

JOURNAL OF THE HOUSE.

Thursday, November 21, 2002.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Walsh 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, Our Creator, as we begin today's legislative session, we open our hearts and minds to You, Your guidance and assistance. We depend upon You and Your help in our effort to serve You and the people by our thoughtful decisions, wise leadership and ethical standards. In these unusual times with sudden violent actions by terrorists a possibility, teach us to remain committed to realistic, fair and reasonable priorities and our high ideals in resolving issues. We believe that You are always close to us as we strive to fulfill our responsibilities and to achieve peace, happiness and hope which You alone offer to us.

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

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

Resignation of Representative Francis L. Marini of Hanson.

The following communication, received by the Clerk from the office of the Speaker of the House, was read for the information of the House; and placed on file.

November 18, 2002.

The Honorable Thomas M. Finneran
Speaker of the House of Representatives
State House, Room 356
Boston, MA 02133

Dear Speaker Finneran,

Please accept my resignation as Representative of the Sixth Plymouth District effective November 18, 2002. I leave the House to assume my duties as an Associate Justice of the Hingham District Court. It has been an honor and a privilege to serve the people of Hanson, Pembroke and Duxbury in this historic institution.

I wish to thank you, your staff, the Clerk and his staff, the court officers and pages, and most of all my colleagues in the House for all the courtesies extended to me during my service in the House.

May God bless you all and God save the Commonwealth.

Sincerely,
FRANCIS L. MARINI,

State Representative,
Sixth Plymouth District.

Minority Leader.

A communication regarding the results of a Republican Party Caucus, held this day, indicating that said caucus had elected Representative Bradley H. Jones, Jr., of North Reading the Minority Leader, effective immediately, was placed on file.

Resolutions.

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

Resolutions (filed by Mr. Jones of North Reading) congratulating Edith O'Leary on receiving the Outstanding Citizen Award; and

Resolutions (filed by Representatives Poirier of North Attleborough, Sullivan of Fall River, Haddad of Somerset and Rodrigues of Westport) congratulating Representative and Mrs. Philip Travis on the occasion of their fortieth wedding anniversary;

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

Order.

The following order (filed by Mr. Finneran of Boston) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, joint standing committees and the committees on Rules of the two branches, acting concurrently, be granted until Tuesday, December 31, 2002, within which to make its reports on all matters referred to them.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mrs. Parente of Milford, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Communications.

Communications

From Plainridge Racecourse (under Section 2 of Chapter 128C of the General Laws) submitting copies of contracts for the simulcasting of dog races;

From Raynham/Taunton Greyhound Park (under Section 2 of Chapter 128C of the General Laws) submitting copies of contracts for the simulcasting of dog races; and

From the Public Employees Retirement Administration Commission (PERAC) submitting a copy of the Actuarial Valuation Report of the Massachusetts Teachers' Retirement System, for the period ending December 31, 2001;

Severally were placed on file.

Quarterly Report.

The quarterly report of the Division of Employment and Training (under the provisions of Section 68 of Chapter 233 of the Acts of 1983) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for the period ending October, 31, 2002, was placed on file.

Papers from the Senate.

The engrossed Bill relative to the concurrent jurisdiction of the Land Court (see House, No. 1989, changed and amended) came from the Senate with an amendment striking out section 23 and inserting in place thereof the following section:

“SECTION 23. This act shall take effect on January 1, 2003.”.

Under suspension of Rule 35, on motion of Mrs. Paulsen of Belmont, the 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 relative to state highways in Barnstable County (House, No. 4737) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 1 and inserting in place thereof the following section:

“SECTION 1. Notwithstanding section 15C of chapter 40 of the General Laws, chapter 61 of the acts of 1992 or any other general or special law to the contrary, before any reconstruction, realignment, or re-engineering on state highways in Barnstable county, not including United States highway route 6 except in the town of Eastham, that pass through recognized historic districts that have registered with the department of highways and provided the department with the approximate boundaries of the historic district, whether or not the work pertains to trees or stone walls abutting thereto, the department shall hold a public hearing before any initial design phase. Before holding the hearing, the department shall advertise it in a newspaper of general circulation in the area once in each of 2 successive weeks, the last publication not to be less than 7 days before the date of the hearing, as to time, date, place and purpose. The department shall send special notice to each municipality and the commission of each historic district in which the work is to be performed. The department shall send the notice by certified mail, return receipt requested.”.

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

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 Joseph C. Sullivan, Michael W. Morrissey, Robert L. Hedlund and others (by vote of the town) that the town of Braintree be authorized to establish a community preservation account. Under suspension of the rules, on motion of Mrs. Walrath of Stow, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Taxation. Sent to the Senate for concurrence.

By Mr. Mariano of Quincy, for the committee on Insurance, on House, No. 2351, a Bill relative to group marketing plans (House, No. 5375). 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. Mariano, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a recommitted petition, a Bill relative to the effective date of certain civil service laws in the town of Plainville (House, No. 5244) [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. Rushing of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a petition, a Bill relative to the health insurance of certain employees of the city of Everett (House, No. 5255, changed in section 1, in line 3 and also in line 4, by striking out the date: "October 1, 2002" and inserting in place thereof, in each instance, the date: "April 15, 2003") [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. Peterson of Grafton, 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 Senate Bill relative to the recording of certain trust instruments (Senate, No. 866) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mrs. Parente of Milford, 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 Senate Bill relative to distinctive initial plates (Senate, No. 1148) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Hill of Ipswich, 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 amending certain provisions of the city charter of the City of Lawrence (House, No. 5179) [Local Approval Received] be scheduled for consideration by the House.

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

Engrossed Bills.

Engrossed bills

Relative to the civil service status of the positions of director of police services and director of fire services in the town of Arlington (see House, No. 5233, amended); and

Authorizing the town of Norwood to grant 3 additional licenses for the sale of wines and malt beverages to be drunk on the premises (see House, No. 5305);

(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.

Mr. Donato of Medford being in the Chair,—

The engrossed Bill providing for the work force reduction of the city of Medford through an early retirement incentive program for certain employees (see House, No. 5351, changed) (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; and it was signed by the acting Speaker and sent to the Senate.

Mr. Walsh of Boston having returned to the Chair,—

The engrossed Bill relative to creditable service for town moderators (see House, No. 1469) (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.

Pending the question on passing the bill to be enacted, Mr. Galvin of Canton moved that Rule 40 be suspended; and the motion prevailed. The same member then moved that the bill be amended by 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 forthwith grant creditable service for town moderators, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendment was adopted. Sent to the Senate for concurrence.

Orders of the Day.

Senate bills

Further regulating the use of crossbows in the Commonwealth (Senate, No. 2162);

Authorizing the town of Southwick to supply water to certain property located in the city of Westfield (Senate, No. 2370); and

Further regulating the granting of temporary licenses for the sale of wines at certain auctions (Senate, No. 2489);

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.

The House Bill providing for increased organ donations through education and access (House, No. 5246), 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 House Bill relative to infectious diseases under the public employee retirement law (House, No. 4925) was read a second time; and it was ordered to a third reading.

Recess.

At twenty-six minutes before twelve o'clock noon, the Chair (Mr. Walsh of Boston) declared a recess until half past one o'clock P.M.; and at twenty-one minutes before two o'clock P.M. the House was called to order with the Speaker in the Chair.

Engrossed Bill.

The engrossed Bill relative to open trenches and construction safety (see Senate, No. 2234, amended) (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 Speaker and sent to the Senate.

Valedictory Addresses.

The following members and former members, who were not returning for the 2003-2004 Legislative session, then addressed the House regarding their departure from service in the House of Representatives: Representatives Fitzgerald of Boston; McGee of Lynn; Cresta of Wakefield; Cahill of Beverly; Lewis of Dedham; Rogers of New Bedford; Flavin of Easthampton; Hodgkins of Lee; Caron of Springfield; Slattery of Peabody; Cleven of Chelmsford; Hahn of Westfield; Provost of Sandwich; and Tirone of Amesbury.

The Speaker then read a communication from Representative Merrigan of Greenfield, who would not be returning for the 2003-2004 Legislative session, but was unable to be present in the House Chamber for today's sitting.

The Speaker also announced that the following members and former members would not be returning for the 2003-2004 Legislative session: Representatives Barrios of Cambridge; Bunker of Rutland; Donnelly of Boston; Haley of Weymouth; Hart of Boston; Locke of Wellesley; Marini of Hanson; Nagle of Northampton; Santiago of Lawrence; and Tuttle of Barre.

Order.

On motion of Ms. Haddad of Somerset,—

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

At eight minutes before five o'clock P.M., on motion of Ms. Garry of Dracut (the Speaker being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.
