

JOURNAL OF THE HOUSE.

Friday, June 20, 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: Gracious God, we place our trust and faith in You, Our Creator, and in the wisdom of following Your guidelines for achieving a successful, happy and productive life. Your spiritual gifts enable us to assess current issues more accurately and to read the signs of the times more correctly. In coping with the complexities of legislating wisely, teach us to be open to and aware of the positive and negative legislative experiences of our predecessors as we plan for today and for future generations. We are grateful for Your guidance and assistance which has helped us to respond conscientiously to this session's difficult and limited economic and public policy options and choices. Grant us the patience, goodwill and fortitude to work together in advancing a stable, civil, safe and responsible society.

Bestow Your blessings on 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.

Statement Concerning Representative Atkins of Concord.

A statement of Mrs. Harkins of Needham concerning Ms. Atkins of Concord, 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 Atkins of Concord, is not present in the House Chamber for today's sitting due to a long standing family obligation. Any roll calls that she missed today is due entirely to the reason stated.

Mrs. Harkins then moved that the statement made by her be spread upon the records of the House; and the motion prevailed.

Statement of Representative Callahan of Sutton.

A statement of Ms. Callahan of Sutton 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 unable to be present in the House Chamber for a portion of today's sitting due to being unavoidably detained on my way to the State House. Any roll calls that I may have missed today is due entirely to the reason stated.

Statement Concerning Representative Fox of Boston.

During the session, a statement of Mr. DiMasi of Boston concerning Ms. Fox 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, Ms. Fox of Boston, was unable to be present in the House Chamber for today's

sitting due to a previously scheduled official business commitment outside of the State House. Had she been present for the taking of the yeas and nays on acceptance of the conference committee report and passing to be enacted the General Appropriation Bill for fiscal year 2004. Any roll calls that she may have missed today is due entirely to the reason stated.

Statement Concerning Representative Swan of Springfield.

During the session, a statement of Mr. DiMasi of Springfield concerning Mr. Swan 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, Ms. Swan of Springfield, was unable to be present in the House Chamber for today's sitting due to a previously scheduled official business commitment outside of the State House. Had he been present for the taking of the yeas and nays on acceptance of the conference committee report and passing to be enacted the General Appropriation Bill for fiscal year 2004. Any roll calls that he may have missed today is due entirely to the reason stated.

Resolutions.

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

Resolutions (filed by Mr. Jones of North Reading) congratulating Reverend George Ray on the occasion of his twentieth anniversary at Trinity Evangelical Church;

Resolutions (filed by Mr. Linsky of Natick) congratulating John Leavitt on the occasion of his retirement; and

Resolutions (filed by Mr. Linsky of Natick) congratulating Mike Plugis on receiving the Eagle Award of the Boy Scouts of America;

Mr. DiMasi 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. Linsky, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

The engrossed Bill relative to the compensation of certain members of the General Court (see House, No. 3743) came from the Senate with an amendment in section 1, in the second paragraph, by striking out the second sentence (as engrossed), as follows: "These rules shall specify the amount of additional compensation." and inserting in place thereof the following sentence: "These rules shall specify the amount of additional compensation and shall expire at the end of each general court."

Under suspension of Rule 35, on motion of Mr. Petrolati of Ludlow, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

After remarks the amendment was adopted, in concurrence.

A Bill enhancing the state DNA data base (Senate, No. 187, changed in section 1, in line 5, by striking out the words "one year or more" and inserting in place thereof the word "imprisonment"; and in line 6 by striking out the words "and any delinquent child") (on a

petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Bills

Punishing the failure to report certain fires (Senate, No. 1281) (on a petition);

Requiring the appointment of 2 call or volunteer firefighters on the Massachusetts Fire Training Council (Senate, No. 1291) (on a petition) [Representatives Toomey of Cambridge, Atsalis of Barnstable, Reinstein of Revere and Donelan of Orange, of the committee on Public Safety, dissenting];

Requiring the appointment of a call or volunteer firefighter on the Massachusetts Fire Service Commission (Senate, No. 1292) (on a petition) [Representatives Toomey of Cambridge, Atsalis of Barnstable, Reinstein of Revere and Donelan of Orange, of the committee on Public Safety, dissenting];

Relative to designating a certain square and two highways in the town of Webster (Senate, No. 1889, amended by inserting after section 1 the following 2 sections:—

“SECTION 2. The portion of state highway route 193 from the intersection of Lake street to the intersection of Lake parkway in the town of Webster shall be designated as the ‘Herman Becker Highway’. The department of highways shall erect and maintain a suitable marker bearing the designation in compliance with the standards of the department.

SECTION 3. The portion of state highway route 193 from the border with the state of Connecticut to the intersection of Lake parkway in the town of Webster shall be designated as the ‘William Starzec Highway’. The department of highways shall erect and maintain a suitable marker bearing the designation in compliance with the standards of the department.”) (on a petition);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports

Of the committee on Local Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1152) of Robert L. Hedlund, Paul J.P. Loscocco, Brian P. Lees, Bruce E. Tarr and other members of the General Court for legislation relative to local boards of zoning appeals and low and moderate income housing projects; and

Of the petition (accompanied by bill, House, No. 794) of Michael J. Coppola and other members of the General Court relative to the comprehensive permits issued under municipal zoning laws and by-laws;

Of the petition (accompanied by bill, House, No. 798) of Marie J. Parente relative to comprehensive zoning permits for moderate income housing in cities and towns.

And recommending that the same severally be referred to the committee on Housing and Urban Development.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the Massachusetts Treatment Center, in the town of Bridgewater, was spread upon the records of the House; and returned to the Senate.

A petition (accompanied by bill, Senate, No. 2015) of Thomas M. McGee and Douglas W. Petersen (by vote of the town) for legislation relative to the use of park land in the town of Swampscott for school purposes, was referred, in concurrence, to the committee on State Administration.

Reports of Committees.

By Mr. Bosley of North Adams, for the committee on Government Regulations, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2424) of James H. Fagan relative to the definition of low or moderate income housing,— and recommending that the same be referred to the committee on Housing and Urban Development; and

Of the petition (accompanied by bill, House, No. 3214) of Kathi-Anne Reinstein and Robert A. DeLeo for legislation to regulate the sale and use of paintball game equipment,— and recommending that the same be referred to the committee on Public Safety.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

Emergency Measure.

The engrossed Bill relative to the compensation of certain members of the General Court (see House, No. 3743, 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 24 to 4. 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 Bill.

The engrossed Bill relative to the health insurance of active and retired employees of the town of Plymouth (see House, No. 3848) (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; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The House Bill validating action taken by the Martha's Vineyard Refuse Disposal and Resource Recovery District (House, No. 1539) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Turkington of Falmouth, the bill (having been 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. Sent to the Senate for concurrence.

The House Bill further extending the time for which certain land in Norfolk county may be used as a temporary minimum security alternative correction center (House, No. 1625) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Driscoll of Braintree, the bill (having been 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. Sent to the Senate for concurrence.

The Senate Bill authorizing the town of Milton to issue a license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 420); and

House bills

Regarding county elections for certain vacancies (House, No. 334, changed);

Designating a certain bridge in the town of Canton as the John E. Farrington Bridge (House, No. 661);

Providing for the annual observance of World War II Commemoration Day (House, No. 1201);

Designating a certain bridge in the city of Lowell as the Martin T. "Buster" Meehan Bridge (House, No. 1423, changed);

Relative to the use of the name of financial institutions (House, No. 1623);

Designating the Massachusetts Criminal Justice Training Center in Agawam be known as the Harold F. Skelton Sr. Criminal Justice Training Center in Agawam (House, No. 2157);

To accommodate the patriotic expressions of the citizens of the Commonwealth (House, No. 2527);

Proclaiming April as Armenian-American Heritage Month (House, No. 2695);

Designating the Pegan Cove filter bed property as the "Tony Anniballi Memorial Park at Pegan Cove" (House, No. 3367); and

Designating the bridge on Lowell Street in Methuen Massachusetts the "Patriots Bridge" (House, No. 3472);

Severally were read a second time; and they were ordered to a third reading.

House reports

Of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 596) of Paul K. Frost relative to equipping fire hydrants with markers during certain months of the year;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1179) of Elizabeth Poirier and other members of the House for legislation to protect persons directing traffic;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1542) of Christine E. Canavan, Marc R. Pacheco, William C. Galvin, Robert S. Creedon, Jr., Michael J. Coppola and David L. Flynn relative to excavation and trench safety; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2855) of Stephen Kulik and Andrea F. Nuciforo, Jr., for legislation to further define the term "snow vehicle";

Severally were accepted.

The House report of the committee on Public Safety, ought NOT to pass, on the petition

(accompanied by bill, House, No. 805) of Scott P. Brown, John P. Fresolo, Edward G. Connolly and Martin J. Walsh relative to correctional officers at Massachusetts correctional facilities, was considered.

Pending the question on acceptance of the report, the petition was referred to the committee on Rules, on motion of Mr. Jones of North Reading.

The report (in part) of the committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment of the House Bill making appropriations for the fiscal year 2004 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4004), was considered.

Pending the question on acceptance of the report, Mr. Jones of North Reading 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 140 members were recorded as being in attendance.

[\[See Yea and Nay No. 130 in Supplement.\]](#)

Therefore a quorum was present.

Mr. Jones then moved that further consideration be postponed until Monday next.

After debate on the motion to postpone, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 37 members voted in the affirmative and 117 in the negative.

[\[See Yea and Nay No. 131 in Supplement.\]](#)

Therefore the motion to postpone was negatived.

After debate on the question on acceptance of the report, 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 (Mr. DiMasi of Boston being in the Chair) 118 members voted in the affirmative and 37 in the negative.

[\[See Yea and Nay No. 132 in Supplement.\]](#)

Therefore the report of the committee of conference was accepted. The report then was sent to the Senate for concurrence.

The engrossed Bill relative to group insurance premiums for retired employees of the town of Webster (see House, No. 428, amended), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 3905), was considered.

After remarks, the question on passing the bill, notwithstanding the said objections, was

determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 133 in Supplement.]

Therefore the bill was passed, notwithstanding the objections of His Excellency the Governor (more than two thirds of the members having agreed to pass the same). Sent to the Senate for its action.

Recess.

At three minutes before three o'clock P.M., the Chair (Mr. DiMasi of Boston) declared a recess subject to the call of the Chair; and at eighteen minutes before four o'clock, the House was called to order with Mr. DiMasi in the Chair.

Emergency Measure.

The engrossed Bill making appropriations for the fiscal year 2004 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4004), 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 24 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 put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 119 members voted in the affirmative and 35 in the negative.

[See Yea and Nay No. 134 in Supplement.]

Therefore the bill was passed to be enacted; and it was 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 Tuesday next at eleven o'clock A.M.

Mr. Toomey of Cambridge then moved that as a mark of respect to the memory of Mary T. Concannon, a valued State House employee for over fifty-one years, distinguishing herself in working for such notables as former Governor Edward J. King, former Senate President John E. Powers and former Speaker Thomas W. McGee, the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remain-ing matters in the Orders of the Day, at thirteen minutes after four o'clock P.M. (Mr. DiMasi of Boston being in the Chair), the House adjourned, to meet on Tuesday next at eleven o'clock A.M., in an Informal Session.
