

## **JOURNAL OF THE HOUSE.**

Thursday, December 19, 2002.

Met at twelve minutes after eleven o'clock A.M., in an Informal Session, with Mr. Rodrigues of Westport 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, we begin this legislative day with a prayer of faith in You and in the relevance of the basic human and spiritual values which You have made known to us. Let our hearts and minds be open to You and to the spiritual gifts which You offer to us, especially the gifts of peace, kindness, hope and trust. Your assistance enables us to meet, in a conscientious manner, the legislative expectations of the people and the difficult challenges which we face as elected officials in today's society. Inspire us to work together in pursuing causes, goals and priorities which unite us in building a stable and compassionate society in which the rights of all are respected and obligations of citizenship are accepted.

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

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

### *Resignation of Representative Kevin W. Fitzgerald of Boston.*

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.

December 16, 2002.

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

Dear Mr. Speaker:

Please accept this letter of resignation, effective immediately. As you know, I previously made a decision not to seek another term as a state representative, thus, my last day of service in the House would be December 31, 2002.

Today I was appointed to be the Sergeant-at-Arms for the commonwealth. This appointment takes effect immediately and therefore, I must resign my position as representative of the 15th Suffolk district.

It has been an honor and a privilege to serve in the House of Representatives. While I leave with mixed emotions, I am grateful for this new opportunity.

I wish you and my former colleagues a happy and healthy holiday season.

Sincerely,

KEVIN W. FITZGERALD,  
State Representative,  
Fifteenth Suffolk District.

*Resolutions.*

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

Resolutions (filed by Representatives Coppola of Foxborough, Kafka of Sharon and Poirier of North Attleborough) congratulating Cory Isabelle on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mrs. Owens-Hicks of Boston) honoring Delores M. Richardson; 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. Peterson of Grafton, 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 House order (filed by Mr. Koczera of New Bedford) 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, the committee on Natural Resources and Agriculture be granted until Tuesday, December 31, 2002, the time within which to make its final report on House, No. 5154.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of Rule 42, on motion of Mrs. Teahan of Whitman, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

*Communication.*

A communication from the Advisory Committee on Health Care and Tobacco Control submitting budget recommendations to the General Court, was spread upon the records of the House; and it was placed on file.

*Special Reports.*

A report of the University of Massachusetts Building Authority (under the provisions of section 19 of chapter 300 of the Acts of 2002) of the report concerning the integrated science facilities; Quarterly reports of the Massachusetts Highway Department (under the provisions of items 6010-0001 and 6010-1000 of Chapter 184 of the Acts of 2002) relative to bond funded expenditures, bond funded personnel expenses and certain other expenditures; and Bi-monthly report of the Massachusetts Turnpike Authority (under the provision of Section 178 of Chapter 653 of the Acts of 1989) of the costs for the Central Artery/Third Harbor Tunnel Project;

Severally were placed on file.

*Papers from the Senate.*

The House Bill requiring the posting of security for the seizure and impoundment of animals (House, No. 2202) came from the Senate passed to be engrossed, in concurrence, with amendments in line 5 by inserting after the word "laws" (as printed) the words "relating to cruelty to animal fighting"; in line 7 by inserting after the word "days" the words "after application for the complaint"; and in lines 51 and 52 by striking out the words "if the animal was found by a licensed veterinarian to be diseased or disabled, or".

Under suspension of Rule 35, on motion of Mr. Petersen of Marblehead, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

The House Bill providing for increased organ donations through education and access (House, No. 5246) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in lines 9 and 10, by striking out the words "the death of the donor" and inserting in place thereof the words "referral of the potential donor by a hospital, critical access hospital or medical examiner to an organ procurement organization in accordance with federal regulations".

Under suspension of Rule 35, on motion of Mr. George of Yarmouth, 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.

The following notice was received from the Clerk of the Senate, to wit:

December 16, 2002.

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

Dear Mr. Speaker:

I have the honor to inform you that the Senate President has announced the following appointments: the Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer and the Senator from Hampshire and Franklin, Mr. Rosenberg, to the special commission (pursuant to St. 2002, c. 236, sec. 36) to study the definition of agricultural and horticultural lands; the appointment of the Senator from Cape and Islands, Mr. O'Leary, to the steering committee (pursuant to section 27 of chapter 236 of the Acts of 2002) relative to coastal hazards management; the appointment of the Senator from Worcester and Middlesex, Mr. Antonioni, the Senator from Norfolk, Bristol and Middlesex, Ms. Jacques, and the Senator from Middlesex, Norfolk and Worcester, Mr. Magnani, to the special commission (pursuant to section 52 of chapter 300 of the Acts of 2002) to review the use of technology to improve

teaching and learning in public education; and the appointment of Kathleen Casavant and Kateri Walsh (pursuant to section 1 of chapter 138 of the Acts of 1998) to three-year terms on the commission on the status of women.

Respectfully,  
Patrick F. Scanlan,

*Clerk of the Senate.*

A petition of Stephen M. Brewer and Anne M. Gobi (by vote of the town) establishing a capital investment fund in the town of Phillipston, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Local Affairs.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2507) was referred, in concurrence, to the committee on Local Affairs.

*Reports of Committees.*

By Mr. Greene of Billerica, for the committee on Commerce and Labor, on a petition, a Bill establishing the Shrewsbury corporation (House, No. 5395) [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 Ms. Polito of Shrewsbury, 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, on a petition, a Bill relative to the salaries of certain public officials in the city of Medford (House, No. 5392) [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. Donato of Medford, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Toomey of Cambridge, for the committee on Public Safety, on a petition, a Bill exempting Daniel J. McCarthy from the maximum age requirements as a police officer in the city of Haverhill (House, No. 5349) [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. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to the waste to energy grant program (House, No. 5099) 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.

Under suspension of Rule 7A, on motion of Mr. Finegold of Andover, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Mr. Jones of North Reading moved that it be amended by striking out section 7.

The amendment was adopted; and the bill (House, No. 5099, amended) 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 retirement allowance of David San Antonio (printed as House, No. 5004) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Donato of Medford, 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 to provide an early retirement incentive of certain employees of the Joseph B. Devlin Medical Institution and the Lynn Convalescent Home (House, No. 5386) [Local Approval Received] be scheduled for consideration by the House.

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

#### *Reconsideration.*

Mr. Rogers of Norwood moved that the vote be reconsidered by which the House, at the preceding sitting, concurred with the Senate in its amendments to the House Bill relative to creditable service in the armed forces of the United States (House, No. 5103, amended); and the motion to reconsider was placed, under Rule 54, in the Orders of the Day for the next sitting.

#### *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 14 to 0. Sent to the Senate for concurrence.

The engrossed Bill providing for increased organ donations through education and access (see House, No. 5246, 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 8 to 0. Sent to the Senate for concurrence.

### *Engrossed Bills.*

The engrossed Bill establishing a sick leave bank for Kevin J. Welch, an employee of the Trial Court of the Commonwealth (see House, No. 5333) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

#### Engrossed bills

Relative to school committee members (see House, No. 783, changed and amended);  
Relative to handicap parking restrictions (see House, No. 4171, amended);  
Relative to the sounding of certain warning devices in the town of Concord (see House, No. 4226, amended);  
Authorizing the city of Worcester to lease a certain building for courthouse use (see House, No. 4966, amended);  
Relative to the descent and distribution of property (see House, No. 5136, amended);  
Relative to the city charter of the city of Lawrence (see House, No. 5179); and  
Relative to certain motor vehicle dealers (see House, No. 5357, amended);  
(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.

### *Orders of the Day.*

#### Senate bills

Relative to the Massachusetts Technology Development Corporation (Senate, No. 2118, amended); and  
Authorizing the appointment of special police officers at the Crane Reservation in the town of Ipswich (Senate, No. 2482, amended) (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, in concurrence.

#### House bills

Authorizing the reinstatement of Frederick Nasson as a member in service of the state retirement system (House, No. 4985);  
Providing for the office of town clerk-collector-treasurer in the town of Deerfield to be an appointed office (printed in House, No. 5260);  
Providing for recall elections in the town of Montague (House, No. 5263); and  
Authorizing the Rehoboth Water District to hold its annual district meeting at the Dighton-Rehoboth Regional High School building (House, No. 5275);  
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 Chicopee Municipal Light Plant to make certain payments to the city of Chicopee (House, No. 5183) was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.  
The bill then was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill authorizing the establishment of an affordable housing trust fund to promote access to affordable housing in the town of Concord (House, No. 5139) was read a third time. The committee on Bills in the Third Reading reported recommending that the bill be amended by inserting after section 3 the following two sections:

“SECTION 4. The powers of the board shall include the implementation of a program, called the housing purchase program, under which the trust, through the sharing of equity ownership, will assist income-eligible home buyers to purchase homes within the town. The board shall prepare policies and procedures to perform the following:—  
(a) to provide assistance to income-eligible home buyers in the form of equity sharing or a direct loan for a down payment or a portion of the purchase price of the home. Said equity shall be repaid to the trust at the time of resale of the home; and  
(b) to establish eligibility requirements including income requirements as connected to the Boston area’s median family income, and other requirements which may include but are not limited to minimum residency or town employment status.

The board of selectmen may set any or all policies and procedures under which the board conducts the housing purchase program.

SECTION 5. The town of Concord is hereby authorized to appropriate funds or borrow from time to time such sums of money as may be necessary and conveying these funds to the trust for the purpose of supporting and financing the housing purchase program, and other programs as authorized under section 1. Each authorized bond issue shall constitute a separate loan and each such loan shall be payable within 20 years from its date. Indebtedness incurred under this section shall not be included in determining the limit of indebtedness of the town of Concord under chapter 44 of the General Laws but, except as provided herein, shall otherwise be subject to the provisions of said chapter 44.”

The amendment was adopted; and the bill (House, No. 5139, amended) was passed to be engrossed. Sent to the Senate for concurrence.

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The House Bill authorizing the town of Concord to send certain information to registered voters in the town of Concord (House, No. 5227), 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, Ms. Atkins of Concord moved that it be amended in section 1, in line 2, by striking out the word “may” and inserting in place thereof the word “shall”.

The amendment was adopted; and the bill (House, No. 5227, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the tastings of alcoholic beverages (House, No. 5247) (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.

Pending the question on passing the bill to be engrossed, Mr. Ciampa of Somerville moved that it be amended in section 2, in line 13, in section 4, in line 9, and also in section 5, in line 10, by

striking out the following: "1/8" (as changed by the committee on Bills in the Third Reading) and inserting in place thereof, in each instance, the following: "1/4".  
The amendments were adopted; and the bill (House, No. 5247, 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.

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At twenty-one minutes before one o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Rodrigues of Westport being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.

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