

JOURNAL OF THE HOUSE.
Wednesday, May 28, 2003.

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

Eternal God, we profess our faith in You, Your realty in our lives and Your personal concern for our total well-being. We also place our trust in You and in Your often mysterious ways which we, at times, find difficult to understand or even accept. In our role as legislators, we depend upon Your gifts of wisdom and counsel in session and out of session as we address our tasks and responsibilities in these times of change and new challenges. Inspire us to be thoughtful leaders and managers of change rather than unprepared victims of change. In Your kindness, grant us the strength and courage to remain faithful to our ideals and values and to the principles and practices of our personal religious commitments.

Bestow Your blessings on 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.

Statement Concerning Representative Bosley of North Adams.

A statement of Mr. DiMasi of Boston concerning Mr. Bosley of North Adams 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 one of our colleagues, Representative Bosley of North Adams, was not present in the House Chamber for today's sitting due to personal reasons. Any roll calls that he missed today was due entirely to the reason stated. If he could have been present for the taking of the yeas and nays on ordering to a third reading the House Bill relative to the enforcement of the safety belt law (House, No. 2128), he would have voted in the affirmative.

Statement Concerning Representative Canavan of Brockton.

A statement of Mr. DiMasi of Boston concerning Mrs. Canavan of Brockton 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 one of our colleagues, Representative Canavan of Brockton, will not be present in the House Chamber for today's sitting due to a previously scheduled family vacation. Any roll calls that she may miss today or for the next few days will be due entirely to the reason stated.

Statement Concerning Representative Golden of Boston.

A statement of Mr. DiMasi of Boston concerning Mr. Golden of Boston 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 one of our

colleagues, Representative Golden of Boston, will not be present in the House Chamber for today's sitting due to his active duty status with the United States Army. Any roll calls that he may miss today or for the next several weeks will be due entirely to the reason stated.

Statement Concerning Representative Kennedy of Brockton.

A statement of Mr. DiMasi of Boston concerning Mr. Kennedy of Brockton 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 one of our colleagues, Representative Kennedy of Brockton, will not be present in the House Chamber for today's sitting due to his attendance to previously scheduled personal matters. Any roll calls that he may miss today or for the next several days will be due entirely to the reason stated.

Statement of Representative Knuuttila of Gardner.

A statement of Mr. Knuuttila of Gardner 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 will be unable to be present in the House Chamber for the remainder of today's sitting due to official business outside of the State House. Any roll calls that I may miss today will be due entirely to the reason stated.

Statement Concerning Representative Koutoujian of Newton.

A statement of Mr. DiMasi of Boston concerning Mr. Koutoujian of Newton 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 one of our colleagues, Representative Koutoujian of Newton, will not be present in the House Chamber for today's sitting due to participating with his father in an election observation mission in the Republic of Armenia with the Organization for Security and Co-operation in Europe (OSSE). Any roll calls that he may miss today or for the next few days will be due entirely to the reason stated.

Statement Concerning Representative Naughton of Clinton.

A statement of Mr. DiMasi of Boston concerning Mr. Naughton of Clinton 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 one of our colleagues, Representative Naughton of Clinton, will not be present in the House Chamber for today's sitting due to the birth of his son, Eamon Bartholomew Naughton, on Monday. Any roll calls that he may miss today or for the next few days will be due entirely to the reason stated.

Statement Concerning Representative Pignatelli of Lenox.

A statement of Mr. DiMasi of Boston concerning Mr. Pignatelli of Lenox 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 one of our colleagues, Representative Pignatelli of Lenox, will not be present in the House Chamber for today's sitting due to his attendance at the funeral of Sergeant David Nutt, a soldier in the United States Army who lost his life in the line of duty in Iraq. Any roll calls that he may miss today is due entirely to the reason stated.

Statement Concerning Representative Rivera of Springfield.

A statement of Mr. DiMasi of Boston concerning Ms. Rivera of Springfield 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 one of our colleagues, Representative Rivera of Springfield, will not be present in the House Chamber for today's sitting due to a previously scheduled personal commitment outside of the country. Any roll calls that she may miss today or for the next few days will be due entirely to the reason stated.

Statement Concerning Representative Story of Amherst.

A statement of Mr. DiMasi of Boston concerning Ms. Story of Amherst 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 one of our colleagues, Representative Story of Amherst, will not be present in the House Chamber for today's sitting due to circumstances requiring her attendance outside of the Commonwealth. Any roll calls that she may miss today or for the next few days will be due entirely to the reason stated.

Resolutions.

Resolutions (filed with the Clerk by Mr. Connolly of Everett) congratulating Mr. and Mrs. Peter Foti on their sixtieth wedding anniversary, 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. Ruane of Salem, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Mr. Fagan of Taunton presented a petition (accompanied by bill, House, No. 3871) of James H. Fagan (with the approval of the mayor and city council) that the city of Taunton be authorized to re-institute an early retirement incentive program; 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. Fallon of Malden, petition (subject to Joint Rule 12) of Christopher G. Fallon that the

State Retirement Board be authorized to allow Carol Dingle to buy back certain retirement benefits.

By Mr. Rodrigues of Westport, petition (subject to Joint Rule 12) of Michael J. Rodrigues, Joan M. Menard and another relative to notices to notaries public and justices of the peace prior to the expiration of their commissions.

By the same member, petition (subject to Joint Rule 12) of Michael J. Rodrigues and Joan M. Menard for legislation to authorize the Department of Correction to establish a sick leave bank for Emanuel Roque, an employee of said department.

By Mr. Spellane of Worcester, petition (subject to Joint Rule 12) of Robert Spellane, other members of the General Court and others for legislation to establish a registered clinical exercise physiologist licensing board.

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

Reports of Committees.

By Mr. Vallee of Franklin, for the committee on Criminal Justice, on House, No. 2569, a Bill to protect federal transportation funding and strengthen drunk driving law (House, No. 3870).

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. Vallee, 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 Bill designating memorial names to certain bridges and a park in Billerica (House, No. 1036) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading.

Orders of the Day.

House bills

Relative to requests for local audits (House, No. 5);

Regarding the definitions applicable to sections 133A to 133E of Chapter 6 technical changes (House, No. 7);

Regarding discounts for low-income utility customers (House, No. 522);

Relative to radiation exposure records of nuclear power plant workers (House, No. 532);

Authorizing the Superintendent of State Office Buildings to install a plaque in the State House honoring Lt. Frances Y. Slanger (House, No. 619);

Authorizing the town of Topsfield to grant to certain persons special per diem liquor licenses (House, No. 1480);

Authorizing the town of Topsfield to issue a license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 1481);

Authorizing the town of Topsfield to issue a license for the sale of wine and malt beverages to be drunk on the premises (House, No. 1482);

Relative to the timber bulkhead in Oak Bluffs Harbor (House, No. 1596);

Providing for the annual observance of certain civil war infantry regiments days (House, No.

1764);
Establishing October twentieth as Democracy Day (House, No. 1769);
Pertaining to emergency medical services (House, No. 1914);
Relative to the annual observance of International History Month (House, No. 1939);
Providing for life cycle cost estimates to include energy recovery methods (House, No. 2789);
Proclaiming the first week of October as Massachusetts Safe Schools Week (House, No. 2887);
To increase the retaliation penalty and to exclude malicious reporting from such protection under the Disabled Persons Protection Commission pursuant to General Laws Chapter 19C (House, No. 3241); and
Relative to a certain license for the sale of wines and malt beverages in the town of Milford (House, No. 3728);
Severally were read a second time; and they were ordered to a third reading.

House reports

Of the committee on Energy, ought NOT to pass, on the petition (accompanied by bill, House, No. 539) of Vincent A. Pedone, Carol A. Donovan and Matthew C. Patrick relative to distribution by the Department of Public Health of thyroid-blocking agents to cities and towns within a ten mile radius of nuclear power plants; and
Of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 594) of Barry R. Finegold relative to work release programs for certain persons incarcerated in correctional institutions of the Commonwealth; and
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2484) of Paul C. Casey that the Department of Correction be directed to study the efficacy of therapeutic chemical intervention of persons convicted of certain crimes;
Severally were accepted.

Recess.

At eighteen minutes after eleven o'clock A.M., on motion of Mr. Casey of Winchester (Mr. O'Flaherty of Chelsea being in the Chair), the House recessed until twelve o'clock noon; and at seven minutes after twelve o'clock the House was called to order with the Speaker in the Chair.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That a special committee of the House be appointed to escort His Excellency the Governor, Her Honor the Lieutenant-Governor and the Executive Council to the House Chamber for the purpose of administering the oaths of office to Representative-elect Joseph R. Driscoll, Jr., of Braintree.

The Speaker then appointed Representatives O'Flaherty of Chelsea, Eldridge of Acton, Walsh of Lynn, Petersen of Marblehead, L'Italien of Andover, Howland of Freetown, O'Brien of Kingston, Hynes of Marshfield, Poirier of North Attleborough, Patrick of Falmouth, Blumer of Framingham, Parente of Milford, Walrath of Stow and Murphy of Weymouth as the special committee of the House.

Special Communication.

The following communication, together with returns of votes and schedules therein referred to, was received from the Secretary of the Commonwealth, to wit:—

Commonwealth of Massachusetts
Office of the Secretary
State House, Boston 02133

May 28, 2003.

To the Honorable House of Representatives:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the thirteenth day of May, 2003 for Representative in General Court, 5th Norfolk District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,
WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

The communication was read; and, there being no objection, it was placed on file.

Member Qualified.

Soon afterward, under escort of the special committee of the House and the Sergeant-at-Arms, His Excellency the Governor, Mitt Romney, accompanied by Her Honor the Lieutenant-Governor, Kerry Murphy Healy, the Honorable Council and Mr. Driscoll came in; the oaths and affirmation required by the Constitution and laws were administered by His Excellency to the member-elect then present, and were subscribed by him; after which His Excellency declared that the member was duly qualified to enter upon the discharge of his duties.

After brief remarks by Mr. Driscoll, he was assigned seat No. 134 by the Speaker.

His Excellency the Governor, Her Honor the Lieutenant-Governor, and the Honorable Councillors then departed the Chamber under escort of the Sergeant-at-Arms.

Recess.

At twenty minutes before one o'clock P.M., the Speaker declared a recess until one o'clock P.M.; and at eleven minutes after one o'clock the House was called to order with Mr. Rogers of Norwood in the Chair.

Orders of the Day.

The motion of Mr. Rushing of Boston, that the vote be reconsidered by which the House, on

Thursday, May 15, adopted the emergency preamble contained in the engrossed Bill relative to the compensation of certain members of the General Court (see House, No. 3743) was considered.

After debate the motion to reconsider was negatived.

Mrs. Harkins of Needham being in the Chair,—

The House Bill relative to the enforcement of the safety belt law (House, No. 2128) was read a second time.

After debate on the question on ordering the bill to a third reading, Ms. Rogeness of Longmeadow asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins of Needham), 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 142 members were recorded as being in attendance.

[See Yea and Nay No. 111 in Supplement.]

Therefore a quorum was present.

Subsequently a statement of Mr. Costello of Newburyport 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 present in the House Chamber for the taking of the previous roll call due to following portions of the Senate debate on amendments to the General Appropriations Bill.

After further debate on the question on ordering the bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Ms. Gifford of Wareham; and on the roll call 73 members voted in the affirmative and 73 in the negative.

[See Yea and Nay No. 112 in Supplement.]

Therefore the House refused to order the bill to a third reading.

Mr. Kaufman of Lexington then moved that this vote be reconsidered; and, under Rule 54, the motion to reconsider was placed in the Orders of the Day for the next sitting.

Order.

On motion of Mr. Finneran of Boston,—

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

Miss Reinstein of Revere 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 thirteen minutes before four o'clock P.M., (Mrs. Harkins of Needham being in the Chair) the House adjourned, to meet tomorrow at eleven o'clock A.M.
