

JOURNAL OF THE HOUSE.

Friday, December 27, 2002.

Met at six minutes past eleven o'clock A.M., in an Informal Session, with Mrs. Walrath of Stow 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, the calendar year is about to draw to a close and so we take a moment to reflect on the material and spiritual blessings which we have received from You during the past twelve months. We are grateful to You, and to our family and friends who have been so kind and generous to us on our good days as well as our bad days. Teach us to learn from our past personal successes, short-comings and our failures, so that our future life and future decisions will be more thoughtful and meaningful. In dealing with others, inspire us to be open, objective, fair and accurate in evaluating the insights and suggestions of others, so that our personal and legislative goals, vision and priorities will be reasonable, relevant and realistic.

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

At the request of the Chair (Mrs. Walrath), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Communication.

A communication from the Department of Education (under the provisions of Section 432 of Chapter 159 of the Acts of 2000) submitting a report on activities related to special education in the Commonwealth (corrected version), was read for the information of the House; and it was placed on file.

Annual and Special Reports.

Annual Reports

Of the Division of Health Care Finance and Policy (under the provisions of Section 4 of Chapter 118G of the General Laws) for the fiscal year 2002;

Of the Department of Telecommunications and Energy (under Section 2 of Chapter 166A of the General Laws and most recently amended by Chapter 45 of the Acts of 2002) concerning the appeals that came before the Division of Community Antennae Television during the calendar year 2002; and

Of the Massachusetts Water Pollution Abatement Trust (under the provision of Section 17 of Chapter 29C of the General Laws) of the operations, properties and expenditures of said trust; and

A report of the University Counsel of Northeastern University (under the provisions of Section 2 of Chapter 645 of the Acts of 1986) relative to a summer boating program and a scholarship program established by said university under the terms of a lease of a certain parcel of land in the city of Boston;

Severally were placed on file.

Petition.

Mr. Rogers of Norwood presented a petition (accompanied by bill, House, No. 5400) of John H. Rogers (by vote of the town) for legislation to provide for the appointment of a treasurer in the town of Norwood; and the same was referred to the committee on Local Affairs. Sent to the Senate for concurrence.

Papers from the Senate.

The House Bill relative to gift certificates (House, No. 216) came from the Senate with the endorsement that said branch had concurred with the House in its further amendments (striking out sections 5 and 8 and inserting a new section 8) with the following still further amendment: Inserting after section 4 the following section:

“SECTION 5. Section 6B of said chapter 200A is hereby amended by striking out subsection (a), as appearing in the 2000 Official Edition, and inserting in place thereof the following subsection: —

(a) Subject to subsection (b) of this section and section 1A, a sum payable on a certified check, draft, cashier’s check, treasurer’s check, registered check or other similar written instrument, other than a third-party bank check, on which a person is directly liable shall be presumed abandoned under this section if it has been outstanding for more than 3 years from the date it was payable, or from the date of its issuance if payable on demand or, in the case of a traveler’s checks, has been outstanding for more than 15 years or, in the case of a money order, has been outstanding for more than 7 years from the date of its issuance, unless the owner has within 3 years, or within 15 years in the case of a traveler’s checks, or within 7 years in the case of a money order, corresponded in writing with the person concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the person. A new person shall be directly liable if it is the actual holder of the fund representing the face amount of such instrument at the time of presumed abandonment under this section.”

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

Bills

To promote fair contract provisions (Senate, No. 1560, amended) in line 28 by inserting after the word “issue.” (as printed) the following paragraph:

“(c) Nothing contained in this section is intended to amend the laws governing payments on public construction projects, or to impose on a public agency a payment obligation beyond that imposed by law.”) (on a petition);

Establishing the Berkshire County regional housing authority (Senate, No. 2509) (on Senate bill, No. 2410);

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

A Bill relative to capital improvements in the town of Phillipston (Senate, No. 2507, changed in section 4, in line 3, by striking out the following: “41g” and inserting in place thereof the

figures “41”; in section 6, in line 4, and also in section 7, in line 4, by striking out the word “or” and inserting in place thereof, in each instance, the word “and”) (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.

Reports of Committees.

By Mr. Verga of Gloucester, for the committee on Local Affairs, on a petition, a Bill relative to appointive powers of selectmen in the town of Saugus (House, No. 5391) [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. Quinn of Dartmouth, 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 relative to debt collection and loan servicing agencies subject to regulation by the Division of Banks (House, No. 12) be scheduled for consideration by the House.

Under suspension of Rule 7A, 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. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill relative to trustees of the Kuzeja Real Estate Trust capital asset-land transfer (House, No. 4657) be scheduled for consideration by the House.

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

Report of the committee on Transportation, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 5321) of William G. Greene, Jr., and Robert A. Havern relative to designating a certain bridge in the town of Billerica as the Gordon C. Brainerd Bridge.

Under suspension of Rule 42, on motion of Mr. Greene of Billerica, the report was considered forthwith.

Pending the question on acceptance of the report, the same member moved that it be amended by substitution of a Bill naming two bridges and a park in the town of Billerica (House, No. 5399), which was read. The amendment was adopted.

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

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Colleen McDonald, an employee of the Trial Court (see House, No. 5353), 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 9 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to eligibility for extended federal unemployment benefits (see House, No. 5368, 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 11 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

The engrossed Bill providing for the office of town clerk, collector and treasurer in the town of Deerfield to be an appointed office (see House bill printed in House, No. 5260) (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 (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills

Relative to the collection and dissemination of certain reports by the Division of Banks (see House, No. 18);

Relative to the “school-to-work” program (see House, No. 2852, amended);

Establishing a tuition grant program for certain school paraprofessionals (see House, No. 4702, amended);

Changing a part of the harbor line on the Merrimack River along the waterfront of the city of Haverhill (see House, No. 5081);

Authorizing the Chicopee Municipal Light Plant to make certain payments to the city of Chicopee (see House, No. 5183);

Providing for recall elections in the town of Montague (see House, No. 5263);

Authorizing the Rehoboth Water District to hold its annual district meetings at the Dighton-Rehoboth Regional High School building (see House, No. 5275);

Providing for an increase in the membership of the board of selectmen of the town of Groton to 5 members (see House, No. 5364); and

Providing for an early retirement incentive for certain employees of the Joseph B. Devlin Medical Institution and the Lynn Convalescent Home (see House, No. 5386);

(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 credit unions (Senate, No. 5);

Authorizing Cohasset Water Commissioners to serve in other town offices (Senate, No. 1872);

Relative to the retirement of certain employees of the city of Revere (Senate, No. 2020);

Exempting the position of deputy police chief in the town of Norwell from the civil service law (Senate, No. 2486); and

Making corrective changes in certain general and special laws (printed in Senate, No. 2497);

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.

House bills

Relative to wholesalers and importers liquor licenses (House, No. 771) (its title having been changed by the committee on Bills in the Third Reading);

Relative to firefighter injuries (House, No. 1620) (its title having been changed by the committee on Bills in the Third Reading);

Relative to areas of critical environmental concern (House, No. 4479, amended);

Relative to civil commitment of sexually dangerous persons (House, No. 4915);

Relative to the disposition of certain taxes collected by the town of Carver (House, No. 5316);

Authorizing Philip M. Akstin to take the civil service examination for the position of firefighter in the city of Haverhill notwithstanding the maximum age requirement (House, No. 5325);

Exempting the position of auditor in the city of Haverhill from the civil service law (House, No. 5372);

Exempting David and Steven M. Moriarty from the maximum age requirement as firefighters in the city of Methuen (House, No. 5383);

Relative to the salaries of certain public officials in the city of Medford (House, No. 5392); and

Establishing the Shrewsbury corporation (House, No. 5395);

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 relative to compensation for wrongful felony convictions (House, No. 5384) 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.

Pending the question on passing the bill to be engrossed, Mr. Rogers of Norwood moved that it be amended by substitution of a Bill relative to compensation for certain erroneous felony convictions (House, No. 5401), which was read.

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

Recess.

At seventeen minutes before twelve o'clock noon, on motion of Mr. Greene of Billerica (Mrs. Walrath of Stow being in the Chair), the House recessed until half past one o'clock P.M.; and at twenty-five minutes before two o'clock the House was called to order with Mrs. Walrath in the Chair.

Emergency Measure.

The engrossed Bill relative to group marketing plans (see House, No. 5375), 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 6 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Relative to the annual report on the banking industry (see House, No. 17);

Relative to the donation of bone marrow by certain minors (see House, No. 4970);

Relative to the retirement allowance of Louis Caton of the town of Dartmouth (see House, No. 5071, changed); and

Relative to a certain license to construct a pier (see House, No. 5389);

(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.

Recess.

At twelve minutes before two o'clock P.M., on motion of Ms. Haddad of Somerset (Mrs. Walrath of Stow being in the Chair), the House recessed until a quarter after two o'clock P.M.; and at twenty-nine minutes after two o'clock the House was called to order with Mrs. Walrath in the Chair.

Paper from the Senate.

The House Bill relative to certain trust funds and other matters (House, No. 5393) 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 2506.

Under suspension of Rule 35, on motion of Mr. Rogers of Norwood, 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 striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5402).

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.

Engrossed Bills.

Engrossed bills

Relative to credit unions (see Senate, No. 5);

Authorizing Cohasset Water Commissioners to serve in other town offices (see Senate, No. 1872);

Relative to the retirement of certain employees of the city of Revere (see Senate, No. 2020);

Exempting the position of deputy police chief in the town of Norwell from the civil service law (see Senate, No. 2486); and

Making corrective changes in certain general and special laws (see Senate bill printed in Senate, No. 2497);

(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.

Recess.

At half past three o'clock P.M., on motion of Mr. Timilty of Milton (Mrs. Walrath of Stow being in the Chair), the House recessed until half past four o'clock; and at twenty-three minutes before five o'clock the House was called to order with Mrs. Walrath in the Chair.

Message from the Acting Governor.

A message from Her Honor the Lieutenant-Governor, Acting Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating action taken at the November 18, 2002 town meeting held in the town of Adams (House, No. 5404) was filed this day in the office of the Clerk.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Local Affairs. Sent to the Senate for concurrence.

Emergency Measure.

The engrossed Bill relative to certain trust funds and other matters (see House, No. 5393, 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.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

Engrossed bills

Authorizing the town of Lynnfield to establish a capital facilities maintenance fund (see House, No. 5379);

Relative to memorials for firefighting and law enforcement personnel (see House, No. 5385);
and

Relative to the salaries of certain public officials in the city of Medford (see House, No. 5392);
(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.

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-three minutes before six o'clock P.M., on motion of Mr. Marzilli of Arlington (Mrs. Walrath of Stow being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.
