

JOURNAL OF THE HOUSE.

Monday, August 25, 2003.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, 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: Eternal God, whose forgiveness and love are always available to receptive minds and hearts, we look to You for direction and guidance as we address our daily responsibilities and opportunities. During these unusual times at home and abroad, our legislative and personal options seem limited, but we believe that Your assistance enables us to select the best, right and ethical choices. In Your goodness grant us patience in dealing with others, vision in planning for the future and courage in making the correct and hard decisions. Teach us to be united in our communities in building a safe, drug and violence free and caring society in which the dignity of each person is recognized and respected. 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 — Disapprovals of Sections of Supplementary Appropriation Bill.

A message from His Excellency the Governor returning with his objections thereto in writing sections 7, 8, 10 and 14 contained in the engrossed Bill making appropriations for the fiscal year 2003 to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 4124] (for message, see House, No. 4127) was filed in the office of the Clerk on Thursday, August 21.

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

Message from the Governor — Section of Supplementary Appropriation Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning section 13 of the engrossed Bill making appropriations for fiscal year 2003 to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 4124] (for message, see House, No. 4128) with recommendation of amendment, was filed in the office of the Clerk on Thursday August 21.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, section 13, printed as a Bill relative to the development of property owned by a political sub-division for nonwater dependent uses (House, No. 4130), was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. DeLeo of Winthrop, to the committee on Bills in the Third Reading.

Said committee then reported asking to be discharged from further consideration of the bill; and the report was accepted.

The amendment recommended by the Governor then was adopted in the following form:

By striking out all after the enacting clause of House document numbered 4130 and inserting in place thereof the following:

“Notwithstanding section 18 of chapter 91 of the General Laws, or any other general or special law to the contrary, a memorandum of understanding between the department and any political subdivision concerning the development or utilization of property owned by that political subdivision for non-water dependent uses and the licensure of any project involving any such property and published in accordance with section 62C of chapter 30 of the General Laws, shall have the full force and effect of law. Any adjudicatory hearing or judicial review concerning a decision of the department to grant or deny a license under this chapter for any project covered by such a duly approved and published memorandum of understanding shall be limited in scope to the question of whether the project meets the criteria and conditions set forth in the memorandum of understanding.

The provisions of this act shall only apply to projects and licenses covered by memorandum of understanding that exist as of the date of enactment and the adjudicatory hearings or judicial reviews concerning licenses issued for any project covered by such memoranda.”.

The bill (House, No. 4130, amended) then was sent to the Senate for its action.

Order.

An Order (filed by Mr. Scaccia of Boston) relative to matters awaiting concurrence that were referred or discharged to the former committees on Local Affairs or Counties, was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia, for the committee on Rules, then reported that the order ought to be adopted.

Under suspension of the rules, on motion of Mr. Ruane of Salem, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Papers from the Senate.

A Bill relative to the election of members of the school committee of the Greater Lowell Regional Vocational School from the city of Lowell (Senate, No. 2069) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, then reported that the foregoing matter be scheduled for consideration by the House.

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

A Bill declaring September 11th as Unity Day (Senate, No. 1636, amended in section 2, in line 5 (as printed), by inserting after the word “as” the words “Unity Day,”; and by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide for declaring September 11 as Unity Day, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A report of the committee on Government Regulations, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2061) of Stephen M. Brewer and other members of the General Court for legislation to provide for better management for the issuance of firearm licenses, and recommending that the same be referred to the committee on Public Safety,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Engrossed Bills.

The engrossed Bill validating the actions taken at certain special elections held in the town of Dedham (see House bill printed in House, No. 3932) (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 (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill providing for the elimination of the residency requirement for the town administrator of the town of Dedham (see House, No. 2012) (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.

Order.

On motion of Mr. Finneran of Boston,—

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

Mr. Humason of Westfield then moved that as a mark of respect to the memory of Richard T. Dolan, a member of the House from Westfield from 1957 to 1960, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty five minutes after eleven o'clock A.M., on motion of Mr. Ruane of Salem (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Wednesday next at eleven o'clock A.M., in an Informal Session.