

## **JOURNAL OF THE HOUSE.**

Friday, December 28, 2001.

Met at ten minutes past eleven o'clock A.M., in an Informal Session.

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

God, Our Creator, on today's final legislative session for this calendar year, we pause to thank You for the countless material and spiritual blessings which You have bestowed upon us during the last twelve months. We, as a people and nation, are grateful to You for Your personal concern and interest in each of us as members of the one human family, Your family. Help us to deepen our relationship to You and to implement Your spiritual and material guidelines for successful daily living. We also ask pardon for our mistakes and failings. In the New Year, let our hearts and minds be filled with confidence, courage and enthusiasm. May our legislative priorities and concerns be relevant and timely, our choices ethical and moral, and our decisions in accord with Your eternal precepts and values.

May the people of this Commonwealth enjoy a happy, peaceful and prosperous New Year!

Grant Your blessings 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.

### *Order.*

An Order (filed this day by Mr. Rogers of Norwood) relative to the suspension of Joint Rule 12B to provide for the carry-over of certain collective bargaining agreements (House, No. 4832) 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. Rogers of Norwood, the order was considered forthwith; and it was adopted. The order (House, No. 4832) then was sent to the Senate for concurrence.

### *Resolutions.*

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

Resolutions (filed by Mr. Murphy of Burlington) congratulating Michael R. Flynn on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Murphy of Burlington) congratulating Todd R. Higden on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Murphy of Burlington) congratulating Brian D. Hooper on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Murphy of Burlington) congratulating William F. Trelegan on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Messrs. O'Brien of Kingston and Nyman of Hanover) congratulating Gary C. Scott on receiving the Eagle Award of the Boy Scouts of America;

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. Nyman, 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. Torrissi of North Andover, petition (accompanied by bill, House, No. 4830) of David M. Torrissi, Bradley H. Jones, Jr., and Bruce E. Tarr (by vote of the town) relative to authorizing the town of North Andover to grant a certain conservation restriction. To the committee on Local Affairs.

By Mr. Casey of Winchester, petition (accompanied by bill, House, No. 4831) of Paul C. Casey and Charles E. Shannon (by vote of the town) relative to authorizing the town of Winchester to establish stabilization funds. To the committee on Taxation.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Fresolo of Worcester, petition (subject to Joint Rule 12) of John P. Fresolo and Guy W. Glodis relative to the retirement allowance of Anthony Tomasiello, a retired justice of the Nantucket District Court.

By Mr. George of Yarmouth, petition (subject to Joint Rule 12) of Thomas N. George relative to the granting of furloughs to committed offenders for the purpose of attending certain funerals.

By Mr. Patrick of Falmouth, petition (subject to Joint Rule 12) of Matthew C. Patrick that the Division of Capital Asset Management and Maintenance be directed to convey certain conservation land located in the town of Mashpee to said town.

By Mr. Torrissi of North Andover, petition (subject to Joint Rule 12) of David M. Torrissi and Susan C. Tucker that the Department of Revenue be directed to refund certain overpayments of

income taxes to Emilio J. and Gloria A. Nardoza.

Severally, under Rule 24, to the committee on Rules.

*Papers from the Senate.*

The House Bill returning tax title properties to productive use (House, No. 4726) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 4 (as printed), in line 11, by inserting after the word “sites” the following: “, if the commissioner has approved in writing the request of the city or town to grant the abatement. Upon the written request of a city or town to grant such an abatement, the commissioner shall make a determination within 30 days from the date of the receipt of the request or the request shall be deemed approved.”.

Under suspension of Rule 35, on motion of Mr. Koczera of New Bedford, 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 following order came from the Senate with the endorsement that it had been adopted by said branch:

*Ordered*, That, notwithstanding the provisions of an order previously adopted, the temporary Joint Rules of the General Court shall remain in effect until Thursday, January 31, 2002; and be it further 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 Thursday, January 31, 2002 within which to make reports on matters referred to them.

Under suspension of the rules, on motion of Ms. Blumer of Framingham, the order was considered forthwith; and it was adopted, in concurrence.

A report of the committee on Health Care, asking to be discharged from further consideration of the communication from the Board of Trustees of the Health Care Security Trust (under the provisions of Section 4(h) of Chapter 29D of the General Laws) submitting its proposed budget for fiscal year 2002 (Senate, No. 2196), and recommending that the same be referred to the Senate committee on Ways and Means,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the discharge of the committee.

Reports of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities, as follows:

Of the Billerica House of Correction, in the town of Billerica;

Of the Bridgewater State Hospital, in the town of Bridgewater;

Of the Hodder House Pre-Release Center, in the town of Framingham;

Of M.C.I. Framingham, in the town of Framingham;

Of M.C.I. Lancaster, in the town of Lancaster;

Of the Middlesex County Jail, in the city of Cambridge; and

Of the South Middlesex Pre-Release Center, in the town of Framingham;

Severally were spread upon the records of the House; and returned to the Senate.

*Reports of Committees.*

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4777, reported, in part, a Bill relative to state finance law and the operation of certain agencies in anticipation of supplemental funding (House, No. 4829). 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. Rogers of Norwood, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, the same member moved that it be amended in line 0 by striking out the word “may” and inserting in place thereof the word “shall”; in line 00 by inserting after the word “accounts” the following: “designated by the following line item numbers in chapter 177 of the acts of 2001: 4403-2000, 4404-1000, 4408-1000, 4800-0031, 4800-0041; and” and in line 00 by inserting after the word “available” the following: “; provided, that the benefits and services administered by said departments from said accounts shall be maintained at the same rate or level in effect for said accounts as of December 15, 2001.”.

The amendments were adopted.

Mr. Jones of North Reading then moved that the bill be amended in line 00 by inserting after the word “shall” (inserted by amendment) the words “at the direction of the Secretary of Administration and Finance”.

The amendment was adopted; and the bill, as amended, was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Jones, the bill (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, its title having been changed by said committee to read: “An Act relative to the operation of certain agencies in anticipation of supplemental funding.”. The bill (House, No. 4829, printed as amended) then was sent to the Senate for concurrence.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill providing equitable coverage of services under health plans (Senate, No. 2139) 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 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 authorizing the Division of Capital Asset Management and Maintenance to grant an access easement over certain Metropolitan District Commission land in the Brighton District of Boston (House, No. 4109) ought to pass with certain amendments in section 1, in line 5, by striking out the word “and”; in line 7, by striking out the following: “sections two through \_\_\_\_ of”; in line 8, by striking out the word “, inclusive,”; and in section 3, in line 4, by striking out the following: “section \_\_\_\_ of”. 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 Mrs. Paulsen of Belmont, the bill was read a second time forthwith.

The amendments recommended by the committee on Ways and Means were adopted; and the bill (House, No. 4109, amended) was ordered to a third reading.

Mr. Scaccia of Boston, for the committee on Rules, on House No. 4312, reported, in part, a Bill relative to the public employee retirement system (House, No. 2416). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the recommitted Bill relative to police mutual aid agreements (House, No. 1269) be scheduled for consideration by the House.

Placed in the Orders of the Day for the next sitting, the question being on ordering to a third reading, with the amendment previously recommended by the committee on Public Safety pending.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill authorizing the conveyance of certain property in the city of Boston (House, No. 3630) ought to pass with certain amendments. 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; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill to further

allow group life and health insurance (printed as Senate, No. 748) 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; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Wagner of Chicopee, for the committee on Election Laws, on a petition, a Bill relative to elections in the town of Huntington (House, No. 4741, changed in section 1 by adding at the end thereof the following sentence: "The filing and certification of nomination papers and the conduct of the town election shall be in accordance with the General Laws regulating elections, unless otherwise provided in this act.") [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill providing for recall elections in the town of Huntington (House, No. 4742) [Local Approval Received].

By Mr. Bosley of North Adams, for the committee on Government Regulations, on a petition, a Bill relative to the board of licensing commissioners in the city of Springfield (House, No. 4743) [Local Approval Received].

By Mr. Dempsey of Haverhill, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Mary O'Neil, an employee of the Department of Correction (House, No. 4746).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

Relative to contracts between court reporters and an attorney, party or party having a financial interest in an action (Senate, No. 978);

Designating natural heritage functions of the Department of Fisheries, Wildlife and Environmental Law Enforcement (Senate, No. 1112, amended);

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

Relative to defining principal's contracts (Senate, No. 2079, amended);

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

Relative to the Development and Industrial Commission of the town of Oxford (Senate, No. 2135) [Local Approval Received]; and

Establishing an elected water and sewer commission in the town of Charlton (Senate, No. 2138) [Local Approval Received]; and

House bills

Relative to bond requirements (House, No. 949);

Relative to the reselling of tickets (House, No. 998);

Relative to betterment assessments for sewerage facilities in the town of Millbury (House, No. 1507);

Relative to the underground cable reimbursement schedule (House, No. 4074);

Transferring certain administrative responsibilities to the chief of the Sandwich Police Department (House, No. 4693) [Local Approval Received];

Authorizing the town of Braintree to convey a certain parcel of town forest land (House, No. 4729) [Local Approval Received];

Designating a certain traffic island in the town of Dracut as the Captain John Ogonowski Memorial Island (House, No. 4749);

Establishing a sick leave bank for Maureen Craucher, an employee of the Probate and Family Court of the Commonwealth (House, No. 4750);

Authorizing the town of Mendon to charge seniors a reduced trash fee (House, No. 4757) [Local Approval Received];

Providing real estate tax exemptions for the spouses of deceased veterans (House, No. 4769);

Relative to group marketing plans (House, No. 4796); and

Protecting a minor's identity (House, No. 4798);

Severally placed in the Orders of the Day for the next sitting for a second reading.

*Orders of the Day.*

House bills

Relative to securities (House, No. 955, amended);

Relative to a birth defects monitoring program (House, No. 2163, amended) (its title having been changed by the committee on Bills in the Third Reading); and

Establishing a limited access deposit account (House, No. 4633);

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.

*Recess.*

At ten minutes after one o'clock P.M., the Speaker declared a recess subject to the call of the Chair; and at twenty-three minutes before four o'clock the House was called to order.

*Paper from the Senate.*

The House Bill relative to the operation of certain agencies in anticipation of supplemental funding (House, No. 4829) 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 following:

“For fiscal year 2002, notwithstanding sections 26 and 27 and the second paragraph of section 29 of chapter 29 of the General Laws or any other general or special law to the contrary, the comptroller shall at the direction of the secretary of administration and finance permit disbursements or the incurring of obligations before July 1, 2002 over the amount appropriated in chapter 177 of the acts of 2001, in the following amounts for which it is anticipated that supplemental funds will be made available: not more than \$1,200,000 for the Massachusetts rehabilitation commission; and in the following accounts: 4403-2000, not more than \$15,656,752; 4404-1000, not more than \$2,063,909; 4408-1000, not more than \$7,248,574; 4513-1005, an amount not more than \$2,022,465; 4800-0015, not more than \$1,405,710; 4800-0031, not more than \$21,842,161; 4800-0041, not more than \$33,264,191; 4800-1100, not more than \$3,510,226; 9110-1604, not more than \$140,535; 9110-1633, not more than \$2,531,787, and 9110-1636, not more than \$738,887.”.

Under suspension of the rules, on motion of Mr. Rogers of Norwood, the amendment 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 (inserted by amendment by the Senate) and inserting in place thereof the following:

“For fiscal year 2002, notwithstanding sections 26 and 27 and the second paragraph of section 29 of chapter 29 of the General Laws or any other general or special law to the contrary, the comptroller shall at the direction of the secretary of administration and finance permit disbursements or the incurring of obligations before July 1, 2002 over the amount appropriated in chapter 177 of the acts of 2001, in the following amounts for which it is anticipated that supplemental funds will be made available in the following accounts: 4403-2000, not more than \$15,656,752; 4404-1000, not more than \$2,063,909; 4408-1000, not more than \$7,248,574; 4800-0031, not more than \$21,842,161; 4800-0041, not more than \$33,264,191.”.

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.

*Emergency Measure.*

The engrossed Bill relative to state finance law and the operation of certain agencies in anticipation of supplemental funding (see House, No. 4829, 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 4 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 Speaker and sent to the Senate.

At four minutes before six o'clock P.M., on motion of Mr. Jones of North Reading, the House adjourned.

[Under the provisions of Article X of the Amendments to the Constitution, the 2001 session of the General Court was dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of Her Honor the Lieutenant-Governor, Acting Governor.]