

## **JOURNAL OF THE HOUSE.**

Monday, November 19, 2001.

Met according to adjournment, at eleven o'clock A.M.

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Holy Spirit of God, we pray for guidance and for Your gifts of patience and fortitude as we take up the items on this week's legislative calendar. We depend upon Your direction and inspiration in focusing our efforts to select the best options which are open to us. Help us to craft programs and legislation which are most responsive to these changing and difficult times. Let our disagreement on priorities and issues be based on sound political and philosophical principles. By our commitment to excellence in all fields of endeavor, we demonstrate that the common good is our top priority in addressing the needs of these times.

Grant Your blessing to 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.

### *Silent Prayer.*

At the request of Mr. Nyman of Hanover, the members, guests and employees stood in a moment of silent prayer to the memory of the late John R. Schrader, a history and government teacher at Hanover High School and a coordinator of the annual Student Government Day at the State House.

### *Communication.*

A communication from the Human Resources Division of the Executive Office for Administration and Finance (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a list of Fire Lieutenant and Fire Captain eligibility lists which were revoked effective November 1, 2001, was placed on file.

### *Papers from the Senate.*

The House Bill relative to unemployment insurance rates (House, No. 4531, amended) came from the Senate passed to be engrossed, in concurrence, with certain amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2166; and inserting before the enacting clause the following emergency preamble:

*“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to reduce unemployment insurance rates beginning January 1, 2002, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.*

Under suspension of the rules, on motion of Mr. Greene of Billerica, the amendments were considered forthwith.

The House then non-concurred with the Senate in its amendments; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. The Speaker appointed Representatives Greene, Rodrigues of Westport and deMacedo of Plymouth as the committee on the part of the House. Sent to the Senate to be joined.

## Bills

Protecting consumers from unsolicited loans (Senate, No. 7, amended by inserting after line 9 the following two paragraphs:

“‘Financial institution’, a state or national bank, a state or federal savings and loan association, a state or federal savings bank, a co-operative bank, a state or federal credit union, or any person doing business similar to any business referred to in section 1 of chapter 167.

‘Lender’, any person, firm, or corporation engaged in lending money.”; and by inserting after line 89 (as changed by the Senate committee on Bills in the Third Reading) the following:

“SECTION 10. This chapter shall not apply to a transaction in which a consumer has submitted an application or requested an extension of credit from the lender before receiving the check or instrument.” (on a petition);

Further regulating the Division of Inspections (Senate, No. 1931, amended in section 1, in line 18 (as printed), by striking out the words “fire protection systems of” (on Senate, No. 450); and

Ensuring the environmental protection of the northern 15,000 acres of the Massachusetts Military Reservation (Senate, No. 2180) (on Senate bill printed as House, No. 3579, changed);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

## Bills

Regulating the use of anabolic steroids (Senate, No. 508) (on a petition);

To enhance procurement expertise (Senate, No. 1574) (on a petition);

Relative to defining principal’s contracts (Senate, No. 2079, amended by adding at the end thereof the following section:

“SECTION 2. Principals entering into subsequent contracts with a school district that employed them on the effective date of this act shall be treated as school principals entering into their second contract period and subject to all further terms and conditions.”) (on Senate, No. 233);

Relative to fraudulent insurance claims (Senate, No. 2096) (on Senate, No. 218);

Authorizing certain amendments to the housing and employment exaction requirements (linkage) with respect to large-scale commercial real estate development (Senate bill, No. 2176) (on Senate bill, No. 2161) [Local Approval Received];

Relative to motor homes (Senate, No. 2178) (on Senate bill, No. 1896, changed); and

Establishing a bill of rights for victims of sexual assault (Senate, No. 2179) (on Senate bill, No. 911);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Petition (accompanied by bill, Senate, No. 2187) of Therese Murray, Robert E. Travaglini and Bruce E. Tarr for legislation to increase access to affordable health insurance coverage. To the committee on Insurance.

Petition (accompanied by bill, Senate, No. 2188) of Bruce E. Tarr and Bradley H. Jones, Jr., for legislation to authorize the Trial Court of the Commonwealth to establish a sick leave bank for Roseanne Moore. To the committee on the Judiciary.

Petition (accompanied by bill, Senate, No. 2189) of Richard T. Moore and Paul Kujawski for legislation to designate Route 146A in the town of Uxbridge as the Lydia Taft highway; and

Petition (accompanied by bill, Senate, No. 2190) of Jo Ann Sprague and Louis L. Kafka for legislation to designate a certain bridge in the town of Sharon as the Lance Corporal Daniel J. Dabreu Memorial Bridge;

Severally to the committee on Transportation.

#### *Reports of Committees.*

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Insurance to make an investigation and study of certain Senate and House documents concerning the requirements and coverage for life, health, motor vehicle and homeowners insurance (House, No. 4406) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 285) of Nancy Flavin and Ronald Mariano relative to group auto discounts under the safe driver insurance plan,— and recommending that the same be recommitted to the committee on Insurance. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill authorizing the conveyance to the town of Billerica of a certain parcel of land (House, No. 4747), which was read.

Under suspension of the rules, on motion of Mr. Greene of Billerica, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Bosley of North Adams, for the committee on Government Regulations, on House, Nos. 209 and 215, a Bill relative to the lottery game called Keno (House, No. 215). Read; and referred, under Rule 33, to the committee on Ways and Means.

*Emergency Measure.*

The engrossed Bill relative to the right of incarcerated felons to vote (see House, No. 2883), 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 12 to 0. Sent to the Senate for concurrence.

*Engrossed Bills.*

Engrossed bills

Requiring the Massachusetts Water Resources Authority to provide water to the town of Stoughton (see Senate, No. 2086, changed) (which originated in the Senate);

Relative to the procurement and award of contracts for redeveloping certain public housing projects in the city of Boston (see House, No. 3936);

Authorizing the town of Braintree to establish a department of public works (see House, No. 4326); and

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

(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 Speaker and sent to the Senate.

*Engrossed Bills — Land Takings.*

Mr. DiMasi of Boston being in the Chair,—

The engrossed Bill providing a partial release of certain land in the town of Colrain from the operation of an agricultural preservation restriction (see Senate, No. 1871, 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 151 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 142 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 conservation commission of the town of Andover to grant a sewer easement (see House, No. 295) (which originated in the House), 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 151 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 143 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 transfer of a certain parcel of land in the town of North Reading (see House, No. 356) (which originated in the House), 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 151 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 144 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 conservation commission of the town of Andover to grant a certain easement (see House, No. 4014) (which originated in the House), 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 151 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 145 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 Walpole to use certain forest land for school purposes (see House, No. 4055, amended) (which originated in the House), 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 151 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 146 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 relative to certain conservation land in the town of Sherborn (see House, No. 4295) (which originated in the House), 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 151 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 147 in Supplement.]**

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

*Orders of the Day.*

The Senate Bill authorizing the Department of Environmental Protection to grant a certain tideland construction license to the Boston Tea Party Ship, Inc. (Senate, No. 1830, changed and 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 amendment previously adopted by the House.

House bills

Relative to civil service in the city known as the town of Weymouth (House, No. 4019);

Relative to the taxation of certain personal property (House, No. 4442);

Designating a certain bridge as the Pearl Harbor Veterans Bridge (House, No. 4534); and

Relative to commercial area revitalization districts (House, No. 4637);

Further regulating limited liability companies relative to certain alcoholic beverage licenses (House, No. 4727) (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.

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

House bills

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);

Providing for a board of public works in the town of Pepperell (House, No. 4585);

Authorizing the town of Billerica to establish a certain sewer fund (House, No. 4589);

Authorizing the town of Billerica to establish a certain housing fund (House, No. 4590); and

Establishing a capital investments fund in the town of Rochester (House, No. 4623);

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

The House Bill relative to municipal elections (House, No. 4131) was considered, the main question being on ordering the bill to a third reading.

The amendment previously recommended by the committee on Election Laws,— that the bill be amended in line 3 by striking out the words “No city or town” and inserting in place thereof the following: “No public employer as defined in Chapter 150E”,— was adopted.

The bill (House, No. 4131, amended) then was ordered to a third reading.

The motion of Mr. Casey of Winchester, that Rule 24(2) be suspended so that he might offer, from the floor, Resolutions condemning the hiring practices for and compensation and other benefits, including, but not limited to, employment compensation and severance compensation, paid to the executive head of a certain public authority, was negatived.

The Resolutions then were referred, under said rule, to the committee on Rules.

The motion of Mr. Casey of Winchester, that Rule 24(3) be suspended so that he might offer, from the floor, a petition (subject to Joint Rule 12) of Paul C. Casey and other members of the House relative to establishing a special commission (including members of the General Court)

to make an investigation and study of the hiring practices and compensation and benefits of certain executive officials, was negatived.

The petition then was referred, under said rule, to the committee on Rules.

The motion of Mr. Pedone of Worcester, 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.

The Resolutions then were referred, under said rule, to the committee on Rules.

The House Bill designating certain bridges in the town of Saugus (House, No. 4612) was read a second time.

Pending the question on ordering the bill to a third reading, Ms. Donovan of Woburn moved that it be amended by adding at the end thereof the following two sections:

“SECTION 3. The bridge, designated by the Massachusetts Highway Department as #W-43-041, located in the city of Woburn on Montvale Avenue over the Aberjona River, shall be designated and known as the Assistant Chief Ronald P. West Memorial Bridge, in memory of Ronald P. West, a dedicated and well-respected civil engineer and public servant.

SECTION 4. The Massachusetts Highway Department shall erect and maintain suitable markers dedicating said bridges in the city of Woburn in compliance with the department’s standards.”; and by striking out the title and inserting in place thereof the following title: “An Act designating certain bridges in the Commonwealth.”.

The amendments were adopted; and the bill (House, No. 4612, amended) was ordered to a third reading.

At twenty-two minutes after twelve o’clock noon, on motion of Mr. Rogers of New Bedford (the Speaker being in the Chair), the House recessed until one o’clock P.M.; and at seven minutes before two o’clock the House was called to order with Mr. DiMasi of Boston in the Chair.

The House Bill designating a certain portion of state highway Route 169 as the Leonide J. Lemire V.F.W. Post 6055 Memorial Highway (House, No. 3227, changed), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Carron of Southbridge moved that it be amended in lines 1 and 2 by striking out the following: “intersection of Routes 20 and 169 in the town of Charlton” and inserting in place thereof the words “Charlton-Southbridge town line”.

The amendment was adopted; and the bill (House, No. 3227, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill authorizing the town of Wareham to release their interests in a certain parcel of land (House, No. 4126), 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.

The Senate Bill relative to a special fund in the town of Plymouth (Senate, No. 1030) was ordered to a third reading.

The House Bill to improve the motor vehicle excise abatement process (House, No. 367) was read a second time.

The House then refused to order the bill to a third reading.

House bills

Relative to the assessment of local taxes (House, No. 376); and

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

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

#### *Orders.*

An Order (filed this day by Mr. Rogers of Norwood) relative to the suspension of Joint Rule 11A to authorize the report of the committee of conference on the General Appropriation Bill to contain matters on which there exists no disagreement between the branches and matters contained in certain other appropriation bills, and relative to the local reimbursement appropriations contain in said report (House, No. 4751) was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Mr. Scaccia of Boston, for said committees, then reported that the order ought to be adopted.

Under suspension of the rules, on motion of Mr. Hynes of Marshfield, the order was considered forthwith.

Pending the question on adoption of the order, Mr. Marini of Hanson and other members of the House moved that it be amended by adding at the end thereof the following paragraph:

*“Ordered, That, notwithstanding joint rule 11, any member may offer an amendment to the report of the committee of conference on the matter of the General Appropriations Bill for the fiscal year 2002.”.*

Mr. Travis of Rehoboth thereupon raised a point of order that the amendment offered by the gentleman from Hanson, et als, was beyond the scope of the order pending before the House.

In answer to the point of order the Chair (Mr. DiMasi of Boston) stated that the nature of the pending order was to establish a special procedure for the report of the committee of conference

on the General Appropriation Bill, and that an amendment for special other procedures was within the scope of the pending order; and therefore that the point of order was not well taken.

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. Marini; and on the roll call 23 members voted in the affirmative and 130 in the negative.

**[See Yea and Nay No. 148 in Supplement.]**

Therefore the amendment was rejected.

The order (House, No. 4751) then was adopted. Sent to the Senate for concurrence.

On motion of Mr. Finneran of Boston,—

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at the hour of five o'clock P.M., on motion of Mr. Finneran of Boston (Mr. DiMasi being in the Chair), the House adjourned, to meet tomorrow at one o'clock P.M., in an Informal Session.