

JOURNAL OF THE HOUSE.

Thursday, December 5, 2002.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. O'Flaherty of Chelsea 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, we take a moment to reflect on Your presence in our midst and to focus our full attention on You and on the importance of implementations of spiritual realities and principles in our daily living. Teach us to recognize You as Our Creator and the Creator of the World with its rich resources, both human and material, which You have given us to use wisely. In these uncertain and difficult times, inspire us to be thoughtful, mature and prudent leaders who are aware of the current and future needs of people and our communities. During this season of lights, colorful decorations and joy, let our hearts and minds be filled with Your peace and with hope in You and in Your concern for 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. O'Flaherty), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

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

Resolutions (filed by Messrs. Kafka of Sharon and Galvin of Canton) congratulating Jeanne M. Fleming on the occasion of her retirement as town manager from the town of Stoughton; and Resolutions (filed by Mr. Rogers of Norwood) congratulating John J. Carroll for being chosen as "Man of the Year" by the friends of St. Nick;

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. Smizik of Brookline, 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. Broadhurst of Methuen, petition (accompanied by bill, House, No. 5382) of Arthur J. Broadhurst and Steven A. Baddour (with the approval of the mayor and city council) relative to exempting the position of deputy chief of police of the city known as the town of Methuen from the provisions of civil service law;

By the same member, petition (accompanied by bill, House, No. 5383) of Arthur J. Broadhurst and Stephen A. Baddour (with the approval of the mayor and city council) relative to authorizing the appointment of David Lahey and Steven M. Moriarty as fire fighters in the city known as the town of Methuen, notwithstanding the maximum age requirements;

By Mr. Fennell of Lynn, petition (accompanied by bill, House, No. 5386) of Robert F. Fennell and Thomas M. McGee (with the approval of the mayor and city council) relative to providing an early retirement incentive for certain employees of the Joseph B. Devlin Medical Institution and the Lynn Convalescent Home; and

By Mr. Rogers of Norwood, petition (accompanied by bill, House, No. 5387) of John H. Rogers (by vote of the town) relative to creating the position of deputy chief of police in the town of Walpole;

Severally to the committee on Public Service.

Severally sent to the Senate for concurrence.

Papers from the Senate.

The engrossed Bill relative to state highways in Barnstable County (see House, No. 4737, amended) came from the Senate with an amendment in section 1 (as inserted by amendment by the Senate), in the first sentence, striking out the words “before any initial” and inserting in place thereof the following: “during the 25 per cent”.

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.

The House Bill relative to nuclear power plants (House, No. 4913) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2456. Under suspension of Rule 35, on motion of Mr. Pedone of Worcester, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

The same member then moved that the House concur with the Senate in its amendment with a further amendment by adding at the end thereof the following sentence: “A change in federal law with respect to funding the potassium iodide tablets shall in no event result in a liability to the Commonwealth.”.

The further amendment was adopted. The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

A Bill authorizing the appointment of special police officers at the Crane Reservation (Senate, No. 2482, amended in section 2, in line 7, by inserting after the word “officers.” the following two sentences: “The Trustees of Reservations shall submit a monthly report to the chief of police of the town, detailing the activities of the special police officers. The chief and The Trustees of Reservations shall jointly develop and implement the parameters of the report.”) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was 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. Marzilli of Arlington, the bill was read a second time forthwith; and it was ordered to a third reading.

Reports of Committees.

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a petition, a Bill authorizing the city of Leominster to provide for an early incentive retirement for its workforce (House, No. 5367, changed in section 1, in line 19, by inserting after the following: "32." the following sentence: "Members of the teachers' retirement system shall not be eligible to receive any additional benefit provided pursuant to this section."; and in line 95, by striking out the date "December 31, 2003" and inserting in place thereof the date "May 31, 2004".) [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. Verga of Gloucester, for the committee on Local Affairs, that the recommitted Bill pertaining to firefighter injuries (House, No. 1620) ought to pass. 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, the question being on ordering the bill to a third reading.

Under suspension of Rule 7A, on motion of Mr. Donato of Medford, the bill was ordered to a third reading.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House No. 5069, reported, in part, a Bill relating to memorials for firefighting and law enforcement personnel (House, No. 5385). 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 Ms. Wolf of Cambridge, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to the wrongfully convicted (House, No. 5199) ought to pass with an amendment substituting therefor a Bill relative to compensation for wrongful felony convictions (House, No. 5384), which was read. 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 Rule 7A, on motion of Ms. Jehlen of Somerville, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means was adopted; and the substituted bill (House, No. 5384) was ordered to a third reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing a capital investment fund in the town of Holbrook (Senate, No. 2485) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Connolly of Everett, 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 exempting the position of deputy police chief in the town of Norwell from the civil service law (Senate, No. 2486) [Local Approval Received] be scheduled for consideration by the House.

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

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill authorizing the reinstatement of Frederick Nasson as a member in service of the state retirement system (House, No. 4985) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measures.

The engrossed Bill relative to the Massachusetts veterans shelter in the city of Worcester (see Senate, No. 2150, amended), 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 16 to 0. Sent to the Senate for concurrence.

The engrossed Bill designating the Merrimack Valley Regional Transit Authority Transportation Center in the city of Lawrence as the Senator Patricia McGovern Transportation Center (see Senate, No. 2359), 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 16 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Relative to the rights of adopted persons under a certain instrument (see Senate, No. 825) (which originated in the Senate); and

Relative to liens on buildings and land (see House bill printed as Senate, No. 931) (which 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.

Orders of the Day.

House bills

Relative to the interest rate and the gross receipts of those taxpayers granted an exemption on taxes on real estate in the town of Wellesley (House, No. 5166);

Relative to the health insurance of certain employees of the city of Everett (House, No. 5255, changed); and

Designating the book *Make Way For Ducklings* as the official childrens book of the Commonwealth, and designating the author Theodor Geisel as the official children's author and children's illustrator of the Commonwealth (House, No. 5374) (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 House Bill providing for the use of uniform accounting principles (House, No. 5134), 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. Mariano of Quincy moved that it be amended by adding at the end thereof the following section:

“SECTION 17. This act shall take effect as of January 1, 2001.”.

The amendment was adopted; and the bill (House, No. 5134, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. Finneran of Boston,—

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

At twenty minutes before twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. O'Flaherty of Chelsea being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.
