

## **JOURNAL OF THE HOUSE.**

**Monday, June 30, 2003.**

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford 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: Gracious God, we pray and depend upon Your gifts of wisdom and prudence, which enable us to make sound and thoughtful judgments as we take up the items on today's legislative calendar. When our legislative options are limited, as they often are, inspire us to select the right, fair, practical and moral choices which serve the best interests of the people today and in the future. In addressing the often complex and emotional issues of our diverse society, teach us to be factually correct, personally objective and intellectually honest, so that the people and common good are well served. We believe that Your personal concern for our total well-being enables us to remain faithful to You, our commitments, our goals and human and spiritual values.

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

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### **Message from the Governor — Veto.**

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill relative to the compensation of certain members of the General Court [see House, No. 3743, amended] (for message, see House, No. 3930) was filed in the Office of the Clerk on Friday, June 27.

The message was read; and, under House Rule 12, placed in the Orders of the Day for the next session, the question being on passing the bill, notwithstanding the said objections.

### **Messages from the Governor.**

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) relative to validating action taken at the April 26, 2003 annual town election held in the town of Bridgewater (House, No. 3931) was filed in the office of the Clerk on Thursday, June 26.

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

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) relative to validating the actions taken at certain special elections held in the town of Dedham (House, No. 3932) was filed in the office of the Clerk on Thursday, June 26.

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

### **Orders of the Day.**

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) relative to validating action taken at the May 19, 2003 annual town meeting held in the town of Winchendon (House, No. 3933) was filed in the office of the Clerk on Thursday, June 26.

The message was read; and it was referred, on motion of Mr. Knuuttila of Gardner, with the accompanying draft of a bill, to the committee on Rules.

Mr. Scaccia of Boston, for said committee, then reported on the foregoing message, a Bill relative to validating action taken at the May 19, 2003 annual town meeting held in the town of Winchendon (printed in House, No. 3933), which was read.

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

### **Statement Concerning Representative Linsky of Natick.**

A statement of Mr. DiMasi of Boston concerning Mr. Linsky of Natick 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 Linsky of Natick, will not be present in the House Chamber for today's sitting due to a longstanding family commitment. Any roll calls that he may miss today or tomorrow will be due entirely to the reason stated.

### **Statement Concerning Representative Spilka of Ashland.**

A statement of Mr. DiMasi of Boston concerning Ms. Spilka of Ashland 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 Spilka of Ashland, will not be present in the House Chamber for today's sitting due to a family emergency. Any roll calls that she may miss today will be due entirely to the reason stated.

### **Guests of the House.**

During the session, the Speaker declared a brief recess and introduced "Irish" Micky Ward, winner of three New England Golden Gloves titles, two New England Amateur Boxing Federation crowns, as well as the Junior Olympics and Silver Mittens championships, before turning pro in 1985 with a first-round knockout of David Moran. Accompanied by his mother, Alice, his fiancée, Charlene, State Auditor A. Joseph DeNucci, Senate President Travaglini and Senator Panagiotakos, Mr. Ward was the guest of Mr. Nangle of Lowell and the entire Lowell delegation.

During the session, the Speaker declared a brief recess and introduced Eddie Andelman, a noted talk radio personality for 35 years, as well as an active supporter of several local charities. Mr.

Andelman, who has awards as Jimmy Fund Man of the Year, Big Brother Man of the Year and Joey Fund Man of the Year, is credited with creating the Hot Dog Safari, which, in its fourteen years, has helped raise millions of dollars towards Cystic Fibrosis, New York/Boston Unity Fund. Accompanied by “Irish” Micky Ward, State Auditor DeNucci and his son, Danny, Mr. Andelman was the guest of the Speaker.

### **Resolutions.**

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

Resolutions (filed by Mr. Donelan of Orange) celebrating the occasion of the two hundred and fiftieth anniversary of the town of Greenfield;

Resolutions (filed by Ms. Kaprielian of Watertown) honoring Marc M. Boutin; and

Resolutions (filed by Messrs. O’Brien of Kingston and Webster of Hanson) congratulating Charles Gallagher on receiving the Eagle Award of the Boy Scouts of America;

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

### **Order.**

On motion of Mr. DiMasi of Boston,—

Ordered, That, notwithstanding the provisions of the rules, a court officer be assigned to cast votes, except for quorum roll calls, for Representatives Larkin of Pittsfield, Walrath of Stow and Hill of Ipswich during deliberations of the committee of conference on municipal relief.

### **Petitions.**

Petitions severally were presented and referred as follows:

By Mr. Peterson of Grafton, petition (accompanied by bill, House, No. 3935) of George N. Peterson, Jr., and Richard T. Moore (by vote of the town) that the licensing authority of the town of Northbridge be authorized to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises. To the committee on Government Regulations.

By the same member, petition (accompanied by bill, House, No. 3936) of George N. Peterson, Jr., and Guy W. Glodis (by vote of the town) that the town of Grafton be authorized to appoint and use retired police officers for paid police details. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Miss Garry of Dracut, petition (subject to Joint Rule 12) of Colleen M. Garry and Thomas A. Golden, Jr., for legislation to authorize the Department of Correction to establish a sick leave bank for Christopher S. Boumil, an employee of said department.

By Ms. Haddad of Somerset, petition (subject to Joint Rule 12) of Patricia A. Haddad and other members of the General Court for an investigation by a special commission (including members of the General Court) relative to middle level education in the Commonwealth.

By Mr. Kelly of Dalton, petition (subject to Joint Rule 12) of Shaun P. Kelly and Andrea F. Nuciforo, Jr., that the Central Berkshire Regional School District be authorized to convey a certain parcel of land located in the town of Hinsdale, notwithstanding the uniform procurement law.

By Mr. Kennedy of Brockton, petition (subject to Joint Rule 12) of Thomas P. Kennedy, Geraldine Creedon, Christine E. Canavan and Robert S. Creedon, Jr., relative to designating the district courthouse in the city of Brockton as the George N. Covett Courthouse. Severally, under Rule 24, to the committee on Rules.

### **Reports of Committees.**

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 convey an easement in certain land located in the town of Concord (House, No. 1375) ought to pass with an amendment in section 1, in line 6, by inserting after the word “purposes.” the following two sentences: “The consideration to be paid to said division by the entity receiving the benefit of any such easement so conveyed shall be the full and fair market value of said easement as determined by an independent appraisal. The property interest established by the granting of said easement shall revert to the commonwealth should the property described in this act be used for a purpose other than the purpose set forth in this act.”. 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. Atkins of Concord, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (House, No. 1375, amended) was ordered to a third reading.

### **Engrossed Bills.**

Engrossed bills

Designating certain bridges and a park in the town of Billerica (see House, No. 1036); and Validating action taken by the Martha’s Vineyard Refuse Disposal and Resource Recovery District (see House, No. 1539);

(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.**

House bills

Providing for the elimination of the residency requirement for the town administrator of the town of Dedham (House, No. 2012);

Relative to the preliminary elections in the city of Malden in 2003 (House, No. 3740); and

Establishing a sick leave bank for John Nourse, an employee of the Department of Correction (House, No. 3822);

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

The House Bill authorizing the city of Medford to issue additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3865), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Bosley of North Adams moved that it be amended in section 1, in line 8, by striking out the words “a seating capacity of”; and the amendment was adopted.

The bill (House, No. 3865, amended) then was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the city of Brockton’s contributions to the health insurance premiums of its retirees (House, No. 3867), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Kennedy of Brockton moved that it be amended by adding at the end thereof the following section:

“SECTION 2. This act shall take effect upon its passage.”.

The amendment was adopted; and the bill (House, No. 3867, amended) was passed to be engrossed. Sent to the Senate for concurrence.

#### **Recess.**

At twenty-one minutes after eleven o’clock A.M., on motion of Mr. O’Brien of Kingston (Mr. Donato of Medford being in the Chair), the House recessed until one o’clock P.M.; and at twenty-nine minutes after one o’clock the House was called to order with the Speaker in the Chair.

#### **Quorum.**

Mr. Nangle of Lowell 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 153 members were recorded as being in attendance.

**[\[See Yea and Nay No. 135 in Supplement.\]](#)**

Therefore a quorum was present.

#### **Orders of the Day.**

The report of the committee of conference on the disagreeing votes of the two branches with reference to the Senate amendments of the House Bill to protect federal transportation funding and strengthen drunk driving laws (House, No. 3929), was considered.

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. Hynes of Marshfield; and on the roll call 153 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 136 in Supplement.]**

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

**Recess.**

At eight minutes after three o'clock P.M., the Speaker declared a recess subject to the call of the Chair; and at fourteen minutes after four o'clock, the House was called to order with the Speaker in the Chair.

**Emergency Measure.**

The engrossed Bill to protect federal transportation funding and strengthen drunk driving laws (see House, No. 3929), 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.

**Recess.**

At nineteen minutes after four o'clock P.M., the Speaker declared a recess subject to the call of the Chair; and at twenty minutes before five o'clock, the House was called to order with the Speaker in the Chair.

**Message from the Governor — Disapprovals and Reductions in General Appropriation Bill.**

A message from His Excellency the Governor returning with His disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in 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] (for message, see House, No. 4005) was filed this day in the office of the Clerk.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

**Message from the Governor — General Appropriation Bill Returned with  
Recommendations of Amendments.**

A message from His Excellency the Governor returning with recommendations of amendments Sections 19, 39, 117, 185, 361, 453, 596, 698 and 701 contained in 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] (for message, House, No. 4006 – Attachments C to K, inclusive) was filed this day in the office of the Clerk.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the amendments severally were thereupon “before the General Court and subject to amendment and re-enactment”.

Pending the question on adoption of the amendments recommended by the Governor, the subject-matters were referred, in each instance, on motion of Mr. DeLeo of Winthrop, to the committee on Bills in the Third Reading.

**Message from the Governor.**

A message from His Excellency the Governor submitting recommendations for making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3937) 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 Ways and Means.

**Order.**

On motion of Ms. Khan of Newton,—

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

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Mr. Kaufman of Lexington 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 a quarter before five o'clock P.M. (the Speaker being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.

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