

## **JOURNAL OF THE HOUSE.**

Thursday, November 15, 2001.

Met at nine minutes after eleven o'clock A.M., in an Informal Session, with Mr. Bosley of North Adams 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 and All Holy God, we open our minds and hearts to You, Your divine assistance and Your gift of wisdom. We believe that our religious commitment to follow You, Your precepts and values offer personal happiness, guide for successful living and a clear direction for reaching our goals, both personal and legislative. As we begin to celebrate this holiday season, uncertainties and uneasiness about personal and public safety are still realities. Inspire us to be leaders upon whom the public can depend for sound judgments, responsible decisions and mature choices. Teach us to learn from the past successes and failure of governmental actions as we face the present and plan for the future.

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

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

### *Resolutions.*

Mrs. Harkins of Needham being in the Chair,—

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

Resolutions (filed by Messrs. Jones of North Reading and Casey of Winchester) congratulating Arnold Rubin on being named the 2001 Man of the Year by East Middlesex Association for Retarded Citizens; and

Resolutions (filed by Mr. Miceli of Wilmington) congratulating Warren R. Carey on the occasion of his retirement;

Mr. Scaccia 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. Jones, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### *Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Kelly of Dalton, petition (accompanied by bill, House, No. 4741) of Shaun P. Kelly and Stanley C. Rosenberg (by vote of the town) relative to the filing of nomination papers in the town of Huntington; and

By the same member, petition (accompanied by bill, House, No. 4742) of Shaun P. Kelly and Stanley C. Rosenberg (by vote of the town) relative to recall elections in the town of Huntington;

Severally to the committee on Election Laws.

By Mr. Swan of Springfield, petition (accompanied by bill, House, No. 4743) of Benjamin Swan, Stephen J. Buoniconti, Gale D. Candaras, Cheryl A. Rivera, Christopher P. Asselin and Paul E. Caron (with the approval of the mayor and city council) relative to the composition of the licensing board of the city of Springfield. To the committee on Government Regulations.

By Mr. Donato of Medford, petition (accompanied by bill, House, No. 4740) of Paul J. Donato, J. James Marzilli, Jr., Charles E. Shannon, Vincent P. Ciampa and another (with the approval of the mayor and city council) for legislation to increase the salary of the mayor of the city of Medford. To the committee on Local Affairs.

By Mr. Swan of Springfield, petition (accompanied by bill, House, No. 4744) of Benjamin Swan and other members of the House (with the approval of the mayor and city council) that the retirement board of the city of Springfield be authorized to pay certain surviving spouse benefits to Mary Hoar. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Mr. Greene of Billerica presented a petition (subject to Joint Rule 12) of William G. Greene, Jr., and Robert A. Havern relative to the use of a certain parcel of land located in the town of Billerica; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Greene, 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.

Petitions severally were presented and referred as follows:

By Mr. Golden of Lowell, petition (subject to Joint Rule 12) of David M. Nangle, Thomas A. Golden, Jr., Kevin J. Murphy and Steven C. Panagiotakos (with the approval of the city council) relative to making an appropriation for emergency relief for the city of Lowell.

By Mr. Kelly of Dalton, petition (subject to Joint Rule 12) of Shaun P. Kelly and Stanley C. Rosenberg that the Division of Capital Asset Management and Maintenance be directed to convey a certain parcel of land located in the town of Ashfield to Bruce and Marcia Willard for the construction of a septic system.

By Mr. Loscocco of Holliston, petition (subject to Joint Rule 12) of Paul J. P. Loscocco and other members of the General Court relative to the establishment of an advisory committee to make recommendations regarding the financial obligations of the Turnpike Authority and the Central Artery Project.

By the same member, petition (subject to Joint Rule 12) of Paul J. P. Loscocco and other members of the House relative to the financing of operating expenses of the Central Artery Project.

By the same member, petition (subject to Joint Rule 12) of Paul J. P. Loscocco and other members of the General Court relative to the tolls on the metropolitan highway system.

By the same member, petition (subject to Joint Rule 12) of Paul J. P. Loscocco relative to the financing of the surface artery.

By the same member, petition (subject to Joint Rule 12) of John J. P. Loscocco and other members of the House relative to the financing of the metropolitan highway system.

By the same member, petition (subject to Joint Rule 12) of John J. P. Loscocco and other members of the General Court relative to the transfer of a portion of the Massachusetts Turnpike and the financing of the Metropolitan Highway System..

By the same member, petition (subject to Joint Rule 12) of John J. P. Loscocco and other members of the House relative to the enabling act of the turnpike authority.

By the same member, petition (subject to Joint Rule 12) of Paul J. P. Loscocco and other members of the House relative to the repeal of the local tourism grant program of the Massachusetts Turnpike Authority.

By Mr. Naughton of Clinton, petition (subject to Joint Rule 12) of Harold P. Naughton, Jr., relative to excluding the cohabitation of divorced persons from the crime of adultery.

By Mr. O'Brien of Kingston, petition (subject to Joint Rule 12) of Thomas J. O'Brien and other members of the General Court relative to imposing a moratorium on the granting of charters for charter schools in the Commonwealth.

By Mrs. Parente of Milford, petition (subject to Joint Rule 12) of Thomas F. Reilly, Attorney General, Marie J. Parente, Steven A. Tolman, Anthony J. Verga and Susan W. Pope relative to the number of selectmen and terms of office in towns.

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

*Papers from the Senate.*

A Bill designating natural heritage functions of the Department of Fisheries, Wildlife and Environmental Law Enforcement (Senate, No. 1112, amended in section 5 (as printed), in lines 8 to 12, inclusive, by striking out the sentence contained therein) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on

Steering, Policy and Scheduling.

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 Northeastern Correctional Center, located in the town of Concord, located in the town of Bridgewater, was spread upon the records of the House; and returned to the Senate.

*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 Paul C. Casey and other members of the General Court for an investigation by a special commission (including members of the General Court) relative to crosswalks in the Commonwealth. Under suspension of the rules, on motion of Mr. Greene of Billerica, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by resolve) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning powers of municipal police, arrest and pursuit by police officers, police mutual aid agreements and other related matters (House, No. 4568) reported, in part, asking to be discharged from further consideration of the Bill relative to police mutual aid agreements (House, No. 1269),— and recommending that the same be recommitted to the committee on Public Safety. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a petition, a Bill relative to a certain employee of the Division of Industrial Accidents (House, No. 4418).

By the same member, for the same committee, on House, No. 3977, a Bill authorizing and directing the reinstatement of Robert W. Aylward as a member in service of the teachers' retirement system (House, No. 4738).

Severally read; and 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:

The Senate Bill clarifying the definition of physician (Senate, No. 2142); and

House bills

Relating to exemptions for property tax and motor vehicle excise for veterans and others (House, No. 197);

Increasing the fee for admitting a person to bail (House, No. 843, changed);

Exempting the position of Secretary to the Chief of Police of the city of Westfield from the

provisions of the civil service laws (House, No. 2238) [Local Approval Received];

Providing for a board of public works in the town of Pepperell (House, No. 4585) [Local Approval Received];

Authorizing the town of Billerica to establish a certain sewer fund (House, No. 4589) [Local Approval Received];

Authorizing the town of Billerica to establish a certain housing fund (House, No. 4590) [Local Approval Received];

Designating certain bridges in the town of Saugus (House, No. 4612); and

Establishing a capital investments fund in the town of Rochester (House, No. 4623) [Local Approval Received];

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

*Orders of the Day.*

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

Providing for recall elections in the town of Newbury (House, No. 4288, changed); and

Authorizing the town of North Attleborough to continue the employment of Brian F. Coyle (House, No. 4308);

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 authorizing the town of Stoneham to grant licenses for the sale of alcoholic beverages to be drunk on the premises to theaters (House, No. 4166) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a bill with the same title (House, No. 4739), which was read.

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

At twenty-three minutes after eleven o'clock A.M., the Chair (Mrs. Harkins of Needham) declared a recess subject to the call of the Chair; and at seven minutes before four o'clock P.M., the House was called to order with Mrs. Harkins in the Chair.

The House Bill eliminating administrative responsibility for assessing from the director or supervisory board of the division of finance (House, No. 4292), 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. Sent to the Senate for concurrence.

*Engrossed Bills.*

Engrossed bills

Relative to the Amherst town government (see 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 (see Senate, No. 2002);

(Which severally originated in the Senate);

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.

*Order.*

On motion of Mr. Hynes of Marshfield,—

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

At four minutes before four o'clock P.M., on motion of Mr. Hynes (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M.