

JOURNAL OF THE HOUSE.

Tuesday, April 15, 2003.

Met according to adjournment, at eleven o'clock A.M.

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows: Eternal God, we depend upon You, Your guidance and direction as we take up and evaluate the items on today's legislative calendar. Many of the legislative issues which come before and we approve are complex, often emotional and have on occasion unexpected consequences. In Your goodness, inspire us to make right and sound decisions and choices in our effort to serve people, the needs of these changing times and the common good. During this week of biblical and religious faith observances, grant us wisdom and strengthen our commitment to continue building communities in which personal responsibility, objective truth, ethical principles and the rights of all are respected and recognized.

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.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to providing for an accelerated transportation development and improvement program for the Commonwealth (House, No. 3811) was filed in the office of the Clerk on Monday, April 14. The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Transportation. Sent to the Senate for concurrence.

Statement of Representative Donovan of Woburn.

A statement of Ms. Donovan of Woburn was spread upon the records of the House, as follows: MR. SPEAKER: I would like to call to the attention of the House the fact that I was not able to be present in the House Chamber for yesterday's sitting due to a scheduling conflict. Any roll calls that I missed yesterday was due entirely to the reason stated.

Statement of Representative Garry of Dracut.

A statement of Miss Garry of Dracut was spread upon the records of the House, as follows: MR. SPEAKER: I would like to call to the attention of the House the fact that I was not able to be present in the House Chamber for a portion of today's sitting due to my attendance at the funeral of Mathew Boule, a U.S. Army Specialist who was killed in action in the conflict in Iraq. Any roll calls that I may miss today will be due entirely to the reason stated.

Resolutions.

Resolutions (filed with the Clerk by Mr. Toomey of Cambridge) recognizing National Public Safety Telecommunications Week, were referred, under Rule 85, to the committee on Rules. Mr. DiMasi of Boston, for the committee on Rules, then reported that the resolutions ought to

be adopted. Under suspension of the rules, on motion of Mr. Toomey, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Orders.

An Order (filed by Mr. DiMasi of Boston) relative to the establishment of a permanent Joint Rule 1 for the 2003-2004 General Court (House, No. 3830) was referred, under Rule 24, to the committees on Rules of the two branches, acting concurrently.

An Order (filed by Mr. Scaccia of Boston) relative to providing for amendments to the Rules of the House of Representatives for the creation of a committee on Homeland Security and Federal Affairs and a committee on Medicaid and to provide for additional compensation for certain members of the House of Representatives (House, No. 3838), having been reported from the committee on Rules, under the provisions of House Rule 7C, was considered.

Pending the question on adoption of the order, further consideration thereof was postponed, on motion of Mr. Scaccia, until Tuesday, April 22.

On motion of Mr. DiMasi of Boston,—

Ordered, That, notwithstanding the provisions of the rules, the Speaker shall assign a court officer to cast the votes, except for quorum roll calls, of the Chairman of the committee on Ways and Means, while said Chairman is conducting business in the State House relative to the General Appropriation Bill.

Petitions.

Mr. LeDuc of Marlborough presented a petition (accompanied by bill, House, No. 3812) of Stephen P. LeDuc and Pamela P. Resor (with the approval of the mayor and city council) for legislation to provide for the appointment of a city councilor in the city of Marlborough; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. DeLeo of Winthrop, petition (subject to Joint Rule 12) of Robert A. DeLeo relative to the retirement rights of persons appointed by school committees.

By Mr. Frost of Auburn, petition (subject to Joint Rule 12) of Paul K. Frost and Guy W. Glodis for legislation to authorize the Woodland Water District of Auburn to merge with the Auburn Water District.

By Mr. Hynes of Marshfield, petition (subject to Joint Rule 12) of Frank M. Hynes, Robert L. Hedlund and Garrett J. Bradley (by vote of the town) that the town of Scituate be authorized to establish a one-year moratorium on applications for affordable housing in said town.

By Mr. Spellane of Worcester, petition (subject to Joint Rule 12) of Robert Spellane, James B. Leary, Karyn E. Polito and Harriette L. Chandler for legislation to provide creditable service for retirement purposes to Sandra Kurtinitis.

By Ms. St. Fleur of Boston, petition (subject to Joint Rule 12) of Marie P. St. Fleur for an investigation by a special commission (including members of the General Court) relative to the reintegration of prisoners into the cities and towns of the Commonwealth.

By Mr. Wagner of Chicopee, petition (subject to Joint Rule 12) of Joseph F. Wagner, Michael R. Knapik, Stephen J. Buoniconti, Thomas M. Petrolati, Christopher P. Asselin and Linda J. Melconian (with the approval of the mayor and board of aldermen) that the city of Chicopee be exempt from certain debt limitations for approved school projects. Severally, under Rule 24, to the committee on Rules.

Paper from the Senate.

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

April 10, 2003.

The Honorable Thomas M. Finneran
Speaker of the House of Representatives
Room 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 Hampshire and Franklin, Mr. Rosenberg, to the steering committee established (pursuant to 42 U.S.C. sec. 15405) relative to the Help America Vote Act; The Senator from Suffolk, Mr. Hart, and the Senator from Suffolk, Ms. Wilkerson, to the Workforce Investment Board (pursuant to Executive Order Number 413); The Senator from Essex, Mr. Baddour, the Senator from Suffolk, Mr. Hart, the Senator from Hampden and Hampshire, Mr. Knapik, and the Senator from Middlesex and Norfolk, Mr. Magnani, to the advisory committee established (pursuant to section 44 of Chapter 246 of the Acts of 2002) to study the financing of the Massachusetts Turnpike Authority, the metropolitan highway system, the Massachusetts Port Authority and the Central Artery/Third Harbor Tunnel Project;

The Senator from Bristol and Plymouth, Mr. Montigny, the Senator from Worcester and Norfolk, Mr. Moore, and the Senator from Essex and Middlesex, Mr. Tarr, to the National Association on Prescription Drug Prices.

In addition, the Minority Leader has announced the appointment of the Senator from Essex and Middlesex, Mr. Tarr, to the Workforce Investment Board (pursuant to Executive Order Number 413).

Best wishes,

Patrick F. Scanlan,
Clerk of the Senate.

Report of a Committee.

By Mr. Koczera of New Bedford, for the committee on Public Service, on House, No. 3742, a

Bill authorizing the city of Worcester to reinstitute an early retirement incentive program (House, No. 3813) [Local Approval Received.] Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Orders of the Day.

The House report of the committee on Government Regulations, ought NOT to pass, on the petition (accompanied by bill, House, No. 2792) of Bradley H. Jones, Jr., and other members of the House relative to casino gambling, was considered.

Pending the question on acceptance of the report, Mr. Peterson of Grafton moved that further consideration thereof be postponed until Wednesday, April 23, and specially assigned to the hour of two o'clock P.M.

After debate on the motion to postpone, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 28 members voted in the affirmative and 122 in the negative.

[See Yea and Nay No. 55 in Supplement.]

Therefore the motion to postpone was negatived.

Mr. Jones and other members of the House then moved that the report be amended by substitution, in part, of a Bill relative to gaming in the Commonwealth, which was read.

After debate on the question on adoption of the amendment, Mr. Flynn of Bridgewater asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 147 members were recorded as being in attendance.

[\[See Yea and Nay No. 56 in Supplement.\]](#)

Therefore a quorum was present.

After further debate on the question on adoption of the amendment (Mrs. Harkins of Needham being in the Chair), Miss Reinstein of Revere asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 148 members were recorded as being in attendance.

[\[See Yea and Nay No. 57 in Supplement.\]](#)

Therefore a quorum was present.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 59 members voted in the affirmative and 95 in the negative.

[\[See Yea and Nay No. 58 in Supplement.\]](#)

Therefore the amendment was rejected.

The report then was accepted. Mr. Bosley of North Adams moved that this vote be reconsidered; and the motion to reconsider was considered forthwith, and it was negatived.

The House report of the committee on Government Regulations, ought NOT to pass, on the petition (accompanied by bill, House, No. 3153) of Kathi-Anne Reinstein and Robert A. DeLeo for legislation to establish a Massachusetts gaming control commission and further regulating gaming in the Commonwealth, was considered.

Pending the question on acceptance of the report, Representatives Reinstein of Revere and DeLeo of Winthrop moved that the report be amended by substitution of the Bill establishing the Massachusetts gaming control act (House, No. 3153, changed by striking out section 5 and inserting in place thereof the following section:

“SECTION 5. Licensing of licensed operators; payment of Commissions.

(a) Notwithstanding the provisions of G.L. c. 137, G.L. c. 271, or any other general or special law to the contrary, each racing meeting licensee is eligible to be licensed, subject to all terms and conditions imposed by the Commission, to operate a gaming establishment; and shall have the right to operate one thousand five hundred (1,500) electronic gaming devices, at a racing meeting licensee’s premises only; and, provided, further, that each of said licensees shall have the right to operate an equal number of electronic gaming devices. Said licensees shall pay weekly to the Commission, on behalf of the Commonwealth, a sum equal to fifty-one (51%) percent of gaming revenues derived from electronic gaming facility, payable to the commission. Seventy-five percent of the revenue collected pursuant to this sub-section shall be deposited into the general fund. Twenty-five percent of the revenue collected pursuant to this sub-section shall be deposited in the lottery fund for full distribution to all communities in the Commonwealth, pursuant to the Lottery aid formula, so called. (i) Three percent of the giving revenue derived from electronic gaming devices locating in such gaming facility, payable to the community in which the facility is located; provided, that if the facility is located in more than one community, such fee shall be divided and distributed proportionally to each community as fairly determined by the commission. (ii) One percent of the giving revenue derived from electronic gaming devices locating in such gaming facility, which shall be divided and distributed proportionally, as determined by the commission, to each community contiguous to the community or communities in which the facility is located; (iii) Each racing meeting licensee shall also pay the commission, as the commission shall direct, an amount equal to 35 percent of 1 percent (.35%) of the annual gaming revenue derived from electronic gaming devices located in such a gaming facility to be used exclusively in preventing and treating compulsive gambling behavior. (iv) two percent of the net gaming revenue derived from electronic gaming devices shall be deposited in a special fund established by the licensee, and used for payment of regular thoroughbred horse purses. (v) one percent of the net gaming revenue derived from electronic gaming devices shall be deposited in a special fund established by the licensee, and used for payment of regular greyhound purses.

(g) No person shall operate a gaming establishment without having obtained all necessary operating licenses from the commission. There shall be a single licensed operator for each gaming establishment. The licensing standards must be met at all times by each officer, director, partner, and trustee of the operating entity, by each substantial party in interest of the operating entity or of the premises on which such establishment is located, and by such other

party in interest of the operating entity, the premises, or any holding company or intermediary company of the operating entity or the premises as the commission may require.

(c) A person may apply to be a licensed operator by filing an application with the commission, the form and any accompanying application fees as the commission may establish. Information on the application will be used as the basis for a through background investigation which the bureau shall conduct with respect to each applicant. Each application shall disclose the identity of each party in interest, each holding company and intermediary company, and each affiliate of the operating entity. The application shall disclose, in the case of the privately held corporation, the names and addresses of all directors, officers, and stockholders; in the case of a publicly traded corporation, the names and addresses of all directors, officers, and persons holding at least five percent of the total capital stock issued and outstanding; in the case of a limited liability company, the names and addresses of all members of the management committee and all persons holding at least five percent of the membership interests; in the case of a partnership, the names and addresses of all partners, both general and limited; and in the case of a trust, the names and addresses of all trustees and beneficiaries.

(d) Each operating entity shall identify, in its application, the premises containing the establishment where it proposes to conduct its gaming operations. The application shall contain such information regarding the physical location and condition of the premises and the potential impact of the proposed gaming operations upon adjacent properties and the municipality and region within which the premises are located, as the commission may require. The application shall disclose the identity of all parties in interest regarding the premises; and except as otherwise permitted herein, no person other than a gaming establishment licensed hereunder shall have any right to or interest in any gaming revenue derived from electronic gaming devices in the form of a percentage of such sums or require more than fair market value for rent, leases or services.

(e) No licensed operator shall obtain any gaming equipment from a person who does not hold a license. No licensed operator shall enter into any agreement for the receipt of goods or services, of any form and in any amount, from a person who does not hold a license, when a license is required for such agreement under this act or under regulations promulgated by the commission or bureau.

(f) No licensed operator shall employ any person in a gaming establishment who does not hold a work permit, when a work permit is required for such position under regulations promulgated by the commission or the bureau.”), which was read.

After debate on the question on adoption of the amendment (Mr. Correia of Fall River being in the Chair), the sense of the House was taken by yeas and nays, at the request of Miss Reinstein of Revere; and on the roll call 65 members voted in the affirmative and 87 in the negative.

[See Yea and Nay No. 59 in Supplement.]

Therefore the amendment was rejected.

The report then was accepted. Mr. Bosley of North Adams moved that this vote be reconsidered; and the motion to reconsider was considered forthwith, and it was negatived.

Order.

On motion of Mr. Finneran of Boston,—

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

Ms. L'Italien of Andover then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-seven minutes after four o'clock P.M. (Mr. Correia of Fall River being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.
