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.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill to deter unlicensed practice of engineering and land surveying (House, No. 2894) ought to pass . Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

### *Engrossed Bills.*

Engrossed bills

Relative to the practice of public accountancy (see Senate, No. 402, amended) (which originated in the Senate);

Authorizing the town of Reading to establish an affordable housing trust fund (see House, No. 4235); and

Designating the conference room in the Allied Veterans Memorial Rink in Everett as the

Michael V. Fonzi Memorial Room (see House, No. 4269);

(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.

*Engrossed Bills — Land Takings.*

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Boston (see Senate, No. 1615, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 149 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 139 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the city of Marlborough to convey a certain parcel of recreation land to Louis Seymour (see Senate, No. 1876) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 149 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 140 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the town of Topsfield to convey a certain parcel of conservation land to the town of Boxford for conservation purposes (see Senate, No. 2106) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the

roll call 149 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 141 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Recess.*

At eleven minutes after eleven o'clock A.M., on motion of Mr. Greene of Billerica (Mr. DiMasi of Boston being in the Chair), the House recessed until the hour of one o'clock P.M.; and at ten minutes after one o'clock the the House was called to order with Mr. DiMasi in the Chair.

*Motion to Suspend Rule 24(2).*

Mr. Pedone of Worcester moved that Rule 24(2) be suspended so that he might offer, from the floor, Resolutions (filed by him and other members of the House) indicating the disagreement of the House of Representatives with the actions of Her Honor the Lieutenant-Governor, Acting Governor, Jane Swift, relative to members of the Massachusetts Turnpike Authority Board.

Pending the question on suspension of Rule 24(2), further consideration thereof was postponed, on further motion of the same member, until the next sitting.

*Orders of the Day.*

Senate bills

Relative to the Amherst town government (Senate, No. 1855); and

Authorizing the city of Peabody to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2002);

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 town of Natick to grant licenses for the sale of wines and malt beverages to be drunk on the premises (House, No. 3923);

Authorizing the town of Sherborn to convey certain forest land (House, No. 4191);

Authorizing open burning in the town of Rowe (House, No. 4382); and

Authorizing the town of Harwich to lease certain land (House, No. 4425);

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 relative to contracts for minors (House, No. 1990) was ordered to a third reading.

House bills

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

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

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

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);

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

Authorizing the repaying of sewer fees paid in error (House, No. 4694); and

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

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

The Senate Bill providing a partial release of certain land in the town of Colrain from the operation of an agricultural preservation restriction (Senate, No. 1871, amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments previously adopted by the House.

House bills

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

Relative to a certain parcel of land in the town of North Reading (House, No. 4733);

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 relative to providing for increased safety at pedestrian crosswalks (House, No.

2642) was considered.

After remarks on the question on ordering the bill to a third reading, Mr. Marini of Hanson moved that it be amended by striking out section 1.

After debate the amendment was adopted; and the bill (House, No. 2642, amended) was ordered to a third reading.

The report of the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill further defining fresh pursuit (House, No. 1222), and recommending that the same be referred to the House committee on Rules, was considered.

Pending the question on acceptance of the report, the bill was recommitted to the committee on Steering, Policy and Scheduling, on motion of Mr. Kujawski of Webster.

The House Bill relative to the concurrent jurisdiction of the Land Court (House, No. 1989, changed) was read a second time; and it was ordered to a third reading.

The House Bill relative to the establishment of municipal police technology funds (House, No. 3583) was read a second time.

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

“SECTION 2. This act shall take effect in a city or town upon its acceptance by such city or town.”.

The amendment was adopted.

After debate the bill (House, No. 3583, amended) was ordered to a third reading.

The House Bill relative to state highways in Barnstable County (House, No. 3852) was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Turkington of Falmouth and other members of the House moved that it be amended by substitution of a bill with the same title (House, No. 4737), which was read.

The amendment was adopted; and the substituted bill was ordered to a third reading.

The House Bill relative to liquor license violations in the town of Dedham (House, No. 1181) was read a second time; and it was ordered to a third reading.

*Order.*

On motion of Mr. Kujawski of Webster,—

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



A.M.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eight minutes before three o'clock P.M., on motion of Mr. Kujawski (Mr. DiMasi of Boston being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.