

## **JOURNAL OF THE HOUSE.**

Monday, April 30, 2001.

Met according to adjournment, at one o'clock P.M., with Mr. Scaccia of Boston 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 and Ever-Present God, we proclaim our dependence upon You and Your assistance which is always available to us, as we begin this critical legislative week. Help us to remain focused not only on our own agenda but also on the present overall and future needs of the people in this changing world. Teach us to learn from past legislative experience as we plan for today and for the future. Inspire us to act thoughtfully and conscientiously in our efforts to meet the expectations of the electorate with our limited resources. Help us to be open to the reasonable and sound suggestions of others as we work together in building a peaceful, compassionate and just society. May the daily needs of those members of our communities who depend upon others for their daily needs and existence remain a top priority for all of us.

Bestow Your blessings on the Speaker, the members and employees of this House and their families. Amen.

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

### *Silent Prayer.*

At the request of the Chair (Mr. Scaccia), the members, guests and employees stood in a moment of silent prayer to the memory of Greg Chan, Stephen Glidden, Melissa Leung and Kayla Rosenberg, students from the Oak Hill Middle School in the city of Newton who died in a bus accident in Canada on Friday.

### *Resolutions.*

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

Resolutions (filed by Mr. Cresta of Wakefield) congratulating Matthew F. Allison on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Cresta of Wakefield) congratulating Brian C. Ross on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Koczera of New Bedford) congratulating Mary Ellen Bergeron on the occasion of her retirement; and

Resolutions (filed by Mr. Vallee of Franklin) honoring Frank P. Geromini;

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. Bosley of North Adams, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Orders.*

Mr. Marini of Hanson offered the following order:

*Ordered*, That, no amendment to the fiscal year 2002 General Appropriation Bill attempting to increase appropriations shall be offered without a corresponding appropriation reduction, revenue increase, or funding source; provided further that any amendment to amend an amendment offered to provide a corresponding appropriation reduction, revenue increase, or funding source shall be deemed within the scope of the main amendment.

After debate on the question on adoption of the order, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 23 members voted in the affirmative and 133 in the negative.

**[See Yea and Nay No. 13 in Supplement.]**

Therefore the order was rejected.

Mr. Rushing of Boston offered the following order:

*Ordered*, That, notwithstanding lines 22 through 28 of Rule 20A (as printed in House order, No. 2002), before the main question on the General Appropriation Bill is placed before the House, an amendment may be postponed at the request of the sponsor of the amendment or the committee on Ways and Means; provided that further consideration of any amendment so postponed shall take place immediately subsequent to consideration of the amendments within the particular subject matter to which the postponed amendment was assigned according to the provisions of paragraph one of said rule; provided that if more than one amendment is so postponed, subsequent consideration of said amendments shall be in the order originally determined by the

committee on Ways and Means; and provided further, an amendment so postponed shall not be subsequently considered outside of its assigned subject matter; and be it further

*Ordered*, That, perfecting or substitute amendments including, but not limited to, amendments consolidating more than one amendment may be submitted during consideration of the subject category to which the amendment or amendments were assigned.

After remarks on the question on adoption of the order, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 156 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 14 in Supplement.]**

Therefore the order was adopted.

*Papers from the Senate.*

Bills

Designating February 14 as congenital heart defect awareness day (Senate, No. 1618) (on House, No. 2993); and

Designating the intersection of state highway routes 3A and 53 in the city of Quincy as the William P. Draicchio Square (Senate, No. 1777, changed by striking out section 2 and inserting in place thereof the following section:

“SECTION 2. The department of highways, in conjunction with the department of public works of the city of Quincy, shall erect at the location suitable markers bearing said designation in compliance with standards of the department of highways. The department of public works of the city of Quincy shall be responsible for the maintenance of the markers.”) (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 Public Service, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1433) of Michael W. Morrissey for legislation relative to group insurance coverage for developmental disorders,— and

recommending that the same be referred to the committee on Insurance.

Of the petition (accompanied by bill, Senate, No. 1329) of Robert S. Creedon, Jr., for legislation relative to dismissal of charges upon failure of a grand jury to present an indictment,— and recommending that the same be referred to the committee on the Judiciary.

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 Bristol County Jail and House of Correction, in the town of Dartmouth, was read for the information of the House; and returned to the Senate.

A petition (accompanied by bill, Senate, No. 1853) of Thomas G. Ambrosino, mayor, Robert E. Travaglini, Kathi-Anne Reinstein and other members of the General Court (with the approval of the mayor and city council) for legislation to authorize the city of Revere to pay a certain sum of money to Noelle Pitten and Virginia Odoardi, was referred, in concurrence, to the committee on Local Affairs.

*Proposals for Legislative Amendments to the Constitution.*

By Mr. Wagner of Chicopee, for the committee on Election Laws, on the petition (accompanied by proposal, Senate, No. 346) of Brian A. Joyce and Emile J. Goguen for a legislative amendment to the Constitution to increase the term of Senators from two to four years,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 346), ought NOT to pass.

By the same member, for the same committee, on the petition (accompanied by proposal, Senate, No. 352) of Richard T. Moore, Brian A. Joyce, Carol A. Donovan, other members of the General Court and another for a legislative amendment to the Constitution to increase the term of the General Court from two to four years,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 352), ought NOT to pass.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 799) of Jay R. Kaufman and other members of the General Court for a legislative amendment to the Constitution relative to a vacancy in the office of Governor or Lieutenant-Governor,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No.

799), ought to pass.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 2880) of Francis L. Marini and other members of the House relative to a vacancy in the office of Governor or Lieutenant-Governor,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 2880), ought to pass.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 3865) of Ronald Lagasse for a legislative amendment to the Constitution to limit the power of repeal by the General Court,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 3865), ought NOT to pass.

By Mr. Dempsey of Haverhill, for the committee on Public Service, on the petition (accompanied by proposal, House, No. 1678) of George Rogers, Joan M. Menard, David B. Sullivan and Edward G. Connolly for a legislative amendment to the Constitution relative to mandatory retirement of judges at age 70,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1678), ought NOT to pass.

Severally read; and placed on file, in accordance with the requirements of said rule.

Under the provisions of Joint Rule 23, the following proposals were placed on file, the time within which the said committees were required to report having expired:—

Of the committee on the Judiciary, ought NOT to pass (under Joint Rule 23):

On the petition (accompanied by proposal, Senate, No. 894) of James J. Carroll for a legislative amendment to the Constitution relative to the tenure of judges;

On the petition (accompanied by proposal, Senate, No. 938) of Rosaire J. Rajotte for a legislative amendment to the Constitution relative to the election of judges;

On the petition (accompanied by proposal, House, No. 293) of Rosaire J. Rajotte for a legislative amendment to the Constitution to increase the terms of office for Senators and Representatives in the General Court from two years to four years;

On the petition (accompanied by proposal, House, No. 1061) of Kathleen M. Teahan and other members of the General Court for a legislative amendment to the Constitution relative to the rights of persons threatened as a result of a commission or attempted commission of certain crimes;

On the petition (accompanied by proposal, House, No. 1429) of Brian Paul Golden and other members of the General Court for a legislative amendment to the Constitution to confirm the authority of the Commonwealth and its political

subdivisions and public instrumentalities to do business with private and religious entities;

On the petition (accompanied by proposal, House, No. 3129) of Paul C. Demakis, David Paul Linsky and Cheryl A. Jacques for a legislative amendment to the Constitution to ensure the right to choose; and

On the petition (accompanied by proposal, House, No. 3357) of Michael P. Cahill for a legislative amendment to the Constitution relative to the tenure of judicial officers; and

Of the committee on Natural Resources and Agriculture, ought NOT to pass (under Joint Rule 23) on the petition (accompanied by proposal, Senate, No. 1062) of Stephen M. Brewer, the Massachusetts Sportsmen's Council, by John Kellstrand, David H. Tuttle and David C. Bunker, Jr., for a legislative amendment to the Constitution to prohibit the use of the Initiative Petition process in matters relating to the taking of fish or wildlife.

*Engrossed Bill.*

The engrossed Bill establishing a capital investment fund in the town of Blackstone (see Senate, No. 1026) (which originated in the Senate), 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.

*Engrossed Bill — Land Taking.*

The engrossed Bill authorizing the town of Mansfield to use certain conservation land for road and bridge purposes (see House bill printed in House, No. 4002) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, 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 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 15 in Supplement.]**

Therefore the bill 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 authorizing the financing and development of a new land records management facility for the Plymouth County Registry of Deeds (House, No. 2477), 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 authorizing the Silver Lake Regional School District to grant an easement (House, No. 3960), 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. O'Brien of Kingston 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. 3960, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill making appropriations for the fiscal year 2002 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. 4100), 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. Marini of Hanson and other members of the House moved that the bill be amended by adding at the end thereof the following section:

“SECTION 39. Chapter 63 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after section 38Q the following new section:—

Section 38R. (a) A corporation subject to tax under this chapter, and that meets the eligibility requirements under this section is entitled to a credit in the amount allowed by this section against the tax imposed under this chapter.

(b) A corporation may claim a credit under this section only for a qualifying expenditure relating to the following: (1) the establishment and operation of a day-care

center to provide care for the children of employees of the corporation or of the corporation and one or more other entities sharing the costs of establishing and operating the center; or (2) the purchase of child-care services that are actually provided to children of employees of the corporation at a day-care center.

(c) A qualifying expenditure includes an expenditure for: (1) planning the day-care center; (2) purchasing and preparing a site to be used for the day-care center; (3) constructing the day-care center; (4) renovating or remodeling a structure to be used for the day-care center; (5) purchasing equipment necessary in the use of the day-care center and installed for permanent use in or immediately adjacent to the day-care center, including kitchen appliances and other food preparation equipment; (6) expanding the day-care center; (7) maintaining and operating the day-care center, including paying direct administration and staff costs; or (8) purchasing all or part of child-care services that are actually provided to children of employees of the corporation at a day-care center.

(d) With respect to a qualifying expenditure with a useful life of more than one year which is disposed of or ceases to be in qualified use prior to the end of the taxable year in which the credit is to be taken, the amount of the credit shall be that portion of the credit provided for in subsection (e) which equals the product of the ratio which the months of qualified use bear to the months of useful life multiplied by the credit provided in subsection (e). If the qualifying expenditure on which credit has been taken is disposed of or ceases to be in qualified use prior to the end of its useful life, the difference between the credit taken and the credit allowed for actual use must be added back as additional taxes due in the year of disposition. The amount of credit allowed for actual use shall be determined by multiplying the credit taken by the ratio which the months of qualified use bear to the months of useful life. For the purposes of this subsection, useful life of property shall be the same as that used by the corporation for depreciation purposes when computing federal income tax liability.

(e) The amount of the credit for the taxable year is equal to: (1) \$100,000; or (2) 50 percent of the corporation's qualifying expenditures, whichever is less.

(f) The credit allowed by this section shall be subject to the provision of section 32C.

(g) In the case of a corporation that is subject to a minimum excise under any provision of this chapter, the amount of the credit allowed by this section shall not reduce the excise to an amount less than such minimum excise.

(h) The Commissioner of Revenue shall promulgate such regulations as are necessary to implement this section, including, but not limited to, regulations relating to the sharing of the cost of establishing and operating a day-care center among two or more corporations.

(i) This section shall apply to the expenditures described in subsection (c) for taxable years beginning on or after [A] January 1, 2001."

After debate Mr. Peterson of Grafton moved that the amendment offered by Mr. Marini and other members of the House be amended by striking by out, at the end thereof [at “A”], the following date: “January 1, 2001” and inserting in place thereof the following date: “January 1, 2002”. The further amendment was adopted.

After remarks Mr. Casey of Winchester moved that the pending amendment be amended by adding at the end thereof the following paragraph:

“Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the department of revenue has furnished a study of their impact on the state’s economy and the revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment, and ancillary economic activity, to the Joint Committee on Taxation, and, without the further approval of the House and Senate committees on Ways and Means.”.

After debate on the question on adoption of the further amendment offered by Mr. Casey, the sense of the House was taken by yeas and nays, at the request of Mr. Marini of Hanson; and on the roll call 132 members voted in the affirmative and 23 in the negative.

**[See Yea and Nay No. 16 in Supplement.]**

Therefore the further amendment was adopted.

After further debate on the question on adoption of the amendment offered by Mr. Marini and other members of the House, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call (Mrs. Harkins of Needham being in the Chair) 131 members voted in the affirmative and 24 in the negative.

**[See Yea and Nay No. 17 in Supplement.]**

Therefore the amendment, as amended, was adopted.

Mr. Marini and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 40. Chapter 63 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting, after section 38Q, the following new section:—

Section 38R. (a) A corporation subject to tax under this chapter, and that meets the eligibility requirements under this section is entitled to a credit in the amount allowed by this section against the tax imposed under this chapter.

(b) There is hereby established an Adopt-A-School program. This program shall allow

a corporation to claim a credit under this section only for a qualifying expenditure relating to the establishment and operation of an Adopt-A-School program. This program unites corporations with schools needing resources the corporation can donate, including mentoring services, equipment or excess supplies. Corporations may provide company or staff services, including bookkeeping, transportation, building repairs, maintenance and professional instruction on computers or other equipment.

(c) The amount of the credit for the taxable year is equal to 25 per cent of the corporation's qualifying expenditures.

(d) The credit allowed by this section shall be subject to the provision of section 32C.

(e) In the case of a corporation that is subject to a minimum excise under any provision of this chapter, the amount of the credit allowed by this section shall not reduce the excise to an amount less than such minimum excise.

(f) The Commissioner of Revenue shall promulgate such regulations as are necessary to implement this section.

(g) This section shall apply to the expenditures described in subsection (b) for taxable years beginning on or after January 1, 2002.”.

After debate on the question on adoption of the amendment, Mr. Marini asked for a count of the House to ascertain if a quorum was present.

The Chair (Ms. 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 153 members were recorded as being in attendance.

**[See Yea and Nay No. 18 in Supplement.]**

Therefore a quorum was present.

On the question on adoption of the amendment offered by Mr. Marini and other members of the House, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 23 members voted in the affirmative and 132 in the negative.

**[See Yea and Nay No. 19 in Supplement.]**

Therefore the amendment was rejected.

Mr. Marini of Hanson and other members of the House moved that the bill be amended by adding at the end thereof the following two sections:

“SECTION 40. Section 5 of chapter 59 of the General Laws, as appearing in the 1998

Official Edition, is hereby amended by striking out in lines 702 and 703 the words “four hundred and thirty-seven dollars and fifty cents” and inserting in place thereof the following:— \$1000.

SECTION 41. Section 5 of chapter 59 of the General Laws is hereby amended by striking out in lines 712 and 713 the words “eighty-seven dollars and fifty cents” and inserting in place thereof the following:— \$650.”.

Mr. Peterson of Grafton and other members of the House moved that the pending amendment be amended by adding at the end thereof the following section:

“SECTION 42. Sections 40 and 41 of this act shall take effect for tax years on or after January 1, 2002.”.

After remarks the further amendment was adopted.

Mr. Casey of Winchester then moved that the amendment offered by Mr. Marini of Hanson and other members of the House be amended by adding at the end thereof the following section:

“SECTION 43. Notwithstanding any special or general law to the contrary, the provisions of sections 40, 41 and 42 shall not take effect until such time as the department of revenue has furnished a study of their impact on the state’s economy and the revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment, and ancillary economic activity, to the Joint Committee on Taxation, and, without the further approval of the House and Senate committees on Ways and Means.”.

After debate on the question on adoption of the further amendment offered by Mr. Casey, the sense of the House was taken by yeas and nays, at the request of Mr. Marini of Hanson; and on the roll call 126 members voted in the affirmative and 29 in the negative.

**[See Yea and Nay No. 20 in Supplement.]**

Therefore the further amendment offered by Mr. Casey of Winchester was adopted.

After remarks on the question on adoption of the amendment offered by Mr. Marini and other members of the House, as amended, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 156 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 21 in Supplement.]**

Therefore the amendment, as amended, was adopted.

Mr. Marini of Hanson and other members of the House moved that the bill be amended by adding at the end thereof the following section:

“SECTION 44. Section 3 of chapter 62 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 106 and 121, the words ‘seven hundred’ and inserting in place thereof, in each instance, the following figure:— 1200.”.

After debate on the question on adoption of the amendment, Mr. Casey of Winchester moved that it be amended by adding at the end thereof the following paragraph:

“Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the department of revenue has furnished a study of their impact on the state’s economy and the revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment, and ancillary economic activity, to the Joint Committee on Taxation, and, without the further approval of the House and Senate committees on Ways and Means.”.

After debate the further amendment was adopted.

On the question on adoption of the amendment offered by Mr. Marini of Hanson and other members of the House, as amended, 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 144 members voted in the affirmative and 12 in the negative.

**[See Yea and Nay No. 22 in Supplement.]**

Therefore the amendment, as amended, was adopted.

Mr. Marini of Hanson and other members of the House moved that the bill be amended by adding at the end thereof the following two sections:

“SECTION 45. Subparagraph (1) of paragraph (b) of Part B of section 3 of chapter 62 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following new clause:—

(D) An additional exemption of \$4,000 if the taxpayer provided more than one-half of the support for an elderly relative who has attained at least the age of seventy provided that the elderly relative resided with the taxpayer for more than eight months of the taxable year.

SECTION 46. Subparagraph (2) of paragraph (b) of Part B of section 3 of chapter 62 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following new clause:—

(D) An additional exemption of \$4,000 if the taxpayer provided more than one-half of

the support for an elderly relative who has attained at least the age of seventy provided that the elderly relative resided with the taxpayer for more than eight months of the taxable year.”.

Pending the question on adoption of the amendment, Mr. Peterson of Grafton and other members of the House moved that the amendment be amended by adding at the end thereof the following section:

“SECTION 47. Sections 45 and 46 of this act shall take effect for tax years on or after January 1, 2002.”.

After debate the further amendment was adopted. The amendment, as amended, then was rejected.

Mr. Marini of Hanson and other members of the House moved that the bill be amended by adding at the end thereof the following section:

“SECTION 45. Paragraph (a) of Part B of section 3 of chapter 62 of the General Laws is hereby amended by adding the following subparagraph:—

(14) Any amounts over and above \$1,200 paid by the taxpayer for expenses incurred for health insurance for the taxpayer, the taxpayer’s spouse, or the taxpayer’s dependents. This calculation shall exclude any amount paid by an employer and not reported as income.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Marini; and on the roll call 23 members voted in the affirmative and 133 in the negative.

**[See Yea and Nay No. 23 in Supplement.]**

Therefore the amendment was rejected.

Mr. Marini of Hanson and other members of the House moved that the bill be amended by adding at the end thereof the following section:

“SECTION 45. Notwithstanding any general or special law to the contrary, regulations adopted by the commissioner of revenue shall implement and be consistent with the following:—

a.) All state personal income tax forms shall contain a check-off box allowing taxpayers to elect, at the option of the taxpayer, the following: I elect to pay 5.85 percent income tax on Part A taxable income and Part B taxable income.

b.) All state personal income tax schedules and instructions booklets shall contain a table providing the tax at various incomes calculated at the voluntary rate of tax of 5.85 percent.

c.) The department of revenue shall maintain a record of the number of taxpayers who choose to elect said rate of tax of 5.85 percent.

d.) The department of revenue shall maintain a record of the amount of revenue collected from taxpayers who have elected to pay the rate of tax of 5.85 percent.”.

The amendment was adopted.

Mr. Marini of Hanson and other members of the House moved that the bill be amended by adding at the end thereof the following section:

“SECTION 46. Chapter 44B of the General Laws is amended by adding after section 7 the following new section:—

Section 7A. In any city or town that does not accept sections 3 to 7, inclusive, the legislative body may establish a separate account to be known as the Voluntary Community Preservation Fund, in accordance with section 7, to deposit any voluntary donations. Any city or town establishing a Voluntary Community Preservation Fund shall provide a voluntary check-off box on property tax bills to allow residents to donate voluntarily up to an additional 3 percent to their property taxes into the fund.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Marini; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 24 in Supplement.]**

Therefore the amendment was adopted.

Mr. Loscocco of Holliston moved that the bill be amended by adding at the end thereof the following sections:

“SECTION 47. Subsection (k) of section 6 of chapter 62 of the General Laws as amended by chapter 127 of the acts of 1999 is amended by striking out the figure “\$375” and inserting in place thereof the following figure:— \$750.

SECTION 48. Chapter 127 of the acts of 1999 is hereby amended by striking out sections 81 and 388.”.

The amendment was rejected.

Ms. Kaprielian of Watertown and other members of the House moved that the bill be amended in section 2, in item 9628-0000, by adding at the end thereof the following: “; and provided further, that the committee shall conduct a study to estimate the number of residents of the commonwealth who buy cigarettes from retailers outside the state; provided further, that the committee shall conduct a study to determine the statistical characteristics of smokers in the commonwealth; provided said study

evaluate the adequacy of ‘minimum markup’ pricing, so-called”.

The amendment was adopted.

At twelve minutes after six o’clock P.M., the Chair (Mrs. Harkins of Needham) declared a recess until the hour of seven o’clock; and at that time the House was called to order with the Speaker in the Chair.

Mr. Marzilli of Arlington and other members of the House moved that the bill be amended by adding at the end thereof the following twelve sections:

“SECTION 47. Section 1 of chapter 62 of the Massachusetts General Laws, as appearing in the 1998 Official Edition, is hereby amended in the first paragraph of subsection (m) by striking the words ‘or Part C’.

SECTION 48. Section 2 of chapter 62, as so appearing, is hereby amended in subsection (b) by striking the words ‘shall be divided into three Parts’ and inserting in place thereof the words ‘shall be divided into two Parts’.

SECTION 49. Said subsection (b) of section 2 of chapter 62 is hereby amended by striking subparagraph (C).

SECTION 50. Said subsection (b) of section 2 of chapter 62 is hereby amended by striking in paragraph (2) the words ‘Massachusetts gross income not included in Part A or Part C gross income,’ and inserting in place thereof the words ‘the remainder of Massachusetts gross income’.

SECTION 51. Said subsection (b) of section 2 of chapter 62 is hereby amended by striking paragraph (3).

SECTION 52. Section 2 of Chapter 62, as so appearing, is hereby amended in subsection (c) by striking paragraph 2 and inserting in place thereof the following new paragraph:—

(2) Losses from the sale or exchange of capital assets, provided that long term losses shall first be applied against long term gains, and that any excess of long term losses shall then be applied against short term gains and short term losses shall first be applied against short term gains, and any excess of short term losses shall then be applied against long term gains.

SECTION 53. Section 2 of Chapter 62, as so appearing, is hereby amended by striking subsection (e).

SECTION 54. Section 2 of Chapter 62, as so appearing, is hereby amended by striking subsection (h).

SECTION 55. Section 2 of Chapter 62, as so appearing, is hereby amended by striking in subsection (1) the words ‘sum of Part A adjusted gross income, Part B adjusted

gross income and Part C adjusted gross income' and inserting in place thereof the words 'sum of Part A adjusted gross income and Part B adjusted gross income'.

SECTION 56. Section 3 of Chapter 62, as so appearing, is hereby amended by striking subsection C.

SECTION 57. Chapter 62, as so appearing, is hereby amended by striking section 4 and inserting in place thereof the following new section:—

Section 4. Residents shall be taxed on their taxable income, non-residents shall be taxed, to the extent specified in section five A on their taxable income, and corporate trusts shall be taxed to the extent specified in section eight on their taxable income, as follows:

- (a) Part A and Part B taxable income shall be taxed at the rate of 5.60 percent.
- (b) Part A and Part B taxable income shall be taxed at the rate of 5.30 percent.
- (c) Part A and part B taxable income shall be taxed at the rate of 5.00 percent.

SECTION 58. Subsection (a) of section 4 of chapter 62 shall be applicable to the tax year beginning on January 1, 2001; subsection (b) of said section 4 shall be applicable to the tax year beginning on January 1, 2002; subsection (c) of section 4 shall be applicable to the tax year beginning on January 1, 2003.”

Pending the question on adoption of the amendment, the same member 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 137 members were recorded as being in attendance.

**[See Yea and Nay No. 25 in Supplement.]**

Therefore a quorum was present.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mrs. Paulsen of Belmont; and on the roll call (Ms. Lewis of Dedham being in the Chair) 43 members voted in the affirmative and 112 in the negative.

**[See Yea and Nay No. 26 in Supplement.]**

Therefore the amendment was rejected.

Mr. Frost of Auburn then moved that the bill be amended by adding at the end thereof

the following section:

“SECTION 47. Chapter 60A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding after section 1 the following section:—

Section 1B. The excise imposed by this chapter shall not apply to motor vehicles owned and registered by a 100% disabled United States veteran, who according to the records of the United States Veterans Administration, by reason of service in the armed forces of the United States, is receiving a 100% disability allowance from said veterans administration. This section shall take effect upon its acceptance by any city or town.”.

After debate the amendment was rejected.

*Recess.*

At a quarter after eight o'clock P.M. (Monday, April 30), on motion of Mr. Tirone of Amesbury (Ms. Lewis of Dedham being in the Chair), the House recessed until the hour of ten o'clock A.M. on Tuesday, May 1; and at that time, the House was called to order with Mr. DiMasi of Boston in the Chair.

**Tuesday, May 1, 2001 (at 10:00 o'clock A.M.).**

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, our Creator, we take a moment to clean our minds of the legislative issues on today's calendar and to focus our thoughts and attention on You and spiritual values. We believe that Your gifts of wisdom, patience and prudence help us to make those sound judgements and wise decisions which are necessary to promote the well-being of people and the common good of the Commonwealth. Teach us to accept our legislative successes with gratitude, our disappointments with resignation and our disagreements and vision of the future with respect. Inspire us to remain constant in our commitment to our families, to sound philosophical and religious principles and our own religious beliefs. Grant us the courage to stand firmly for those issues which are right, fair and ethical.

Bestow Your blessings on the Speaker, the members, guests and employees of this House and their families. Amen.

At the request of the Chair (Mr. DiMasi), the members, guests and employees joined

with him in reciting the pledge of allegiance to the flag.

*Statement of Representative Murphy of Lowell.*

During consideration of the Orders of the Day, Mr. Murphy of Lowell asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's sitting due to a family medical concern. Any roll calls that I may miss today will be due entirely to the reason stated.

Mr. Murphy then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.

*Orders of the Day.*

The House Bill making appropriations for the fiscal year 2002 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. 4100, amended) was considered, the main question being on passing it to be engrossed.

Mr. Rogers of Norwood then moved that the bill be amended in section 2, in item 0920-0300, by adding at the end thereof the following: “; provided further, that the Office shall receive funding of not less than \$10,000,000.00, to be allocated and expended on costs associated with the implementation of the ‘Clean Elections’ law, so-called. Said sum shall be transferred to this item from the following sources:

Item 0640-0000 \$1,000,000.00

Item 0640-0005 \$1,000,000.00

Item 0640-0300 \$5,000,000.00

Item 0910-0200 \$500,000.00

Item 2443-2000 \$1,000,000.00

Item 8900-0011 \$1,000,000.00

Item 9743-0000 \$250,000.00

Item 9748-0000 \$250,000.00”;

by inserting after said item 0920-0300 the following item:

“0920-0302 For the funding of the Massachusetts Clean Elections Fund established by section 42 of chapter 10 of the General Laws for funding the requirements established pursuant to chapter 55A of the General Laws, provided however that not later than 10 days after the enactment of this act the comptroller shall, without further appropriation, transfer \$10,000,000 from the General Fund to the Massachusetts Clean Elections Fund, established by section 42 of chapter 10 of the General Laws, for funding the requirements established pursuant to chapter 55A of the General Laws for public financing of elections for members of the general court, councilors, and constitutional officers and provided further that distributions from the Massachusetts Clean Elections Fund to certified candidates by the director of the Office for Campaign and Political Finance shall

be made without further appropriation 10,000,000”;

in item 0929-0300 by striking out the figures: “1,089,292” and inserting in place thereof the figures: “1,455,686”; and by inserting after section 15 the following section:

“SECTION 15A. Section 6C of chapter 62 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the word ‘dollar’ in line 2, and inserting in place thereof the following:— to 100 dollars.”.

Pending the question on adoption of the amendments, Mr. Wagner of Chicopee and other members of the House moved that the pending amendments be amended by striking out the text contained therein and inserting in place thereof the following:

In section 2 by inserting after item 0920-0300 the following item:

“0920-0302 For the implementation of chapter 55A of the General Laws during the 2002 state election cycle to provide public financing of political candidates certified by the director of the Office of Campaign and Political Finance; provided, said spending shall not cause the Massachusetts Clean Elections Fund, so-called, established by section 42 of chapter 10 of the General Laws to be in deficit at any point during the fiscal year; provided further, that said director shall submit a report describing the number of participating and non-participating candidates for each race, the number and amount of each disbursement, and the number and amount of each expenditure made by each candidate, to the House and Senate Committees on Ways and Means and the Joint Committee on Election Laws no later than

April 1, 2002 32,000,000

Clean Elections Fund 100.0%”;

and by adding at the end thereof the following section:

“SECTION 47. Section 6C of chapter 62 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking said section and inserting the following:—

Section 6C. Every individual who files a separate return may voluntarily contribute one dollar to be paid over to the Massachusetts Clean Elections Fund, established by section forty-two of chapter ten. In the case of a joint return of husband and wife, each spouse may voluntarily contribute one dollar to said fund. A credit in the full amount of any contribution under this paragraph shall be allowed against the tax imposed by this chapter; provided, that for any such return no such credit shall exceed the income tax liability for any taxable year.

Every individual who files a separate return may, in addition to the provisions of the preceding paragraph, voluntarily contribute up to \$100 of any refund to which they are entitled, or may voluntarily add an amount up to \$100 onto any amount due, up to one hundred dollars per year to be paid over to the Massachusetts Clean Elections Fund, so-called, established by section forty-two of chapter ten. In the case of a joint return of husband and wife, each spouse may voluntarily contribute one hundred dollars to said fund.

A contribution made under this section may be made with respect to any taxable year at the time of filing the return of the tax imposed by this chapter for such taxable year; provided, however, that the commissioner shall prescribe the manner in which such contribution shall be made on the face of the return required by section five of chapter sixty-two C.

The provisions of this section shall apply only to residents required to file a return under this chapter.

For purposes of this section the words ‘income tax liability for any taxable year’ shall mean the amount of tax imposed by this chapter reduced by sum of the credits allowed by clause (a) of section six.”.

Pending the question on adoption of the further amendments (Mr. DiMasi of Boston being in the Chair), Mr. Cahill of Beverly asked for a count of the House to ascertain if a quorum was in attendance. A count showed that 93 members were in attendance.

After debate on the question on adoption of the further amendments, at twenty-six minutes after twelve o’clock noon (Tuesday, May 1), on motion of Mr. Petrolati of Ludlow (Mr. DiMasi of Boston being in the Chair), the House recessed until half past one o’clock P.M.; and at twenty-seven minutes before two o’clock the House was called to order with Mr. DiMasi in the Chair.

After further debate on the question on adoption of the further amendments, Mr. Marini of Hanson asked for a count of the House to ascertain if a quorum was present.

The Chair (Mr. DiMasi of Boston), 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 155 members were recorded as being in attendance.

**[See Yea and Nay No. 27 in Supplement.]**

Therefore a quorum was present.

After remarks on the question on adoption of the further amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Wagner of Chicopee; and on the roll call 96 members voted in the affirmative and 59 in the negative.

**[See Yea and Nay No. 28 in Supplement.]**

Therefore the further amendments were adopted, thus precluding a vote on the pending amendments.

Mr. Vallee of Franklin then moved that the bill be amended in section 2, in item 1100-1400, in line 2, by inserting after the word “telecommunications” the following: “also known as Mass Interaction”; and the amendment was adopted.

Mr. Lepper of Attleboro and other members of the House moved that the bill be amended in section 2, in item 1102-3210, in line 11, by inserting after the word “quarter;” the following: “provided further that not less than \$50,000 shall be expended for a study to determine the feasibility of expanding the presence of Bristol Community College in the city of Attleboro; and provided further, that said study shall include but not be limited to, the feasibility of leasing space on the Texas Instruments campus, so-called, and an evaluation of the costs associated with renovations, design and any other costs associated with making any leased space appropriate for classroom instruction;”. The amendment was adopted.

Mr. Scaccia of Boston being in the Chair,— Mrs. Parente of Milford moved that the bill be amended in section 2, in item 1120-4005, in line 8, by striking out the following: “; and provided further, that \$35,000 be expended to process and digitize newly received documents”; and the amendment was rejected.

Mr. Kulik of Worthington then moved that the bill be amended in section 2 by inserting after item 1100-1703 the following item:

“1100-1704 For the purposes of administering a citizen advocacy program in the Commonwealth 150,000”.

The amendment was rejected.

Mr. Sullivan of Fall River then moved that the bill be amended in section 2 by

inserting after item 9634-6000 the following item:

“9636-0000 To fund the Legislative Service Bureau 396,096”.

The amendment was rejected.

Mr. Santiago of Lawrence then moved that the bill be amended in section 2, in item 1108-1011, by striking out the figures “586,000” and inserting in place thereof the figures “618,445”; and the amendment was rejected.

Mr. Caron of Springfield then moved that the bill be amended in section 2, in item 1750-0200, by striking out the figures “1,173,816” and inserting in place thereof the figures “1,550,046”; and the amendment was rejected.

Mr. Honan of Boston then moved that the bill be amended in section 2, in item 1599-0006, by striking out the figures “1,721,106” and inserting in place thereof the figures “2,194,103”; and the amendment was adopted.

Mr. Toomey of Cambridge and other members of the House moved that the bill be amended in section 2, in item 1201-0300, by striking out the figures “3,347,916” and inserting in place thereof the figures “5,100,000”. The amendment was rejected.

Mr. Donnelly of Boston then moved that the bill be amended in section 2, in item 2440-0010, by adding at the end thereof the words “regarding the funding of certain capital projects”; and the amendment was rejected.

Messrs. Wagner of Chicopee and Petrolati of Ludlow moved that the bill be amended in section 2, in item 1102-3206, by adding at the end thereof the following: “; and provided further, that not more than \$300,000 shall be expended for the purchase and site improvements of 62 Market Street, so called in the city of Chicopee for the purpose of increasing parking spaces at the Chicopee District Court”, and in said item by striking out the figures “1,013,685” and inserting in place thereof the figures: “1,313,685”; and in item 1775-0100 by striking out the figures “3,279,006” and inserting in place thereof the figures “3,079,006”. The amendments were adopted.

Mr. O’Brien of Kingston then moved that the bill be amended in section 2 by inserting after item 1599-0006 the following item:

“1599-0009 For the payment of interest and principal bonds of the commonwealth or notes in anticipation thereof issued under the authority of section 11

of chapter 152 of the acts of 1997 7,000,000

Boston Convention and

Exhibition Center

Fund 100.0%”.

Mr. Marini of Hanson and other members of the House moved that the pending amendment be amended by adding at the end thereof the following: “; and provided further, that no further money shall be expended on the Boston Convention Center Authority until final approval is granted for the construction of runway 14-32 at Logan International Airport”.

Mr. Marzilli of Arlington thereupon raised a point of order that the further amendment went beyond the scope of the pending amendment offered by Mr. O’Brien.

The Chair (Mr. Scaccia of Boston) stated that the point of order was well taken; and the further amendment was laid aside accordingly.

Mr. Marini thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Peterson of Grafton.

The question was then put: “Shall the decision of the Chair stand as the judgment of the House?”; and after debate the decision of the Chair was sustained.

On the amendment offered by Mr. O’Brien of Kingston, the sense of the House was taken by yeas and nays, at the request of Mr. Marini of Hanson; and on the roll call 126 members voted in the affirmative and 25 in the negative.

**[See Yea and Nay No. 29 in Supplement.]**

Therefore the amendment was adopted.

At the hour of six o’clock P.M., the Chair (Mr. Scaccia of Boston) declared a recess until a quarter before seven o’clock; and at seven minutes after seven o’clock the House was called to order with Mr. Scaccia in the Chair.

Mr. Straus of Mattapoisett and other members of the House moved that the bill be amended in section 2, in item 1108-5200, by adding at the end thereof the following: “provided however that any Massachusetts residents who suffer from chronic conditions requiring maintenance prescription drugs or prescription medical appliances for use during consecutive periods of 90 days or longer may purchase outpatient prescription drugs or prescription medical appliances from retail pharmacies and/or entities participating in the commission’s pharmacy carve-out program at the program’s prices plus a reasonable filling fee. The commission may establish procedures for the identification of eligible beneficiaries under this sentence and provide for the issuance of appropriate enrollment cards for an individual annual fee of no more than seven dollars”.

Pending the question on adoption of the amendment, Mr. Rogers of Norwood moved that the amendment offered by Mr. Straus, et als, be amended by adding at the end thereof the following: “; provided further, that no person shall purchase any such maintenance prescription drug or prescription medical appliance at the price negotiated

by said commission unless said commission and the executive office of elder affairs certify in writing on or before 12/31/01 to the house committee on ways and means and said committee approves of said certification, that extension of the commission's negotiated price for said drugs or medical appliances to non-enrollees would not adversely affect the cost, participation rates or integrity of: (i) the current pharmacy benefits available to enrollees of the commission, or (ii) the prescription advantage plan, established pursuant to section 39 of chapter 19A as amended by section 8 of this act". The further amendment was adopted.

The amendment offered by Mr. Straus of Mattapoisett, et als, as amended, then also was adopted.

Mr. Straus of Mattapoisett then moved that the bill be amended in section 2, in item 1100-1103, by striking out the figures "494,973" and inserting in place thereof the figures "588,030"; and the amendment was rejected.

Mr. Marzilli of Arlington and other members of the House then moved that the bill be amended in section 2, in item 0900-0100, by striking out the figures "1,473,550" and inserting in place thereof the figures "1,637,145"; and the amendment was rejected.

Mr. Koczera of New Bedford then moved that the bill be amended in section 2, in item 1599-0093, by adding at the end thereof the following: "; provided further, that notwithstanding the provisions of any general or special law to the contrary, the water pollution abatement trust board is hereby directed to leverage funds in the water pollution abatement trust for disbursement to finance projects authorized pursuant to chapter 29C of the General Laws on the basis of a three-to-one ratio; provided further, that if in the opinion of the state treasurer, such three-to-one leveraging is not feasible, the proceeding provisions shall not apply; and provided further, that the treasurer shall notify the secretary of administration and finance, the house and senate committees on ways and means, the commissioner of the department of environmental protection, and the joint committee on natural resources upon making any such determination". The amendment was adopted.

Mr. Wagner of Chicopee and other members of the House then moved that the bill be amended in section 10, in line 18, by inserting after the word "called" the following: ", and the Chicopee Valley Aqueduct Redundancy Project"; and the amendment was rejected.

Mr. Marini of Hanson and other members of the House then moved that the bill be amended in section 2 by striking out item 0611-5500 and inserting in place thereof the following item:

"0611-5500 For additional assistance to cities and towns to be distributed according to the provisions of section 3 and for assistance to certain public entities of the commonwealth which have constructed water pollution abatement facilities; provided, that said distribution to said public

entities shall equal \$1,249,948 485,046,828

Local Aid Fund 98.46%

Tax Reduction Fund 1.54%”;

and in section 3 by striking out the entire allocation to cities and towns and the total for that allocation in the column titled:

**“0611-5500**

**Additional**

**Assistance”**

and inserting in place thereof for each city and town the following allocation and total:

“ABINGTON 60,661

ACTON 37,368

ACUSHNET 30,043

ADAMS 44,096

AGAWAM 116,894

ALFORD 1,657

AMESBURY 68,324

AMHERST 280,503

ANDOVER 129,782

AQUINNAH 1,429

ARLINGTON 5,652,310

ASHBURNHAM 23,035

ASHBY 11,816

ASHFIELD 7,476

ASHLAND 366,937

ATHOL 5,507

ATTLEBORO 174,726  
AUBURN 66,043  
AVON 504,148  
AYER 55,642  
BARNSTABLE 198,620  
BARRE 21,236  
BECKET 10,797  
BEDFORD 609,391  
BELCHERTOWN 53,861  
BELLINGHAM 63,605  
BELMONT 1,041,278  
BERKLEY 23,878  
BERLIN 9,885  
BERNARDSTON 8,951  
BEVERLY 3,086,077  
BILLERICA 2,956,313  
BLACKSTONE 36,567  
BLANDFORD 5,042  
BOLTON 17,228  
BOSTON 206,638,214  
BOURNE 443,645  
BOXBOROUGH 20,219  
BOXFORD 45,818  
BOYLSTON 16,647  
BRAintree 4,250,822

BREWSTER 41,925  
BRIDGEWATER 104,604  
BRIMFIELD 13,868  
BROCKTON 5,424,063  
BROOKFIELD 12,672  
BROOKLINE 4,401,448  
BUCKLAND 8,269  
BURLINGTON 1,744,603  
CAMBRIDGE 22,595,349  
CANTON 1,104,851  
CARLISLE 18,534  
CARVER 46,365  
CHARLEMONT 5,640  
CHARLTON 46,780  
CHATHAM 27,516  
CHELMSFORD 3,190,395  
CHELSEA 4,274,507  
CHESHIRE 14,126  
CHESTER 5,433  
CHESTERFIELD 4,988  
CHICOPEE 1,504,526  
CHILMARK 3,501  
CLARKSBURG 16,502  
CLINTON 220,865  
COHASSET 209,013

COLRAIN 7,530  
CONCORD 483,163  
CONWAY 7,514  
CUMMINGTON 4,062  
DALTON 28,625  
DANVERS 1,408,080  
DARTMOUTH 127,368  
DEDHAM 1,950,847  
DEERFIELD 19,729  
DENNIS 66,342  
DIGHTON 25,647  
DOUGLAS 29,261  
DOVER 23,085  
DRACUT 118,630  
DUDLEY 41,684  
DUNSTABLE 37,846  
DUXBURY 59,178  
EAST  
BRIDGEWATER 53,886  
EAST  
BROOKFIELD 8,710  
EAST  
LONGMEADOW 58,563  
EASTHAM 22,649  
EASTHAMPTON 137,004

EASTON 92,617  
EDGARTOWN 35,873  
EGREMONT 5,586  
ERVING 16,548  
ESSEX 42,569  
EVERETT 5,139,628  
FAIRHAVEN 492,569  
FALL RIVER 2,882,862  
FALMOUTH 135,650  
FITCHBURG 270,312  
FLORIDA 2,808  
FOXBOROUGH 67,476  
FRAMINGHAM 5,911,189  
FRANKLIN 122,775  
FREETOWN 35,188  
GARDNER 151,944  
GEORGETOWN 66,691  
GILL 5,661  
GLOUCESTER 2,419,911  
GOSHEN 3,825  
GOSNOLD 2,469  
GRAFTON 61,861  
GRANBY 25,469  
GRANVILLE 6,317  
GREAT

BARRINGTON 31,263  
GREENFIELD 75,459  
GROTON 39,653  
GROVELAND 25,078  
HADLEY 174,084  
HALIFAX 31,151  
HAMILTON 53,967  
HAMPDEN 21,477  
HANCOCK 22,195  
HANOVER 1,669,092  
HANSON 39,437  
HARDWICK 4,062  
HARVARD 69,324  
HARWICH 51,444  
HATFIELD 13,494  
HAVERHILL 3,149,881  
HAWLEY 16,264  
HEATH 3,343  
HINGHAM 420,485  
HINSDALE 7,775  
HOLBROOK 5,987  
HOLDEN 64,880  
HOLLAND 9,997  
HOLLISTON 518,826  
HOLYOKE 763,384

HOPEDALE 24,534  
HOPKINTON 151,365  
HUBBARDSTON 16,236  
HUDSON 75,231  
HULL 1,747,307  
HUNTINGTON 9,030  
IPSWICH 975,780  
KINGSTON 48,927  
LAKEVILLE 40,791  
LANCASTER 30,652  
LANESBOROUGH 12,419  
LAWRENCE 239,970  
LEE 24,858  
LEICESTER 43,490  
LENOX 90,787  
LEOMINSTER 14,714  
LEVERETT 6,907  
LEXINGTON 126,077  
LEYDEN 3,206  
LINCOLN 367,459  
LITTLETON 207,535  
LONGMEADOW 64,930  
LOWELL 7,978,998  
LUDLOW 88,090  
LUNENBURG 39,046

LYNN 11,926,220  
LYNNFIELD 455,892  
MALDEN 7,030,168  
MANCHESTER 21,714  
MANSFIELD 912,368  
MARBLEHEAD 49,583  
MARION 21,278  
MARLBOROUGH 3,433,241  
MARSHFIELD 255,142  
MASHPEE 53,770  
MATTAPOISETT 26,034  
MAYNARD 738,519  
MEDFIELD 937,000  
MEDFORD 8,094,393  
MEDWAY 235,317  
MELROSE 3,402,865  
MENDON 21,955  
MERRIMAC 25,494  
METHUEN 205,147  
MIDDLEBOROUGH 82,823  
MIDDLEFIELD 2,251  
MIDDLETON 159,272  
MILFORD 111,307  
MILLBURY 53,097  
MILLIS 403,862

MILLVILLE 11,314  
MILTON 1,566,851  
MONROE 17,526  
MONSON 34,718  
MONTAGUE 35,258  
MONTEREY 15,777  
MONTGOMERY 2,716  
MOUNT  
WASHINGTON 41,886  
NAHANT 157,791  
NANTUCKET 39,540  
NATICK 2,444,348  
NEEDHAM 259,216  
NEW ASHFORD 9,203  
NEW BEDFORD 901,313  
NEW BRAINTREE 3,850  
NEW  
MARLBOROUGH 6,205  
NEW SALEM 3,859  
NEWBURY 27,898  
NEWBURYPORT 1,736,621  
NEWTON 1,732,789  
NORFOLK 43,445  
NORTH ADAMS 233,872  
NORTH ANDOVER 151,695

NORTH

ATTLEBOROUGH 112,736

NORTH

BROOKFIELD 19,450

NORTH READING 1,189,787

NORTHAMPTON 727,239

NORTHBOROUGH 76,900

NORTHBRIDGE 3,865

NORTHFIELD 12,257

NORTON 74,911

NORWELL 680,878

NORWOOD 3,354,660

OAK BLUFFS 15,422

OAKHAM 6,949

ORANGE 2,661

ORLEANS 26,337

OTIS 5,669

OXFORD 55,456

PALMER 51,905

PAXTON 18,217

PEABODY 3,951,625

PELHAM 5,827

PEMBROKE 70,305

PEPPERELL 46,277

PERU 3,410

PETERSHAM 4,901  
PHILLIPSTON 5,519  
PITTSFIELD 1,107,722  
PLAINFIELD 2,446  
PLAINVILLE 31,911  
PLYMOUTH 214,735  
PLYMPTON 10,953  
PRINCETON 13,926  
PROVINCETOWN 27,912  
QUINCY 14,555,556  
RANDOLPH 2,297,597  
RAYNHAM 48,757  
READING 1,931,472  
REHOBOTH 42,248  
REVERE 6,712,698  
RICHMOND 6,662  
ROCHESTER 19,027  
ROCKLAND 496,221  
ROCKPORT 32,260  
ROWE 1,458  
ROWLEY 143,746  
ROYALSTON 5,208  
RUSSELL 6,882  
RUTLAND 26,387  
SALEM 4,151,021

SALISBURY 32,509  
SANDSFIELD 3,422  
SANDWICH 111,247  
SAUGUS 2,245,040  
SAVOY 17,367  
SCITUATE 1,101,119  
SEEKONK 55,760  
SHARON 78,642  
SHEFFIELD 15,023  
SHELBURNE 8,548  
SHERBORN 26,364  
SHIRLEY 233,500  
SHREWSBURY 376,077  
SHUTESBURY 7,518  
SOMERSET 75,733  
SOMERVILLE 20,410,649  
SOUTH HADLEY 25,437  
SOUTHAMPTON 22,374  
SOUTHBOROUGH 36,471  
SOUTHBRIDGE 71,497  
SOUTHWICK 36,695  
SPENCER 48,558  
SPRINGFIELD 2,302,181  
STERLING 30,141  
STOCKBRIDGE 9,453

STONEHAM 2,553,177  
STOUGHTON 129,781  
STOW 8,776  
STURBRIDGE 32,550  
SUDBURY 807,321  
SUNDERLAND 15,687  
SUTTON 34,266  
SWAMPSCOTT 443,359  
SWANSEA 66,043  
TAUNTON 232,491  
TEMPLETON 28,239  
TEWKSBURY 119,830  
TISBURY 15,596  
TOLLAND 12,413  
TOPSFIELD 318,725  
TOWNSEND 38,203  
TRURO 8,668  
TYNGSBOROUGH 46,024  
TYRINGHAM 1,454  
UPTON 23,434  
UXBRIDGE 46,335  
WAKEFIELD 1,809,635  
WALES 7,214  
WALPOLE 1,112,115  
WALTHAM 6,869,270

WARE 19,199  
WAREHAM 84,460  
WARREN 19,837  
WARWICK 36,354  
WASHINGTON 29,889  
WATERTOWN 5,571,114  
WAYLAND 352,813  
WEBSTER 78,026  
WELLESLEY 121,858  
WELLFLEET 11,418  
WENDELL 32,131  
WENHAM 175,913  
WEST BOYLSTON 85,259  
WEST BRIDGEWATER 59,411  
WEST BROOKFIELD 15,800  
WEST NEWBURY 17,232  
WEST SPRINGFIELD 115,876  
WEST STOCKBRIDGE 5,881  
WEST TISBURY 229,569  
WESTBOROUGH 182,536  
WESTFIELD 166,435  
WESTFORD 1,126,887  
WESTHAMPTON 6,097  
WESTMINSTER 28,688  
WESTON 47,635

WESTPORT 58,908  
WESTWOOD 45,632  
WEYMOUTH 3,050,391  
WHATELY 6,533  
WHITMAN 57,658  
WILBRAHAM 55,959  
WILLIAMSBURG 10,080  
WILLIAMSTOWN 34,988  
WILMINGTON 1,578,564  
WINCHENDON 31,919  
WINCHESTER 433,387  
WINDSOR 35,260  
WINTHROP 2,878,558  
WOBURN 4,513,710  
WORCESTER 14,860,192  
WORTHINGTON 5,275  
WRENTHAM 43,835  
YARMOUTH 103,034

**Total 483,796,880**

Pending the question on adoption of the amendments, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present.

The Chair (Mr. Scaccia of Boston), 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. 30 in Supplement.]**

Therefore a quorum was present.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Ms. Rogeness of Longmeadow; and on the roll call 32 members voted in the affirmative and 120 in the negative.

**[See Yea and Nay No. 31 in Supplement.]**

Therefore the amendments were rejected.

Mr. Merrigan of Greenfield then moved that the bill be amended in section 2, in item 7505-0100, by adding at the end thereof the following: “; and provided further, that \$75,000 shall be obligated for the design and construction of a mobile TEME simulator for middle school missions”; and in said item by striking out the figures “9,472,411” and inserting in place thereof the figures “9,547,411”. The amendments were rejected.

Mr. Sullivan of Fall River then moved that the bill be amended in section 2, in item 7503-0100, by adding at the end thereof the words “for the Medical Assistant Program”; and the amendment was adopted.

Mr. Atsalis of Barnstable then moved that the bill be amended in section 2, in item 7504-0100, by striking out the figures “11,582,528” and inserting in place thereof the figures “11,605,454”; and the amendment was rejected.

Ms. Story of Amherst and other members of the House moved that the bill be amended in section 2, in item 7100-0500, by striking out the figures “1,750,000” and inserting in place thereof the figures “2,800,000”; and the amendment was rejected.

Ms. Story and other members of the House moved that the bill be amended in section 2, in item 7100-0200, by striking out the figures “488,656,501” and inserting in place thereof the figures “502,835,699”; and the amendment was rejected.

Mr. Kulik of Worthington then moved that the bill be amended in section 2, in item 7100-0200, in line 21, by inserting after the word “Amherst” the following: “; provided further, that not less than \$621,000 shall be expended for the Massachusetts Institute for Social and Economic Research at Amherst to manage the United States census data and provide population estimates and projections and for the evaluation of the commonwealth’s eligibility for federal grant programs and for the application for, and acquisition of, any grants made under such programs, and for the marketing and sale of publications and services, to public and private entities provided by said Institute”; and in said item by striking out the figures “488,656,501” and inserting in place thereof the figures “489,277,501”. The amendments were rejected.

The same member then moved that the bill be amended in section 2, in item 7066-0100, in lines 14, 15 and 16, by striking out the following: “; provided further that no funds shall be expended from this item for the Massachusetts Institute for Social and

Economic Research at Amherst”; and the amendment was rejected.

Mr. Larkin of Pittsfield then moved that the bill be amended in section 2, in item 7109-0100, by striking out the figures “33,884,620” and inserting in place thereof the figures “34,990,778”;

In item 7110-0100, by striking out the figures “25,671,095” and inserting in place thereof the figures “26,291,634”;

In item 7112-0100, by striking out the figures “21,384,821” and inserting in place thereof the figures “22,423,569”;

In item 7113-0100, by striking out the figures “12,970,529” and inserting in place thereof the figures “13,328,976”;

In item 7114-0100, by striking out the figures “33,017,454” and inserting in place thereof the figures “33,953,458”;

In item 7115-0100, by striking out the figures “21,041,743” and inserting in place thereof the figures “21,763,178”;

In item 7116-0100, by striking out the figures “21,378,512” and inserting in place thereof the figures “21,940,966”;

In item 7117-0100, by striking out the figures “13,557,911” and inserting in place thereof the figures “14,015,844”;

In item 7118-0100, by striking out the figures “11,189,980” and inserting in place thereof the figures “11,483,112”;

In item 7502-0100, by striking out the figures “9,868,042” and inserting in place thereof the figures “10,114,988”;

In item 7503-0100, by striking out the figures “15,837,279” and inserting in place thereof the figures “16,271,964”;

In item 7504-0100, by striking out the figures “11,582,528” and inserting in place thereof the figures “11,920,550”;

In item 7505-0100, by striking out the figures “9,472,411” and inserting in place thereof the figures “9,672,378”;

In item 7506-0100, by striking out the figures “18,507,496” and inserting in place thereof the figures “18,907,701”;

In item 7507-0100, by striking out the figures “14,406,717” and inserting in place thereof the figures “14,985,653”;

In item 7508-0100, by striking out the figures “20,659,947” and inserting in place thereof the figures “21,056,033”;

In item 7509-0100, by striking out the figures “11,835,146” and inserting in place thereof the figures “12,130,461”;

In item 7510-0100, by striking out the figures “19,138,292” and inserting in place thereof the figures “19,576,256”;

In item 7511-0100, by striking out the figures “21,098,766” and inserting in place thereof the figures “21,738,594”;

In item 7512-0100, by striking out the figures “15,249,519” and inserting in place thereof the figures “15,762,508”;

In item 7514-0100, by striking out the figures “24,897,750” and inserting in place thereof the figures “25,352,958”;

In item 7515-0100, by striking out the figures “11,117,734” and inserting in place thereof the figures “11,324,120”;

In item 7516-0100, by striking out the figures “19,419,979” and inserting in place thereof the figures “20,154,035”; and

In item 7518-0100, by striking out the figures “19,810,829” and inserting in place thereof the figures “20,423,038”.

The amendments were rejected.

Mr. Sullivan of Braintree then moved that the bill be amended in section 2 by inserting after item 7100-0300 the following item:

“7100-0444 For an endowment incentive program for the University of Massachusetts; provided that private donations contributed for the purposes of this program shall not result in direct or indirect reductions in the commonwealth’s appropriation for the university; provided further, that the amount appropriated herein may fund matching grants paid to the university’s recognized foundation in an amount not to exceed seventy-five cents for every dollar privately contributed or contractually pledged to the university’s board of trustees or the university’s recognized foundation; provided further, that the fifth paragraph of section 15E of chapter 15A of the General Laws shall apply to this program; and provided further, that the amount appropriated herein shall be in addition to any other amounts available for the endowment incentive program 10,000,000”.

The amendment was rejected.

After remarks on passing the bill, as amended, to be engrossed, Mr. Binienda of

Worcester and other members of the House moved that the bill be amended in section 2, in item 7116-0100, by adding at the end thereof the following: “; provided further that not more than \$250,000 shall expended for the Worcester Working Coalition for Latino Students, sponsored by Worcester State College”; and the amendment was rejected.

Mr. Speliotis of Danvers and other members of the House then moved that the bill be amended in section 2, in item 7077-0010, by striking out the figures “11,000,000” and inserting in place thereof the figures “14,000,000”. The amendment was rejected.

Mr. Flynn of Bridgewater then moved that the bill be amended by striking out section 6 and inserting in place thereof the following section:

“SECTION 6. Said section 9 of said chapter 15A, as so appearing, is hereby further amended by inserting after the word ‘colleges’, in line 70, the following sentence:— The council shall establish a separate set of guidelines to be followed by each public institution of higher education which shall direct each board of trustees to establish appropriate fees for technological improvements pursuant to section 22; provided further, that any such fees for technological improvements as established pursuant to this section shall be in addition to any other fees established pursuant to this section.”.

The amendment was adopted.

Ms. Blumer of Framingham and other members of the House moved that the bill be amended in section 2, in item 7112-0100, in line 2, by striking out the following: “provided further, that not less than \$200,000 shall be expended for the regional economic research center” and inserting in place thereof the following: “provided further, that not less than \$400,000 shall be allocated for the regional economic research center”; and in said item by striking out the figures “21,384,821” and inserting in place thereof the figures “23,103,569”. The amendments were rejected.

Mr. Fitzgerald of Boston then moved that the bill be amended in section 2, in item 7070-0065, by adding at the end thereof the following: “; and, provided further that no less than \$300,000 shall be expended for free tuition grants for any Massachusetts resident who is a paraprofessional in a public school pursuing a bachelor’s degree in any of the state’s colleges to become a teacher in the public schools of Massachusetts”. The amendment was rejected.

Mr. Fitzgerald and other members of the House then moved that the bill be amended in section 2, in item 7116-0100, by striking out the figures “21,378,512” and inserting in place thereof the figures “22,634,966”; and the amendment was rejected.

Mr. Peterson of Grafton then moved that the bill be amended in section 2, in item 7077-0023, by striking out the figures “5,325,000” and inserting in place thereof the figures “5,825,000”. The amendment was rejected.

Mr. Atsalis of Barnstable then moved that the bill be amended in section 2 by inserting

after item 7504-0100 the following item:

“7504-0101 For the operation of an environmental technology, education, and job training partnership through the Cape Cod Community College; provided that said college shall coordinate said partnership with the Massachusetts Maritime Academy and the University of Massachusetts at Dartmouth; provided further, that said initiative shall be conducted at the Massachusetts military reservation, or at any site on Cape Cod determined by said college to be suitable for the purposes of on-site education and training in the use of alternative technologies to clean up designated superfund sites; provided further, that preference shall be given to local applicants; and provided further, that the executive office of environmental affairs and the University of Massachusetts at Dartmouth are hereby authorized and directed to participate in the testing

and evaluation of innovative technologies 124,438

Toxics Use Reduction

Fund 100.0%”;

and in item 4800-0018, in lines 41 and 42, by striking out the following: “provided further, that not more than \$150,000 shall be expended for a contract with Circles for Change;”, and in said item by striking out the figures “38,487,649” and inserting in place thereof the figures “38,337,649”.

The amendments were adopted.

Mr. Peterson of Grafton and other members of the House moved that the bill be amended in section 2, in item 7512-0100, in lines 1, 2 and 3, by striking out the following: “; provided, that \$956,000 shall be expended for costs associated with the transfer of courses from the Worcester technical institute, so called”; and the amendment was adopted.

Mr. Speliotis of Danvers then moved that the bill be amended in section 2 by inserting after item 7027-1000 the following item:

“7027-2002 For a one-time payment to the Essex agricultural and technical high school to establish a capital

improvements reserve account 1,500,000”.

The amendment was rejected.

Messrs. Cabral of New Bedford and Rogers of New Bedford moved that the bill be amended in section 2, in item 7100-0200, in line 26, by inserting after the word “Policy;” the following: “provided further that not less than \$350,000 shall be expended for the purposes of the Center for World Languages, Cultures, and

Immigration Studies at UMass Boston;” and the amendment was rejected.

Mr. Rogers of New Bedford and other members of the House moved that the bill be amended in section 2 by inserting after item 7100-0300 the following item:

“7100-0400 For an annual appropriation for the operation of the University of Massachusetts School of Law at Dartmouth, provided that during fiscal year 2002 and each fiscal year thereafter, the University may retain all of the law school tuition which it receives, and may expend the same solely for the operation of the school, that annual tuition being established for FY 2002 at

\$11,500 for in-state students 2,500,000”.

After remarks Mr. Quinn of Dartmouth and other members of the House moved that the pending amendment be amended by striking out the text thereof and inserting in place thereof the following item:

“7100-0401 For a study by an independent certified public accounting firm, to determine the financial feasibility of incorporating the Southern New England Law School in Dartmouth, Massachusetts into the University of Massachusetts; provided, that said study shall be filed with the House and Senate committees on Ways and Means no later

than August 30, 2001 50,000”.

After debate the further amendment was adopted, thus precluding a vote on the pending amendment.

Mr. Speliotis of Danvers then moved that the bill be amended in section 2, in item 7511-0100, by striking out the figures “21,098,766” and inserting in place thereof the figures “21,293,766”; and the amendment was rejected.

#### *Recess.*

At four minutes before nine o’clock P.M. (Tuesday, May 1), on motion of Mr. Peterson of Grafton (Mr. Scaccia of Boston being in the Chair), the House recessed until the hour of ten o’clock A. M. on Wednesday, May 2; and at that time the House was called to order with Mr. Correia of Fall River in the Chair.

**Wednesday, May 2, 2001 (at 10:00 o'clock A.M.).**

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Almighty God, we begin today's legislative session by humbly asking for Your guidance and assistance, and for intellectual and physical strength as we continue the discussion of House 4100, the annual budget. In Your kindness, help us to renew our dedication to address and resolve fairly the difficult legislative options and issues which we face. Grant us the patience and the civility to be good listeners as we try to put together, in one package, the overall needs and expectations of the people and our institutions. In our diverse society, teach us to respect the views of others, even though we may disagree on principles, priorities and ideals. Inspire us to be thoughtful, objective, honest and reasonable in analyzing the critical issues of the day and to remain faithful to our own commitments and principles.

Bestow Your blessings on the Speaker, the members and employees of this House and their families. Amen

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

*Statement of Representative Kennedy of Brockton.*

A statement of Representative 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 I was unable to be present in the House Chamber for a portion of yesterday's sitting due to a medical appointment. Any roll calls that I missed yesterday is due entirely to the reason stated.

*Statement of Representative Murphy of Lowell.*

A statement of Representative Murphy of Lowell 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 not be able to be present in the House Chamber for the remainder of today's sitting due to a family medical concern. Any roll calls that I miss today will be due entirely to the reason stated.

*Statement of Representative Wolf of Cambridge.*

A statement of Representative Wolf of Cambridge 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 a portion of today's sitting due to official business in my district. Any roll calls that I may have missed today was 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. Atsalis of Barnstable) congratulating James Peros on the occasion of his eightieth birthday;

Resolutions (filed by Mr. Brown of Wrentham) congratulating Frances M. Holman on the occasion of her thirty-fifth year as Library Trustee to the town of Norfolk Public Library;

Resolutions (filed by Mrs. Gomes of Harwich) congratulating Donald E. Witkoski on the occasion of his retirement; and

Resolutions (filed by Mr. Nyman of Hanover) commending Leslie J. Molyneaux on twenty-five years of dedicated service to the community of Hanover;

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

*Orders of the Day.*

The House Bill making appropriations for the fiscal year 2002 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. 4100, amended) was considered, the main question being on passing it to be engrossed.

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

“SECTION 48. Chapter 118E of the General Laws is hereby amended by inserting after section 41 the following section:—

Section 41A. Notwithstanding section 41 or any other general or special law to the contrary, the division shall be entitled to retain any secondary discount offered by manufacturers or suppliers of durable medical equipment; provided, the division complies with the terms of payment set by the manufacturer or supplier. A provider of durable medical equipment shall be entitled to retain a secondary discount offered by manufacturers or suppliers of durable medical equipment if the division does not comply with the terms of payment set by the manufacturer or supplier of said equipment.

This section shall apply to all claims submitted to the division by any provider of durable medical equipment on or after July 1, 2000.”.

The amendment was rejected.

Messrs. Jones of North Reading and Caron of Springfield moved that the bill be amended by striking out section 21.

Pending the question on adoption of the amendment, Mr. Linsky of Natick asked for a count of the House to ascertain if a quorum was present.

The Chair (Mr. Correia of Fall River), 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 128 members were recorded as being in attendance.

**[See Yea and Nay No. 32 in Supplement.]**

Therefore a quorum was present.

The amendment then was rejected.

Mr. Marini of Hanson and other members of the House moved that the bill be amended by striking out section 14.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 150 members voted in the affirmative and 2 in the negative.

**[See Yea and Nay No. 33 in Supplement.]**

Therefore the amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, Mr. Finneran of Boston moved that it be amended in section 2 by striking out item 4000-0875 and inserting in place thereof the following item:

“4000-0875 For the provision of benefits to eligible women who require medical treatment for either breast or cervical cancer in accordance with 1902(a)(10)(A)(ii)(XVIII) of the breast and cervical cancer prevention and treatment act of 2000 (PL 106-354), and in accordance with section 37 of this act; provided, that the division shall seek to obtain federal approval to limit the provision of said benefits to women whose income, as determined by the division, does not exceed 250 per cent of the federal poverty level; provided further, that eligibility for such benefits shall be extended solely for the duration of such cancerous condition; provided further, that prior to the provision of any and all benefits covered by this item, said division shall require screening for either breast or cervical cancer at the comprehensive breast and cervical cancer early detection program operated by the department of public health, in accordance with item 4570-1503 of section 2D; provided further, that the division shall seek to obtain federal approval for the implementation of a sliding-scale of premiums and co-pays for women whose annual income is between 133 per cent and 250 per cent of the federal poverty level; provided further, that funds shall only be expended and such program implemented, subject to federal approval and the availability of federal financial participation; and provided further, that all federal reimbursements received for expenditures from this item pursuant to the provisions of Title XIX of the federal social security act shall be credited to the Children’s

and Seniors’ Health Care Assistance Fund 2,824,552

Children’s and Seniors’

Health Care

Assistance Fund 100.0%;

and by striking section 36 (as printed) and inserting in place thereof the following two sections:

“SECTION 37. Chapter 118E of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after section 10B the following new section:—

Section 10C. The division shall, within the limits of the funds appropriated for such purpose, provide coverage to eligible women who require medical treatment for either breast or cervical cancer in accordance with 1902(a)(10)(A)(ii)(XVIII) of the breast and cervical cancer prevention and treatment act of 2000 (PL 106-354). Said coverage shall be provided to women who meet the requirements of said federal act and any

cost sharing prerequisites that said division may impose. Said division shall collaborate with the department of public health in order to incrementally implement said program, efficiently administer such benefits, and verify recipient eligibility and income information.

SECTION 37A. Section 37 shall take effect upon written certification by the division of medical assistance to the secretary of administration and finance and the house and senate committees on ways and means that the federal Health Care Financing Administration has granted said division the approval to implement and administer such program.”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Ms. Polito of Shrewsbury; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 34 in Supplement.]**

Therefore the amendments were adopted.

Messrs. Kennedy of Brockton and Speliotis of Danvers moved that the bill be amended in section 2, in item 4000-0600, by adding at the end thereof the following: “; provided further, that the criteria and standards in effect for bed-hold days for medical and non-medical leaves of absence shall remain the same as those in effect in fiscal year 2001”. The amendment was rejected.

Representatives Stanley of West Newbury and Koutoujian of Newton then moved that the bill be amended by striking out section 34; and the amendment was rejected.

Mr. Casey of Winchester then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 48. Chapter 118E of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after section 12 the following section:—

Section 12A. Any controlled substance which is (i) regulated by the provisions of Chapter 94C of the General Laws and (ii) approved by the United States Food and Drug Administration shall be available to all enrollees of MassHealth Plan in a manner consistent with state law within thirty days of said approval by the United States Food and Drug Administration for which the Division of Medical Assistance shall provide reimbursement.

The Division of Medical Assistance shall not restrict directly or indirectly, either through the prior authorization program provided in Chapter 118E or any other means, the payment of controlled substances defined in the preceding section unless the Division of Medical Assistance conducts public hearings, obtains public comment and provides public notice of said hearings all in a manner consistent with applicable law. Further, the Division shall not promulgate any rules or regulations or implement any decisions as a result of said public hearings without providing at least sixty days

public notice. The provisions of this section shall take effect immediately and shall in no way affect current restrictions on payments by the Division of Medical Assistance for controlled substances.”.

The amendment was rejected.

Mr. Festa of Melrose moved that the bill be amended in section 2, in item 4000-0600, in line 8, by striking out the figures “8,600,000” and inserting in place thereof the following figures “18,600,000” [A].

After remarks on the question on adoption of the amendment, Ms. Balsler of Newton asked for a count of the House to ascertain if a quorum was present.

The Chair (Mr. Correia of Fall River), 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. 35 in Supplement.]**

Therefore a quorum was present.

After debate on the question on adoption of the amendment, Mr. Marini of Hanson and other members of the House moved that the pending amendment be amended by adding at the end thereof [at “A”] the following: “; and in said item, in lines 10 and 11, by inserting after the word ‘so-called’ the following:— ; provided that, notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the division of medical assistance has furnished a study of the impact on the state’s economy and the revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment, and ancillary economic activity, to the Joint Committee on Health Care, and, without the further approval of the House and Senate Committees on Ways and Means; provided further that the study shall be furnished to the committees no later than October 31, 2001”.

The further amendment was adopted; and the pending amendment, as amended, then also was adopted.

At twenty-five minutes after twelve o’clock noon, the Chair (Mr. Correia of Fall River) declared a recess until ten minutes after one o’clock P.M.; and at eighteen minutes after one o’clock the House was called to order with Mr. Fitzgerald of Boston in the Chair.

Ms. Candaras of Wilbraham then moved that the bill be amended by striking out section 18; and the amendment was rejected.

Mrs. Teahan of Whitman and other members of the House moved that the bill be amended in section 2 by inserting after item 4000-0860 the following item:

“4000-0866 For the expansion of the MassHealth Basic program to provide health insurance benefits to certain homeless individuals as defined by section 103 of the McKinney Act, 42 U.S.C. 11302, including persons with intermittent work histories, whether or not they are employed when they are homeless; provided, that funds shall only be expended and such expansion implemented, subject to federal approval of an amendment to the Medicaid section 1115 waiver, so called, and the availability of federal

financial participation 2,500,000”.

The amendment was rejected.

Mr. Cahill of Beverly and other members of the House moved that the bill be amended in section 2, in item 4000-0700, in line 10, by striking out the following: “Keep Teens Healthy Project” and inserting in place thereof the following: “Keep Women and Teens Healthy Project”; and the amendment was rejected.

Messrs. Rogers of Norwood and Speliotis of Danvers moved that the bill be amended in section 2, in item 4000-0320, by adding at the end thereof the words “; and provided further, that additional categories of recoveries and collections, including the balance of any personal needs accounts collected from nursing and other medical institutions and a recipients death and held by the division for more than three years, may, notwithstanding the provisions of any general or special law to the contrary, be credited to this item after providing written notice to the house and senate committees on ways and means, and the secretary of administration and finance”; and by adding at the end thereof the following three sections:

“SECTION 48. Section 1 of chapter 117A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

Any person eligible for assistance under this chapter who is not maintaining his home and is receiving care in or residing in a licensed nursing facility, licensed chronic hospital, licensed rest home, or an approved public medical institution as defined in section 8 of chapter 118E, shall retain the first \$66.40 of his monthly income for clothing, personal needs, and leisure time activities. If there is no such income or if it is less than the amount of \$66.40, such a person shall be paid monthly in advance the difference between such income and said amount. Said amount shall be increased annually each fiscal year at the same time and at the same percentage rate as increases payable to an individual who maintains his own home and receives state supplementary payments pursuant to sections 1 and 2 of chapter 118A.

SECTION 49. Chapter 118A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after section 7A the following new section:

Section 7B. Any person eligible for financial assistance under this chapter who is not maintaining his home and is in a licensed medical facility which is eligible for medical assistance payments pursuant to chapter 118E or is residing in a licensed rest home to which such person pays a fixed rate, shall retain the first \$66.40 of his monthly income for clothing, personal needs, and leisure time activities. If there is no such income or if it is less than the amount of \$66.40, such a person shall be paid monthly in advance the difference between such income and said amount. Said amount shall be, increased annually each fiscal year at the same time and at the same percentage rate as increases payable to an individual who maintains his own home and receives state supplementary payments pursuant to sections 1 and 2.

SECTION 50. Section 15 of chapter 118E of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking the fourth paragraph and inserting in place thereof the following paragraph:—

A person eligible for medical assistance under this chapter who is not maintaining his own home and is receiving care in a licensed nursing facility, a licensed chronic hospital, a licensed rest home, or in an approved public medical institution, shall retain the first \$66.40 of his monthly income for clothing, personal needs, and leisure time activities. If there is no such income or if it is less than the amount of \$66.40, such a person shall be paid monthly in advance the difference between such income and said amount. Said amount shall be increased annually each fiscal year at the same time and at the same percentage rate as increases payable to an individual who is maintaining his own home and who is receiving supplemental payments pursuant to sections 1 and 2 of chapter 118A.”.

The amendments were adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, Mrs. Parente of Milford moved that it be amended by inserting after section 12 the following section:

“SECTION 12A. Section 12 of Chapter 32 is hereby amended by inserting after the word ‘member,’ in line 148 the following:— provided, however, a trust established for any of the forenamed who is disabled shall be eligible for nomination as beneficiary hereunder.”.

The amendment was rejected.

Mr. Locke of Wellesley and other members of the House moved that the bill be amended in section 2, in item 8900-0001, by adding at the end thereof the following: “Notwithstanding any general or special law to the contrary, any adult person committed to a state or county correctional facility as defined in section 1 of Chapter 125 of the General Laws, shall at the time of sentencing be interviewed by the Department of Probation for the purpose of determination of financial condition and indigence. Said interview shall be conducted in accordance with the provisions of Section 27A through 27C of Chapter 261 of the General Laws. In addition to and not

in limitation of the provisions of said sections, the purpose of the interview shall be to determine the overall financial condition of the Defendant. The Department of Probation and the Parole Board are authorized and directed to promulgate regulations under this act to create a standard form which shall reflect the assets and liabilities of the Defendant, including all legal and beneficial interests in real property and personalty, and any and all other holdings of legal or beneficial nature.

If, after said interview and hearing, the court finds that the Defendant is not indigent, and his/her financial condition permits, the court shall order in the mittimus that the prisoner pay to the Commonwealth the sum of \$5.00 (five dollars) per calendar day of incarceration to defray the costs of incarceration. The Commissioner of Corrections, or the Sheriff or Superintendent of the facility in which the person is incarcerated, shall no later than thirty days prior to the prisoner's release, prepare an accounting of sums owed to the Commonwealth. Said accounting shall be served upon the person of each prisoner on the date of his/her release. Any prisoner who contests the validity, terms or amounts claimed in said accounting shall within thirty (30) days of release file a petition for judicial review consistent with the foregoing provisions of this section. Said sums shall be due and payable to the Commonwealth upon release, but no later than one hundred eighty days from the date of release of the prisoner and collections may be effectuated by: a) deduction from the 'canteen' or 'prison' account, so-called, of the prisoner or any monies held in deposit for the benefit of such prisoner; b) deduction of no more than twenty-five percent (25%) of any monies earned through 'work-release' employment, so-called; c) deduction of twenty-five percent (25%) of the gross taxable earnings of the prisoner during the period following his/her release that said prisoner is under terms of parole.

Any sums deemed due and payable by the court under this section shall be collected in like manner as any other debt due to the Commonwealth; the Attorney General, Department of Revenue, and/or Sheriffs of our several counties, are authorized and directed to collect said sums, by civil process and/or all other provisions existing in law or in equity to recover said monies.

The non-payment of sums deemed owed to the Commonwealth under this section shall in no case be deemed a condition-precedent to release from incarceration, nor shall non-payment be grounds for violation of parole or probation.

The provisions of this section shall not be applicable to prisoners determined to be terminally ill, pregnant, or otherwise hospitalized for more than thirty (30) days successively during the term of incarceration.

Any party aggrieved by the determination of the court order under this section may appeal said finding in accordance with the provisions contained in section 27D of Chapter 261 of the General Laws.

Any and all sums collected pursuant to this section shall be transferred and delivered to the Treasurer and Receiver General for credit to the General Fund of the

Commonwealth.”.

The amendment was rejected.

Mr. Caron of Springfield moves that the bill be amended by adding at the end thereof the following section:

“SECTION 51. Section 129B of chapter 140 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word ‘fee’, in line 191, the following words:— ; provided, further, that all such monies retained by the licensing authority under this subsection and under subsection (i) of section 131 of said chapter may be deposited in a special municipal police technology fund and may be expended without further appropriation to upgrade municipal police computer systems, to purchase municipal police technology equipment and information systems, and to accomplish such other law enforcement purposes as the chief of police of such city or town deems appropriate; provided further that such funds may not be considered a source of revenue to meet the operating needs of such department. Interest earned upon such fund may remain therewith and may be used for the purpose of said fund without further appropriation.”.

The amendment was rejected.

Messrs. Tobin of Quincy and Ayers of Quincy moved that the bill be amended by adding at the end thereof the following seven sections:

“SECTION 51. Section 1 of chapter 275 of the acts of 1998 is hereby amended by striking out, in line 7, the words ‘Athletes Reaching Out Foundation’ and inserting in place thereof the following words:— Mini-Fenway Park, Inc.

SECTION 52. Said section 1 of said chapter 275 is hereby further amended by striking out, in lines 10, 15, 17, 20 and 31, the word ‘foundation’ and inserting in place thereof, in each instance, the following word:— organization.

SECTION 53. Said section 1 of said chapter 275 is hereby further amended by striking out, in line 21, the word ‘foundation’s’ and inserting in place thereof the following word:— organization’s.

SECTION 54. Section 3 of said chapter 275 is hereby amended by striking out, in line 4, the word ‘foundation’ and inserting in place thereof the following word:— organization.

SECTION 55. Section 4 of said Chapter 275 is hereby amended by striking out, in line 1, the words ‘Athletes Reaching Out Foundation’ and inserting in place thereof the following words:— Mini-Fenway Park, Inc.

SECTION 56. Section 5 of said chapter 275 is hereby amended by striking out, in line 6, the word ‘foundation’ and inserting in place thereof the following word:—

organization.

SECTION 57. Said section 5 of said chapter 275 is hereby further amended by striking out, in line 7, the word ‘foundation’s’ and inserting in place thereof the following word:— organization’s.”.

The amendment was rejected.

Mr. Mariano of Quincy moved that the bill be amended by adding at the end thereof the following three sections:

“SECTION 51. Section 35B of chapter 217 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding at the end of the first paragraph the following new sentence:— The salary of administrative deputy assistants of said department shall be seventy-one percent of the salary of the register of said department pursuant to section thirty-five A and shall be paid, subject to appropriation by the commonwealth.

SECTION 52. Said Section 35B of said chapter 217 of the General Laws, as so appearing, is hereby further amended in the second paragraph by inserting in line 9 after the word, ‘probate’, the following:— and the administrative deputy assistants.

SECTION 53. Section 35C of chapter 217 of the General Laws, as created by section 173 of chapter 127 of the Acts of 1999, is hereby repealed.”.

The amendment was rejected.

Messrs. Sullivan of Braintree and Mariano of Quincy moved that the bill be amended by adding at the end thereof the following two sections:

“SECTION 51. Paragraph (a) of section 12 of chapter 372 of the acts of 1984, is hereby amended by striking out the fifth sentence, as appearing in chapter 8 of the acts of 2000, and inserting in place thereof the following sentence:— The aggregate principal amount of all bonds issued under authority of this act shall not exceed \$5,400,000,000 outstanding at any one time; provided, however, that bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued shall be excluded in the computation of outstanding bonds.

SECTION 52. Section 16 of said chapter 372 is hereby amended by striking out the fourth sentence, as appearing in said chapter 8, and inserting in place thereof the following sentence:— The aggregate principal amount of all bonds issued under the authority of this act shall not exceed \$5,400,000,000 outstanding at any one time; provided, however, that bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued shall be excluded in the computation of outstanding bonds.”.

The amendment was rejected.

Mr. Hart of Boston then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 51. Notwithstanding the provisions of chapter thirty-two of the General Laws or any other general or special law to the contrary, and in recognition of the years of faithful service provided to the commonwealth by Martin O’Brien, 42 Grampian Way, late of the city of Boston and to encourage others to provide such service, the amount of the annual member-survivor allowance available to the spouse of said Martin O’Brien shall be increased by three hundred dollars per year for each year of creditable service of said Martin O’Brien. Said amount to be in addition to any other amount available under the provisions of chapter thirty-two of the General Laws.”.

The amendment was rejected.

Representatives Slattery of Peabody and Story of Amherst moved that the bill be amended by adding at the end thereof the following four sections:

“SECTION 51. Subsection (i) of section 14G of chapter 151A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following two sentences:— The division of employment and training shall use a simple application form for this program. The application form and a basic description of the program shall be available in English, Spanish, Chinese, Haitian-Creole, Italian, Portuguese, Vietnamese, Laotian, Khmer, Russian, and any other language that is a primary language of at least 10,000 or one-half of 1 per cent of all residents of the commonwealth.

SECTION 52. Subsection (j) of said section 14G of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 162 and 163, the words ‘a portion of their premium cost in accordance with the division’s benefits schedule’ and inserting in place thereof the following words:— 85 per cent of their actual premium cost.

SECTION 53. Said subsection (j) of said section 14G of said chapter 151A, as so appearing, is hereby further amended by adding the following sentence:— Said division shall establish a schedule of benefits for the direct coverage plan that is comparable to the benefit schedule of the commonHealth program, established by clause (g) of paragraph (2) of section 9A and section 16C of chapter 118E.

SECTION 54. The seventh paragraph of said subsection (j) of said section 14G of said chapter 151A, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following five sentences:— Such reports shall include the number of enrollees who applied for the program, the number of enrollees who were denied benefits in the program, the reasons for denial, and the number of individuals who were denied due to the failure to complete the application form. The deputy director of employment and training is hereby authorized to delegate, by means of an interagency service agreement, to another state agency the authority to manage

and administer the health insurance program established by this subsection, and shall, whether or not such delegation has occurred, enter into an interagency service agreement with the division of medical assistance established under section 16A of chapter 6A. Such agreement shall require that the division of employment and training provide not less than twenty percent of the administrative costs deducted by the division of employment and training as a result of this section to the division of medical assistance for the provision of multilingual information about the program to health care providers, community-based organizations, unions and worker centers and that this information shall be distributed in print and public service announcements and other methods which serve to increase participation in the program. Such agreement shall also require that the division of employment and training screen each applicant for other sources of coverage, and for potential eligibility for government programs, and to document the results of such screening. If the division determines that an applicant is potentially eligible for Medicaid, or another government program, the division shall assist the applicant in applying for benefits under such program.”.

The amendment was rejected.

Messrs. Nangle of Lowell and Golden of Lowell moved that the bill be amended by adding at the end thereof the following four sections:

“SECTION 51. Chapter 175 of the General Laws is hereby amended by inserting after section 47V the following section:—

Section 47W. Any individual policy of accident and sickness insurance issued pursuant to section 108, and any group blanket policy of accident and sickness insurance issued pursuant to section 110, shall provide coverage for a heart scan, so-called, during the life of the patient and as authorized by a duly licensed physician.

SECTION 52. Chapter 176A of the General Laws is hereby amended by inserting after section 8V the following section:—

Section 8W. Any contract between a subscriber and the corporation under an individual or group hospital service plan that shall be delivered, issued, or renewed in the commonwealth shall provide, as benefits to all individual subscribers or members within the commonwealth and to all group members having a principal place of employment within the commonwealth, coverage for a heart scan so-called during the life of the patient and as authorized by a duly licensed physician.

SECTION 53. Chapter 176B of the General Laws is hereby amended by inserting after section 4V the following section:—

Section 4W. Any subscription certificate under an individual or group medical service agreement that shall be delivered, issued or renewed in the commonwealth shall provide as a benefit for all individual subscribers or members within the commonwealth and all group members having a principal place of employment within the commonwealth coverage for a heart scan so-called during the life of the patient

and as authorized by a duly licensed physician.

SECTION 54. Chapter 176G of the General Laws is hereby amended by inserting after section 4N the following section:—

Section 4O. Any group health maintenance contract shall provide coverage for a heart scan, so-called, during the life of the patient and as authorized by the patient's primary care or treating physician.”.

The amendment was rejected.

Ms. Kaprielian of Watertown then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 51. Section 307B of chapter 94 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the first two paragraphs and inserting in place thereof the following three paragraphs:—

For the purpose of protecting the public health, any manufacturer of cigarettes, snuff or chewing tobacco sold in the commonwealth shall provide the department of public health with an annual report, in a form and at a time specified by that department, which lists for each brand of such product sold the following information:

(a) The identity and location of any added constituent to be listed in descending order by weight or other measure;

(b) The nicotine yield ratings, which shall accurately predict human nicotine intake based on standards to be established by the department of public health;

(c) The identity and quantity of any known toxic constituents that are present in the whole tobacco by brand and a toxicity yield rating by brand, as specified by the department; and

(d) For cigarettes, the identity and quantity of toxic constituents in the mainstream and sidestream smoke by brand and a toxicity yield rating by brand, as specified by department.

The department of public health shall investigate health risks associated with exposure to added constituents, toxic constituents and nicotine and may develop standards for manufacturers to reduce risks associated with exposure to added constituents, toxic constituents and nicotine. The information provided to the department in an annual report pursuant to paragraphs (b) and (c) of this section shall be a public record.

That portion of an annual report identifying added constituents pursuant to paragraph (a) shall be confidential; provided, however, that any such information with respect to which the department determines there is a reasonable scientific basis for concluding that the availability of such information could reduce risks to public health may be made available to the public. The department shall provide a manufacturer with

confidential written notice of its intent to disclose the identity of one or more added constituents, including its reason for disclosure. Before any public disclosure of such information, the department shall also request the advice of the attorney general whether such disclosure would constitute an unconstitutional taking of property and the department shall not disclose such information unless and until the attorney general advises that such disclosure would not constitute an unconstitutional taking. The department shall provide a manufacturer with written notice of any such advice from the attorney general and shall not disclose such information to the public for at least ninety days thereafter. The department may promulgate regulations to implement this section.”.

The amendment was rejected.

Mr. DiMasi of Boston then moved that the bill be amended in section 2, in item 0340-0100, by striking out the figures “15,241,453” and inserting in place thereof the figures “15,096,297”;

In item 0340-0200 by striking out the figures “11,158,357” and inserting in place thereof the figures “11,052,087”;

In item 0340-0300 by striking out the figures “7,415,104” and inserting in place thereof the figures “7,344,484”;

In item 0340-0400 by striking out the figures “7,893,217” and inserting in place thereof the figures “7,818,043”;

In item 0340-0500 by striking out the figures “6,844,993” and inserting in place thereof the figures “6,779,801”;

In item 0340-0600 by striking out the figures “4,297,960” and inserting in place thereof the figures “4,162,746”;

In item 0340-0700 by striking out the figures “7,333,336” and inserting in place thereof the figures “7,263,494”;

In item 0340-0800 by striking out the figures “6,282,681” and inserting in place thereof the figures “6,222,846”;

In item 0340-0900 by striking out the figures “6,724,951” and inserting in place thereof the figures “6,661,499”;

In item 0340-1000 by striking out the figures “3,043,743” and inserting in place thereof the figures “3,014,755”; and

In item 0340-1100 by striking out the figures “2,827,177” and inserting in place thereof the figures “2,800,252”.

The amendments were adopted.

Mr. Slattery of Peabody then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 51. Section 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the city of Peabody may issue a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138 to Brooksby Village, LLC. The license shall be subject to all the provisions of said chapter 138 except said section 17.

Section 2. This act shall take effect upon its passage.”.

The amendment was rejected.

Mr. Kennedy of Brockton and other members of the House moved that the bill be amended in section 2, in item 0340-0800, by adding at the end thereof the following: “; provided that not less than \$125,000 will be used to pay rent for the building located at 32 Belmont Street, Brockton”; and in said item by striking out the figures “6,282,681” and inserting in place thereof the figures “6,407,681”. The amendments were rejected.

Mr. Linsky of Natick then moved that the bill be amended in section 2, in item 0340-2100, by adding at the end thereof the following: “; provided, however, that said association shall review and make recommendations to the general court on the subject of legislation as may be appropriate regarding the salaries and benefits of Assistant District Attorneys, attorneys employed by the Committee for Public Counsel Services, and other professional employees of the various District Attorneys and the Committee on Public Counsel Services. The commission shall include the House and Senate chairs of the Joint Committee on the Judiciary, who shall serve as co-chairs, one District Attorney to be selected by the Massachusetts District Attorneys’ Association, the Speaker of the House of Representatives or her designee, the President of the Senate or his designee, the Minority Leader of the House of Representatives or his designee, the Minority Leader of the Senate or his designee, the Governor or her designee, the Chair of the House Committee on Ways and Means or his designee, the Chair of the Senate Committee on Ways and Means or his designee and one other member to be appointed by each of the following organizations: the Massachusetts Bar Association, the Boston Bar Association, the Women’s Bar Association, the Massachusetts Criminal Defense Attorneys’ Association, the Committee for Public Counsel Services, and one Assistant District Attorney to be appointed by the Massachusetts District Attorneys’ Association. Members shall receive no compensation.

The commission shall conduct not fewer than four hearings to receive testimony from members of the public. The hearings shall be held in locations that provide opportunities for residents from all geographic regions to the Commonwealth to

testify.

It shall not constitute a violation of chapter 268A for a person employed by the Commonwealth to serve on the commission or to participate in commission deliberations that may have a financial impact on such person or on the rate at which such person may be compensated.

The commission's recommendations, together with any proposed legislation, shall be formed not later than December 2001 with the Clerks of the Senate and the House of Representatives who shall refer such recommendations to the appropriate Committee of the General Court. Within 30 days after such filing the committee shall hold a public hearing on the recommendations".

The amendment was adopted.

Representatives Rivera of Springfield and Candaras of Wilbraham then moved that the bill be amended in section 2, in item 0340-0500, in line 14, by striking out the figures "400,000" and inserting in place thereof the following: "500,000"; and in said item by striking out the figures "6,844,993" and inserting in place thereof the figures "6,944,993". The amendments were rejected.

Ms. Flavin of Easthampton then moved that the bill be amended in section 2 by striking out, in item 0340-0600, the figures "4,162,746" (inserted by amendment) and inserting in place thereof the figures "4,337,798"; and the amendment was adopted.

Ms. Candaras of Wilbraham then moved that the bill be amended in section 2, in item 0340-0500, in line 3, by inserting after the word "unit;" the following: "provided further that not less than \$100,000 be expended to cover telecommunications expense deficiency and provided further that not less than \$40,000 be expended for lease expenses for CPAC space;"; and in said item by striking out the figures "6,844,933" and inserting in place thereof the figures "6,984,993". The amendments were rejected.

Mr. Leary of Worcester and other members of the House moved that the bill be amended in section 2, in item 0340-2101, in line 9, by striking out the figures "312,454", and inserting in place thereof the figures "443,669"; and in said item by striking out the figures "3,606,273" and inserting in place thereof the figures "3,737,488". The amendments were rejected.

Mr. Hodgkins of Lee then moved that the vote (see yea and nay No. 28) be reconsidered by which the House, at the previous session, adopted further amendments (offered by Mr. Wagner of Chicopee) (inserting item 0920-0302 and adding section 47) to the amendments offered by Mr. Rogers of Norwood, et als.

Mr. Fitzgerald of Boston being in the Chair,— Ms. Balsler of Newton asked for a count of the House to ascertain if a quorum was present. A count showed that 95 members were in attendance.

After debate on the motion to reconsider, the sense of the House was taken by yeas

and nays, at the request of Mr. Hodgkins; and on the roll call 49 members voted in the affirmative and 104 in the negative.

**[See Yea and Nay No. 36 in Supplement.]**

Therefore the motion to reconsider was negatived.

Mr. Correia of Fall River being in the Chair,— Representatives Cahill of Beverly and Blumer of Framingham moved that the bill be amended in section 2, in item 4406-3000, in line 7, by inserting after the word “allocations;” the following: “provided further that \$150,000 shall be expended for the River House in Beverly;” and in said item by striking out the figures “36,198,908 “ and inserting in place thereof the figures “36,348,908”. The amendments were rejected.

Mr. George of Yarmouth then moved that the bill be amended in section 2, in item 4406-3000, in line 33, by striking out the word “Falmouth” and inserting in place thereof the word “Hyannis”. The amendment was adopted.

Representatives Cabral of New Bedford and Khan of Newton moved that the bill be amended in section 2, in item 4408-1000, in line 24, by inserting after the word “commission” the following: “to otherwise eligible students under age 21 who are regularly attending a full time grade school, high school, technical or vocational school not beyond the secondary level, provided, however, that assistance provided to such otherwise eligible students nor any other assistance provided pursuant to the provisions of this item shall not cause the commonwealth’s obligation for the purpose of this item to exceed the amount appropriated herein;” and in line 30 by striking out the word “student”. The amendments were adopted.

Mr. Fallon of Malden then moved that the bill be amended in section 2, in item 4406-3000, by adding at the end thereof the following: “; provided further that not less than three hundred thousand dollars (\$300,000), be expended for the city of Malden to construct an addition to a then existing transitional housing unit for the purposes of creating additional space to include daycare services, advocacy, legal aid services, energy services, as well as administrative offices to the transitional facility”; and in said item by striking out the figures “36,198,908” and inserting in place thereof the figures “36,498,908”. The amendments were rejected.

Mrs. Simmons of Leominster then moved that the bill be amended in section 2, in item 4406-3000, in line 79, by inserting after the word “units” the following: “; provided further that \$110,000 shall be expended for the Multi-Service Center’s Mt. Pleasant Place transitional housing program”; and the amendment was rejected.

Mr. Cabral of New Bedford moved that the bill be amended in section 2, in item 4401-1000, by adding at the end thereof the following: “; provided further, pursuant to 21 U.S.C. §862a(d)(1), the department shall exempt individuals from the eligibility restrictions of 21 U.S.C. §862a, except that individuals, incarcerated for a conviction that would otherwise be disqualifying under 21 U.S.C. §862a(a), shall not be eligible

for cash assistance funded through items 4403-2000 and 4403-2002”. The amendment was adopted.

Ms. Wolf of Cambridge and other members of the House moved that the bill be amended in section 2, in item 4406-3000, by inserting after the word “area”, in line 75, the following: “; provided further that not less than \$1.8 million be expended to respond to year round overflow in the emergency shelters for individuals through the creation of 328 emergency overflow shelter beds”; and in said item by striking out the figures “36,198,908” and inserting in place thereof the figures “37,998,908”. The amendments were rejected.

Mr. McGee of Lynn and other members of the House moved that the bill be amended in section 2, in item 4403-2119, by striking the figures “6,224,206” and inserting in place thereof the figures “7,684,788”; and the amendment was rejected.

Mr. Merrigan of Greenfield then moved that the bill be amended in section 2, in item 8910-0108, by striking out the figures “6,167,004” and inserting in place thereof the figures “6,563,268”. The amendment was rejected.

Mr. Frost of Auburn then moved that the bill be amended in section 2, in item 8324-1000, by inserting after the word “course”, in line 25, the words “; provided, further, that not more than \$1,000,000 be expended for fire hydrants or other similar devices used for fire protection which are located in any public or private way”; and in said item by striking out the figures “1,044,069” and inserting in place thereof the figures “2,044,069”. The amendments were rejected.

Mrs. Parente of Milford then moved that the bill be amended in section 2, in item 8400-0001, by striking out the figures “54,194,109” and inserting in place thereof the figures “54,367,014”; and the amendment was rejected.

Ms. Malia of Boston moved that the bill be amended by striking out item 8900-0015 and inserting in place thereof the following item:

“8900-0015 For correctional residential; provided that not less than \$500,000 shall be expended for a contracted low-security residential program for incarcerated mothers; provided further that not less than \$40,000 shall be provided for the Dismas House, so-called, in the city of Worcester; and provided that not less than \$230,000 shall be obligated for a contracted low-security residential pre-release program

for incarcerated women in transition 770,000”.

The amendment was rejected.

Mr. Marini of Hanson and other members of the House moved that the bill be amended in section 2, in item 8000-0160, by striking out the figures “588,145” and inserting in place thereof the figures “561,020”; and the amendment was adopted.

After debate on the question on passing the bill to be engrossed, Messrs. Bosley of

North Adams and Larkin of Pittsfield moved that the bill be amended in section 2, in item 8910-0145, by striking out the figures “11,472,883” and inserting in place thereof the figures “12,382,697”.

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. Bosley; and on the roll call 43 members voted in the affirmative and 112 in the negative.

**[See Yea and Nay No. 37 in Supplement.]**

Therefore the amendment was rejected.

Mr. Hart of Boston and other members of the House moved that the bill be amended in section 2, in item 8950-0001, by striking out the figures “15,096,076” and inserting in place thereof the figures “15,674,025”; and the amendment was adopted.

Representatives Toomey of Cambridge and Reinstein of Revere moved that the bill be amended in section 2 by striking out item 8000-0000 and inserting in place thereof the following item:

“8000-0000 For the office of the secretary; provided, that the executive office of public safety shall expend \$14,000 for proper training, inspection and certification of amusement park inspectors; provided further, that said office shall expend \$50,000 for a public safety feasibility study, so-

called, for the town of Ipswich 1,721,176

Highway Fund 85.0%

General Fund 15.0%”

; and in item 4512-0200 by adding at the end thereof the following: “; provided further, that a special commission shall be established to study the cause and effect on the commonwealth of the consumption and abuse of alcoholic beverages and their consequences and impact in relation to health policy and cost, loss of productivity in employment, cost to the commonwealth in terms of public safety, as based upon judicial and department of correction involvement, including traffic fatalities and injuries, the increased incidents and awareness of college or young adult binge consumption and alcohol poisoning, and at-risk behavior patterns including, but not limited to, early sexual activity and academic underachievement in youth associated with early alcohol consumption; provided further, that said commission shall consist of 18 members; provided further, that the 18 members of said commission shall be the secretary of administration and finance or his designee, the secretary of health and human services or his designee, the commissioner of public health or his designee, three members of the senate, three members of the house of representatives, a trial justice to be appointed by the chief justice of the trial court and one representative from each of the following organizations: associated industry of Massachusetts, Massachusetts association of health maintenance organizations, Boston public health

commission, Massachusetts medical society, Massachusetts health policy forum, mothers against drunk drivers, the board of higher education, the distillers association; provided further, that the special commission submit a report on the findings of said study to the governor, the senate president, the speaker of the house of representatives, the chairmen of the senate and house committees on ways and means and the clerks of the senate and house of representatives not later than March 1, 2002; and provided further, that said report shall contain recommendations for action including, but not limited to, further legislative action” .

The amendments were adopted.

Mr. Linsky of Natick then moved that the bill be amended in section 2, in item 8700-0001, in line 9, by adding at the end thereof the following: “; and provided further, that said military division shall encumber an amount of not less than \$75,000 for the construction, maintenance, and operation of an after-school youth center at said armory in Natick pursuant to Section 415 of Chapter 159 of the Acts of 2000”; and in said item by striking out the figures “6,193,762” and inserting in place thereof the figures “6,268,762”. The amendments were rejected.

Miss Reinstein of Revere then moved that the bill be amended in section 2, in item 8000-0000, in line 5, by inserting after the word “Ipswich” the following: “; provided further, that said office shall expend \$50,000 for a public safety facility feasibility study, so-called, for the city of Revere”; and the amendment was rejected.

Mr. Fennell of Lynn then moved that the bill be amended in section 2, in item 8400-0001, in lines 24 and 25, by striking out the following: “the registry shall operate a license express office, so-called, in Lynn” and inserting in place thereof the following: “not less than \$130,000 be expended for the Registry to operate a license express so called in the city of Lynn”; and in said item by striking out the figures “54,194,109” and inserting in place thereof the figures “54,324,109”. The amendments were rejected.

Mr. Barrios of Cambridge then moved that the bill be amended in section 2, in item 8400-0001, by adding at the end thereof the following: “; and provided further, that any male applicant who applies for a commercial driver license, instruction permit or license or a renewal of any such permit or license and who is at least eighteen years of age but less than twenty-six years of age shall be registered in compliance with the requirements of Section 3 of the ‘Military Selective Service Act’, 50 U.S.C. App. sec. 453, as amended; and provided further that the Registrar shall forward to the selective service system in an electronic format the necessary personal information to confirm that the male applicant is registered with the selective service system. The applicant’s signature on the application shall serve as an indication that the applicant either has already registered with the selective service system or that he is authorizing the Registrar to forward to the selective service system the necessary information for such registration. The Registrar shall notify the applicant at the time of application that his signature constitutes consent to registration with the selective service system, if he is not already registered; and provided further that any male applicant who applies for an

instruction permit or driver's license or a renewal of any such permit or license and who is at least eighteen years of age but less than twenty-six years of age shall be registered in compliance with the requirements of Section 3 of the 'Military Selective Service Act', 50 U.S.C. App. sec. 453, as amended; and provided further that any male applicant who applies for an identification card or a renewal of any such document and who is at least eighteen years of age but less than twenty-six years of age shall be registered in compliance with the requirements of Section 3 of the 'Military Selective Service Act', 50 U.S.C. App. sec. 453, as amended; and provided further that the Registrar shall forward in an electronic format the necessary personal information of the applicants identified in this subsection to the selective service system. The applicant's signature on the application shall serve as an indication that the applicant either has already registered with the selective service system or that he is authorizing the Registrar to forward to the selective service system the necessary information for such registration. The Registrar shall notify the applicant at the time of application that his signature constitutes consent to registration with the selective service system, if he is not already registered". The amendment was rejected.

Mr. Hillman of Sturbridge then moved that the bill be amended in section 2 by striking out item 8600-0009 and inserting in place thereof the following item:

"8600-0009 For the purposes of a federally funded grant entitled, Narcotics Control Assistance Program, provided, that no funds from said grant shall be deducted for pensions, group health and life insurance and any other such indirect cost of the federally reimbursed state employees".

The amendment was rejected.

The same member then moved that the bill be amended in section 2 by striking out item 8600-0025 and inserting in place thereof the following item:

"8600-0025 For the purposes of a federally funded grant entitled, Local Law Enforcement Block Grant Program, provided, that no funds from said grant shall be deducted for pensions, group health and life insurance and any other such indirect cost of the federally reimbursed state employees".

The amendment was rejected.

Ms. St. Fleur of Boston and other members of the House moved that the bill be amended in section 2, in item 8900-0009, in line 7, by inserting after the word "release;" the following: "provided further, that \$250,000 shall be appropriated to the city of Boston for the Boston Reentry Initiative"; and in said item by striking out the figures "5,266,455" and inserting in place thereof the figures "5,516,455". The amendments were rejected.

Mr. Tirone of Amesbury then moved that the bill be amended in section 2 by inserting

after item 8700-1140 the following item:

“8700-7997 For improvements to the Newburyport Armory for said Armory’s use as a senior center 550,000”.

The amendment was rejected.

Ms. Blumer of Framingham and other members of the House moved that the bill be amended in section 2, in item 8900-0001, in line 7, by inserting after the word “evaluated;” the following: “; provided further, that not less than \$203,000 shall be allocated for the expansion of programming at Hodder House, MCI-Framingham”; and in said item by striking out the figures “339,279,239” and inserting in place thereof the figures “339,482,239”. The amendments were rejected.

Mr. Patrick of Falmouth and other members of the House moved that the bill be amended in section 2, in item 8200-0200, in lines 3, 4 and 5, by striking out the following: “that said council shall expend not less than \$150,000 in accordance with the provisions of chapter 30B of the General Laws, for training and technical assistance for chiefs of police” and inserting in place thereof the following: “that not less than \$250,000 is expended during the first fiscal year of a three year contract to be provided by a single vendor selected pursuant to c. 30B for training police chiefs and administrative or command personnel by: a) a combination of training manuals, seminars, computer based training and distance learning; b) research, drafting and mailing of monthly articles and presentations on legal and administrative topics; c) training presentations during and following monthly meetings of police chiefs; d) e-mail, toll free phone consultation to chiefs on administrative issues and follow-up on seminar topics; and f) a state-wide 3-day training conference on management, legal and leadership issues”. The amendment was rejected.

Ms. Khan of Newton and other members of the House moved that the bill be amended in section 2, in item 8900-0015, in line 2, by striking out the figures “500,000” and inserting in place thereof the figures “600,000,” in line 2 by striking out the word “expended” and inserting in place thereof the words “provided for the Houston House, so-called, in the city of Boston,” in line 5 by striking out the figures “150,000” and inserting in place thereof the figures “330,000”, in line 6 by striking out the words “obligated for assistance to incarcerated mothers” and inserting in place thereof the words “provided for the Charlotte House, so-called, in the city of Boston, for a contracted low-security residential pre-release program for incarcerated women in transition”; and in said item by striking out the figures “710,000” and inserting in place thereof the following figures “930,000”. The amendments were rejected.

Ms. Candaras of Wilbraham and other members of the House moved that the bill be amended in section 2, in item 8910-0102, by striking out the figures “52,607,354” and inserting in place thereof the figures “53,333,551”; and the amendment was rejected.

Mr. Fallon of Malden then moved that the bill be amended in section 2, in item 8000-

0619, by adding at the end thereof the following: “; provided further, that not less than \$32,500 shall be provided for the community based fire prevention program for the city of Malden”; and in said item by striking out the figures “5,393,328” and inserting in place thereof the figures “5,422,858”. The amendments were adopted.

Mr. Toomey of Cambridge and other members of the House moved that the bill be amended in section 2, in item 8324-1000, by striking out the figures “1,044,069” and inserting in place thereof the figures “1,064,590”; and the amendment was adopted.

At four minutes after six o’clock P.M., the Chair (Mr. Correia of Fall River) declared a recess until a quarter before seven o’clock P.M.; and at five minutes before seven o’clock the House was called to order with Mr. Correia in the Chair.

Ms. Flavin of Easthampton then moved that the bill be amended in section 2, in item 8910-0110, by striking out the figures “9,538,638” and inserting in place thereof the figures “9,721,696”; and the amendment was rejected.

Ms. Lewis of Dedham then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 51. There shall be a special commission to consist of the following: secretary of public safety or the secretary’s designee; the commissioner of corrections or the commissioner’s designee; the president of the Massachusetts Sheriff’s Association and an additional designee of the Association; the senate and house chairs of the committee on public safety; the senate and house chairs of the committee on science and technology; one (1) additional member of the house, chosen by the Speaker and one (1) additional member of the senate chosen by the Senate President; two (2) industry representatives who shall not be employed by the same company, one of whom will be chosen by the Senate President and one of whom will be chosen by the Speaker of the House; and a consumer with knowledge in the area of expertise who shall be chosen by the governor.

The commission is hereby established for the purpose of making an investigation and study to evaluate issues specific to the use of biometric technology, specifically as biometric technology relates to public safety, law enforcement and corrections, and in particular to biometrics, the science of identifying people using human characteristics, as it relates to the identification of subjects and the application of due process, regional sharing of information by all law enforcement agencies, crowd and riot control, security and personal and financial accountability in the correctional system, cost control, access to the essential goods and services, crowd and population control within correctional facilities, access and visitor control, surveillance and contraband control, and control of contractors, suppliers and vendors employed by or within the correctional system, as well as other issues as they relate to responsibility and accountability within the correctional system.

There shall be an honorary chairperson and vice chairperson chosen by the members

of the commission.

Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, to carry such recommendation into effect by filing the same with the clerk of the house of representatives on or before November thirtieth, two thousand and one.”.

The amendment was rejected.

Messrs. Toomey of Cambridge and Caron of Springfield moved that the bill be amended in section 2, in item 8000-0000, in lines 1, 2 and 3, by striking out the following: “provided, that the executive office of public safety shall expend \$14,000 for proper training, inspection and certification of amusement park inspectors;”, and in said item by striking out the figures “1,721,176” and inserting in place thereof the following figures “1,707,176”; and in item 8311-1000 by adding at the end thereof the following: “; provided, that the department of public safety shall expend \$14,000 for proper training, inspection and certification of amusement park inspectors, and to support the Department’s participation in the National Council for Amusement and Recreational Equipment Safety; provided further, that said department may charge fees for permitting the operation of amusement devices and to support the department’s participation in the National Council for Amusement and Recreational Equipment Safety; provided further, that said department may charge fees for permitting the operation of amusement devices and amusement operator certification; provided further, that no costs in the AA subsidiary, so-called, shall be charged to this item; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system”, and in said item by striking out the figures “954,788” and inserting in place thereof the figures “968,788”.

The amendments were adopted.

Mr. Petrolati of Ludlow and other members of the House moved that the bill be amended in section 2, in item 8200-0200, in line 3, by striking out the following: “not less than \$150,000” and inserting in place thereof the following: “not more than \$250,000”; and the amendment was adopted.

Mr. Golden of Boston and other members of the House moved that the bill be amended in section 2, in item 4406-3000, by adding at the end thereof the following two paragraphs:

“No such rule or regulation shall prohibit a director of a homeless program for individual adults, an adult detoxification program, an adult addiction recovery home program, an adult acute treatment service program for addiction recovery, or any other adult addiction recovery program, from hiring an individual with a criminal background; provided, however, that the director of such program shall obtain

criminal offense record information for all potential new employees and use that director's discretion to determine whether to hire the individual, taking into account the age and seriousness of the conviction, the relationship of the crime to the type of work to be performed, and any other relevant information. Further, the director shall provide written documentation at least 10 days prior to the commencement of employment to the Commissioner of the Department of Transitional Assistance stating why this individual is an appropriate candidate. The Commissioner shall have the authority to disapprove of said hire prior to the scheduled employment commencement date.

Nor shall the department condition the advancement of any funding provided to a homeless program for individual adults, an adult detoxification program, an adult addiction recovery home program, an adult acute treatment service program for addiction recovery, or any other adult addiction recovery program, on the director of such program's assurance that the director will put aside his or her own discretion and refuse to hire an individual with a criminal background."

The amendment was adopted.

Messrs. Santiago of Lawrence and Cabral of New Bedford moved that the bill be amended in section 2, in item 4400-1000, in line 57, by inserting after the word "members" the following: "; provided further, that the human resources division shall submit a report to the house and senate committees on ways and means detailing the staffing practices employed by the department with respect to said program; provided further, that said report shall list the positions of all staff members involved in said program, including the following information for each position: a detailed job description; for prospective hires, the associated job posting and anticipated start date, so-called; the position number, so-called; the anticipated number of weeks in fiscal year 2002 during which such position will be filled; the annualized salary; the status of each employee as salaried or contracted by the department and the tenure of contracted employees; and membership in collective bargaining unit, if any; provided further, that said division shall conduct an analysis of the staffing practices employed by the department with respect to said program, relative to the practices followed for similar programs by other agencies of the commonwealth; provided further, that said report shall be submitted no later than December 15, 2001".

The amendment was adopted.

Ms. Fox of Boston and other members of the House moved that the bill be amended in section 2, in item 8900-0004, by adding at the end thereof the following: "; provided that not less than \$300,000 shall be expended for Aid to Incarcerated Mothers to provide preventive counseling, psychological assessments, and visitations for mothers in prison and family therapy services to families of incarcerated mothers within correctional institutions in the Commonwealth of Massachusetts".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Fox of Boston; and on the roll call

57 members voted in the affirmative and 96 in the negative.

**[See Yea and Nay No. 38 in Supplement.]**

Therefore the amendment was rejected.

Mr. Broadhurst of Methuen and other members of the House moved that the bill be amended in section 2, in item 0540-0900, by striking out the figures “876,971” and inserting in place thereof the figures “987,971”; and the amendment was rejected.

Mr. Marini of Hanson and other members of the House moved that the bill be amended in section 2, in item 0540-0000, by striking out the figures “1,864,000” and inserting in place thereof the figures “1,251,329”. The amendment was rejected.

Mr. Bosley of North Adams then moved that the bill be amended in section 2, in item 0540-1600, by striking out the figures “341,399” and inserting in place thereof the figures “361,923”; and the amendment was rejected.

Mr. Santiago of Lawrence and other members of the House moved that the bill be amended in section 2, in item 7004-0087, by adding at the end thereof the following: “; provided further, that no less than \$10,000 shall be expended for prompting and supporting cultural awareness during Hispanic Week in the city of Lawrence”. The amendment was adopted.

Mr. Murphy of Lowell and other members of the House moved that the bill be amended in section 2, in item 0540-1400, by striking out the figures “1,452,187” and inserting in place thereof the figures “1,490,558”; and the amendment was rejected.

Mr. Slattery of Peabody and other members of the House moved that the bill be amended in section 2, in item 0810-0000, in line 17, by inserting after the word “increases,” the following: “provided further that sufficient funds shall be available for oversight of the Commonwealth’s health care systems, the investigation and prosecution of crime, and the protection of children, senior citizens, working families and consumers”; and in said item by striking out the figures “21,388,796” and inserting in place thereof the figures “24,531,723”. The amendments were rejected.

Mr. Scaccia of Boston and other members of the House moved that the bill be amended in section 2, in item 0521-0001, by striking out the figures “3,912,136” and inserting in place thereof the figures “4,953,819”; and the amendment was rejected.

Mr. Scaccia then moved that the bill be amended in section 2, in item 0511-0000, by striking out the figures “7,067,865” and inserting in place thereof the figures “7,515,503”. The amendment was rejected.

The same member then moved that the bill be amended in section 2, in item 0511-0250, by striking out the figures “673,804” and inserting in place thereof the figures “795,166”; and the amendment was rejected.

The same member then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 51. Notwithstanding the provisions of any general or special law, rule, or regulation to the contrary, the Secretary of the Commonwealth will be reimbursed in the amount of \$249,500 in line item 0511-0000 for the actual costs incurred for the establishment and set-up of the Address Confidentiality Program as required by Chapter 409 of the Acts of 2000. This important program has been up and running since Monday, April 9, 2001.”.

The amendment was rejected.

Representatives Rogers of Norwood and Parente of Milford moved that the bill be amended in section 2, in item 0611-5510, by adding at the end thereof the following: “; provided, that the state treasurer, in conjunction with the division of local services, shall study the costs of fully funding this item; and provided further, that the state treasurer shall submit a report to the house and senate committees on ways and means not later than October 15, 2001 detailing the results of said study”. The amendment was adopted.

Representatives Simmons of Leominster and Knuuttila of Gardner moved that the bill be amended in section 2, in item 0540-2000, by striking out the figures “541,345” and inserting in place thereof the figures “597,791”; and the amendment was adopted.

Mr. Fennell of Lynn then moved that the bill be amended in section 2, in item 0540-1000, by striking out the figures “2,578,160” and inserting in place thereof the figures “2,602,500”. The amendment was rejected.

Mr. Wagner of Chicopee then moved that the bill be amended in section 2, in item 0540-1200, by striking out the figures “2,376,365” and inserting in place thereof the figures “2,626,365”; and the amendment was rejected.

Mr. Hodgkins of Lee then moved that the bill be amended in section 2, in item 0540-1800, by striking out the figures “240,426” and inserting in place thereof the figures “266,668”. The amendment was rejected.

Mr. Larkin of Pittsfield then moved that the bill be amended in section 2, in item 0540-1700, by striking out the figures “530,942” and inserting in place thereof the figures “555,942”; and the amendment was rejected.

Mr. Marini of Hanson and other members of the House moved that the bill be amended by adding at the end thereof the following section:

“SECTION 51. Section 6 of chapter 55 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:

Any political committee, foundation, political action committee, not-for-profit

organization or individual organized or operating on behalf of a candidate for the office of governor, lieutenant governor, attorney general, state secretary, treasurer and receiver general, or auditor and expending money to place the name, face or voice of that candidate in a public service announcement 'so-called,' shall cause the words 'paid political advertisement' to be legibly placed in the communication.”.

The amendment was adopted.

Representatives Gomes of Harwich and other members of the House moved that the bill be amended in section 2, in item 5046-2000, by adding the following “; provided further that \$70,000 shall be expended by Independence House, Inc. of Cape Cod for homeless individual assistance”; and the amendment was rejected.

Messrs. Hill of Ipswich and Kennedy of Brockton moved that the bill be amended in section 2, in item 4120-4000, in line 3, by striking out the figures “618,000” and inserting in place thereof the figures “858,000”; and in line 6 by striking out the figures “7,982,175” and inserting in place thereof the figures “8,222,175”. The amendments were rejected.

Mr. Hill and other members of the House moved that the bill be amended in section 2, in item 4120-4000, in line 2, by inserting after the word “Brockton” the following: “provided further, that \$5,345,000 be expended for Independent Living Centers”; and in line 6, by striking out the figures “7,982,175” and inserting in place thereof the figures “9,982,175”. The amendments were rejected.

Mr. Kennedy of Brockton and other members of the House moved that the bill be amended in section 2, in item 1107-2400, by striking out the figures “742,469” and inserting in place thereof the figures “762,942”; and the amendment was rejected.

Messrs. Kennedy and Ayers of Quincy moved that the bill be amended in section 2, in item 4120-1000, by striking out the figures “496,643” and inserting in place thereof the figures “516,643”; and the amendment was adopted.

The same members moved that the bill be amended in section 2, in item 4120-2000, by striking out the figures “8,231,583” and inserting in place thereof the figures “8,487,702”; and the amendment was rejected.

Mr. Leary of Worcester moved that the bill be amended in section 2, in item 5046-0000, in line 28, by inserting after “2001” following: “; provided further, that not less than \$75,000 shall be expended for the Genesis Club Clubhouse in the City of Worcester for facility expansion”; and in said item by striking out the figures “259,414,569” and inserting in place thereof the figures “259,489,569”. The amendments were rejected.

Mrs. Owens-Hicks of Boston moved that the bill be amended in section 2, in item 5046-0000, in line 28, by striking out the figures “357,819” and inserting in place thereof the figures “582,819”. The amendment was adopted.

Mr. Cahill of Beverly and other members of the House moved that the bill be amended by adding at the end thereof the following section:

“SECTION 51. There is hereby established a special commission to study the future of the state developmental centers for individuals with mental retardation.

Said commission shall consist of the governor or his/her designee; the secretary of the executive office of health and human services or his/her designee; the commissioner of the department of mental retardation or his/her designee; the commissioner of the division of capital, asset management and maintenance or his/her designee; three members of the house of representatives to be appointed by the speaker of the house; three members of the senate to be appointed by the president of the senate; one representative from Arc Massachusetts to be appointed by Arc Massachusetts; and one representative from the Massachusetts Coalition of Families and Advocates for the Retarded to be appointed by the Massachusetts Coalition of Families and Advocates for the Retarded.

Such study shall address, but not be limited to, the following topics: determine the projected future need for fixed bed capacity at the developmental centers; the projected number of campuses needed to maintain said capacity; re-opening of admissions; to whom said admissions would be made available; and the operating costs of facility-based care, including projected staffing and capital needs.

Said commission shall submit a report of their findings to the house committee on ways and means, the senate committee on ways and means, the joint committee on human services and elderly affairs, the house clerk and the senate clerk no later than December 31, 2001.”.

The amendment was rejected.

Mr. Cahill of Beverly and other members of the House moved that the bill be amended in section 2, in item 5046-2000, by striking out the figures “22,069,417” and inserting in place thereof the figures “24,069,417”; and the amendment was rejected.

Representatives Cabral of New Bedford and Khan of Newton moved that the bill be amended by adding at the end thereof the following section:

“SECTION 52. Section 59 of chapter 10 of the Massachusetts General Laws, as amended by section 24 of chapter 127 of the acts of 1999, is hereby further amended by striking in line 10 the word:— nonresidential.”.

The amendment was rejected.

The same members then moved that the bill be amended in section 2, in item 4120-6001, by striking out the figures “750,000” and inserting in place thereof the figures “1,500,000”; and the amendment was rejected.

Mr. Koutoujian of Newton then moved that the bill be amended in section 2, in item

4110-1000, in line 4, by inserting after the word “center;” the following: “provided further, that not less than \$350,000 to increase equipment and services for elderly blind consumers”. The amendment was rejected.

Mr. O’Brien of Kingston and other members of the House moved that the bill be amended in section 2, in item 1107-2501, by striking out the figures “1,752,011” and inserting in place thereof the figures “1,772,011”; and the amendment was adopted.

Messrs. O’Brien and Straus of Mattapoisett moved that the bill be amended in section 2, in item 4510-0600, in line 16, by inserting after the word “Abington” the following: “; provided further, that a public health study shall be conducted for the Town of Middleborough to determine if there is an underlying environmental cause for the many cases of amyotrophic lateral sclerosis found in the community”. The amendment was adopted.

Representatives Cleven of Chelmsford and Reinstein of Revere moved that the bill be amended in section 2, in item 4513-1111, in line 10, by inserting after the word “osteoporosis” the following: “; (4) a program for awareness, prevention and treatment of the ‘silent disease’ hip fracture”; and in said item by striking out the figures “502,644” and inserting in place thereof the figures “592,644”. After debate (the Speaker being in the Chair) the amendments were adopted.

*Recess.*

At the hour of nine o’clock P.M. (Wednesday, May 2), on motion of Ms. Wolf of Cambridge (the Speaker being in the Chair), the House recessed until the hour of ten o’clock A.M. on Thursday, May 3; and at that time, the House was called to order with the Speaker in the Chair.

**Thursday, May 3, 2001 (at 10:00 o’clock A.M.).**

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, ever conscious of Your presence in our midst, we take this moment to reflect on our need for Your guidance and assistance as we struggle to carry out our constitutional duties fairly and honorably. In Your goodness, grant us clarity of thought and vision and a fresh way of addressing issues as we accept and implement those legislative proposals which best serve the people, our districts and the current obligations of the Commonwealth. Grant us the strength to remain faithful to our philosophical and religious ideals and to traditional human and spiritual values even in the face of misunderstanding and opposition. Inspire us to be responsible stewards of

the public trust so that the people who may differ with our legislation at times, will still have confidence in our good faith decisions, commitments and integrity.

Grant Your blessings to the Speaker, the members and the 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.

#### *Resolutions.*

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

Resolutions (filed by Mr. Hall of Westford) honoring Doctor Ellen Bell; and

Resolutions (filed by Mr. O'Brien of Kingston) congratulating Steven James Joubert on receiving the Eagle Award of the Boy Scouts of America;

Mr. Nagle of Northampton, 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. Broadhurst of Methuen, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

#### *Guests of the House.*

During the session, the Speaker took the Chair, declared a recess subject to the call of the Chair, there being no objection; and introduced the Boston College Eagles Hockey Team, 2001 Hockey East and NCAA Hockey Champions. The team was accompanied by Jerry York, head coach for the past seven years and his wife, Bobbie; Mike Cavanaugh, assistant coach; Tom Peters, assistant athletic director; W. Paul White, Associate Vice-President of State and Community Affairs at Boston College; Charles F. Flaherty, former Speaker of the House; and Sherman W. "Whip" Saltmarsh, Jr., former Representative.

During the session, the Chair (Mr. Scaccia of Boston) declared a recess subject to the call of the Chair, there being no objection; and introduced Needham resident Pamela Fernandes, blind since the age of 21. Pamela and her partner, Al Whaley, winners of the Gold Medal in tandem bicycling at the 2000 Paralympics in Sydney, Australia, were the guests of Representative Harkins of Needham.

*Petition.*

Mr. Bosley of North Adams presented a petition (subject to Joint Rule 12) of Daniel E. Bosley, Michael E. Festa and Michael W. Morrissey relative to the licensing of home inspectors; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. George of Yarmouth, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Government Regulations. Sent to the Senate for concurrence.

*Report of a Committee.*

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Barnstable to convey certain conservation land (House, No. 3954, amended) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Bosley of North Adams, the bill was read a second time forthwith; and it was ordered to a third reading.

Under suspension of the rules, on motion of Ms. Rogeness of Longmeadow, the bill was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended in line 1 by striking out the word "The" and inserting in place thereof the words "Notwithstanding the provisions of any general or special law to the contrary, the".

The amendment was adopted; and the bill (House, No. 3954, amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Orders of the Day.*

The House Bill making appropriations for the fiscal year 2002 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. 4100, amended) was considered, the main

question being on passing it to be engrossed.

Mr. Hart of Boston then moved that the bill be amended in section 2, in item 4510-0600, in line 32, by inserting after the word "site" the following: "; provided further that \$300,000 shall be authorized for a contract to provide an environmental risk assessment of the prevalence of lupus and scleroderma in South Boston, including the costs of performing medical and laboratory tests and examinations". The amendment was adopted.

Ms. Wolf of Cambridge and other members of the House moved that the bill be amended in section 2, in item 4510-0600, in line 50, by inserting after the word "incidence" the following: "; and provided further that not less than \$270,000 shall be expended for the healthy homes program in the City of Cambridge, the City of Chelsea, and in Franklin County"; and, in said item, by striking out the figures "4,274,690" and inserting in place thereof the figures "4,544,690". The amendments were rejected.

Mr. Casey of Winchester and other members of the House moved that the bill be amended in section 2 by inserting after item 4513-1113 the following item:

"4513-1115 For a multiple sclerosis screening, information, education and treatment program 500,000".

The amendment was rejected.

Mr. Straus of Mattapoisett and other members of the House moved that the bill be amended in section 2, in item 4510-0600, by adding at the end thereof the following: "; provided however, that the Commissioner of Public Health of the Commonwealth is hereby directed to make an investigation and study relative to rate of incidence of autism among 0 to 5-year-old children within the cities and towns of the Commonwealth and how that compares with other analogous states of the Union: the Commissioner shall report the results of the investigation and study and recommendations, if any, together with drafts of legislation necessary to carry the recommendations into effect by filing the same with the clerk of the House of Representative on or before January 1, 2002". The amendment was adopted.

Mr. Atsalis of Barnstable and other members of the House moved that the bill be amended in section 2, in item 4570-1500, in line 3, by striking out the figures "1,925,000" and inserting in place thereof the figures "2,175,000"; and in said item, in line 15, by striking out the figures "500,000" and inserting in place thereof the figures "750,000". The amendments were rejected.

Ms. Fox of Boston and other members of the House moved that the bill be amended in section 2, in item 4510-0600, in lines 32 and 33, by striking out the following: "\$300,000 shall be expended for a statewide lupus database" and inserting in place thereof the following: "2.9 million shall be expended for a lupus database, and lupus detection, screening, and awareness in high-risk communities throughout the

Commonwealth”; and the amendment was rejected.

Mr. Kane of Holyoke moved that the bill be amended in section 2 by inserting after item 4570-1500 the following item:

“4570-1600 For a program to reduce (i) the incidence and mortality due to cancer and (ii) the disparity in cancer deaths among minority populations in medically underserved areas in the state; provided that these funds shall be used for basic, clinical and population-based research and for outreach to medically underserved areas, as

provided for in Section XX 5,000,000”.

The amendment was rejected.

The same member then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 52. The Comprehensive Cancer Center in Massachusetts, as designated by the Federal National Cancer Institute, the University of Massachusetts Medical School, the Department of Public Health, and the Executive Office for Administration and Finance, are hereby authorized and directed to establish guidelines and priorities, regional outreach programs and procedures for the issuance of requests for proposals and the awarding of grants for the purpose of reducing (i) the incidence of cancer related deaths and (ii) the disparity in cancer deaths among minority populations in medically underserved regions across the state as provided for in item 4570-1600.

For the purpose of determining eligibility for grants under this section, providing peer review and overseeing the award and administration of grants authorized by this section, there is hereby established a cancer program grant advisory committee consisting of the secretary of health and human services or his designee, the commissioner of public health or his designee; and three members appointed by the Governor all of whom shall have direct experience in the field of oncology, one of whom shall be a representative from a private medical school, one of whom shall be a representative from the Comprehensive Cancer Center in Massachusetts, and one of whom shall be a representative from a public medical school. The Secretary of Administration and Finance is hereby authorized and directed to engage, from funds made available in item 4570-1600, an independent consultant who shall report to the advisory committee and shall be responsible for administering the program established by this section on behalf of the advisory committee.

The grant advisory committee, in awarding grants under this program, shall make efforts to fund projects within the Commonwealth to benefit state residents and companies.

For the purposes of this program grants may be provided to (i) private and public research labs; (ii) academic medical centers; (iii) medical schools; and (iv) schools of public health. Grants made under this section and item 4570-1600 shall be for the

purpose of (i) reaching medically underserved populations through regionalized cancer programs, (ii) developing new programs and cancer research facilities in areas with limited access to cancer-related medical services, (iii) research and clinical trials to improve statewide access to state of the art cancer care, (iv) support for the economic growth in the biotech industry to facilitate development of cancer treatment modalities, and (v) increasing statewide National Institutes of Health grants and research monies for cancer-related purposes.

This grant program shall include, but not be limited to, (i) a statewide cancer outcomes lab designed to test cancer treatment practice outcomes and to publicize best standards, (ii) a teen cancer incidence study to learn risk identification and avoidance, (iii) a statewide mammography study, (iv) a statewide cancer disparity study in conjunction with the Department of Public Health, and (v) basic genetic research programs to determine the basis for mortality in different populations.

Nothing contained herein shall preclude the Executive Office of Health and Human Services, the Department of Public Health or any member of the grant advisory committee from being eligible for or receiving grants or funds from this program.

The Comprehensive Cancer Center in conjunction with the advisory committee shall report on all expenditures and grants made from item 4570-1600 on a quarterly basis to the house and senate committees on ways and means and to the Secretary of Administration and Finance.”.

The amendment was rejected.

Mrs. Parente of Milford then moved that the bill be amended in section 2, in item 7052-0007, by adding at the end thereof the following: “, including reimbursement to the town of Bellingham for completed emergency roof repairs to Stall Brook School in the amount of \$413,060 and the Macy School in the amount of \$457,924”; and in said item by striking out the figures “755,695” and inserting in place thereof the figures “1,626,679”. The amendments were rejected.

Mrs. Pope of Wayland and other members of the House moved that the bill be amended in section 2, in item 7052-0005, by adding the following: “; provided further that not less than \$19,661,986 shall be expended for the purpose of reimbursement of estimated annual payments to cities, towns, and regional school districts for category 3 major construction projects; and provided further that the \$19,661,986 shall be disbursed in accordance with the amount of the estimated annual bond payments of the individual cities, towns and school districts making payments on category 3 projects, so-called”. The amendment was rejected.

Mr. Kelly of Dalton and other members of the House moved that the bill be amended in section 2, in item 7052-0006, by adding at the end thereof the following: “; provided, that notwithstanding the provisions of any general or special law to the contrary, Gateway Regional School District shall be entitled, pursuant to section 4 of chapter 70B, to a reimbursement equaling the engineering and architectural services

incidental to the planning of the district's capital construction project for three new schools upon the certification of such costs by the board". The amendment was rejected.

Mr. Keenan of Southwick and other members of the House moved that the bill be amended in section 2, in item 7052-0004, by striking out the figures "34,152,013" and inserting in the place thereof the figures "46,015,190"; and the amendment was rejected.

Mr. Speliotis of Danvers then moved that the bill be amended in section 2, in item 7052-0004, in line 8, by striking out the figures "34,462,674" and inserting in place thereof the figures "37,560,968". The amendment was rejected.

Mr. Honan of Boston then moved that the bill be amended in section 2, in item 7061-9611, in line 37, by striking out the words "low income residents" and inserting in place thereof the words "the deaf and hard of hearing students"; and the amendment was adopted.

Messrs. Flynn of Bridgewater and Fagan of Taunton moved that the bill be amended in section 2, in item 7061-9604, by adding at the end thereof the following: "provided that the Commissioner of Education shall select a panel of 3 experts from out-of-state from a list of nationally qualified experts in educational and employment testing provided by the National Research Council of the National Academy of Sciences, to perform a study of the validity and reliability of the Massachusetts Educator Certification Test as used in the certification of new teachers, and as used in the elimination of certification approval of teacher preparation programs and institutions to endorse candidates for teacher certification, and provided that the Commissioner of Education shall enter into a contract on behalf of the Department of Education, with the selected panel of experts to conduct such a study. Said contract shall require that the study be completed no later than February 1, 2002. The commissioner and the Department of Education shall assist the panel of experts in obtaining all information, documents or other evidence necessary to conduct that study. To the extent the Commissioner and the Department are unable to obtain any such information, documents or other evidence from any organization, corporation, individual or other entity under contract or agreement with the Commonwealth in connection with the development, administration, scoring or validation of the Massachusetts Educator Certification Test, the House or Senate Committee on Post Audit and Oversight shall utilize their power to summons witnesses, administer oaths, take testimony and compel the production of evidence, to facilitate obtaining the necessary information".

The amendment was adopted.

Mr. Fallon of Malden then moved that the bill be amended in section 2, in item 7061-9626, by adding at the end thereof the following: "; provided further that fifty thousand dollars (\$50,000) shall be expended for a contract or grant to cover first year costs of establishing a Youth Build Program in the city of Malden"; and in said item by striking out the figures "2,650,000" and inserting in place thereof the figures

“2,700,000”. The amendments were rejected.

Ms. Story of Amherst and other members of the House moved that the bill be amended in section 2, in item 7010-0005, by striking out the figures “11,275,115” and inserting in place thereof the figures “10,775,115”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Story; and on the roll call 21 members voted in the affirmative and 134 in the negative.

**[See Yea and Nay No. 39 in Supplement.]**

Therefore the amendment was rejected.

Mr. Hodgkins of Lee and other members of the House moved that the bill be amended in section 2, in item 7010-0005, by adding at the end thereof the following: “; and provided further that the department of education shall be restricted from using public funds for promotional advertising of the Massachusetts Comprehensive Assessment System exam, so-called”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Hodgkins; and on the roll call 47 members voted in the affirmative and 108 in the negative.

**[See Yea and Nay No. 40 in Supplement.]**

Therefore the amendment was rejected.

Mr. Frost of Auburn then moved that the bill be amended in section 2, in item 7061-9614, by striking out the figures “1,100,000” and inserting in place thereof the figures “2,500,000”; and the amendment was rejected.

Mr. Smizik of Brookline and other members of the House moved that the bill be amended in section 2 by inserting after item 7061-9621 the following item:

“7061-9623 To establish a school library and media services pilot grant program to cities, towns and regional school districts to provide resources to improve their books and periodical collections or to increase staffing. In no event shall the grants be used to supplant a school district’s previous year’s budget allocation to school library and media services. Said grants shall be administered and monitored by the Department of

Education 1,000,000”.

The amendment was rejected.

Mr. Smizik then moved that the bill be amended in section 2, in item 7061-9400, in line 4, by striking out the words “provided further, that such portfolio assessments shall not replace the statewide standardized assessment based on the curriculum

frameworks;” and the amendment was rejected.

Messrs. Smizik and Demakis of Boston moved that the bill be amended in section 2 by inserting after item 7061-9621 the following item:

“7061-9622 To establish an instrumental and choral music educational pilot grant program to cities, towns and regional school districts to provide resources to improve and expand their music programs. Said grant program shall provide funding for those school districts seeking to establish or expand instrumental or choral music programs and eligibility shall be determined according to standards set by the Department. In no event shall the grants be used to supplant a school district’s previous year’s budget allocation to instrumental and choral music programs. Said grants

shall be monitored by the Department 150,000”.

The amendment was rejected.

Mr. Hall of Westford and other members of the House moved that the bill be amended in section 2, in item 7000-9401, by striking out the figures “17,161,609” and inserting in place thereof the figures “17,485,055”; and the amendment was rejected.

Mr. O’Brien of Kingston and other members of the House moved that the bill be amended in section 2, in item 7000-9506, by striking out the figures “4,705,235” and inserting in place thereof the figures “5,320,235”. The amendment was rejected.

Mr. Koczera of New Bedford and other members of the House moved that the bill be amended in section 2, in item 7061-9614, in line 41, by striking out the figures “100,000” and inserting in place thereof the figures “500,000”, and, in line 42, by inserting after the word “program,” the words “for the purpose of supporting the ten existing program sites and four new program sites, including one each in the cities of New Bedford and Lawrence”; and in said item by striking out the figures “1,100,000” and inserting in place thereof the figures “1,500,000”. The amendments were rejected.

Mr. Larkin of Pittsfield then moved that the bill be amended in section 2, in item 7061-9404, in line 5, by inserting after the word “students;” the words “provided, further, that cities, towns and regional school districts receiving grants may contract with private entities for the purposes of this program, subject to the approval of the department of education;” and the amendment was rejected.

The same member then moved that the bill be amended in section 2 by striking out item 7061-9610 and inserting in place thereof the following item:

“7061-9610 For competitive grants for after-school programs approved in the board of education’s five year master plan; provided, that the department shall select grant recipients by September 30, 2001 and shall report to the house and senate committees on ways and means and the joint committee on education, arts, and humanities on the preliminary results of such grants not later than February 1, 2002; provided further, that not more than \$608,523 may be expended for non-grant purposes; provided

further, that said funds shall only be distributed to those communities with local councils that coordinate after-school and out-of-school activities and encourage strong connections between schools and community-based after-school programs focused on children's learning; provided further, that a municipality may be a member of not more than one such council; provided further, that a municipality may join with other municipalities to create a unified council for the purpose of coordinating after-school and out-of-school activities in said municipalities; provided further, that grants may be awarded to any member of such unified councils; provided further that the commissioner of education shall consult the secretary of the executive office of health and human services and other relevant state agencies to coordinate programs and services for children and youth during after-school and out-of-school hours; provided further, that applicants must detail funds received from all public and private sources for existing after-school and out-of-school programs, including funds received for MCAS remediation programs funded from item 7061-9404 and the types of programs and number of students served with said funds; provided further, that said department may fund only those applications that contain accountability systems and measurable outcomes including academic and social indicators which the department deems appropriate; provided further, that said department shall give preference to applicants who demonstrate efficient use of public resources and facilities including the utilization of schools as effective centers of community life; and provided further, that not less than \$1,000,000 of said grants shall require at least a 100 per cent match from private, federal, or local sources, including in-kind resources of school facilities; and provided further, that said grants shall fund a variety of activities, including but not limited to, academic enrichment, tutoring and homework centers, athletic programs, pregnancy and drug prevention programs, health services, arts programs and community service programs; and provided further, funds appropriated herein for after-school programs may be expended

through August 31, 2002 5,941,932

Local Aid Fund 100.0%".

The amendment was adopted.

At ten minutes after twelve o'clock noon (Thursday, May 3), the Speaker declared a recess until the hour of one o'clock P.M.; and at seven minutes after one o'clock, the House was called to order with Mr. Scaccia of Boston in the Chair.

Mr. Larkin of Pittsfield then moved that the bill be amended in section 2, in item 7053-1928, in line 2, by inserting after the word "so-called," the words "in public and non-public schools"; and the amendment was adopted.

The same member then moved that the bill be amended in section 2, in item 7061-0019, in line 4, by inserting after the word "education" the following: "; provided that such evaluations shall include a review of the local school district's compliance with the part B requirements of the federal special education law, known as the Individuals with Disabilities Education Act, in the provision of special education and related

services to children with disabilities”. The amendment was adopted.

Mr. Larkin then moved that the bill be amended in section 2, in item 7061-9404, in lines 4 and 5, by striking out the words “those districts” and inserting in place thereof the word “schools”; and the amendment was adopted.

Mr. Pedone of Worcester then moved that the bill be amended in section 2, in item 7061-9612, by striking out the figures “1,199,231” and inserting in place thereof the figures “1,259,192”. The amendment was rejected.

Ms. Story of Amherst and other members of the House moved that the bill be amended in section 2, in item 7061-9600, by striking out the figures “200,000” and inserting in place thereof the figures “400,000”; and the amendment was rejected.

Mr. Petrucci of Boston then moved that the bill be amended in section 2, in item 7032-0500, in line 21, by inserting after the word “youth” the following: “; provided further, that \$250,000 shall be appropriated for School Safety programs in the City of Boston”. The amendment was rejected.

Mr. Petersen of Marblehead then moved that the bill be amended in section 2, in item 7010-0017, in line 5, by inserting after the word “facilities” the following: “; provided further that not more than \$50,000 be expended to conduct a cost benefit analysis of charter schools with special attention to the impact of charter schools on municipal finances”; and the amendment was rejected.

Mr. Wagner of Chicopee and other members of the House moved that the bill be amended in section 2, in item 7000-9401, by adding at the end thereof the following: “; provided further, that not less than \$10,000,000 shall be allocated for public library construction grants”; and in said item by striking out the figures “17,161,609” and inserting in place thereof the figures “27,161,609”. The amendments were rejected.

Mr. Walsh of Boston then moved that the bill be amended in section 2 by striking out item 7010-0016 and inserting in place thereof the following item:

“7010-0016 For the attracting excellence to teaching program established pursuant to section 19A of chapter 15A of the General Laws; provided further that no less than \$300,000 shall be expended for free tuition grants for any Massachusetts resident who is paraprofessional in a public school who is pursuing a bachelor’s degree in any of the state’s colleges to become a teacher

in the public schools of Massachusetts 1,500,000”.

The amendment was rejected.

Mr. Toomey of Cambridge and other members of the House moved that the bill be amended in section 2, in item 7061-0012, in line 40, by striking out the figures “425,000”, and inserting in place thereof the figures “525,000”; and the amendment

was adopted.

Ms. Kaprielian of Watertown and other members of the House moved that the bill be amended in section 2, in item 7000-9406, by striking out the figures “1,750,000” and inserting in place thereof the figures “2,130,000”. The amendment was rejected.

Representatives Flynn of Bridgewater and Canavan of Brockton moved that the bill be amended in section 2 by adding at the end of item 7035-0002 the following: “; provided further that an additional 2.5 million in grants be provided to the various Community Colleges”; and the amendment was rejected.

The same members then moved that the bill be amended in section 2, in item 7061-9404, in lines 40 to 43, inclusive, by striking out the following: “provided further, that none of the funds appropriated herein shall be spent for service provided by institutions of higher education through interagency agreements between the department of education and said institutions” and inserting in place thereof the following: “provided further that 2 million dollars shall be expended on a pilot program with the Community Colleges to develop the infrastructure, technology, and other necessary services to implement MCAS related courses at the Community Colleges”. The amendment was adopted.

Ms. Blumer of Framingham and other members of the House moved that the bill be amended in section 2, in item 7061-9404, in line 12, by inserting after the word “programs” the words “reading programs for kindergarten through grade three students during school hours;”; and the amendment was rejected.

Ms. Lewis of Dedham then moved that the bill be amended in section 2, in item 7061-9404, by adding at the end thereof the following: “; and provided further that not less than \$2,500,000 shall be granted directly to Jobs For Youth-Boston, Inc., for the purpose of providing to the public schools and community agencies of the commonwealth a comprehensive program to improve and enhance student performance on the Massachusetts Comprehensive Assessment System examination through instructional computer software”. The amendment was adopted.

Mrs. Harkins of Needham then moved that the bill be amended in section 17, in line 436, by inserting after the word “Schools” the words “and the Suburban Coalition”; and the amendment was adopted.

Mr. Larkin of Pittsfield and other members of the House moved that the bill be amended in section 2, in item 7010-0005, in line 3, by inserting after the word “office;” the words “provided further, that the Department shall continue to fund the position of Content Specialist in the Arts;”. The amendment was adopted.

Mr. Fitzgerald of Boston moved that the bill be amended in section 2 by striking out item 7061-0012 and inserting in place thereof the following item:

“7061-0012 For non-educational costs of residential school programs for students placed by a local school district or ordered by the bureau of special education on

appeals, as provided under chapter 71B of the General Laws; provided, that subject to rules and regulations promulgated by the commissioner of education, each city and town shall verify to the commonwealth the cost thereof and upon approval of the commissioner, the treasurer may make such payments directly to the service provider for services provided on or after July 1, 2001; provided further, that the commonwealth shall not pay more than 50 per cent of the cost of any such residential placement; provided further, that funding provided herein may reimburse private schools for prior fiscal year's tuition; provided further, that not more than \$7,500,000 shall be used to continue and expand voluntary residential placement prevention programs between the department of education and the department of mental retardation, and other departments within the executive office of health and human services that develop community-based support services for children and their families; provided further, that the amount spent for a particular student shall not exceed the amount of tuition funds allocated for the student at the time of transition into such community-based support services; provided further, that not less than \$425,000 shall be expended for the costs of borrowing audiotaped textbooks by special needs students whose disabilities include, but shall not be limited to blindness, visual impairments, learning disabilities such as dyslexia, or physical disabilities such as cerebral palsy that limit the use of standard print, and for the costs of an outreach program geared towards special education teachers, students and parents regarding the services of such program; and provided further, that of said amount funds may be made available for the purposes of training teachers and

students 71,872,427

Local Aid Fund 100.0%”.

The amendment was rejected.

Mr. Linsky of Natick then moved that the bill be amended in section 2, in item 7061-0009, by adding at the end thereof the following: “; provided, notwithstanding any law or regulation to the contrary, all monies received by the school committee as tuition payments for nonresident students and as state reimbursements for students who are foster care children shall be deposited with the treasurer of the town or city and held as separate accounts. The school committee without further appropriation for expenses incurred in providing education for such nonresident students or for such students who are foster care children, notwithstanding the provisions of section fifty-three of chapter forty-four. A city or town may appropriate funds for expenses incurred in providing education for such nonresident students or for such students who are foster care children, which funds shall be expended by the school committee in addition to funds provided from other sources”.

The amendment was rejected.

Mr. Larkin of Pittsfield then moved that the bill be amended in section 17 by inserting after the word “Book”, in line 38, the word “, libraries,”; by inserting after the word “books”, in line 39, the word “, libraries,”; and by inserting after the word “book”, in

line 39, the word “, libraries,”. The amendments were adopted.

After debate on the question on passing the bill, as amended, to be engrossed, Mr. Hodgkins of Lee asked for a count of the House to ascertain if a quorum was present.

The Chair (Mr. Scaccia of Boston), 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. 41 in Supplement.]**

Therefore a quorum was present.

Mr. Bosley of North Adams and other members of the House moved that the bill be amended in section 2, in item 7035-0002, by striking out the figures “30,286,604” and inserting in place thereof the figures [A] “38,616,433”.

After debate on the question on adoption of the amendment, Mr. Slattery of Peabody asked for a count of the House to ascertain if a quorum was present.

The Chair (Mr. Scaccia of Boston), 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 151 members were recorded as being in attendance.

**[See Yea and Nay No. 42 in Supplement.]**

Therefore a quorum was present.

After remarks on the question on adoption of the amendment, Mr. Bosley moved that it be amended by striking out [at “A”] the figures “38,616,433” and inserting in place thereof the figures “34,786,604”.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 70 members voted in the affirmative and 81 in the negative.

**[See Yea and Nay No. 43 in Supplement.]**

[Representatives Murphy of Lowell, Nangle of Lowell and Stanley of West Newbury answered “Present” in response to their names.]

Therefore the further amendment was rejected. Mr. Bosley then moved that this vote be reconsidered.

After debate on the motion to reconsider, the sense of the House was taken by yeas

and nays, at the request of the same member; and on the roll call 63 members voted in the affirmative and 89 in the negative.

**[See Yea and Nay No. 44 in Supplement.]**

[Representatives Murphy of Lowell and Nangle of Lowell answered “Present” in response to their names.]

Therefore the motion to reconsider was negatived.

The pending amendment,— offered by Mr. Bosley of North Adams and other members of the House in item 7035-0002,— then was rejected.

Mr. Golden of Boston and other members of the House moved that the bill be amended in section 2 by striking out items 1599-0019 and 7061-0019 and inserting in place thereof the following item:

“7061-0029 For the office of educational quality and accountability 3,881,115”.

After remarks the amendment was adopted.

Mr. Cabral of New Bedford and other members of the Hosue moved that the bill be amended [A] by adding at the end thereof the following section:

“SECTION 38. Section 1A of Chapter 69 of the General Laws, as so appearing, is hereby further amended by inserting after the seventh paragraph the following:

The commissioner shall collect and analyze data reported by school districts regarding educational programs offered pursuant to the provisions of chapter 71A.”.

After remarks Mr. Cabral moved that the amendment offered by him and other members of the House be amended by striking out the text thereof [at “A”] and inserting in place thereof the following:— in section 2, in item 7010-0005, by adding at the end thereof the following: “; provided further that the commissioner shall collect and analyze data reported by school districts regarding educational programs offered pursuant to the provisions of chapter 71A; and provided that said report shall be filed with the committee on Human Services and Elderly Affairs by December 15, 2001”.

After debate the further amendment was rejected; and the pending amendment also was rejected.

Ms. Rivera of Springfield then moved that the bill be amended in section 2, in item 7061-9611, by adding at the end thereof the following: “provided further, that not less than \$100,000 shall be expended for the Vietnamese American Civic Association in Springfield”; and in said item by striking out the figures “6,020,000” and inserting in

place thereof the figures “6,120,000”. The amendments were adopted.

Messrs. Larkin of Pittsfield and Golden of Boston moved that the bill be amended in section 2, in item 7035-0004, in line 9, by inserting after the year “1983” the following: “provided further that a school district that transports or pays for the transportation of public school children in any grades 7 through 12, shall provide transportation or payment for transportation for non-public school children in the same grades consistent with state and federal law”.

The amendment was adopted.

Mr. DiMasi of Boston then moved that the bill be amended in section 2, in item 7000-9401, in line 10, by striking out the following: “\$1.00” and inserting in place thereof the following: “\$1.06”; and, in said item, by striking out the figures “17,161,609” and inserting in place thereof the figures “17,623,954”. The amendments were adopted.

Mr. Marini of Hanson and other members of the House moved that the bill be amended in section 2 by striking out item 7061-9404 and inserting in place thereof the following item:

“7061-9404 For disbursements to assist cities, towns, regional school districts, and charter schools, for remediation programs for the Massachusetts Comprehensive Assessment System examination, so called; provided, that said disbursements shall be calculated according to a formula based upon the number of students scoring in level 1 on said examination in each city, town, regional school district, and charter school; provided further, that said disbursements shall be made pursuant to section 3; and provided further, that funds appropriated herein may be expended

through August 31, 2002 40,000,000

Local Aid Fund 100.0%”;

and in section 3 by adding to the right of the column titled “7061-0022 Reduce Class Size” the following new column titled:

**“7061-9404**

**Remediation**

**Assistance**

(For ABINGTON) \$70,155

(For ACTON) \$8,110

(For ACUSHNET) \$39,335  
(For ADAMS) 0  
(For AGAWAM) \$146,798  
(For ALFORD) 0  
(For AMESBURY) \$93,270  
(For AMERST) \$22,709  
(For ANDOVER) \$83,132  
(For AQUINNAH) 0  
(For ARLINGTON) \$89,214  
(For ASHBURNHAM) 0  
(For ASHBY) 0  
(For ASHFIELD) 0  
(For ASHLAND) \$66,505  
(For ATHOL) 0  
(For ATTLEBORO) \$341,042  
(For AUBURN) \$72,588  
(For AVON) \$39,335  
(For AYER) \$38,524  
(For BARNSTABLE) \$243,312  
(For BARRE) 0  
(For BECKET) 0  
(For BEDFORD) \$32,036  
(For BELCHERTOWN) \$71,777  
(For BELLINGHAM) \$113,951  
(For BELMONT) \$47,851

(For BERKLEY) \$11,760

(For BERLIN) \$811

(For BERNARDSTON) 0

(For BEVERLY) \$125,306

(For BILLERICA) \$186,945

(For BLACKSTONE) 0

**7061-9404**

**Remediation**

**Assistance**

(For BLANDFOFD) 0

(For BOLTON) 0

(For BOSTON) \$4,323,654

(For BOURNE) \$75,021

(For BOXBOROUGH) \$2,028

(For BOXFORD) \$6,894

(For BOYLSTON) \$1,622

(For BRAINTREE) \$94,892

(For BREWSTER) \$3,650

(For BRIDGEWATER) 0

(For BRIMFIELD) \$7,299

(For BROCKTON) \$1,005,284

(For BROOKFIELD) \$1,217

(For BROOKLINE) \$87,187

(For BUCKLAND) 0

(For BURLINGTON) \$96,514

(For CAMBRIDGE) \$389,705

(For CANTON) \$63,667

(For CARLISLE) \$811

(For CARVER) \$70,560

(For CHARLEMONT) 0

(For CHARLTON) 0

(For CHATHAM) \$7,705

(For CHELMSFORD) \$112,329

(For CHELSEA) \$337,393

(For CHESHIRE) 0

(For CHESTER) 0

(For CHESTERFIELD) 0

(For CHICOPEE) \$486,218

(For CHILMARK) 0

(For CLARKSBURG) \$5,677

(For CLINTON) \$55,151

(For COHASSET) \$11,355

**7061-9404**

**Remediation**

**Assistance**

(For COLRAIN) 0

(For CONCORD) \$8,516

(For CONWAY) \$1,622

(For CUMMINGTON) 0  
(For DALTON) 0  
(For DANVERS) \$107,463  
(For DARTMOUTH) \$167,074  
(For DEDHAM) \$66,911  
(For DEERFIELD) \$2,839  
(For DENNIS) 0  
(For DIGHTON) 0  
(For DOUGLAS) \$29,603  
(For DOVER) \$2,028  
(For DRACUT) \$145,176  
(For DUDLEY) 0  
(For DUNSTABLE) 0  
(For DUXBURY) \$39,741  
(For EAST  
BRIDGEWATER) \$81,510  
(For EAST  
BROOKFIELD) 0  
(For EASTHAM) \$406  
(For EASTHAMPTON) \$84,348  
(For EAST  
LONGMEADOW) \$65,694  
(For EASTON) \$93,270  
(For EDGARTOWN) \$5,677  
(For EGREMONT) 0

(For ERVING) \$406  
(For ESSEX) \$4,866  
(For EVERETT) \$232,363  
(For FAIRHAVEN) \$111,924  
(For FALL RIVER) \$811,446  
(For FALMOUTH) \$164,641  
(For FITCHBURG) \$339,015  
(For FLORIDA) \$3,244  
(For FOXBOROUGH) \$74,210  
(For FRAMINGHAM) \$237,635  
(For FRANKLIN) \$87,592  
(For FREETOWN) \$12,977  
(For GARDNER) \$132,605  
(For GEORGETOWN) \$23,926  
(For GILL) 0  
(For GLOUCESTER) \$163,425  
(For GOSHEN) 0  
(For GOSNOLD) 0  
(For GRAFTON) \$50,284  
(For GRANBY) \$40,552

**7061-9404**

**Remediation**

**Assistance**

(For GRANVILLE) \$4,055

(For GREAT  
BARRINGTON) 0  
(For GREENFIELD) \$102,191  
(For GROTON) 0  
(For GROVELAND) 0  
(For HADLEY) \$16,626  
(For HALIFAX) \$5,677  
(For HAMILTON) 0  
(For HAMPDEN) 0  
(For HANCOCK) \$1,622  
(For HANOVER) \$44,607  
(For HANSON) 0  
(For HARDWICK) 0  
(For HARVARD) \$10,138  
(For HARWICH) \$60,422  
(For HATFIELD) \$14,193  
(For HAVERHILL) \$512,577  
(For HAWLEY) 0  
(For HEATH) 0  
(For HINGHAM) \$61,639  
(For HINSDALE) 0  
(For HOLBROOK) \$52,718  
(For HOLDEN) 0  
(For HOLLAND) \$3,650  
(For HOLLISTON) \$60,828

(For HOLYOKE) \$626,528  
(For HOPEDALE) \$18,248  
(For HOPKINTON) \$35,686  
(For HUBBARDSTON) 0  
(For HUDSON) \$80,698  
(For HULL) \$53,934  
(For HUNTINGTON) 0  
(For IPSWICH) \$34,469  
(For KINGSTON) \$10,544  
(For LAKEVILLE) \$8,110  
(For LANCASTER) 0  
(For LANESBOROUGH) \$1,217  
(For LAWRENCE) \$1,013,394  
(For LEE) \$34,064  
(For LEICESTER) \$70,155  
(For LENOX) \$25,142  
(For LEOMINSTER) \$267,643  
(For LEVERETT) \$2,028  
(For LEXINGTON) \$82,321  
(For LEYDEN) 0  
(For LINCOLN) \$16,221  
(For LITTLETON) \$20,682

**7061-9404**

**Remediation**

**Assistance**

(For LONGMEADOW) \$45,013  
(For LOWELL) \$1,066,112  
(For LUDLOW) \$125,711  
(For LUNENBURG) \$58,800  
(For LYNN) \$885,656  
(For LYNNFIELD) \$29,197  
(For MALDEN) \$278,187  
(For MANCHESTER) \$18,248  
(For MANSFIELD) \$73,805  
(For MARBLEHEAD) \$48,662  
(For MARION) \$6,894  
(For MARLBOROUGH) \$172,346  
(For MARSHFIELD) \$112,329  
(For MASHPEE) \$80,698  
(For MATTAPOISETT) \$2,839  
(For MAYNARD) \$60,828  
(For MEDFIELD) \$34,875  
(For MEDFORD) \$212,898  
(For MEDWAY) \$41,363  
(For MELROSE) \$107,057  
(For MENDON) 0  
(For MERRIMAC) 0  
(For METHUEN) \$266,021  
(For MIDDLEBOROUGH) \$148,420

(For MIDDLEFIELD) 0  
(For MIDDLETON) \$5,272  
(For MILFORD) \$110,707  
(For MILLBURY) \$51,907  
(For MILLIS) \$25,142  
(For MILLVILLE) 0  
(For MILTON) \$92,459  
(For MONROE) 0  
(For MONSON) \$41,363  
(For MONTAGUE) 0  
(For MONTEREY) 0  
(For MONTGOMERY) 0  
(For MOUNT  
WASHINGTON) 0  
(For NAHANT) \$3,244  
(For NANTUCKET) \$32,036  
(For NATICK) \$89,620  
(For NEEDHAM) \$55,556  
(For NEW ASHFORD) 0  
(For NEW BEDFORD) \$969,598  
(For NEW BRAINTREE) 0  
(For NEW  
MARLBOROUGH) 0  
(For NEW SALEM) 0

**7061-9404**

## **Remediation**

### **Assistance**

(For NEWBURY) 0

(For NEWBURYPORT) \$53,934

(For NEWTON) \$167,885

(For NORFOLK) \$5,272

(For NORTH ADAMS) \$97,730

(For NORTHAMPTON) \$90,431

(For NORTH ANDOVER) \$90,836

(For NORTH

ATTLEBOROUGH) \$139,093

(For NORTHBOROUGH) \$16,221

(For NORTHBRIDGE) \$85,565

(For NORTHFIELD) 0

(For NORTH

BROOKFIELD) \$37,308

(For NORTH READING) \$34,875

(For NORTON) \$72,588

(For NORWELL) \$18,248

(For NORWOOD) \$85,970

(For OAK BLUFFS) \$8,516

(For OAKHAM) 0

(For ORANGE) \$12,571

(For ORLEANS) \$1,622

(For OTIS) 0  
(For OXFORD) \$83,537  
(For PALMER) \$117,601  
(For PAXTON) 0  
(For PEABODY) \$255,883  
(For PELHAM) \$0  
(For PEMBROKE) \$10,138  
(For PEPPERELL) 0  
(For PERU) 0  
(For PETERSHAM) \$2,839  
(For PHILLIPSTON) 0  
(For PITTSFIELD) \$346,314  
(For PLAINFIELD) 0  
(For PLAINVILLE) \$16,221  
(For PLYMOUTH) \$294,002  
(For PLYMPTON) \$1,217  
(For PRINCETON) 0  
(For PROVINCETOWN) \$11,760  
(For QUINCY) \$349,153  
(For RANDOLPH) \$136,660  
(For RAYNHAM) 0  
(For READING) \$75,427  
(For REHOBOTH) 0  
(For REVERE) \$243,718  
(For RICHMOND) \$2,433

(For ROCHESTER) \$5,677

**7061-9404**

**Remediation**

**Assistance**

(For ROCKLAND) \$90,431

(For ROCKPORT) \$19,465

(For ROWE) 0

(For ROWLEY) 0

(For ROYALSTON) 0

(For RUSSELL) 0

(For RUTLAND) 0

(For SALEM) \$201,949

(For SALISBURY) 0

(For SANDSFIELD) 0

(For SANDWICH) \$75,021

(For SAUGUS) \$108,274

(For SAVOY) \$0

(For SCITUATE) \$59,206

(For SEEKONK) \$72,183

(For SHARON) \$62,045

(For SHEFFIELD) 0

(For SHELBURNE) 0

(For SHERBORN) \$1,217

(For SHIRLEY) \$18,654

(For SHREWSBURY) \$58,395  
(For SHUTESBURY) \$3,244  
(For SOMERSET) \$105,030  
(For SOMERVILLE) \$307,384  
(For SOUTHAMPTON) \$7,705  
(For SOUTHBOROUGH) \$12,571  
(For SOUTHBRIDGE) \$116,384  
(For SOUTHWICK) 0  
(For SPENCER) 0  
(For SOUTH HADLEY) \$104,624  
(For SPRINGFIELD) \$1,666,282  
(For STERLING) 0  
(For STOCKBRIDGE) 0  
(For STONEHAM) \$72,588  
(For STOUGHTON) \$133,416  
(For STOW) 0  
(For STURBRIDGE) \$7,299  
(For SUDBURY) \$21,493  
(For SUNDERLAND) \$1,217  
(For SUTTON) \$40,146  
(For SWAMPSCOTT) \$61,234  
(For SWANSEA) \$84,348  
(For TAUNTON) \$409,170  
(For TEMPLETON) 0  
(For TEWKSBURY) \$118,412

(For TISBURY) \$7,299

(For TOLLAND) 0

(For TOPSFIELD) \$811

**7061-9404**

**Remediation**

**Assistance**

(For TOWNSEND) 0

(For TRURO) \$811

(For TYNGSBOROUGH) \$34,875

(For TYRINGHAM) 0

(For UPTON) 0

(For UXBRIDGE) \$57,989

(For WAKEFIELD) \$81,915

(For WALES) \$2,028

(For WALPOLE) \$64,883

(For WALTHAM) \$223,442

(For WARE) \$64,072

(For WAREHAM) \$149,637

(For WARREN) 0

(For WARWICK) 0

(For WASHINGTON) 0

(For WATERTOWN) \$77,454

(For WAYLAND) \$27,170

(For WEBSTER) \$118,412

(For WELLESLEY) \$31,631  
(For WELLFLEET) \$2,433  
(For WENDELL) 0  
(For WENHAM) 0  
(For WEST BOYLSTON) \$18,248  
(For WEST  
BRIDGEWATER) \$23,115  
(For WEST  
BROOKFIELD) 0  
(For WEST NEWBURY) 0  
(For WEST  
SPRINGFIELD) \$207,626  
(For WEST  
STOCKBRIDGE) 0  
(For WEST TISBURY) 0  
(For WESTBOROUGH) \$37,713  
(For WESTFIELD) \$354,019  
(For WESTFORD) \$45,824  
(For WESTHAMPTON) \$811  
(For WESTMINSTER) 0  
(For WESTON) \$21,898  
(For WESTPORT) \$101,380  
(For WESTWOOD) \$42,174  
(For WEYMOUTH) \$288,325  
(For WHATELY) \$811

(For WHITMAN) 0

(For WILBRAHAM) 0

(For WILLIAMSBURG) \$4,461

(For WILLIAMSTOWN) \$2,028

(For WILMINGTON) \$93,270

**7061-9404**

**Remediation**

**Assistance**

(For WINCHENDON) \$116,790

(For WINCHESTER) \$29,603

(For WINDSOR) 0

(For WINTHROP) \$77,454

(For WOBURN) \$104,624

(For WORCESTER) \$1,368,224

(For WORTHINGTON) 0

(For WRENTHAM) \$4,461

(For YARMOUTH) 0

(For ABBEY KELLY

FOSTER) \$27,981

(For ACADEMY OF

PACIFIC RIM) \$3,244

(For ASSABET VALLEY

COLLABORATIVE) \$811

(For ATLANTIS

CHARTER) \$21,087  
(For BEN FRANKLIN  
CLASSICAL) \$4,055  
(For BENJAMIN  
BANNEKER CHARTER  
SCHOOL) \$16,626  
(For BOSTON  
RENAISSANCE) \$68,938  
(For BOSTON  
UNIVERSITY) \$4,866  
(For CAPE COD  
LIGHTHOUSE  
CHARTER SCHOOL) \$3,244  
(For CITY ON HILL  
CHARTER) \$20,682  
(For COMMUNITY DAY) \$4,866  
(For FRANCIS W.  
PARKER) \$13,382  
(For GTR LAWRENCE  
ALTERNATIVE  
SCHOOL) \$6,488  
(For HEALTH CAREER  
ACADEMY) \$17,437  
(For HORACE MANN  
CHAMPION) \$16,221

(For INSTITUTIONAL  
SCHOOL) \$35,686

(For LAWRENCE FAMILY  
DEVELOPMENT) \$23,115

(For LOWELL MIDDLESEX  
ACADEMY) \$9,327

(For LYNN COMMUNITY) \$10,949

**7061-9404**

**Remediation**

**Assistance**

(For MARBLEHEAD  
COMMUNITY) \$1,217

(For MARTHA'S  
VINEYARD) \$4,055

(For MYSTIC VALLEY  
REGIONAL) \$10,138

(For NEIGHBORHOOD  
HOUSE) \$6,894

(For NEW LEADERSHIP  
CHARTER SCHOOL) \$19,059

(For NORTH STAR  
ACADEMY) \$6,894

(For PIONEER VALLEY) \$22,304

(For RISING TIDE

CHARTER SCHOOL) \$6,894  
(For RIVER VALLEY  
CHARTER SCHOOL) \$2,433  
(For ROBERT M.  
HUGHES ACADEMY) \$5,272  
(For SABIS FOXBORO  
REGIONAL) \$11,760  
(For SABIS  
INTERNATIONAL) \$60,422  
(For SEVEN HILLS) \$34,875  
(For SOMERVILLE  
INTERNATIONAL) \$25,142  
(For S. BOSTON HARBOR  
ACADEMY) \$7,299  
(For SOUTH SHORE  
CHARTER SCHOOL) \$17,843  
(For STURGIS  
CHARTER SCHOOL) \$8,516  
(For ACTON  
BOXBOROUGH) \$43,796  
(For ADAMS CHESHIRE) \$98,136  
(For AMHERST PELHAM) \$82,726  
(For ASHBURNHAM  
WESTMINSTER) \$81,104  
(For ASSABET VALLEY) \$120,034

(For ATHOL

ROYALSTON) \$116,790

(For BERKSHIRE HILLS) \$85,970

(For BERLIN BOYLSTON) \$18,654

(For BLACKSTONE

MILLVILLE) \$71,777

(For BLACKSTONE

VALLEY) \$91,648

(For BLUE HILLS) \$88,403

**7061-9404**

**Remediation**

**Assistance**

(For BRIDGEWATER

RAYNHAM) \$203,571

(For BRISTOL COUNTY) \$42,985

(For BRISTOL

PLYMOUTH) \$122,873

(For CAPE COD) \$71,372

(For CENTRAL

BERKSHIRE) \$62,856

(For CHESTERFIELD

GOSHEN) \$7,299

(For CONCORD

CARLISLE) \$22,304

(For DENNIS  
YARMOUTH) \$156,936  
(For DIGHTON  
REHOBOTH) \$100,569  
(For DOVER  
SHERBORN) \$23,115  
(For DUDLEY  
CHARLTON) \$143,960  
(For ESSEX COUNTY) \$53,123  
(For FARMINGTON  
RIVER) \$1,217  
(For FRANKLIN  
COUNTY) \$64,072  
(For FREETOWN  
LAKEVILLE) \$98,947  
(For FRONTIER) \$27,170  
(For GATEWAY) \$68,127  
(For GILL MONTAGUE) \$68,533  
(For GREATER  
FALL RIVER) \$157,342  
(For GREATER  
LAWRENCE) \$166,263  
(For GREATER  
LOWELL) \$241,690  
(For GREATER

NEW BEDFORD) \$298,463

(For GROTON

DUNSTABLE) \$45,824

(For HAMILTON

WENHAM) \$40,958

(For HAMPDEN

WILBRAHAM) \$104,219

(For HAMPSHIRE) \$40,552

(For HAWLEMONT) \$1,217

(For KING PHILIP) \$101,786

(For LINCOLN

SUDBURY) \$53,123

**7061-9404**

**Remediation**

**Assistance**

(For MARTHA'S

VINEYARD) \$34,469

(For MASCONOMET) \$71,777

(For MENDON UPTON) \$52,718

(For MINUTEMAN) \$83,132

(For MOHAWK TRAIL) \$68,533

(For MONTACHUSETT) \$163,019

(For MOUNT GREYLOCK) \$49,068

(For NARRAGANSETT) \$77,454

(For NASHOBA) \$48,257  
(For NASHOBA VALLEY) \$82,321  
(For NAUSET) \$51,096  
(For NEW SALEM  
WENDELL) \$4,461  
(For NORFOLK COUNTY) \$35,280  
(For NORTH  
MIDDLESEX) \$145,987  
(For NORTH SHORE) \$60,017  
(For NORTHAMPTON  
SMITH) \$62,045  
(For NORTHBORO  
SOUTHBORO) \$20,682  
(For NORTHEAST  
METROPOLITAN) \$158,964  
(For NORTHERN  
BERKSHIRE) \$55,962  
(For OLD COLONY) \$67,722  
(For OLD ROCHESTER) \$57,178  
(For PATHFINDER) \$92,053  
(For PENTUCKET) \$71,372  
(For PIONEER) \$48,662  
(For QUABBIN) \$117,195  
(For QUABOAG) \$58,395  
(For RALPH C. MAHAR) \$66,100

(For SHAWSHEEN  
VALLEY) \$147,204  
(For SILVER LAKE) \$173,968  
(For SOUTH  
MIDDLESEX) \$94,486  
(For SOUTH SHORE) \$56,367  
(For SOUTHEASTERN) \$176,401  
(For SOUTHERN  
BERKSHIRE) \$42,174  
(For SOUTHERN  
WORCESTER) \$135,849  
(For SOUTHWICK  
TOLLAND) \$62,045  
(For SPENCER  
EAST BROOKFIELD) \$82,321

**7061-9404**

**Remediation**

**Assistance**

(For TANTASQUA) \$112,735  
(For TRI COUNTY) \$99,352  
(For TRITON) \$129,361  
(For UP ISLAND) \$4,866  
(For UPPER CAPE COD) \$73,805

**7061-9404**

## **Remediation**

### **Assistance**

(For WACHUSETT) \$107,057

(For WHITMAN HANSON) \$143,960

(For WHITTIER) \$218,170’.

Pending the question on adoption of the amendment, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present.

The Chair (Mr. Scaccia of Boston), 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. 45 in Supplement.]**

Therefore a quorum was present.

After debate on the question on adoption of the amendments offered by Mr. Marini of Hanson and other members of the House, the sense of the House was taken by yeas and nays, at the request of Mr. Marini; and on the roll call 52 members voted in the affirmative and 104 in the negative.

**[See Yea and Nay No. 46 in Supplement.]**

Therefore the amendments were rejected. The same member then moved that this vote be reconsidered.

After remarks on the motion to reconsider, the sense of the House was taken by yeas and nays, at the request of Mr. Marini; and on the roll call 47 members voted in the affirmative and 109 in the negative.

**[See Yea and Nay No. 47 in Supplement.]**

Therefore the motion to reconsider was negated.

Mrs. Owens-Hicks of Boston and other members of the House moved that the bill be amended in section 2, in item 7010-0012 [A] by striking out the figures “15,319,156” and inserting in place thereof the figures “18,319,156”; in item 8900-0001 by striking

out the figures “339,279,239” and inserting in place thereof the figures “336,279,239”.

After debate on the question on adoption of the amendments, Mr. Marini of Hanson and other members of the House moved that the pending amendments be amended by inserting before the word “by” [at “A”] the following:— in line 14, by adding: “; provided, section 12 of Chapter 76 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting at the end thereof the following:—

No person shall be excluded from attending a public school of another town under this section based on race, color, national origin or creed.

Section 12A of said chapter is amended by striking in lines 4 to 5, the following words:— in which racial imbalance, as defined in section thirty-seven D of chapter seventy-one, exists in a public school.

Said section 12A is hereby further amended by inserting in line 3 after the words ‘by any’ the following words:— low income.

Said section 12A is hereby further amended by striking in lines 5 to 7, the following words:— shall tend to eliminate such racial imbalance, shall be consistent with the purposes of said section thirty-seven D, and.

Said section 12A is hereby further amended by adding in line 28 after the word ‘any’ the following words:— low income.

Said section 12A is hereby further amended by adding at the end of the second paragraph the following:— Said school committee shall select students for admission on a random basis; provided further that no school committee shall discriminate in the admission of any child on the basis of race, color, national origin, or creed.

Said section 12A is hereby further amended by striking in lines 29 the following words:— in which such racial imbalance exists.

Said section 12A is hereby further amended by adding after the second paragraph the following new paragraph:—

Any child accepted to attend a public school in a community other than the one in which he resides pursuant to this section shall be permitted to remain in that school system until his high school graduation, unless there is a lack of funding of the program.

Said section 12A is hereby further amended by adding at the end thereof the following paragraph:—

For purposes of this section, the term “low income child” shall mean any student who is eligible to receive free or reduced cost lunches under eligibility guidelines promulgated by the federal government under 42 USC § 1758.

Section 12B(a) of said Chapter 76 is amended by striking in lines 26 to 29 the following words:— provided, however, that students enrolled under the program for the elimination of racial imbalance as provided in section twelve A shall not be counted toward these limits.

Section 12B(c)(4) of said Chapter 76 is amended by striking in lines 47 to 48 the following words:— reduced by the number of students enrolled under the program for the elimination of racial imbalance as provided in section 12A.

Section 12C of said Chapter 76 is amended by inserting at the end thereof the following:—

No person shall, on the grounds of race, color, national origin or creed, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program receiving financial assistance from this fund.; and”.

The further amendment was rejected.

The pending amendments offered by Mrs. Owens-Hicks of Boston and other members of the House,— in items 7010-0012 and 8900-0001,— were adopted.

Mr. Merrigan of Greenfield then moved that the bill be amended in section 2, in item 4800-0018, by adding at the end thereof the following: “; provided further, that not less than \$10,000 shall be expended for the Greenfield Health Camp for Youth”; and the amendment was rejected.

Mr. Rogers of Norwood then moved that the bill be amended in section 2, in item 5920-2020, by adding at the end thereof the words “; and provided further, that no funds shall be expended from this appropriation for payment of attorneys’ fees for work performed pursuant to the aforementioned civil action as referenced in Section H of the aforementioned settlement agreement”. The amendment was rejected.

The same member then moved that the bill be amended in section 2, in item 5911-1000, by adding at the end thereof the following: ”; and provided further, that no funds shall be expended from this appropriation or any other appropriation under the control of the department for payment of attorneys’ fees for work performed pursuant to Boulet v. Cellucci, Civil Action No. 99-CV-10617 DPW, filed in the United States District Court of Massachusetts and the Settlement Agreement for the aforementioned civil action dated December 19, 2000”. The amendment was rejected.

Mr. Atsalis of Barnstable and other members of the House moved that the bill be amended in section 2, in item 4800-1400, in lines 7 to 10, inclusive, by striking out the following: “provided further, that not less than \$450,000 shall be expended for visitation centers receiving funds from this item in fiscal year 1998; provided further, that \$442,500 shall be expended for the establishment of additional visitation centers”; and inserting in place thereof the following: “provided further, that not less than \$1,312,000 shall be expended for established visitation centers receiving funds from

this item in fiscal year 2001;”. The amendment was rejected.

Mr. George of Yarmouth then moved that the bill be amended in section 2, in item 4000-0112, in line 32, by inserting after the word “Club;” the following: “provided further, that not more than \$10,000 shall be expended on a 100% matching grant basis for certain improvements at the YMCA building in West Barnstable;”; and the amendment was adopted.

Mr. Hynes of Marshfield and other members of the House moved that the bill be amended in section 2, in item 4000-0100, by adding at the end thereof the following: “; provided however that \$500,000 shall be allocated for an information and referral service for the Commonwealth, administered and operated jointly by the secretary, the Council of Massachusetts United Ways, and the Massachusetts Association of Information and Referral Services, which shall utilize the 2-1-1 abbreviated dialing code, as assigned by the Massachusetts Department of Telecommunications and Energy, in order to provide easy access to information and referral for community services, resources and opportunities”; and in said item by striking out the figures “2,357,992” and inserting in place thereof the figures “2,857,992”. After remarks the amendments were rejected.

Mr. Cabral of New Bedford and other members of the House moved that the bill be amended in section 2 by inserting after item 4000-0112 the following item:

“4000-0120 For the purpose of expanding the pilot mental health service program for youth to additional parts of the commonwealth and to provide additional residential services to emotionally disturbed youth; provided, that the executive office of health and human services shall undertake this initiative in collaboration with the departments of mental health, social services, youth services, and education, and the division

of medical assistance 4,755,000”.

The amendment was rejected.

Mrs. Paulsen of Belmont and other members of the House moved that the bill be amended in section 2 by inserting after item 4800-0031 the following item:

“4800-0033 For a residential program to end or prevent homelessness for 18-24 year olds who are or have been in foster or state agency care or are approaching discharge from foster care or state agency care; provided that the funds allocated through this line item shall be awarded on a competitive basis by the Department of Social Services, which shall develop the request for proposals in consultation with representatives designated by the Massachusetts Housing and

Shelter Alliance 500,000”.

After remarks the amendment was rejected.

Mr. Festa of Melrose moved that the bill be amended in section 2, in item 4800-1400, in line 12, by striking the figures “10,000” and inserting in place thereof the following figures “30,000”; and in said item by striking out the figures “17,978,853” and inserting in place thereof the following figures “17,998,853”. The amendments were rejected.

Mr. Honan of Boston and other members of the House moved that the bill be amended in section 2, in item 4000-0112, in line 40, by inserting after the word “Saugus” the following: “; provided further that \$50,000 be earmarked for the West End House Boys and Girls Club in Allston-Brighton for the purpose of providing improved services to the children in the community; provided further, that \$50,000 shall be expended for the Boys and Girls Club of Indian Orchard; provided further, that not more than \$89,388 shall be expended for Big Hearts for Lil Angels in Leominster; and provided further, that \$125,000 shall be expended for Kamp for Kids, so called, operated by Abilities Unlimited in the City of Westfield”; and in said item by striking out the figures “245,000” and inserting in place thereof the figures “551,388”.

The amendments were adopted.

Mr. Greene of Billerica and other members of the House moved that the bill be amended in section 2, in item 4000-0111, by adding at the end thereof the following: “; and provided further, that any not for profit organizations that received funds in this item in fiscal year 2001 shall not be eligible to receive a new two-year, youth development matching grant in fiscal year 2002, but shall not be precluded from receiving such grant in fiscal year 2003”. The amendment was adopted.

Mr. Smizik of Brookline then moved that the bill be amended in section 2, in item 4000-0112, in line 35, by inserting after the word “Lynn;” the following: “provided, further, that \$50,000 shall be expended for the Russian Teen-at-Risk program operated by the Jewish Family and Children’s Service in the city of Boston, town of Brookline, city of Malden and city of Newton;”; and in said item by striking out the figures “551,338” (inserted by amendment) and inserting in place thereof the figures “295,000”. The amendments were rejected.

Mr. DiMasi of Boston being in the Chair,— Mr. Scaccia of Boston moved that the bill be amended in section 2 by striking out item 5046-0000 and inserting in place thereof the following item:

“5046-0000 For adult mental health and support services; provided, that the department shall allocate funds in an amount not to exceed \$5,000,000 from item 5095-0015 of section 2, to this item, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any such transfer, for residential and day services for clients formerly receiving care at department facilities; provided further, that \$75,000 shall be expended for comprehensive vocational rehabilitation services to be provided to mentally ill adults who are homeless or are at-risk of being homeless; provided further, that said services shall be provided at the multi-service center located in the city of Lynn by a vocational

rehabilitation agency specializing in employment issues of mentally ill adults; provided further, that not less than \$163,000 shall be expended for western Massachusetts community enterprise programs; provided further, that not less than \$43,460 shall be expended for the provision of community-based case management for participants in the tenant-based rental assistance program funded under HUD's Shelter Plus Care Program, administered by Quincy Interfaith Sheltering Coalition in conjunction with the Quincy Housing Authority; provided further, that any allocations from this item for services provided in the metro-Boston area, so-called, shall not cause funding decreases in other areas; provided further, that the Fairwinds clubhouse shall be allocated the same number of full time equivalent staff in fiscal year 2002 as they were in fiscal year 2001 which shall be reflected in their budget allocation; provided further, that the department shall report to the house and senate committees on ways and means on the distribution of funds per adult and child planning population, so-called, and the types of services received in each region for fiscal year 2002 not later than December 1, 2001; provided further, that not less than \$357,819 shall be expended for the transitions of Boston clubhouse program, so-called, in fiscal year 2002; provided further, notwithstanding the provisions of any general or special law to the contrary, the provisions of section 308 of chapter 38 of the acts of 1995 shall expire on June 30, 2002; provided further, however, that any proceeding pending on said date shall be governed by the provisions of said section; provided further, that not less than \$4,500,000 shall be made available for the provision of community and residential support services for the following clients of the department of mental health: adult clients who reside in the institutions of the department who have been determined, by treatment professionals, to be ready for immediate discharge to an integrated community-based residential setting; adult clients who are at imminent risk of residing in an institution of said department for more than 30 days who have been determined, by treatment professionals, to be qualified to benefit from an integrated community-based residential setting; and adult clients who resided in an institution of the department on or after the Americans With Disabilities Act took effect in January, 1992 who have been discharged to nursing homes or rest homes and who continue to reside in such facilities, and who have been determined, by treatment professionals, to be ready for immediate discharge to an integrated community-based residential setting; provided further, that the department shall develop a comprehensive plan to address the community integration needs of the above-mentioned populations; provided further, that said plan shall require ongoing assessments of clients' needs and the identification of the clients of the department who are ready for immediate discharge to an integrated community-based residential setting; provided further, that such plan shall establish a process for transferring said clients to an integrated community-based residential setting at a reasonable pace, only if the affected clients do not oppose such placement; provided further, that such plan shall propose reasonable modifications to the department's existing programs and services that do not entail a fundamental alteration of said existing services and programs; provided further that said program shall ensure that the commonwealth fulfills its obligations, pursuant to Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. § 12132, to avoid discrimination in the area of institutionalization and to distribute its limited resources fairly so that the entire population of the department benefits from

the allocation of such resources; provided further, that the department shall permit individuals with disabilities and their representatives to be participants in the development of the plan; provided further, that the department shall complete said plan and shall submit it to the chairs of the house and senate committees on ways and means and the chairs of the joint committee on health and human services no later than December 31, 2001; provided further that the disbursement of funds appropriated herein shall not be contingent upon the development of said plan; and provided further, that the aforementioned appropriation, plan and allocation of resources shall not be construed as giving rise to any enforceable right or entitlement, not otherwise provided by

state regulation or general or special law 259,414,569”.

The amendment was adopted.

Mr. Scaccia of Boston being in the Chair,— Mr. Merrigan of Greenfield moved that the bill be amended in section 2, in item 2511-0100, by adding at the end thereof the following: “; provided further, that not less than \$10,000 shall be expended for the Franklin County Community Meals Program” ; and the amendment was rejected.

Mr. Naughton of Clinton then moved that the bill be amended in section 2, in item 2511-0100, in line 15, by inserting after the word “assistance” the following: “provided further, that not less than \$350,000 be expended for the operation of the bureau of fairs, provided that payments for state prizes and agricultural exhibits, including Allotment funds for 4-H activities, may be made from this appropriation, and for display of exhibits at certain fairs; provided, that not less than two hundred thousand dollars be used for certain prizes; provided further that not less than one hundred fifty thousand dollars shall be used for rehabilitation purposes”; and in said item by striking out the figures “5,394,799” and inserting in place thereof the figures “5,744,799”. The amendment was rejected.

Mr. Hillman of Sturbridge and other members of the House moved that the bill be amended in section 2 by inserting after item 2511-0105 the following item 2511-0106:

“2511-0106 For the operation of the Bureau of Fairs, provided that payments for state prizes and agricultural exhibits, including Allotment funds for 4-H activities, may be made from this appropriation, and for display of exhibits at certain fairs; provided, that not less than two hundred thousand dollars be used for certain prizes; provided further that not less than one hundred fifty thousand dollars shall be used for rehabilitation

purposes 350,000”.

The amendment was rejected.

Mr. Festa of Melrose and other members of the House moved that the bill be amended in section 2, in item 2511-3002, in line 1, by inserting after the word “program;” the following: “provided that not less than \$750,000 shall be expended to implement provisions of the Children and Families Protection Act, pursuant to Chapter 85 of the

Acts of 2000;” and in said item by striking out the figures “394,500” and inserting in place thereof the figures “1,144,500”. The amendments were rejected.

Mr. O’Brien of Kingston and other members of the House moved that the bill be amended in section 2, in item 2511-0100, in line 10, by inserting after the word “program” the following: “provided further that \$35,000 shall be expended for agricultural exhibits and prize awards at the state and local fairs”; and in said item by striking out the figures “5,394,799” and inserting in place thereof the figures “5,429,799”. The amendments were adopted.

Mr. Cabral of New Bedford and other members of the House moved that the bill be amended in section 2 by inserting after item 4000-0112 the following item:

“4000-0122 For citizenship assistance program to assist legal non-citizens in becoming citizens of the United States; provided, that the executive office of health and human services is authorized and directed to enter into an interagency service agreement with the office for refugees and immigrants for the administration of said program; provided further that said program shall be administered in consultation with said executive office, the department of transitional assistance and the division of medical assistance; provided further that said program shall be provided through community-based organizations to the maximum extent determined appropriate by the office for refugees and immigrants; provided further, that the program funded by this item: (1) shall provide assistance to persons who are eligible to become citizens of the United States; and (2) may be funded not only through state appropriations but also through matching financial or in-kind contributions by private organizations or local government agencies; provided further, that persons who would qualify for benefits provided pursuant to chapter 118A of the General Laws, but for provision of services; provided further, that said program shall not be an entitlement and shall be subject to state appropriation; provided further, that the office of refugees and immigrants shall issue quarterly reports to the house and senate committees on ways and means and to the executive office of administration and finance on the number of persons participating in said program and the number of participants attaining citizenship in each quarter; provided further, that said report shall also detail the number of participants in said program receiving state-funded benefits by category of benefits and the federal benefits each participant would have been eligible for, but for his status as a legal non-citizen; provided further, that said office for refugees and immigrants shall report quarterly to the house and senate committees on ways and means and the executive office of administration and finance on the amounts of matching or in-kind contributions by private organizations or local government agencies; provided further, that no funds shall be expended from this item to replace expiring federal funds; provided further, that no funds shall be expended from this item for AA sub-

sidiary payroll costs, so-called 2,000,000”.

After remarks the amendment was rejected. Mr. Petersen of Marblehead moved that

this vote be reconsidered; and after debate the motion to reconsider was negatived.

At two minutes before seven o'clock P.M. (Thursday, May 3), the Speaker took the Chair and declared a recess until a quarter before eight o'clock; and at that time the House was called to order with the Speaker in the Chair.

Mrs. Parente of Milford then moved that the vote be reconsidered by which the House, at the previous session, rejected an amendment offered by her in section 2, in item 8400-0001, by striking out the figures "54,194,109" and inserting in place thereof the figures "54,367,014"; and the motion to reconsider prevailed. On the recurring question, the amendment was adopted.

Mr. Fallon of Malden moved that the bill be amended in section 2, in item 8100-0301, in line 5, by inserting after the word "Fells" the words "Fellsmere Pond area"; and the amendment was adopted.

Mr. Nangle of Lowell and other members of the House moved that the bill be amended by striking out section 13; and the amendment was adopted. Mr. Naughton of Clinton moved that this vote reconsidered; and the motion to reconsider was negatived.

Miss Reinstein of Revere then moved that the bill be amended in section 2, in item 8100-0301, in line 46, by inserting after the word "Worcester" the following: "; provided further, that not less than \$60,000 be expended for the purposes of permanently stationing an additional year-round state trooper at the Revere Beach Massachusetts State Police Barracks". The amendment was rejected.

Mr. Honan of Boston moved that the bill be amended in section 2 by inserting after item 8324-1500 the following item:

"8324-1501 To provide funding for Metrofire Communications. Metrofire is an entity that is comprised of and represented by the head of the Department, of thirty-three cities and towns in the greater Boston area, including Arlington, Belmont, Boston, Braintree, Brookline, Cambridge, Chelsea, Dedham, Everett, Lexington, Lynn, Malden, Medford, Melrose, Milton, Needham, Newton, Quincy, Reading, Revere, Saugus, Somerville, Stoneham, Wakefield, Waltham, Watertown, Wellsley, Weston, Weymouth, Winchester, Woburn, and the Massachusetts Port Authority's Logan Airport Department. This money shall be allocated to the City of Boston for the coordination of mutual aid responses to fire and coverage of vacant fire-

houses 400,000".

The amendment was rejected.

Mr. O'Flaherty of Chelsea and other members of the House moved that the bill be amended in section 2, in item 8100-0301, by adding at the end thereof the following: "; provided further that \$150,000 shall be expended for the operation of the State Police Gang Unit including but not limited to cooperative educational initiatives with

police departments in the cities of Brockton, Chelsea, Holyoke, Lawrence and Lowell". The amendment was rejected.

Mr. Hodgkins of Lee moved that the bill be amended in section 2, in item 8000-0619, in line 12, by inserting after the year "2001" the following: "provided further that a special commission shall be established to study the efficacy of the grant program for city and town drug awareness and resistance education programs, to be known as D.A.R.E., in the commonwealth. Said study commission shall examine, but not be limited to, the increased use and abuse of tobacco and drugs by youth, the increased incidents and awareness of tobacco and drug use and abuse and at-risk behavior patterns; provided further that said commission shall consist of 11 members; provided further the 11 members of the Committee shall be the secretary of administration and finance or his designee, the commissioner of public health or his designee, three members of the house of representatives, three members of the senate, the commissioner of education or his designee and one representative from the Massachusetts chiefs of police association and one representative from the Massachusetts medical society; provided further that the special commission shall submit a report on the findings of said study to the governor, the senate president, the speaker of the house of representatives and the chairmen of the senate and house committees on ways and means and the clerks of the senate and the house of representatives not later than March 2, 2002; and provided further, that said report shall contain recommendations for action including, but not limited to, further legislative action". The amendment was rejected.

Mr. Dempsey of Haverhill moved that the bill be amended in section 2, in item 8100-0000, by adding at the end thereof the following: "notwithstanding the provisions of any general or special law to the contrary, the colonel of the department of state police is hereby directed to include as correct answers, any answers which were graded incorrect or unacceptable on an examination for the rank of captain, given April 4, 1998, and which answers were subsequently determined to be correct or acceptable, to all examinees for that test who supplied correct or acceptable answers, and accordingly, said colonel is directed to correct the scores of all examinees who answered said questions correctly and revise the listing or ranking of said test results". The amendment was adopted.

Mr. Locke of Wellesley then moved that the bill be amended in section 2, in item 8100-0301, in line 78, by striking out the figures "2,203,946" and inserting in place thereof the figures "2,303,946"; and by adding at the end thereof the following: "; and provided further, that not less than \$100,000 shall be expended at the direction of the Framingham Barracks for increased directed patrols of state-owned properties under their jurisdiction including, but not limited to Norumbega Park and Recreation Road in the Town of Weston, the Leo J. Martin Golf Course in the Town of Weston, Elm Bank Reservation in Dover, Cutler Park in Needham, and the Hemlock Gorge Reservation in Newton and Needham"; and in said item by striking out the figures "2,203,946" and inserting in place thereof the figures "2,303,946". The amendments were rejected.

Mr. Binienda of Worcester then moved that the bill be amended in section 2 by inserting after item 7006-0060 the following item:

“7006-0066 For the support of the division of standard’s municipal inspection efforts; provided, that up to 15 per cent of the amount appropriated herein may be expended for the administrative costs of said

division 300,000”.

The amendment was adopted.

Mr. Scaccia of Boston then moved that the bill be amended in section 2, in item 7006-0100, by striking out the figures “1,609,285” and inserting in place thereof the figures “609,285”; and the amendment was rejected.

Mr Mariano of Quincy then moved that the bill be amended in section 2, in item 7006-0130, in line 10, by inserting after “health;” the following: “provided further that all policies, rules and regulations relative to the sale of goods from physicians offices remain the same as those in effect as of January 1, 2001;”. The amendment was rejected.

Mr. Quinn of Dartmouth then moved that the bill be amended in section 2, in item 7006-0010, by striking out the figures “10,708,370” and inserting in place thereof the figures “10,845,414”; and the amendment was rejected.

Mr. Speliotis of Danvers then moved that the bill be amended in section 2, in item 7006-0040, by striking out the figures “7,515,733” and inserting in place thereof the figures “7,740,622”. The amendment was rejected.

Ms. Flavin of East Hampton then moved that the bill be amended in section 2, in item 7006-0040, by adding at the end thereof the following: “; provided further, that the division may establish a one-time program of revenue sharing for the reduction of case backlog; provided further, that said division may raise fees that said division collects for obtaining, and renewing a license, certificate, registration, permit or authority as determined by the commissioner of administration and finance pursuant to section three B of chapter seven; provided further, that said division shall have the authority to expend 50 per cent of the net increase in said fees and 50 per cent of the net increase shall be deposited in the General Fund; provided further, that any expenditures made by said division from the net amount of any increased fees shall not be spent on any payroll costs scheduled in the AA subsidiary, so-called, provided further, that after June 30, 2002, 100 per cent of said fees shall be deposited into the general fund”. The amendment was adopted.

Mr. Petruccelli of Boston and other members of the House moved that the bill be amended in section 2, in item 4512-0200, by striking out the figures “45,347,504” and inserting in place thereof the figures “48,347,504”; and the amendment was rejected.

Ms. Malia of Boston moved that the bill be amended in section 2, in item 4513-1000,

by adding at the end thereof the following: “; provided further, that not less than \$700,000 shall be expended for statewide training for community health workers, also called outreach workers, to provide core skills and ensure minimum standards for community health workers in six regions of the state who provide culturally and linguistically effective outreach, enrollment, intervention, health education and referrals to needed services”. The amendment was rejected.

Mr Mariano of Quincy and other members of the House moved that the bill be amended in section 2, in item 4510-0100, in line 7, by inserting after the word “system;” the following: “provided further, that the department of public health may expend an amount not to exceed \$1,225,000 for a scholarship program for certified nurse’s aide training established pursuant to section 410 of Chapter 159 of the Acts of 2000;”. The amendment was adopted.

Messrs. Correia of Fall River and Rodrigues of Westport moved that the bill be amended in section 2, in item 4510-0100, by striking out the figures “19,338,367” and inserting in place thereof the figures “18,838,367”; and the amendment was adopted.

Mr. Linsky of Natick and other members of the House moved that the bill be amended in section 2, in item 4590-0911, by striking out the figures “48,265,071” and inserting in place thereof the figures “48,836,758”; and in section 2B by striking out item 4590-0903 and inserting in place thereof the following item:

“4590-0903 For the costs of Medical services provided at the department of public health Lemuel Shattuck hospital to inmates of the county correctional facilities; provided, that said costs shall be charged to items 8910-0000, 8910-0010, 8910-0102, 8910-0105, 8910-0107, 8910-0108, 8910-0110, 8910-0145, and 8910-0619, pursuant to the provisions thereof; provided further, that expenditures from this item shall be for hospital-related costs, including but not limited to, capital repair and the maintenance and motor vehicle replacement; and provided further, that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for the payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system 2,800,000”.

The amendments were adopted.

Messrs. Barrios of Cambridge and Linsky of Natick moved that the bill be amended in section 2, in item 4513-1000, in lines 10, 11, and 12, by striking out the following: “provided further, that not less than \$2,371,000 shall be expended for rape prevention and victim services, including not less than \$325,000 for rape crisis centers” and inserting in place thereof the following: “provided further, that not less than \$2,821,000 shall be expended for rape prevention and victim services, including not less than \$450,000 for rape prevention education”; and in said item by striking out the

figures “13,878,034” and inserting in place thereof the figures “14,328,034”. The amendments were rejected.

Mr. Barrios and other members of the House moved that the bill be amended in section 2, in item 4513-1000, by adding at the end thereof the following: “; and provided further, that for the infrastructure development of interpreter services in Massachusetts, pursuant to the implementation of the Emergency Room Interpreter Law (Chapter 66 of the Acts of 2000); provided that not less than \$200,000 shall be made available for the creation and maintenance of a program designed to establish interpreter certification standards and testing mechanisms, and to implement testing and certification procedures; and provided further, that \$200,000 shall be made available to fund technical assistance to hospitals in the process of developing interpreter service systems”. The amendment was rejected.

Mr. Linsky of Natick and other members of the House moved that the bill be amended in section 2, in item 4513-1000, in lines 10, 11 and 12, by striking out the following: “\$2,371,000 shall be expended for rape prevention and victim services, including not less than \$325,000 for rape crisis centers.” and inserting in place thereof the following: “\$2,821,000 shall be expended for rape prevention and victim services, including not less than \$450,000 for rape crisis counselors to assist victims during forensic examinations”; and in said item by striking out the figures “13,878,034” and inserting in place thereof the figures “14,328,034”. The amendments were rejected.

Mr. Tirone of Amesbury then moved that the bill be amended in section 2, in item 4510-0617 by striking out the figures “91,500” and inserting in place thereof the figures “96,075”; and the amendment was adopted.

Mrs. Owens-Hicks of Boston and other members of the House moved that the bill be amended in section 2, in item 4510-0110, in line 3, by striking out the figures “40,000” and inserting in place thereof the figures “200,000”; and the amendment was rejected.

Mr. Cahill of Beverly and other members of the House moved that the bill be amended in section 2, in item 4512-1300, in line 3, by striking out the figures “1,000,000” and inserting in place thereof the figures “2,000,000”; and the amendment was rejected.

Mr. Koutoujian of Newton and other members of the House moved that the bill be amended in section 2, in item 4513-1000, in line 26, by inserting after the word “youth” the following: “; provided further, that not less than \$500,000 shall be expended for a comprehensive state-wide plan for suicide awareness and prevention”. The amendment was rejected.

Ms. Fox of Boston and other members of the House moved that the bill be amended in section 2, in item 4513-1000, in line 18, by inserting after the word “programs” the following: “; provided further, shall be provided to We’re Educators-A Touch of Class (WEATOC) for running peer health education and youth development programs at a

cost of \$294,562”; and the amendment was rejected.

Mr. Larkin of Pittsfield moved that the bill be amended in section 2 by adding at the end of item 4530-9000 the following: “provided further, that the secretary of administration and finance or his or her designee shall hire an independent research entity to conduct a study and investigation of programs and services in the commonwealth presently available in the area of teen pregnancy prevention funded through this line item and of the degree of coordination of such programs and services; provided further, that such study will include, but not be limited to, an analysis of the methodologies utilized, effectiveness of said programs, including cost-benefit analysis, populations served, and the availability and reliability of program and/or state and municipal evaluation and monitoring of said programs; provided further, that programs to be subject to said study shall include, but not be limited to so-called coalition-based programs, so-called abstinence-based pregnancy prevention programs, traditional counseling based programs, health education, condom distribution, etc; provided further, that said study will compare programs available in the commonwealth with other comparable states; and provided further, that the secretary shall report to the general court the results of such study and investigation, including recommendations for improved pregnancy prevention services, to the clerks of the house and senate on or before the first Wednesday in January, two thousand and one”. The amendment was rejected.

Mr. Larkin of Pittsfield and other members of the House moved that the bill be amended in section 2 by adding at the end of item 4530-9000 the following: “provided further, that the secretary of the executive office of health and human services or his designee shall hire an independent research entity to conduct a study and investigation of programs and services in the commonwealth presently available in the area of teen pregnancy prevention funded through this line item and of the degree of coordination of such programs and services; provided further, that said study will be conducted in a representative sample of Challenge Fund coalitions, including one coalition each from rural, suburban, and urban geographical areas and one coalition that has been in existence for at least ten years and another coalition that has been in existence for five years or less; provided further that the results of said study will be presented to all 17 Challenge Fund coalitions in order to provide them with information about best practices and help them to strengthen their own work; provided further, that such study will include, but not be limited to, an analysis of the methodologies utilized, effectiveness of said programs, including cost-benefit analysis, populations served, and the availability and reliability of program and/or state and municipal evaluation and monitoring of said programs; provided further, that programs to be subject to said study shall include, but not be limited to so-called coalition-based programs, so-called abstinence-based pregnancy prevention programs, traditional counseling based programs, health education, condom distribution, etc; provided further, that said study will compare programs available in the commonwealth with other comparable states; and provided further, that the secretary shall report to House and Senate ways and means committees the results of such study and investigation, including recommendations for improved pregnancy prevention services, to the clerks of the house and senate on or before the first Wednesday in January, two thousand and one”.

The amendment was adopted.

Mrs. Teahan of Whitman and other members of the House moved that the bill be amended in section 2, in item 4590-0906, by striking out the figures “16,473,482” and inserting in place thereof the figures “17,472,111”; and the amendment was rejected.

Mrs. Teahan and other members of the House moved that the bill be amended in section 2, in item 4512-0500, in line 1, by inserting after the word “services” the following: “; provided, that \$2,000,000 shall be expended for the Tufts University School of Dental Medicine program for the developmentally disabled”; and in said item by striking out the figures “1,323,984” and inserting in place thereof the figures “1,560,000”. The amendments were adopted.

Mr. Fitzgerald of Boston and other members of the House moved that the bill be amended in section 2, in item 4512-0225, by striking out the figures “1,000,000” and inserting in place thereof the figures “2,000,000”; and the amendment was rejected.

Mr. O’Flaherty of Chelsea then moved that the bill be amended in section 2, in item 4512-0200, by adding at the end thereof the following: “; provided further that not less than \$75,000 shall be expended for the operation of the recovery house by the Charlestown Recovery House Foundation, Inc., in the Charlestown section of the city of Boston [A]”.

Pending the question on adoption of the amendment, Ms. Blumer of Framingham moved that it be amended by adding at the end thereof [at “A”] the following: “; provided further, that not less than \$50,000 shall be expended in grants for the Framingham Coalition for the Prevention of Alcohol and Drug Abuse”.

The further amendment was adopted; and the pending amendment, as amended, also was adopted.

Mr. Fresolo of Worcester and other members of the House moved that the bill be amended in section 2, in item 1410-0010, in line 9, by inserting after the word “Malden” the following: “; that not less than \$75,000 shall be obligated for a contract with the Korean War Memorial Committee of Central Massachusetts for the construction of a Central Massachusetts Korean War Memorial at Washington Square in the city of Worcester”; and in said item by striking out the figures “2,361,060” and inserting in place thereof the figures “2,436,060”.

The amendments were adopted.

Mr. Kane of Holyoke and other members of the House moved that the bill be amended in section 2, in item 4190-0100, in line 12, by inserting after the word “place” the following: “; provided further that not more than \$6,279,172 be extended for the purpose of installing an air conditioning unit within the Holyoke Soldiers Home”; and in said item by striking out the figures “16,470,087” and inserting in place thereof the figures “22,749,259”. The amendments were rejected.

Mr. Fennell of Lynn moved that the bill be amended in section 2, in item 1410-0250, in line 27, by striking out the figures “100,000” and inserting in place thereof the figures “150,854”; and the amendment was adopted.

Mr. Wagner of Chicopee moved that the bill be amended in section 2, in item 1410-0250, by adding at the end thereof the following: “; and provided further, that not less than \$25,000 shall be obligated for a contract with the Maguder House/Soldier’s Home for transitional housing for veterans in the City of Chicopee”; and in said item by striking out the figures “1,715,915” and inserting in place thereof the figures “\$1,740,915”. The amendments were adopted.

Mr. Leary of Worcester and other members of the House moved that the bill be amended in section 2, in item 1410-0250, in line 5, by inserting after the word “Worcester”, the following: “; and provided further, that not less than \$125,000 shall be expended for the Central Massachusetts Shelter for Homeless Veterans located in the City of Worcester for the installation of a fire suppression sprinkler”; and in said item by striking out the figures “1,715,915” and inserting in place thereof the figures “1,840,915”. The amendments were rejected.

Mr. Hillman of Sturbridge and other members of the House moved that the bill be amended in section 2 by inserting after item 4190-1100 the following item:

“4190-1103 For a one-time purchase of medical-related equipment for said soldiers’ home 870,335”.

The amendment was rejected.

Mr. Connolly of Everett moved that the bill be amended in section 2, in item 1410-0010, by adding at the end thereof the following: “; provided further, that there is hereby established a special commission to evaluate the status of Massachusetts’ veterans long term care services, the need of such veterans for long term care services, and the feasibility of establishing comprehensive long term care services for such veterans; provided further, that said study shall include, but not be limited to, an examination of the following factors: (1) an exhaustive analysis of the number of veterans who may need institutional care and community-based long term care services in the Commonwealth; (2) the extent and nature of long term care services currently available to such veterans; (3) an itemized list by location and size of any and all federally owned facilities or spaces that may serve as long term care facilities that may provide such services to such veterans, including the number of empty beds, so-called, per facility that may be available for the provision of such services; (4) a cost-benefit analysis of the number of beds required to serve any and all veterans that may not currently have access to such long term care services; (5) the commonwealth’s liability for subsidizing any and all long term care services that the commission deems necessary to provide quality care to such veterans; (6) a detailed and actuarially-sound assessment of the costs associated with establishing an independent program of long term care for such veterans who may be in need of long

term care in Massachusetts; and (7) the availability of federal financial participation in establishing or expanding long term care services to such veterans; provided further, that said commission shall consist of the secretary of administration and finance, the commissioner of the division of medical assistance, the commissioner of the division of health care finance and policy, the commissioner of the department of public health, the secretary of elder affairs, the commissioner of the department of veterans services, and the commandants of the Chelsea and Holyoke soldiers homes, two members of the house and one member of the senate, and four persons to be appointed by the governor, one of whom shall be a representative of the extended care federation, one of whom shall be a representative of health care for all, and two of whom shall be citizens who shall represent the interests of such veterans; and provided further, that said commission shall file a report on the results of its study, together with recommendations and any legislation necessary to carry out its recommendations with the clerks of the house of representatives and the senate, and the house and senate committees on ways and means, not later than March 25, 2002”.

The amendment was adopted.

*Recess.*

At the hour of nine o'clock P.M. (Thursday, May 3), on motion of Mr. Flynn of Bridgewater (the Speaker being in the Chair), the House recessed until the hour of ten o'clock A.M. on Friday, May 4; and at that time, the House was called to order with the Speaker in the Chair.

**Friday, May 4, 2001 (at 10:00 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 thank You for the many material and spiritual blessings which You bestow upon us daily and which we, so often, take for granted. We are grateful to You, Lord, for Your constant, loving and watchful care and for the loving concern of family, relatives and friends. We are thankful that we live in this great country with a vast supply of material resources and countless dedicated skilled workers who keep the country moving. May we be responsive to Your gifts and guidance as we carry out our responsibilities and address the issues of the day. In resolving sensitive and difficult issues, grant us the wisdom to select the best options and choices which are available to us. At times, they may be limited. May our decisions be objective, honorable and just. We thank You that after one week of debate on House, No. 4100, we have not one, but one hundred sixty survivors.

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.

*Resolutions.*

Resolutions (filed with the Clerk by Mr. Speliotis of Danvers) honoring Nancy K. Begin, were referred, under Rule 85, to the committee on Rules.

Mr. Honan 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. Speliotis, 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.*

A Bill authorizing municipalities to protect low and moderate income tenants and units of governmentally involved housing (Senate, No. 1832, amended in lines 70, 71 and 90, by striking out the figures "1994" and inserting in place thereof, in each instance, the figures "2000"; and in line 94 by inserting after the word "preemption" the words "and at all times after that date") (on Senate, Nos. 634 and 655 and House, Nos. 1195 and 1954), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

**Bills**

Correcting the incest statute (Senate, No. 175) (on Senate, No. 160 and House, Nos. 3857 and 3912);

Relative to the practice of public accountancy (Senate, No. 369) (on a petition);

Relative to age discrimination in housing (Senate, No. 631) (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.

*Report of a Committee.*

By Mr. Bosley of North Adams, for the committee on Government Regulations, on a

petition, a Bill relative to home inspectors (House, No. 4135), which was read.

Under suspension of the rules, on motion of Mr. Bosley, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

*Orders of the Day.*

The House Bill making appropriations for the fiscal year 2002 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. 4100, amended) was considered, the main question being on passing it to be engrossed.

Ms. Gomes of Harwich and other members of the House moved that the bill be amended in section 2, in item 2330-0100, by adding at the end thereof the following: “; provided further, that \$100,000 shall be made available for the right whale research and monitoring program contingent upon one hundred per cent matching funds from private sponsorship”. The amendment was adopted.

Representatives Peterson of Grafton and Story of Amherst moved that the bill be amended in section 2 by striking out item 2350-0101 and inserting after item 2310-0200 the following item:

“2310-0202 For the hunter safety training program 461,921

Inland Fisheries

and Game Fund 100.0%”.

The amendments were adopted.

Representatives Kulik of Worthington and Polito of Shrewsbury moved that the bill be amended in section 2, in item 2300-0101, by striking out the figures “431,063” and inserting in place thereof the figures “452,506”; and the amendment was rejected.

Mr. Turkington of Falmouth and other members of the House moved that the bill be amended in section 2, in item 2330-0100, by adding at the end thereof the following: “; and provided further, that not less than \$100,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and Barnstable County”; and the amendment was rejected.

Miss Reinstein of Revere moved that the bill be amended in section 2, in item 2350-0100, by striking out the figures “9,902,023” and inserting in place thereof the figures

“9,942,023”; and the amendment was adopted.

Mr. Wagner of Chicopee and other members of the House moved that the bill be amended in section 2 by adding at the end of item 1102-3210 the following: “; provided, further, that said division shall conduct a study of all surplus state land in Hampden County and recommend a replacement facility for a regional animal control facility to be located in Hampden County by reporting to the House and Senate Committees on Ways and Means the results of their study by August 1, 2001”. The amendment was adopted.

Mr. Hodgkins of Lee moved that the bill be amended in section 2, in item 2300-0101, in line 2, by inserting after the word “entities” the following: “; provided further that the Department of Fisheries, Wildlife and Environmental Law Enforcement be instructed to construct a handicapped accessible fishing pier at Laurel Lake in the towns of Lee and Lenox”. The amendment was rejected.

Mr. Straus of Mattapoisett and other members of the House then moved that the bill be amended in section 2 by inserting after item 2310-0500 the following item:

“2310-0600 For the operation of a program to enhance biodiversity, wildfire protection and habitat preservation, the division of fisheries and wildlife is directed to institute a program of controlled fire burning on appropriate state lands within the commonwealth provided that expenditures of these funds shall be matched equally by a pri-

vate non-profit organization 100,000”.

The amendment was adopted.

Mr. Kulik of Worthington and other members of the House moved that the bill be amended in section 2 by inserting after item 2310-0200 the following item:

“2310-0201 For the implementation of a program to manage beaver, muskrat and coyote problems, including population control to be administered by the

division 187,500”.

The amendment was rejected.

Mr. Verga of Gloucester and other members of the House moved that the bill be amended in section 2 by inserting after item 2210-0100 the following item:

“2200-0150 For the funding of consultant contracts for the circuit rider program 500,000”.

The amendment was rejected.

Messrs. Petersen of Marblehead and Peterson of Grafton moved that the bill be amended in section 2, in item 2200-0100, in lines 21, 22 and 23 by striking out the following: “that the department shall submit a report to the house and senate committees on ways and means no later than February 1, 2002” and inserting in place thereof the following: “that within 180 days of receipt of the State Auditor’s report on the findings of its current departmental audit, the department shall submit a report to the house and senate committees on ways and means”. The amendment was adopted.

Mr. Petersen of Marblehead moved that the bill be amended in section 2, in item 2200-0100, in lines 20 to 27, inclusive, by striking out the following: “provided further, that the department shall submit a report to the house and senate committees on ways and means no later than February 1, 2002 detailing the process of recovering payment from hazardous waste polluters; provided further, that said report shall include, but not be limited to, the number of payments owed the commonwealth, the total amount of each payment, and shall identify the cases where the state attorney general has and has not pursued said payments in a court of law.” The amendment was rejected.

Mrs. Teahan of Whitman moved that the bill be amended in section 2, in item 2200-0100, in line 20, by inserting after the word “department” the following: “; and provided further, that not less than \$250,000 shall be made available to reimburse the Town of Weymouth for costs related to determine the feasibility of desalination as a regional water supplementation resource”. The amendment was rejected.

Mr. Hill of Ipswich moved that the bill be amended in section 2, in item 2200-0100, in line 32, by inserting after the word “activities” the following: “; and provided further, that not more than a sum of \$85,000 shall be expended for the purposes of conducting an environmental impact study and preparing an environmental impact report regarding the impact of sewerage a portion of Ipswich known as Great Neck,”; and in said item, in line 32, by striking out the figures “34,490,924” and inserting in place thereof the figures “35,575,924”. The amendments were rejected.

Ms. Lewis of Dedham being in the Chair,— Mr. Rogers of Norwood moved that the bill be amended in section 2 [A] by striking item 8000-0010 and inserting in place thereof the following:

“8000-0010 For community policing grants to be administered by the executive office of public safety; provided, that no such grants shall be awarded to the department of state police; provided further, that not less than \$100,000 shall be provided for community policing in the city of Salem; provided further, that not less than \$100,000 shall be provided for community policing in the town of Barnstable; provided further, that not less than \$40,000 shall be provided for community policing in the town of West Springfield; provided further, that not less than \$100,000 shall be provided for community policing in the section of the city of Worcester known as Southern Worcester, including but not limited to Vernon Hill, Grafton, Union, and Green Island, for the purpose of curtailing gang activity, related drug activity and gang formation and recruitment in addition to the grant award to said city in fiscal year

1999; provided further, that not less than \$75,000 shall be provided for the safe city program, so-called, in the city of Lynn; provided further, that not less than \$75,000 shall be provided for community policing in the city of Quincy; provided further, that the city known as the town of Weymouth shall receive not less than the amount awarded to said city in fiscal year 2000; provided further, that not less than \$75,000 shall be provided to the city of Haverhill in addition to the amount awarded to said city in fiscal year 2000; provided further, that not less than \$75,000 shall be provided for the North Adams community policing program; provided further, that not less than \$75,000 shall be provided for the Spencer community policing program; provided further, that not less than \$40,000 shall be provided for the funding of the community school service anti-violence officer position in the city of Malden in addition to the grant award to such city in fiscal year 1999; provided further, that not less than \$45,000 shall be provided for community policing in the town of Abington; provided further, that not less than \$30,000 shall be provided for the town of Walpole; provided further, that not less than \$150,000 shall be made available to the city of Lawrence in addition to the amount awarded to said city in fiscal year 2000; provided further, that \$100,000 shall be awarded to the city of Lawrence in addition to the amount awarded to said city in fiscal year 2001; provided further, that not less than \$50,000 shall be awarded to the city of Methuen in addition to the amount awarded to said city in fiscal year 2000; provided further, that the town of Salisbury shall receive not less than the amount awarded to said town in fiscal year 2000; provided further, that not less than \$50,000 shall be provided to the town of Saugus for the drug enforcement unit; provided further, that not less than \$65,000 shall be provided for the community policing program in the town of Nahant; provided further, that not less than \$75,000 shall be expended to fund project learn, so-called, in the city of New Bedford; provided further, that not less than \$48,000 shall be provided for community policing in the town of Greenfield; provided further, that not less than \$30,000 shall be provided for community policing in the town of Hampden; provided further, that not less than \$30,000 shall be provided for community policing in the town of Granby; provided further, that not less than \$15,500 shall be provided for a community policing program for the elderly at a Deming Way housing project, so-called, in the town of Wilmington; provided further, that community policing grants of not less than \$26,000 shall be provided for community policing in the town of Southborough; provided further, that community policing grants of not less than \$30,000 each shall be provided for community policing in the towns of Deerfield, Sunderland and Whately; provided further, that not less than \$20,000 each shall be awarded to the towns of Buckland and Dudley for community policing; provided further, that not less than \$38,000 shall be awarded to the town of Westford for community policing; provided further, that \$45,000 shall be provided to the city of Westfield, for the purchase of three new motorcycles, in addition to the amount awarded to said town in fiscal year 2001; provided further, that \$20,000 shall be awarded to the town of Dennis for bullet proof vests, in addition to the amount awarded to said town in fiscal year 2001; provided further that \$10,000 shall be awarded to the town of Yarmouth in addition to the amount awarded to said town in fiscal year 2001; provided further, that \$10,000 shall be awarded to the town of Brewster in addition to the amount awarded to said town in fiscal year 2001; provided further, that not less than \$32,000 shall be

awarded to the town of Truro; provided further, that \$90,000 shall be provided to the town of Norwood for community policing; provided further, that \$30,000 shall be awarded to the town of Oxford; provided further, that \$30,000 shall be awarded to the town of Auburn; provided further, that grants shall be awarded to the municipalities of Agawam, Amesbury, Athol, Attleboro, Avon, Bedford, Bernardston, Billerica, Boston, Braintree, Brockton, Brookline, Burlington, Cambridge, Canton, Chelsea, Chicopee, Dalton, Dedham, East Longmeadow, Fall River, Fitchburg, Framingham, Gill, Georgetown, Greenfield, Hanson, Haverhill, Holbrook, Holliston, Hopkinton, Holyoke, Lawrence, Longmeadow, Lowell, Ludlow, Lynn, Malden, Medford, Medway, Melrose, Methuen, Milton, Montague, Needham, New Bedford, Newton, North Adams, North Andover, North Attleborough, North Reading, Northbridge, Northampton, Northfield, Orange, Pittsfield, Plainville, Quincy, Randolph, Reading, Revere, Rockland, Saugus, Shelburne, Somerville, Springfield, Stoneham, Waltham, Weymouth, Wilbraham, Watertown, Westfield, Winchester, Worcester and Wrentham in an amount not less than the amount of the grant or grants each such municipality received in fiscal year 2001, but in no circumstance in an amount of less than \$40,000; provided further, that any such community which received \$42,000 or less in fiscal year 2001 shall be eligible to compete for additional community policing grant awards through the competitive application process administered by said executive office; provided further, that said secretary shall award grants based on criteria including, but not limited to, unspent balances of prior-year community policing awards, population statistics, crime rates, and the merits of community policing programs as described by municipalities on their grant applications; provided further, that grant funds shall only be expended on items that are related to community policing activities, programs, purchases, or construction; provided further, that grant funds shall not be expended on food and beverages, recruit training academy tuition, salaries and benefits for non-community policing personnel, and payments for non-related overtime; provided further, that monies awarded by said executive office may include grants made for community policing in state-aided public housing developments; provided further, that grants shall be awarded to the municipalities of Boylston, Clinton, Northboro, Princeton, Sterling, West Boylston, Millis, Natick, Sherborn, Charlemont, Dighton, Somerset, Swansea, in the amount of \$20,000 in addition to the amounts received by said municipalities in fiscal year 2001; provided further, that grants shall be awarded to the municipalities of Bourne, Fairhaven, Southborough in the amount of \$30,000 in addition to the amounts received by said municipalities in fiscal year 2001; provided further, that Ipswich shall receive \$75,000 in addition to the amount received by said municipality in fiscal year 2001; provided further, that \$30,000 shall be available for SWAT forces for the Central Massachusetts Law Enforcement Council; provided further, that not less than \$72,000 shall be provided to the city of Revere for software, hardware, training and integration of an electronic fingerprinting system, so-called; provided further, that \$40,000 shall be provided for the community safety activities of the North Cambridge crime task force; provided further, that the city of Boston shall receive not less than the amount that was awarded to said city in fiscal year 2001; provided further, that \$350,000 of said award shall be made available for community policing in the Bowdoin Street-Geneva Avenue and Uphams Corner sections, so-called, of Dorchester in the city of Boston; provided further, that \$100,000 of said

award shall be provided for the enhancement of community policing efforts around the Maverick Square section of East Boston; provided further, that \$150,000 of said award shall be provided for community policing in the B-2 sector, so-called, of Mission Hill in the city of Boston for additional enforcement in conjunction with the neighborhood policing program; provided further, that \$250,000 shall be provided for community safety activities and for community policing in the Grove Hall sections, so-called, of Roxbury/North Dorchester in the city of Boston; provided further, that not less than \$20,000 shall be expended for an internship program for the purpose of staffing police department substations in the city of Lowell; provided further, that not less than \$5,000 shall be expended for equipment in the Lowell Pawtucketville substation; provided further, that \$13,000 shall be awarded to the town of Southborough for a central dispatch system in addition to the amount awarded to said town in fiscal year 2001; provided further, that \$40,000 in each town shall be provided for community policing in the towns of Palmer, Williamstown and Andover; provided further, that \$40,000 shall be awarded to the town of Newbury in addition to the amount awarded to said town in fiscal year 2001; provided further, that \$40,000 shall be awarded to the town of Rowley in addition to the amount awarded to said town in fiscal year 2001; provided further, that not later than January 15, 2002, said executive office shall submit a report detailing the amount of grants awarded to said grant recipients and descriptions of said grants to the house and senate committees on ways and means; and provided further, that said executive office in consultation with the house and senate committee on ways and means and the joint committee on public safety shall review the current grant process and develop recommendations for

improvements in the grant distribution process 20,949,500

Local Aid Fund 100.0%”.

Pending the question on adoption of the amendment, Mr. Marini of Hanson and other members of the House moved that it be amended by striking out the text thereof [at “A”] and inserting in place thereof the following: in item 8000-0010, by inserting at the end thereof the following: “; provided further, that the funds appropriated shall be allocated to each municipality pursuant to the following schedule:

**“Municipality Amount**

Abington 48,191

Acton 67,084

Acushnet 33,527

Adams 29,066

Agawam 92,864

Alford 1,317

Amesbury 54,278  
Amherst 115,070  
Andover 103,103  
Aquinnah 1,135  
Arlington 139,867  
Ashburnham 18,300  
Ashby 9,387  
Ashfield 5,939  
Ashland 48,418  
Athol 37,282  
Attleboro 138,808  
Auburn 52,467  
Avon 141,660  
Ayer 24,044  
Barnstable 157,790  
Barre 16,871  
Becket 5,791  
Bedford 41,559  
Belchertown 42,789  
Bellingham 50,530  
Belmont 79,831  
Berkley 18,969  
Berlin 7,853  
Bernardston 7,111  
**Municipality Amount**

Beverly 131,529  
Billerica 128,622  
Blackstone 29,050  
Blandford 4,006  
Bolton 13,687  
Boston 1,943,931  
Bourne 61,772  
Boxborough 16,062  
Boxford 26,136  
Boylston 13,225  
Braintree 111,619  
Brewster 33,306  
Bridgewater 83,101  
Brimfield 11,017  
Brockton 311,166  
Brookfield 10,067  
Brookline 188,430  
Buckland 6,570  
Burlington 75,482  
Cambridge 334,431  
Canton 68,549  
Carlisle 15,564  
Carver 36,833  
Charlemont 4,481  
Charlton 37,163

Chatham 21,860

Chelmsford 111,718

Chelsea 115,750

Cheshire 11,222

Chester 4,316

**Municipality Amount**

Chesterfield 3,963

Chicopee 180,333

Chilmark 2,782

Clarksburg 5,563

Clinton 44,330

Cohasset 23,958

Colrain 5,982

Concord 56,070

Conway 5,969

Cummington 3,227

Dalton 22,741

Danvers 83,190

Dartmouth 101,186

Dedham 77,422

Deerfield 15,673

Dennis 52,705

Dighton 20,375

Douglas 23,246

Dover 18,339

Dracut 94,243  
Dudley 33,115  
Dunstable 9,335  
Duxbury 47,013  
East Bridgewater 42,809  
East Brookfield 6,919  
East Longmeadow 46,524  
Eastham 17,993  
Easthampton 52,774  
Easton 73,578  
Edgartown 12,469  
Egremont 4,438  
Erving 4,841  
Essex 10,780  
Everett 125,507  
Fairhaven 53,318  
Fall River 303,359  
Falmouth 107,765  
Fitchburg 129,021  
Florida 2,231  
Foxborough 53,605  
Framingham 220,776  
Franklin 97,536  
Freetown 27,954  
Gardner 68,533

Georgetown 24,341

Gill 4,497

Gloucester 99,889

Goshen 3,039

Gosnold 284

Grafton 49,144

Granby 20,233

**Municipality Amount**

Granville 5,019

Great Barrington 24,836

Greenfield 59,947

Groton 31,501

Groveland 19,923

Hadley 15,815

Halifax 24,747

Hamilton 27,436

Hampden 17,062

Hancock 2,379

Hanover 43,436

Hanson 31,330

Hardwick 8,652

Harvard 19,735

Harwich 40,869

Hatfield 10,720

Haverhill 194,574

Hawley 1,109  
Heath 2,656  
Hingham 65,603  
Hinsdale 6,177  
Holbrook 35,586  
Holden 51,543  
Holland 7,942  
Holliston 45,538  
Holyoke 131,450  
Hopedale 19,491  
Hopkinton 44,037  
Hubbardston 12,898  
Hudson 59,766  
Hull 36,461  
Huntington 7,173  
Ipswich 42,852  
Kingston 38,869  
Lakeville 32,405  
Lancaster 24,351  
Lanesborough 9,866  
Lawrence 237,713  
Lee 19,748  
Leicester 34,550  
Lenox 16,752  
Leominster 136,284

Leverett 5,487

Lexington 100,159

Leyden 2,547

Lincoln 26,582

Littleton 27,004

Longmeadow 51,583

Lowell 347,009

Ludlow 69,981

Lunenburg 31,020

**Municipality Amount**

Lynn 293,830

Lynnfield 38,084

Malden 185,900

Manchester 17,250

Mansfield 73,957

Marblehead 67,236

Marion 16,904

Marlborough 119,627

Marshfield 80,260

Mashpee 42,717

Mattapoisett 20,682

Maynard 34,425

Medfield 40,496

Medford 184,002

Medway 41,073

Melrose 89,531  
Mendon 17,442  
Merrimac 20,253  
Methuen 144,486  
Middleborough 65,797  
Middlefield 1,788  
Middleton 25,552  
Milford 88,426  
Millbury 42,182  
Millis 26,073  
Millville 8,988  
Milton 85,994  
Monroe 307  
Monson 27,581  
Montague 28,010  
Monterey 3,082  
Montgomery 2,158  
Mount Washington 429  
Nahant 11,984  
Nantucket 31,412  
Natick 106,148  
Needham 95,395  
New Ashford 815  
New Bedford 309,397  
New Braintree 3,059

New Marlborough 4,930

New Salem 3,065

Newbury 22,163

Newburyport 56,717

Newton 276,602

Norfolk 34,514

North Adams 48,441

North Andover 89,756

North Attleborough 89,561

North Brookfield 15,452

North Reading 45,657

**Municipality Amount**

Northampton 95,616

Northborough 46,237

Northbridge 43,495

Northfield 9,737

Norton 59,512

Norwell 32,221

Norwood 94,326

Oak Bluffs 12,251

Oakham 5,520

Orange 24,806

Orleans 20,923

Otis 4,504

Oxford 44,056

Palmer 41,235  
Paxton 14,472  
Peabody 158,807  
Pelham 4,629  
Pembroke 55,852  
Pepperell 36,764  
Peru 2,709  
Petersham 3,894  
Phillipston 5,349  
Pittsfield 151,099  
Plainfield 1,943  
Plainville 25,351  
Plymouth 170,593  
Plympton 8,701  
Princeton 11,064  
Provincetown 11,321  
Quincy 290,448  
Randolph 102,166  
Raynham 38,734  
Reading 78,227  
Rehoboth 33,564  
Revere 156,015  
Richmond 5,293  
Rochester 15,115  
Rockland 58,304

Rockport 25,628

Rowe 1,158

Rowley 18,148

Royalston 4,138

Russell 5,467

Rutland 20,962

Salem 133,327

Salisbury 25,826

Sandisfield 2,719

Sandwich 66,441

Saugus 86,047

Savoy 2,326

Scituate 58,941

**Municipality Amount**

Seekonk 44,297

Sharon 57,439

Sheffield 11,004

Shelburne 6,791

Sherborn 13,858

Shirley 21,028

Shrewsbury 104,399

Shutesbury 5,972

Somerset 60,165

Somerville 255,647

South Hadley 56,740

Southampton 17,775  
Southborough 28,974  
Southbridge 56,799  
Southwick 29,152  
Spencer 38,576  
Springfield 501,810  
Sterling 23,945  
Stockbridge 7,510  
Stoneham 73,314  
Stoughton 89,581  
Stow 19,474  
Sturbridge 25,859  
Sudbury 55,569  
Sunderland 12,463  
Sutton 27,222  
Swampscott 47,554  
Swansea 52,467  
Taunton 184,699  
Templeton 22,434  
Tewksbury 95,197  
Tisbury 12,390  
Tolland 1,406  
Topsfield 20,263  
Townsend 30,350  
Truro 6,886

Tyngsborough 36,563

Tyringham 1,155

Upton 18,616

Uxbridge 36,810

Wakefield 81,843

Wales 5,731

Walpole 75,310

Waltham 195,422

**Municipality Amount**

Ware 32,029

Wareham 67,097

Warren 15,759

Warwick 2,475

Washington 1,795

Watertown 108,841

Wayland 43,225

Webster 54,163

Wellesley 87,812

Wellfleet 9,071

Wendell 3,253

Wenham 14,650

West Boylston 24,684

West Bridgewater 21,890

West Brookfield 12,552

West Newbury 13,690

West Springfield 92,056  
West Stockbridge 4,672  
West Tisbury 8,140  
Westborough 59,383  
Westfield 132,222  
Westford 68,480  
Westhampton 4,844  
Westminster 22,790  
Weston 37,843  
Westport 46,798  
Westwood 46,580  
Weymouth 178,139  
Whately 5,190  
Whitman 45,805  
Wilbraham 44,456  
Williamsburg 8,008  
Williamstown 27,796  
Wilmington 70,489  
Winchendon 31,712  
Winchester 68,665  
Windsor 2,887  
Winthrop 60,393  
Woburn 122,937  
Worcester 569,670  
Worthington 4,190

Wrentham 34,824

Yarmouth 81,853

**Total \$20,949,500**

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Marini of Hanson; and on the roll call 24 members voted in the affirmative and 130 in the negative.

**[See Yea and Nay No. 48 in Supplement.]**

Therefore the further amendment was rejected.

On the question on adoption of the amendment offered by Mr. Rogers of Norwood, the sense of the House was taken by yeas and nays, at the request of Mr. Marini; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 49 in Supplement.]**

Therefore the amendment was adopted.

Mr. Rogers of Norwood moved that this vote be reconsidered; and the motion to reconsider was negatived.

At a quarter after twelve o'clock noon (Friday, May 4), the Chair (Ms. Lewis of Dedham) declared a recess until the hour of one o'clock P.M.; and at nineteen minutes after one o'clock the House was called to order with Ms. Lewis in the Chair.

Mr. Nyman of Hanover moved that the bill be amended in section 3, under the heading "7061-0022 Reduce Class Size", by striking out, after the town "Hanover", the figure "0" and inserting in place thereof the figures: "100,000"; by striking out, after the town "Norwell", the figure "0" and inserting in place thereof the figures: "100,000"; and by striking out, after the town "Rockland", the figure "0" and inserting in place thereof the figures: "100,000".

The amendments were rejected.

Mr. Naughton of Clinton moved that the bill be amended in section 2, in item 7030-1004, in line 10, by inserting after the word "families" the following: "provided further, that not less than \$120,000 be expended for the Clinton Parent-Child Home Program in fiscal year 2002"; and the amendment was rejected.

Mr. Marini of Hanson and other members of the House moved that the bill be amended in section 2, in item 7030-1002, in line 30, by inserting after the word "data" the following: "; provided further that the funds appropriated shall be allocated to school districts within each county pursuant to the following schedule:

**County Amount**

Barnstable 1,087,386

Berkshire 660,334

Bristol 2,616,215

Dukes 73,332

Essex 3,539,737

Franklin 350,025

Hampden 2,232,354

Hampshire 744,974

Middlesex 7,170,279

Nantucket 46,582

Norfolk 3,182,000

Plymouth 2,313,549

Suffolk 3,375,271

Worcester 3,674,511

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 23 members voted in the affirmative and 131 in the negative.

**[See Yea and Nay No. 50 in Supplement.]**

Therefore the amendment was rejected.

Mr. Slattery of Peabody then moved that the bill be amended in section 2, in item 7061-0022, by striking out the figures “18,000,000” and inserting in place thereof the figures “21,000,000”.

After debate the amendment was rejected.

Representatives Larkin of Pittsfield and Wolf of Cambridge moved that the bill be amended in section 2, in item 7061-0022, in line 4, by inserting after the words “low-income” the following: “; provided further, that one third of funds received by each school district shall be expended toward the reduction of teacher-student ratio in the first grade, with priority being given to schools with the most low income students;

provided further, that the department of education shall develop a program of systematic assessment of the academic achievement of students in classrooms in which the teacher-student ratio has been reduced as a result of the funds distributed from this item, including a comparison of the academic achievement of such students with other students in classrooms with higher teacher-student ratios; provided further, that said school shall assure targeted professional development for teachers with reduced class size and full-day kindergarten”.

After remarks the amendment was adopted.

Mr. Merrigan of Greenfield moved that the bill be amended in section 2, in item 2100-2030, in line 26, by inserting after the word “Millbury” the following: “; provided further, that not less than \$400,000 shall be provided for roof repairs to the Collins Memorial Skating Rink in the town of Greenfield”. The amendment was rejected.

Mr. Keenan of Southwick moved that the bill be amended in section 2 by adding at the end of item 2100-0005 the following: “provided further that no more than \$100,000, shall be expended for control of the aquatic exotic weed Eurasian Milfoil in Congamond Lakes in Southwick”. The amendment was rejected.

Messrs. Broadhurst of Methuen and Santiago of Lawrence moved that the bill be amended in section 2 by adding at the end of item 2100-2030 the following: “; provided further, that no more than \$250,000 shall be expended for improvements at Greycourt State Park in Methuen”; and in said item by striking out the figures “25,033,638” and inserting in place thereof the figures “25,283,638”.

The amendments were rejected.

Mr. Fallon of Malden moved that the bill be amended in section 2, in item 4406-3000, in line 20, by inserting after the word “Waltham” the following: “; provided further, that not more than twenty-five thousand dollars (\$25,000), shall be provided for a matching grant for the Bike to the Sea program in the city of Malden; provided further, that said city shall provide one hundred percent matching funds”; and in said item by striking out the figures “25,033,638” and inserting in place thereof the figures “25,058,638”.

The amendments were rejected.

Ms. Stanley of West Newbury moved that the bill be amended in section 2 by adding at the end of item 2100-2030 the following: “; provided further, that the amount of \$100,000 be awarded to the town of West Newbury for assistance in the acquisition of the Cherry Hill property, so-called”; and in said item by striking out the figures “25,033,638” and inserting in place thereof the figures “25,133,638”.

The amendments were rejected.

Messrs. Jones of North Reading and Casey of Winchester moved that the bill be amended in section 2, in item 2100-2030, in lines 20 to 23, inclusive, by striking out

the following: “provided further, that not more than \$110,000 shall be provided for a matching grant for the Pitman Bicycle Path in the town of North Reading; provided further, that said town shall provide one hundred percent matching funds” and inserting in place thereof the following: “provided further, that not less than \$110,000 shall be provided for a matching grant for the Pitman Bicycle Path in the town of Reading; provided further, that said town shall provide one hundred percent matching funds or services in kind”. The amendment was adopted.

Messrs. Stanley of Waltham and Koutoujian of Newton moved that the bill be amended in section 2, in item 2100-0005, in line 3, by striking out the figures “200,000” and inserting in place thereof the figures “900,000”. The amendment was rejected.

Messrs. Rogers of New Bedford and Quinn of Dartmouth moved that the bill be amended by inserting after section 36 (as printed) the following section:

“SECTION 37A. Notwithstanding the provisions of any general or special law to the contrary, the Department of Environmental Management is hereby directed to establish the position of Director or Curator of the Dighton Rock State Park.

The person so selected shall be bi-lingual in Portuguese and English, at least, and shall, among other duties delineated by the said department, have charge and jurisdiction over the buildings and grounds of the Park; shall acquire non-profit I.R.S. 501(C)3 designation for the non-profit association, ‘the Friends of Dighton Rock Museum, Inc.’; shall be skilled in and prepare proposals for grants; shall maintain good public relations with the public and other institutions, schools, and the media; shall take special care of the artifacts and collections in the Museum; shall operate a gift shop (in the existing house nearby the Museum) with small artifacts, models, slides, postal cards and other publications relating to the four theories and world navigations, cartography, etc.

Such sums as may be needed for a full-time salary in the \$50,000-\$60,000 range shall be appropriated by the Department in order to select a candidate with the requisite background, provided, however that a higher salary if needed shall be provided.

Such salary to be funded in main or in part from the following activities at the Park: admission of \$2 per adult, profit from the gift shop, grants from various organizations including the Massachusetts Cultural Council, and from school grants where available for high school students to visit the Museum and from such other sources as the director in his due diligence may obtain for the operation thereof.

Such sums as may be needed for any requisite additional activity shall be appropriated by the Department.”.

The amendment was rejected.

Messrs. Carron of Southbridge and Frost of Auburn moved that the bill be amended in section 2, in item 2100-0069, in line 4, by inserting after the word “Winchendon” the

following: “; provided further, that \$100,000 shall be provided as a one hundred percent matching grant for the repair of the Larned Pond Dam, so-called, in the town of Dudley”; and in said item by striking out the figures “380,000” and inserting in place thereof the figures “480,000”.

The amendments were rejected.

Mr. Hynes of Marshfield moved that the bill be amended in section 2, in item 2100-0005, in line 9, by inserting after the word “Shrewsbury” the following: “not less than \$500,000 shall be provided for the repair and reconstruction of seawalls in the Town of Marshfield provided further that said repairs grant shall be contingent upon a matching amount equal to not less than one dollar in local funds for every one dollar in state funds”; and in said item by striking out the figures “4,518,355” and inserting in place thereof the figures “5,018,355”. The amendments were rejected.

Mr. Falzone of Saugus moved that the bill be amended in section 2, in item 2100-2030, in line 33, by inserting after the word “Natick;” the following: “provided further, that \$40,000 shall be expended for legal and other expenses to the Mount Pleasant Preservation Society in the town of Saugus;”.

The amendment was rejected.

Mr. Cabral of New Bedford and other members of the House moved that the bill be amended in section 2, in item 2100-2030, in line 13, by inserting after the word “Control” the following: “; provided further, that not less than \$250,000 shall be obligated for the Schooner Ernestina Commission”. The amendment was adopted.

Mr. Marini of Hanson and other members of the House moved that the bill be amended in section 2, in item 2100-2030, by striking out the figures “25,033,638” and inserting in place thereof the figures “26,785,416”; and the amendment was rejected.

Mr. Marini and other members of the House then moved that the bill be amended in section 2, in item 2100-3010, by striking out the figures “4,429,046” and inserting in place thereof the figures “4,691,054”; and the amendment was adopted.

Ms. Atkins of Concord moved that the bill be amended in section 2 by adding at the end of item 2100-2030 the following: “; provided further, that not more than \$50,000 be expended to replace and repair maintenance equipment at Walden Pond State Park in Concord”; and in said item by striking out the figures “25,033,638” and inserting in place thereof the figures “25,083,638”. The amendments were adopted.

Mr. Casey of Winchester moved that the bill be amended in section 2, in item 2100-0005, in line 9, by inserting after the word “Shrewsbury” the following: “; provided further, that not less than \$100,000 shall be provided for the dredging and clean-up of the Aberjona River in the town of Winchester”; and in said item by striking out the figures “4,518,355” and inserting in place thereof the figures “4,618,355”. The amendments were adopted.

Mr. Verga of Gloucester and other members of the House moved that the bill be amended in section 2, in item 2000-0100, in line 9, by striking out the figure “200,000” and inserting in place thereof the figure “250,000”; and in lines 11, 12 and 13, by striking out the following: “provided further, that said program shall include technical assistance through the Massachusetts Bays Program, so-called” and inserting in place thereof the following: “provided further, that said amount shall be made available to the Massachusetts Bays Program, so-called, to be matched by federal funds”.

The amendment was adopted.

Mr. DeLeo of Winthrop moved that the bill be amended in section 2 by inserting after item 1599-9952 the following item:

“1599-9953 For the purpose of maintaining adequate flood control in the town of Winthrop 50,000”.

The amendment was adopted.

Mr. DeLeo then moved that the bill be amended in section 2 by inserting after item 1599-9953 (inserted by amendment) the following item:

“1599-9954 For the purpose of enhancing the transportation capabilities of the town of Winthrop Parks and Recreational Department 35,000”.

The amendment was adopted.

Mr. Turkington of Falmouth and other members of the House moved that the bill be amended in section 2, in item 2000-0100, in line 8, by inserting after the word “grants” the following “; provided further, that not less than \$100,000 shall be expended for a coastal shore water testing program administered by the Coalition for Buzzards Bay”. The amendment was rejected.

Mr. Petersen of Marblehead moved that the bill be amended in section 2, in item 2010-0100, by striking out the figures “8,599,120” and inserting in place thereof the figures “9,000,000”; and the amendment was rejected.

Mr. Walsh of Boston moved that the bill be amended in section 2 by adding at the end of item 2010-0100 the following: “; provided that not less than \$125,000 shall be expended for a public education campaign to encourage participation in existing curbside pick-up recycling programs for the City of Boston”. The amendment was rejected.

Mr. Binienda of Worcester and other members of the House moved that the bill be amended in section 2 by adding at the end of item 2010-0100 the following: “;

provided, however, that the sum of \$250,000 shall be appropriated to E-Call, Inc., a non-profit organization, to assist in the implementation and improvement of recycle-related programs and to improve access to recycling programs; provided further, that \$250,000 shall be allocated to WasteCap of Massachusetts, a non-profit organization, for the operation of business waste and recycling programs, including grants to public and non-public entities”. The amendment was rejected.

Ms. Provost of Sandwich and other members of the House moved that the bill be amended in section 2, in item 2200-0100, in line 1, by inserting after the word “Laws” the following: “; and provided further, that \$1,400,000 shall be expended for the construction of the Bourne Regional Waste Processing Facility”; and in said item by striking out the figures “1,856,703” and inserting in place thereof the figures “3,256,703”.

The amendments were rejected.

Ms. Provost of Sandwich and other members of the House moved that the bill be amended in section 2, in item 2200-0100, by adding at the end thereof the following: “; and provided further, that \$1,400,000 shall be expended for the construction of the Bourne Regional Waste Processing Facility”. The amendment was rejected.

Mr. Straus of Mattapoisett moved that the bill be amended in section 2 by adding at the end of item 2000-0100 the following: “; provided however that \$75,000 be extended as a matching grant to the Mattapoisett River Valley Authority,”. The amendment was rejected.

Mr. O’Flaherty of Chelsea being in the Chair,— Ms. Lewis of Dedham moved that the bill be amended in section 2, in item 2010-0100, in lines 12 to 17, inclusive, by striking out the following: “; and provided further, that the department of environmental protection may expend an amount not to exceed \$1,000,000 for a program to preserve the continuing ability of redemption centers to maintain operations in pursuit of the commonwealth’s recycling goals consistent with the provisions of section 323 of chapter 94 of the General Laws”; and inserting in place thereof the following: “; and provided further, that the department of environmental protection shall expend the amount of \$1,375,000 for a program to preserve the continuing ability of redemption centers to maintain operations in pursuit of the commonwealth’s recycling goals consistent with the provisions of section 323 of chapter 94 of the General Laws, as appearing in the 1998 Official Edition, such program to take into consideration the volume of redeemables per redemption center, the length of time such center has been in operation, the number of returnables redeemed quarterly by such centers, the submission by such centers of documentation of their redeemed returnables to said department, and the costs of transportation, packaging, storage and labor and said amount, and such expenditure to be used only for said program and not for the administration thereof or for any other purpose, said redemption centers shall be eligible for such funds if they were registered with the commonwealth as of April 1, 2001. A redemption center referred to hereunder is hereby defined as a business entity whose primary source of income is the result of

accepting and redeeming any empty beverage containers; the redemption center shall not be a business in cooperation with or ancillary to any other business”.

The amendment was rejected.

Mrs. Lewis of Dedham having returned to the Chair,— Harkins of Needham moved that the bill be amended in section 2, in item 2060-0100, by striking out the figures “200,000” and inserting in place thereof the figures “224,050”; and the amendment was adopted.

Mr. Peterson of Grafton moved that the bill be amended in section 2, in item 2000-0106, by striking out the following:

“General Fund 99.43%

Local Aid Fund 0.57%”.

and inserting in place thereof the following:

“General Fund 100.0%”.

The amendment was rejected.

Mr. O’Flaherty of Chelsea moved that the bill be amended in section 2, in item 4180-0100, by striking out the figures “22,343,947” and inserting in place thereof the figures “22,442,947”; and the amendment was adopted.

Mr. Hynes of Marshfield moved that the bill be amended in section 2 by inserting after item 2511-4010 the following 9 items:

“2520-0100 For the operation of the state reclamation board 64,551

Mosquito and Greenhead

Fly Control Fund 100.0%

2520-0300 For the Cape Cod mosquito control program, prior

appropriation continued 1,213,020

Mosquito and Greenhead

Fly Control Fund 100.0%

2520-0900 For the Suffolk county mosquito control program 179,497

Mosquito and Greenhead

Fly Control Fund 100.0%

2520-1000 For the Central Massachusetts mosquito control  
program 886,933

Mosquito and Greenhead

Fly Control Fund 100.0%

2520-1100 For the Berkshire county mosquito control program 113,675

Mosquito and Greenhead

Fly Control Fund 100.0%

2520-1200 For the Norfolk county mosquito control program,  
prior appropriation continued 829,806

Mosquito and Greenhead

Fly Control Fund 100.0%

2520-1300 For the Bristol county mosquito control program 659,248

Mosquito and Greenhead

Fly Control Fund 100.0%

2520-1400 For the Plymouth county mosquito control program 892,446

Mosquito and Greenhead

Fly Control Fund 100.0%

2520-1500 For the Essex county mosquito control program, provided, that not less  
than \$75,000 shall be expended for an aerial spray mosquito control

program 611,012

Mosquito and Greenhead

Fly Control Fund 100.0%”.

The amendment was rejected.

Mrs. Parente of Milford moved that the bill be amended in section 2 by adding at the end of item 0526-0100 the following: “and further that \$10,000 shall be expended for the preservation of historical artifacts of the town of Mendon”; and the amendment was adopted.

Messrs. Marzilli of Arlington and Demakis of Boston moved that the bill be amended in section 2 by adding at the end of item 0526-0100 the following: “; provided further, that not less than \$1,000,000 shall be expended for the acquisition or restoration of a residence for the Governor of the Commonwealth”; and in said item by striking out the figures “1,597,092” and inserting in place thereof the figures “2,597,092”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Marini of Hanson; and on the roll call 29 members voted in the affirmative and 125 in the negative.

**[See Yea and Nay No. 51 in Supplement.]**

Therefore the amendment was rejected.

Mr. Ruane of Salem and other members of the House moved that the bill be amended in section 2 by adding at the end of item 0526-0100 the following: “provided further that \$25,000 be expended for the archives project by the Essex National Heritage Commission and that the expenditure of \$25,000 shall be contingent upon a matching amount equal to not less than one dollar in grant funds for every one dollar in state funds”; and in said item by striking out the figures “1,597,092” and inserting in place thereof the figures: “1,622,092”.

The amendments were adopted.

Mr. Jones of North Reading moved that the bill be amended in section 2, in item 0526-0100, in line 3, by inserting before the word “Reading” the word “North” [A].

Mr. Miceli of Wilmington then moved that the amendment be amended by adding at the end thereof [at “A”] the following:— ; and by striking out, in line 13, the word “House” and inserting in place thereof the word “Tavern”.

After debate the further amendment was adopted.

After debate the amendment, as amended, also was adopted.

Mr. Naughton of Clinton moved that the bill be amended in section 2 by adding at the end of item 0526-0100 the following: “provided further that \$75,000 shall be expended for the restoration of the historic Clinton Fire Station”; and in said item by striking out the figures “1,622,092” (inserted by amendment) and inserting in place thereof the figures “1,672,092”.

The amendments were adopted.

Mr. Hynes of Marshfield moved that the bill be amended in section 2 by adding at the end of item 0526-0100 the following: ”; and provided further that not less than \$70,000 shall be expended for emergency repairs and improvements to the historic Lawson Tower in the Town of Scituate provided said \$70,000 shall be contingent upon a matching amount equal to not less than one dollar in local funds for every one dollar in state funds”; and in said item by striking out the figures “1,597,092” and inserting in place thereof the figures “1,667,092”. The amendments were rejected.

Representatives Provost of Sandwich and Patrick of Falmouth moved that the bill be amended in section 2, in item 0526-0100, in line 6, by inserting after the word “Wayland” the following: “; provided further, that not more than \$262,500 shall be expended for the restoration of the Sandwich Town Hall”; and in said item by striking out the figures “1,597,092” and inserting in place thereof the figures “1,859,592”. The amendments were rejected.

Mr. Loscocco of Holliston moved that the bill be amended in section 2, in item 0526-0100, in line 3, by inserting after the word “Reading” the following: “; provided further that not less than \$90,000 be provided as a grant for the town of Holliston for the renovation and improvement of its town hall”; and by striking out the figures “1,672,092” (inserted by amendment) and inserting in place thereof the figures “1,712,092”.

The amendments were adopted.

Mr. Verga of Gloucester moved that the bill be amended in section 2 by adding at the end of item 7007-0400 the following: “; provided further that not less than \$175,000 shall be expended for the Massachusetts Fisheries Recovery Commission”. The amendment was rejected.

Mr. Pedone of Worcester moved that the bill be amended in section 2 by adding at the end of item 7007-0400 the following: “; provided further that not less than \$100,000 shall be expended for the operation of the Worcester Youth Center, Inc.”; and in said item by striking out the figures “4,832,065” and inserting in place thereof the figures “4,932,065”. The amendments were rejected.

Mr. LeDuc of Marlborough moved that the bill be amended in section 2, in item 7007-0400, in line 25, by inserting after the word “Worcester” the following: “; provided further, that not less than \$100,000 shall be expended for the initiative known as the I-495 campaign for shared solutions, so-called”; and in said item by striking out the figures “4,832,065” and inserting in place thereof the figures “4,932,065”. The amendments were adopted.

The same member then moved that the bill be amended in section 2, in item 7007-0400, in line 25, by inserting after “Worcester” the following: “; provided further, that not less than \$150,000 shall be expended for the initiative known as the I-495 campaign for shared solutions, so-called”; and in said item by striking out the figures “3,239,805” and inserting in place thereof the figures “3,389,805”. The amendments

were rejected.

Mr. Rogers of New Bedford moved that the bill be amended in section 2 by inserting after item 7007-1500 the following item:

“7007-1505 For the purpose of constructing a civic stadium in the city of New Bedford; provided, however, that no funds shall be expended from this item until a comprehensive plan for said civic stadium is submitted to the house and senate committees on ways and means”.

The amendment was rejected.

Ms. Story of Amherst and other members of the House moved that the bill be amended in section 2 by adding at the end of item 7007-0400 the following: “; provided, that not less than \$300,000 shall be expended for the Mass. Ventures Corporation in Hadley”. The amendment was rejected.

Mr. Quinn of Dartmouth moved that the bill be amended in section 2 by adding at the end of item 7007-0400 the following: “not less than \$250,000 shall be expended for improvements to the Ridge Hill Road Industrial Economic Opportunity Area in Assonet”; and by striking out the figures “4,832,065” and inserting in place thereof the figures “5,082,065”.

The amendments were rejected.

Mr. Pedone of Worcester and other members of the House then moved that the bill be amended in section 2 by adding at the end of item 7007-0300 the following: “; provided further that not less than \$350,000 shall be expended for the operation of the Massachusetts Manufacturing Extension Partnership”.

The amendment was adopted.

Mr. O’Brien of Kingston moved that the bill be amended in section 2, in item 7007-0400, in line 14, by inserting after the word “Commonwealth” the following: “; provided further that, not less than \$30,000 shall be expended in community economic development grants for the town of Plympton”; and the amendment was adopted.

Messrs. Koutoujian of Newton and Kennedy of Brockton moved that the bill be amended in section 2, in item 7007-0400, in line 28, by inserting after the word “communities” the following: “; provided further, that \$98,236 shall be expended for the economic development activities of the breaking barriers program of the educational development center of Newton”.

The amendment was rejected.

Ms. Khan of Newton and other members of the House moved that the bill be amended in section 2, in item 7007-0400, in line 20, by striking out the word “more” and

inserting in place thereof the word “less”; and the amendment was adopted.

Mr. DiMasi of Boston moved that the bill be amended in section 2 by inserting after item 7007-0900 the following item:

“7007-0920 For a grant to the City of Boston for expenditures occurred as a result of hosting SailBoston 2000 1,216,061.15”.

The amendment was rejected.

The same member then moved that the bill be amended in section 2, in item 7007-0400, in line 53, by striking out the figures “75,000” and inserting in place thereof the figures “150,000”; and the amendment was rejected.

Ms. Fox of Boston and other members of the House moved that the bill be amended in section 2, in item 7007-1500, by striking out the figures “718,911” and inserting in place thereof the figures “1,918,911”; and the amendment was rejected.

Mr. Larkin of Pittsfield moved that the bill be amended in section 2 by striking out item 7007-1200 and inserting in place thereof the following item:

“7007-1200 For a program to assist economic development organizations and other groups throughout the Commonwealth by initiating projects that (a) expand clusters of technology-based industry, (b) foster creation of high wage, high-productivity jobs in every region of the Commonwealth, and (c) enhance the Commonwealth’s reputation as a global center of research and technology development; provided that said program shall include: (1) a program to assist such organizations in stimulating the introduction of competitive, high-speed communications; and (2) a program to assist small business and community-based organizations throughout the Commonwealth in exploiting opportunities for growth in research-based or technology-based enterprise, said program to include the publication of appropriate research and analysis reports; provided further, that the aforementioned cluster activities shall be deemed to be the exercise of an essential government function; and provide further, that the amounts appropriated herein shall be expended to the Massachusetts Technology Park Corporation to be held and applied thereby and administered through its Massachusetts Technology Collaborative as the successor in interest to the Massachusetts microelectronic center 1,200,000”.

The amendment was rejected.

Mr. Larkin of Pittsfield moved that the bill be amended in section 2, in item 7007-0400, in line 56, by inserting after the word “Hampton,” the following: “; provided further, that not more than \$90,000 be expended for the economic development project administered by Berkshire Community College in the City of Pittsfield”. The

amendment was adopted.

Mr. Correia of Fall River and other members of the House moved that the bill be amended in section 2, in item 7007-0400, in lines 14, 15 and 16, by striking out the following: “; provided further, that not more than \$1,200,000 shall be expended as a grant to the University of Massachusetts at Dartmouth for an advanced manufacturing center in Fall River”; and in said item by striking out the figures “4,932,065” (inserted by amendment) and inserting in place thereof the figures “3,632,065”; and by inserting after item 1599-3856 the following new item:

“1599-3857 For rent and associated costs payable by the University of Massachusetts at Dartmouth to the Massachusetts Development Finance Agency with respect to the Advanced Technology and Manufacturing Center at the Kerr Mill Project in Fall River 1,700,000”.

The amendments were adopted.

Ms. Rivera of Springfield moved that the bill be amended in section 2, in item 7007-0400, in line 49, by inserting after the word “council” the following: “; provided further, that not less than \$50,000 shall be expended for the Brightwood Development Corporation in Springfield; provided further, that not less than \$75,000 shall be expended for the South End Community Development Corporation in Springfield”; and in said item by striking out the figures “3,632,065” (inserted by amendment) and inserting in place thereof the figures “3,782,065”.

The amendments were adopted.

Mr. Peterson of Grafton moved that the bill be amended in section 2 by adding at the end of item 7007-0400 the following: “; provided further that not less than \$30,000 shall be expended for the Grafton Water District for water line improvements to CenTech Park in Grafton”; and by striking out the figures “3,782,065” (inserted by amendment) and inserting in place thereof the figures “3,812,065”.

The amendments were adopted.

Mrs. Simmons of Leominster and other members of the House moved that the bill be amended in section 2, in item 7007-0300, in line 7, by inserting after the word “council” the following: “; provided further that not more than \$50,000 shall be expended to establish a pilot program under which said office shall contract with the North Central Massachusetts Development Corporation, Inc. to assist business to create, maintain and locate jobs within North Central Massachusetts”.

The amendment was adopted.

Mr. Carron of Southbridge and other members of the House moved that the bill be amended in section 2, in item 7007-0400, in lines 16 to 20, inclusive, by striking out the following: “provided further, that not more than \$180,000 shall be expended as a

grant to the central Massachusetts economic development authority to fund environmental assessments on publicly-owned brownfields sites in its member communities” and inserting in place thereof the following: “provided further, that not less than \$80,000 shall be expended as a grant to the Central Massachusetts Economic Development Authority for the administration of Fisherville Mill property in Grafton, so-called; provided further, that not less than \$100,000 shall be expended for the Center for Advanced Fiberoptic Applications (CAFA) in Southbridge; provided further that the matching funds required of said fiber optic center shall be from federal sources”; and the amendment was rejected.

Mr. Pedone of Worcester and other members of the House moved that the bill be amended in section 2, in item 7007-0500, by striking out the figures “250,000” and inserting in place thereof the following figures “500,000”; and the amendment was adopted.

Mr. Locke of Wellesley moved that the bill be amended in section 2 by adding at the end of item 2440-0010 the following: “; provided further, that the Commission shall undertake efforts to abate nefarious activities at its properties known as Norumbega Park and Recreation Road in the Town of Weston and City of Newton, to include the assignment of park rangers to the area if deemed necessary and appropriate after consultation with the Commander of Troop H of the Massachusetts State Police and the Chief of Police of the Town of Weston”. The amendment was adopted.

Mr. Smizik of Brookline moved that the bill be amended in section 2, in item 2440-0010, in line 4, by inserting the following: “provided further, \$150,000 shall be expended for bikepath connections in the Town of Brookline and the City of Boston between the Jamaicaaway south of Route 9 and along the Riverway to the north of Route 9”; and the amendment was rejected.

Mr. Ciampa of Somerville moved that the bill be amended in section 2, in item 2440-0010, in line 19, by inserting after the word “Watertown;” the following: “Not less than \$500,000 shall be expended on the construction of a pedestrian underpass under the Mystic Wellington bridge on state highway route 28 in the city of Somerville”; and in said item by striking out the figures “26,763,535” and inserting in place thereof the figures “26,913,535”. The amendments were rejected.

Mr. Ayers of Quincy moved that the bill be amended in section 2, in item 2400-0010, in line 12, by inserting after the word “further” the following: “, that not less than \$35,000 shall be expended for gateway improvements along Quincy Shore Drive for implementation of the interagency agreement with the Quincy Parks Department for tree planting and landscaping improvements along Quincy Shore Drive”; and the amendment was adopted.

The same member then moved that the bill be amended in section 2 by adding at the end of item 2440-3001 the following: “the metropolitan district commission is hereby authorized to expend an amount of \$100,000 on the operation, maintenance, upgrade

of Shea Rink in the City of Quincy”; and the amendment was rejected.

Miss Reinstein of Revere moved that the bill be amended in section 2, in item 2440-0010, in line 17, by inserting after the word “Beach” the following: “; provided further that not less than \$400,000 be expended for sidewalk improvements to Revere Beach”. The amendment was rejected.

The same member then moved that the bill be amended in section 2, in item 2440-0010, in line 17, by inserting after the word “Beach” the following: “; provided further that not less than \$185,000 be expended for gateway treatment improvements to Revere Beach”. The amendment was rejected.

Miss Reinstein then moved that the bill be amended in section 2, in item 2440-0010, in line 17, by inserting after the word “Beach” the following: “; provided further that not less than \$140,000 be expended for curb improvements to Revere Beach”. The amendment was rejected.

Miss Reinstein of Revere then moved that the bill be amended in section 2, in item 2440-0010, in lines 16 and 17, by striking out the following: “that \$200,000 shall be expended for infrastructure improvements to Revere Beach” and inserting in place thereof the following: “that not less than \$200,000 be expended for infrastructure improvements,, including curb and sidewalk improvements to Revere Beach”. The amendment was rejected.

Miss Reinstein of Revere moved that the bill be amended in section 2, in item 2440-0010, by striking out the following: “that \$200,000 shall be expended for infrastructure improvements to Revere Beach” and inserting in place thereof the following: “that not less than \$200,000 be expended for curb and sidewalk improvements to Revere Beach”. The amendment was adopted.

The same member then moved that the bill be amended in section 2, in item 2440-0010, in line 17, by inserting after the word “Beach” the following: “; provided further that not less than \$50,000 be expended for a drainage analysis study for a drainage system along Revere Beach”. The amendment was adopted.

Miss Reinstein then moved that the bill be amended in section 2, in item 2440-0010, in line 17, by inserting after the word “Beach” the following: “; provided further that not less than \$85,000 be expended for a drainage analysis study for a drainage system along Revere Beach”. The amendment was rejected.

Miss Reinstein of Revere then moved that the bill be amended in section 2, in item 2440-0010, in line 17, by inserting after the word “Beach” the following: “; provided further that not less than \$100,000 be expended for a drainage analysis study for a drainage system along Revere Beach”. The amendment was rejected.

The same member then moved that the bill be amended in section 2, in item 2440-0010, in line 17, by inserting after the word “Beach” the following: “; provided further that the Metropolitan District Commission post fluorescent crosswalk signs adjacent to

all crosswalks located along Revere Beach Boulevard”. The amendment was rejected.

Miss Reinstein then moved that the bill be amended in section 2, in item 2440-0010, in line 17, by inserting after the word “Beach” the following: “; provided further that the Metropolitan District Commission post additional speed limit signs along Revere Beach Boulevard”. The amendment was rejected.

Miss Reinstein of Revere then moved that the bill be amended in section 2, in item 2440-0010, in line 17, by inserting after the word “Beach” the following: “; provided further that the Metropolitan District Commission sift the sand on Revere Beach not less than once per week”. The amendment was rejected.

The same member then moved that the bill be amended in Section 2, in item 2440-0010, in line 17, by inserting after the word “Beach” the following: “; provided further that the Metropolitan District Commission place additional trash barrels along Revere Beach during its operational season”. The amendment was adopted.

Mr. Demakis of Boston moved that the bill be amended in section 2 by adding at the end of item 2440-0010 the following: “; and provided further, that \$100,000 shall be expended for improvements to the land and facilities of the Charles River Esplanade in the City of Boston”; and in said item by striking out the figures “26,763,535” and inserting in place thereof the figures “26,863,535”. The amendments were adopted.

Ms. Khan of Newton and other members of the House moved that the bill be amended in section 2 by adding at the end of item 2440-0010 the following: “; provided further, that not less than \$150,000 shall be expended for the costs associated with the management of aquatic non-native plants in the Charles river lakes district, including treatment and monitoring”. The amendment was rejected.

Mr. Festa of Melrose moved that the bill be amended in section 2, by inserting after item 2444-9005 the following item:

“2460-0110 For local assistance, provided further, that not more than \$400,000 shall be expended for a grant to the city of Melrose which shall be used to address drainage and flooding problems and to

expand local recreational opportunities 400,000”.

The amendment was rejected.

Mr. Galvin of Canton moved that the bill be amended in section 2, in item 2440-4420, in line 3, by striking out the figures “700,000” and inserting in place thereof the figures “900,000”; and the amendment was adopted.

Representative Malia of Boston moved that the bill be amended in section 2 by adding at the end of item 2440-0010 the following: “; provided further that the commission shall expend \$150,000 for maintenance of the southwest corridor park in the city of Boston and shall enter into contracts for personnel and other resources necessary for

such maintenance, including the costs of two horticulturists and a foreman”. The amendment was adopted.

Mr. Scaccia of Boston being in the Chair,— Messrs. Fennell of Lynn and Petersen of Marblehead moved that the bill be amended in section 2, in item 2440-0010, in line 8, by inserting after the word “so-called” the following: “provided further that \$30,000 shall be expended for the maintenance of the Red Rock Park on Lynn Shore Drive in the city of Lynn”. The amendment was adopted.

Mr. Falzone of Saugus and other members of the House moved that the bill be amended in section 2, in item 2440-0010, by striking out the figures “26,863,535” (inserted by amendment), and inserting in place thereof the figures “27,113,535”. The amendment was adopted.

Mr. Linsky of Natick and other members of the House moved that the bill be amended in section 2, by striking out item 4130-3500 and inserting in place thereof the following item:

“4130-3500 For the provision of trial court child care services; provided, that not less than \$177,000 shall be expended for child care services in the Roxbury trial court; provided further, that not less than \$250,000 shall be expended for child care services in the Springfield trial court; provided further, that not less than \$175,000 shall be expended for child care services in the West Roxbury trial court; provided further, that not less than \$256,000 shall be expended for child care services in the Middlesex trial court; provided further, that not less than \$250,000 shall be expended for child care services in the Dorchester trial court; provided further that not less than, \$225,000 shall be expended for child care services in the Lawrence trial court; provided further, that not less than \$250,000 shall be expended for child care services in the Suffolk Court county court complex; provided further, that not less than \$225,000 shall be expended for child care services in the Fall River trial court; provided further, that not less than \$200,000 shall be expended for child care services in the Chelsea trial court; provided further, that not less that \$300,000 shall be expended for child care services in the Brockton trial court; provided further that programs funded in this account shall be included in the distribution of funds appropriated in any

child care rate or salary reserve 2,300,000

Child Care Fund 17.30%”.

The amendment was rejected.

Mr. Larkin of Pittsfield and other members of the House moved that the bill be amended in section 2 by inserting after item 1599-0041 the following item:

“1599-0042 For a reserve to improve the quality of the Commonwealth’s child care system by enabling child care providers to better attract and retain quality staff; provided, that payments from this reserve shall be distributed by the office of child care services to increase reimbursement rates for subsidized child care; provided

further, that said increases shall be directed to expenditures for salaries, benefits, and stipends for pro-

fessional development of child care workers 11,000,000

Child Care Fund 100.0%”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Rogers of Norwood; and on the roll call 153 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 52 in Supplement.]**

Therefore the amendment was adopted.

Mr. Bosley of North Adams and other members of the House moved that the bill be amended in section 2 by inserting after item 4130-3700 the following item:

“4130-3800 For the provision of child care to individuals who qualify for the income eligible child care program and who are victims of domestic violence, as defined by subsection (g<sup>1/2</sup>) of section 1 of chapter 151A of the general laws, who (1) are working or attending a job training or educational program, excluding graduate school, but who, as a result of domestic violence have lost their previously available day care services; or (2) as a result of domestic violence must begin working or attending a job training or educational program, excluding graduate school, in

order to support their family 13,884,000”.

The amendment was rejected.

Mr. Falzone of Saugus and other members of the House moved that the bill be amended in section 2 by striking out item 4130-0005 and inserting in place thereof the following item:

“4130-0005 For field operations licensing; provided, that no funds from this item shall be expended for family support services; and provided further, that no funds from this item shall be expended for the DD subsidiary costs, so-called, of the Children’s Trust Fund; provided further, that said department hire not less than 12 full-time equivalent licensers or investigators in fiscal

year 2002 7,759,520”.

The amendment was adopted.

Ms. Candaras of Wilbraham moved that the bill be amended in section 2, in item 4130-3500, in line 3, by striking out the following: “provided further, that \$152,925” and inserting in place thereof the following: “provided further, that not less than \$250,000”; and in said item by striking out the figures “1,909,090” and inserting in

place thereof the figures “2,300,000”. The amendments were rejected.

Mrs. Gomes of Harwich and other members of the House moved that the bill be amended in section 2 by adding at the end of item 4800-1400 the following: “; provided further that not less than \$50,000 be expended for the Ahanasqua Collins Children’s Program, so-called, at Independence House, Inc.”. The amendment was adopted.

The Speaker being in the Chair,— Mr. Fitzgerald of Boston and other members of the House moved that the bill be amended in section 2, by striking out item 7004-2027 and inserting in place thereof the following item:

“7004-2027 For community economic development; provided, that contracts may be awarded to community-

based organizations 2,900,000

Local Aid Fund 100.0%”.

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Fitzgerald; and on the roll call 153 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 53 in Supplement.]**

Therefore the amendment was adopted.

Mr. Hynes of Marshfield and other members of the House moved that the bill be amended in section 2 by adding at the end of item 4100-0060 the following: “; provided further, that the commissioners of the division of medical assistance, the division of health care finance and policy, the department of public health, the department of mental health and the department of mental retardation shall review the Medicaid rate setting process and any and all recommendations of the independent consultant designated pursuant to section 63 of chapter 236 of the acts of 2000; provided further, that not later than September 14, 2001 said group shall submit a written report of comprehensive recommendations based on the findings of said review to the secretary of administration and finance, the house and senate committees on ways and means, the joint committees on health care and insurance, and the health care task force, so-called; provided further, that said recommendations shall address the Medicaid rate setting process and Medicaid payments to participating providers in the commonwealth, including but not limited to: acute and non-acute hospitals, community health centers, nursing facilities, community long-term care, pharmacists, durable medical equipment, physicians, dentists, transportation, managed care organizations, behavioral health, and emergency room interpreter services; provided further, that said recommendations shall address the Medicare part B re-pricing policy of the division of medical assistance; provided further, that all such recommendations shall include the associated cost implications by provider”. The amendment was

adopted.

Mr. Hynes moved that this vote be reconsidered and the motion to reconsider was negatived.

*Recess.*

At two minutes before seven o'clock P.M. (Friday, May 4), on motion of Ms. St. Fleur of Boston (the Speaker being in the Chair), the House recessed until the hour of ten o'clock A.M. on Monday, May 7; and at that time, the House was called to order with the Speaker in the Chair.

**Monday, May 7, 2001 (at 10:00 o'clock A.M.).**

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, with trust and confidence in You and in Your often mysterious ways and plans for us, we seek Your guidance, Gracious God, in our legislative deliberations of this day. May our hearts and minds remain open to You and to Your assistance in our search for truth and justice. In Your goodness, inspire us to propose and to enact measures which are reasonable, fair and serve the best interest of the people and of the Commonwealth. At all times, especially during stressful moments, may we remain focused in wisdom, calm in temper, mature in disagreements and faithful to our basic principles. We pray for the light to see and the courage to accept our responsibilities in performing our duties as members of this great institution.

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.

*Message from the Acting Governor.*

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to establishing sentencing guidelines and mandating post-release supervision for criminal offenders (House, No. 4136) 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 Criminal Justice. Sent to the Senate for concurrence.

*Statement of Representative Malia of Boston.*

A statement of Representative Malia 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 I was not present in the House Chamber for a portion of today's sitting due to official business in another part of the State House. Any roll calls that I may have missed today is due entirely to the reason stated.

*Statement Concerning Representative Walrath of Stow.*

A statement of Representative DiMasi 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 Walrath of Stow, is unable to be present in the House Chamber today due to her having knee surgery. Any roll calls that she may miss today will be 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 Ms. Blumer of Framingham) honoring Michael Dineen;

Resolutions (filed by Mr. Cresta of Wakefield) congratulating Ian James Russell on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Donato of Medford) on the observance of National Nursing Home Week at the Courtyard Nursing Care Center in the city of Medford;

Resolutions (filed by Mr. Murphy of Burlington) congratulating Jeffrey P. Gottfredsen on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Ms. Story of Amherst) commending Walter Chestnut; and

Resolutions (filed by Ms. Wolf of Cambridge) congratulating Catherine Synott;

Mrs. Harkins of Needham, 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. Flynn of Bridgewater, 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.*

Reports

Of the Bureau of Special Investigations (under the provisions of Section 11(8) of Chapter 14 of the General Laws) submitting its report for the month of March, 2001; and

Of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities, as follows:

Hampshire County Jail and House of Correction, in the city of Northampton; and

Western Massachusetts Correctional Alcohol Center, in the city of Springfield;

Severally were read for the information of the House; and returned to the Senate.

*Report of a Committee.*

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Chilmark to erect a radio tower on certain conservation land (House, No. 3963) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Turkington of Falmouth, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

*Orders of the Day.*

The House Bill authorizing the town of Manchester-by-the-Sea to convey a certain parcel of land held for conservation purposes (House, No. 1239), 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 making appropriations for the fiscal year 2002 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. 4100, amended) was considered, the main question being on passing it to be engrossed.

Mr. Walsh of Boston moved that the bill be amended in section 2 by adding at the end of item 4000-1007 the following: “; provided further, that payments made from this item shall be used for the recruitment and retention of health care workers providing direct patient care”; and the amendment was rejected.

Mr. Fitzgerald of Boston and other members of the House moved that the bill be amended in section 2 by adding at the end of item 4000-0300 the following: “; and provided further, that not later than June 30, 2002, said division shall reimburse acute freestanding pediatric specialty hospitals with not less than 250 licensed beds, an amount not to exceed one-half of the difference between the net patient service revenue attributable to said division and the expenses incurred by said acute freestanding pediatric specialty hospitals in providing services to children enrolled in medicaid based upon the most recently filed Division of Health Care Finance and Policy 403 cost reports, so-called”. The amendment was adopted.

Mr. Merrigan of Greenfield moved that the bill be amended in section 2, in item 7007-0950, in line 18, by inserting after the word “Center” the following: “; provided further, not less than \$80,000 for the Pioneer Valley Visitors and Tourist Information Center”. The amendment was rejected.

Representatives Polito of Shrewsbury and LeDuc of Marlborough moved that the bill be amended in section 2, in item 7007-0950, in lines 37 and 38, by striking out the following: “expended for the operation of the Marlborough visitor’s bureau” and inserting in place thereof the following: “expended for the expansion of the Marlborough visitor’s bureau to include Westborough and for the operation thereof”. The amendment was adopted.

Mr. Marini of Hanson and other members of the House moved that the bill be amended in section 2, in item 1599-0036, by striking out the figures “15,603,408” and inserting in place thereof the figures “15,542,000”; and the amendment was rejected.

Mr. Frost of Auburn moved that the bill be amended in section 2 by adding at the end of item 7007-0950 the following: “provided further, that \$50,000 shall be expended for the construction of war memorials in the Veteran’s Memorial Corridor Project in the Town of Auburn”; and in said item by striking out the figures “2,950,000” and inserting in place thereof the figures “3,000,000”. The amendments were rejected.

Messrs. Stanley of Waltham and Koutoujian of Newton moved that the bill be amended in section 2 by adding at the end of item 7007-1000 the following: “; provided further, that not less than \$148,157 shall be expended for assistance to the Waltham Tourism Council”. The amendment was rejected.

Messrs. Koutoujian of Newton and Bosley of North Adams moved that the bill be amended in section 2, in item 7007-0950, in line 7, by inserting after the word “funds” the following: “; provided further, that not more than \$200,000 shall be expended for a grant for the bay state games, so-called”. The amendment was adopted.

Ms. Rivera of Springfield and other members of the House moved that the bill be amended in section 2, in item 7007-0950, in line 26, by inserting after the word “fund” the following: “; provided further, that not less than \$200,000 shall be expended for the Massachusetts International Festival of the Arts in Northampton”. The amendment was rejected.

Mrs. Provost of Sandwich moved that the bill be amended in section 2, in item 7007-0950, in line 30, by inserting after the word “Springfield” the following: “; provided further, that not less than \$85,000 shall be expended for the restoration of the Tobey Homestead in Wareham”; and in said item by striking out the figures “2,950,000” and inserting in place thereof the figures “3,035,000”. The amendments were rejected.

Mr. Tirone of Amesbury moved that the bill be amended in section 2 by adding at the end of item 7007-0950 the following: “; provided further that not less than \$25,000 shall be provided for the Salisbury Chamber of Commerce for the marketing and promotion for the Town of Salisbury and Salisbury Beach”. The amendment was adopted.

Ms. Blumer of Framingham moved that the bill be amended in section 2, in item 7007-0950, in line 38, by inserting after the word “bureau” the following: “; provided further, that \$50,000 shall be allocated for restoration or relocation of the Danforth Museum of Art”; and in said item by striking out the figures “2,950,000” and inserting in place thereof the figures “3,000,000”. The amendments were rejected.

The same member moved that the bill be amended in section 2, in item 7007-0950, in line 38, by inserting after the word “bureau” the following: “; provided further, that not more than \$50,000 shall be allocated to support the restoration of Athenaeum Hall, Framingham”; and in said item by striking out the figures “2,950,000” and inserting in place thereof the figures “3,000,000”. The amendments were rejected.

Mr. Pedone of Worcester and other members of the House moved that the bill be amended in section 2, in item 7007-0950, in line 48, by inserting after the word “initiative” the following: “; provided further, that not more than \$100,000 shall be expended for the Worcester Cultural Center”; and the amendment was adopted.

Mr. DiMasi of Boston moved that the bill be amended in section 2, in item 7007-0950, in line 11, by inserting after the word “sources” the following: “; provided further that

not less than \$70,000 be expended for the North End visitor center at Villa Michelangelo, Boston”; and the amendment was rejected.

Mr. Larkin of Pittsfield moved that the bill be amended in section 2, in item 7007-0900, by striking out the figures “9,404,411” and inserting in place thereof the figures “11,404,411”; and the amendment was rejected.

The same member then moved that the bill be amended in section 2 by inserting after item 7007-0900 the following item:

“7007-0901 For the regional tourism facilities fund, administered through the Massachusetts development finance agency, as established in section 42 of chapter 23G of the General Laws; provided, that the funds appropriated herein shall be subject to the provisions of Section 35J of chapter 10 of the General Laws, as most recently amended by section 13C of Chapter 208 of the Acts of 2000; and provided further that no funds shall be allocated to this line item until the Department of Revenue certifies the amounts to be deposited into the Massachusetts

Tourism Fund, so-called 3,000,000

Massachusetts

Tourism Fund 100.0%.”

The amendment was rejected.

Mr. Fitzgerald of Boston moved that the bill be amended in section 2 by adding at the end of item 7007-0950 the following: “and not more than \$150,000 shall be expended for the Holocaust Memorial Fund”; and the amendment was rejected.

Mrs. Hahn of Westfield then moved that the vote be reconsidered by which the House, on Tuesday, May 1, rejected an amendment offered by Mr. Toomey of Cambridge and other members of the House in section 2, in item 1201-0300, by striking out the figures “3,347,916” and inserting in place thereof the figures “5,100,000”; and the motion to reconsider was negatived.

Mr. Walsh of Boston then moved that the vote be reconsidered by which the House, at the previous session, rejected an amendment offered by him in section 2 by adding at the end of item 2010-0100 the following: “; provided that not less than \$125,000 shall be expended for a public education campaign to encourage participation in existing curbside pick-up recycling programs for the City of Boston”; and the motion to reconsider prevailed. On the recurring question, the amendment was adopted.

Mr. Rogers of Norwood and other members of the House moved that the bill be amended in section 2, in item 7002-0100, in lines 16, 17 and 18, by striking out the following: “that not more than \$135,000 shall be expended for incumbent worker coordinators at a labor union chosen by said department” and inserting in place thereof the following: “that not less than \$135,000 shall be expended for incumbent worker

coordinators at a labor union selected by a majority of the Governor, Senate President, and Speaker”; by adding at the end of item 7003-0700 the following: “not less than \$216,000 for rapid response specialists at a labor union selected by a majority of the Governor, Senate President, and Speaker” and in said item by striking out the figures “382,500” and inserting in place thereof the figures “598,500”; and in item 7003-1000, in lines 12, 13 and 14, by striking out the following: “that not more than \$90,000 shall be expended for a workforce development coordinator at a labor union chosen by said department” and inserting in place thereof the following: “that not less than \$92,000 shall be expended for a workforce development coordinator a labor union selected by a majority of the Governor, Senate President, and Speaker” and in said item by striking out the figures “2,185,000” and inserting in place thereof the figures “2,187,000”.

The amendments were adopted.

Mr. Rogers of Norwood then moved that this vote be reconsidered; and the motion to reconsider was negatived.

Mr. Honan of Boston moved that the bill be amended in section 2, in item 7003-1000, in line 19, by inserting after the word “center” the following: “, the Commonwealth Housing Development and the Alexander Hamilton School”; and the amendment was adopted.

Mr. Atsalis of Barnstable moved that the bill be amended in section 2, in item 7003-1000, in line 12, by inserting after the word “training” the following: “; provided further, that the MassJobs council shall expend not less than \$60,000 for the worker training program to be operated by the Cape Cod chamber of commerce economic development division”. The amendment was rejected.

Mr. Greene of Billerica moved that the bill be amended in section 2, in item 7003-1000, in line 1, by inserting after the word “initiative;” the following: “the department of labor and the state workforce investment board shall make recommendations to the use of the funds appropriated herein;”. The amendment was adopted.

Mr. Bosley of North Adams and other members of the House moved that the bill be amended in section 2 by adding at the end of item 7003-0803 the following: “for an information technology access and education program for low-income individuals; provided that one million dollars shall be expended for Information Technology Access and Education Projects designed to provide low-income individuals with access to, and education on, information technology, including computers and the Internet; provided further, that not less than 2/3 of this appropriation shall be designated for projects developed and managed by community action agencies as defined in Chapter 23B, Section 24 of the Massachusetts General Laws; provided further, that to the extent practical, funds expended for said projects shall be equitably dispersed across all geographic regions of the Commonwealth; provided further that the administration of said program be executed through the department of labor and workforce development and the department of housing and community development

whereby the department of labor and workforce development convey \$1,000,000 to the department of housing and community development to distribute to community action agencies and other eligible community based organizations”; and in said item by striking out the figures “3,750,000” and inserting in place thereof the figures “4,750,000”. The amendments were rejected.

Mr. Carron of Southbridge moved that the bill be amended in section 2 by adding at the end of item 7003-0603 the following: “; provided further, that not less than \$50,000 shall be expended for the Southern Worcester County School to Career Partnership, provided such funds are eligible through conditions set in this section”. The amendment was rejected.

Mr. Fennell of Lynn moved that the bill be amended in section 2, in item 7003-0700, in line 2, by inserting after the word “workers” the following: “; provided further that not less than \$105,000 shall be expended for the E-Team Machinist Training Program in the city of Lynn”; and in said item by striking out the figures “598,500” (inserted by amendment) and inserting in place thereof the figures “487,500”. The amendments were adopted.

Ms. St. Fleur of Boston and other members of the House moved that the bill be amended in section 2 by adding at the end of item 7003-1000 the following: “; provided further that not more than \$200,000 shall be expended for the Western Massachusetts Enterprise Fund and JVS Microenterprise Program as the supplemental match to conduct an entrepreneurial training program for income eligible residents”. The amendment was rejected.

Ms. Lewis of Dedham moved that the bill be amended in section 2 by adding at the end of item 7003-0603 the following: “; and provided further, that not less than \$150,000 shall be expended to support the Technology Initiative operated by the Metro South/West Regional Employment Board for the development of Technology Centers of Excellence serving the region’s youth and businesses, and said grant shall require a 200 percent match from the private sector”; and the amendment was adopted.

The same member then moved that the bill be amended in section 2 by adding at the end of item 7003-0700 the following: “; and provided further that not less than \$125,000 shall be made available to Teamsters Local 25 for workforce development initiatives.”. The amendment was rejected.

Mrs. Harkins of Needham being in the Chair,— Mr. Kafka of Sharon and other members of the House moved that the bill be amended in section 2, in item 4000-0600, in line 11, by inserting after the word “called” the following: “; provided further, that in determining Medicaid capital reimbursement for nursing facilities in calendar year 2002, the Division of Health Care Finance and Policy shall use the rules under 114.2 CMR 5.10, 5.11, 5.12, and 5.13 as in effect on December 31, 1995, with the sole exception that the base year for determining capital costs shall be set at 2000”. The amendment was adopted.

Messrs. Broadhurst of Methuen and Santiago of Lawrence moved that the bill be amended in section 2 by adding at the end of item 4100-0080 the following: “; and provided further that no more than one million dollars be expended from this item to secure financial relief of free-standing facilities who, as of January 1, 2001, are not-for-profit nursing homes in the city known as the Town of Methuen which provide long-term health care services to the elderly community. Such relief shall be specifically applied to those personnel costs exceeding the Cost Adjustment Factor as defined and allowed by the Massachusetts Division of Health Care Finance and Policy”; and in said item by striking out the figures “5,000,000” and inserting in place thereof the figures “6,000,000”. The amendments were rejected.

Mr. Kennedy of Brockton moved that the bill be amended in section 2 by adding at the end of item 4100-0060 the following: “; provided further, that notwithstanding any provision of chapter one hundred eighteen G of the General Laws or any general or special law or regulation to the contrary, the Division, in the calculation of the so-called ‘Certified Nursing Assistant Add-On Recovery,’ in addition to all test set forth in 114.2 CMR Section 6.06(1)(d)3. as adopted on April 14, 2001, shall deem a provider to be in compliance with permissible uses of CNA add-on revenue if it meets one of the following 2 tests: (1) a provider’s 2001 CNA spending exceeds a provider’s full year 1999 or full year 2000 CNA spending, adjusted for applicable CNA add-on revenue; or (2) a provider’s average hourly CNA wage in 2001 exceeds a provider’s average hourly wage in 1999 or 2000, adjusted for applicable CNA add-on revenue. A nursing facility shall be deemed to have met the spending test and not be subject to a recovery if it meets any of the tests established by the Division in 114.2CMR6.06(1)(d)3 as adopted on April 14, 2001”. The amendment was rejected.

Ms. Story of Amherst moved that the bill be amended by adding at the end thereof the following section:

“SECTION 52. Section 21 of Chapter 47 of the Acts of 1997 is hereby amended by striking out in lines 1 to 4, inclusive, the following:— Notwithstanding any general or special law to the contrary, in each hospital fiscal year 1998 to 2002, inclusive, the division of health care finance and policy is hereby authorized and directed to allocate not more than \$40,000 annually to the Hampshire Health Access project in Northampton and inserting in place thereof the following:— Notwithstanding any general or special law to the contrary, in each hospital fiscal year 1998 to 2002, inclusive, the division of health care finance and policy is hereby authorized and directed to allocate not more than \$40,000.00 annually to Hampshire Health Access, Inc. of Amherst to administer the Hampshire Health Access Project in Amherst and Northampton.”. The amendment was rejected.

Mr. Fennell of Lynn moved that the bill be amended in section 2, in item 4100-0060, in line 59, by inserting after the word “fund” the following: “; provided further that notwithstanding the provision of 114.3CMR3.00 et. seq., Home Health Agency Services, the market area for the purposes of qualifying for the Transitional Adjustment shall be as follows:— the market area for each agency shall be the county

in which the agency maintains its principle office”. The amendment was rejected.

Mr. Walsh of Boston and other members of the House moved that the bill be amended in section 2, in item 4100-0060, in lines 65 to 68, inclusive, by striking out the following: “11 members as follows: one member of the senate, one member of the house of representatives, the secretary of administration and finance, and 8 persons to be appointed by the governor” and inserting in place thereof the following: “13 members as follows: one person appointed by the president of the senate, two persons appointed by the speaker of the house of representatives, the secretary of administration and finance, and 8 persons to be appointed by the governor, one of whom shall be a representative of the Massachusetts Nurses Association”; and in item 4100-0080, in line 26, by inserting after the word “Centers” the following: “a representative of the Massachusetts Nurses Association”; and the amendments were adopted.

At seven minutes after twelve o’clock noon (Monday, May 7), the Chair (Mrs. Harkins of Needham) declared a recess until one o’clock P.M.; and at fourteen minutes after one o’clock, the House was called to order with Mrs. Harkins in the Chair.

After remarks on the question on passing the bill, as amended, to be engrossed, Mr. Petersen of Marblehead 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 138 members were recorded as being in attendance.

**[See Yea and Nay No. 54 in Supplement.]**

Therefore a quorum was present.

After further remarks on the question on passing the bill, as amended, to be engrossed, Mr. Finegold of Andover moved that the bill be amended in section 2 by adding at the end of item 4510-0710 the following: “; and provided further that an amount up to \$100,000 shall be expended for a confidential consumer satisfaction survey for long-term care facilities, which is to be developed by the division of health care quality of the department of public health in consultation with the nursing home industry and consumer representatives. The division shall conduct said survey at least annually and shall survey consumers of each facility as well as family members, guardians or other resident designees. The division may survey a representative sample of residents in each facility selected at random to participate in said survey, but the sample of residents shall be of sufficient size to allow for statistically significant comparisons between and among facilities. The division shall allow family members, guardians or other resident designees to assist a surveyed resident in completing said survey and

shall prohibit employees and volunteers of such a facility from assisting a resident with or attempting to influence a resident's response to said survey. The division shall survey family members or guardians when a resident is mentally incapable of responding to said survey. In addition to resident surveys, the divisions shall survey family members and guardians or other resident designees separately. The division shall ensure that the identities of the survey respondents are kept confidential. The division shall compile the survey results and make the results available in print as well as electronically". The amendment was adopted.

Mr. Petersen of Marblehead moved that the bill be amended by adding at the end thereof the following section:

"SECTION 52. Notwithstanding the provisions of any general, special law, rule or regulation to the contrary, the town of Marblehead, to the extent that said town may be deemed liable as the owner and operator of the former Mary Alley Hospital for a payment to the uncompensated care trust fund, established pursuant to section 18 of chapter 118G of the General Laws, as calculated by the division of health care finance and policy for the fiscal year 1986, such liability is hereby permanently extinguished.". The amendment was rejected.

Representatives Demakis of Boston and Provost of Sandwich moved that the bill be amended in section 2 by adding at the end of item 4510-0100 the following: " ; provided further, that the department shall contract with a nonprofit health care policy organization with expertise in improving access to health care, to conduct a survey of health insurance provided to staff of long term care facilities, home health agencies, home care agencies, and personal care attendants and other workers who provide direct health care services; provided further, that the organization, under the direction of said department, shall conduct a survey of all relevant employees and employers and compile data and information into a report to be submitted with recommendations on improving access to health insurance for health care workers to the house and senate committees on ways and means; provided further, that the survey and report shall identify the following: (a) the average income and family size of health care workers; (b) the size of employers and number of employees within each type of facility or agency; (c) the types of health insurance provided by employers, the cost of the health insurance including expenditures by employers and costs to employees for specific facilities and agencies; (d) the number of employees who enroll in employer-offered health insurance plans and reasons for not participating in health programs; (e) the number of employees who are enrolled in state administered health insurance programs; (f) a list of options and recommendations for increasing access to health insurance for health care workers, including state participation and whether federal contribution would be permitted; and (g) estimates of the costs to employers, employees and the commonwealth for health care insurance options, including projected numbers of participants; provided further, that the organization shall develop the report and recommendations, in consultation with the Extended Care Federation, the Massachusetts Home Care Association and the Home Health Association of Massachusetts; and provided further, that the department shall file said report not later than June 1, 2002 with the house and senate committees on ways and means". The

amendment was adopted.

Mrs. Teahan of Whitman and other members of the House moved that the bill be amended in section 2 by adding at the end of item 4100-0060 the following: “; and provided further, that the division shall conduct semi-annual audits of wage increases and related employee costs for certified nurse’s aides expended from line item 4000-0600; provided further, that the division of health care finance and policy, in consultation with the division of medical assistance, shall recoup at a rate of not less than 150 percent, any and all monies expended in violation of the provisions of said item 4000-0600; provided further, that nursing facilities receiving payments from said item shall certify in writing to said division that said payments are being used exclusively for the purposes enumerated in said item 4000-0600; provided further, that said written certification shall establish the amount projected to be paid in fiscal year 2002 for said increased wages and benefits; provided further, that said audit shall establish the veracity of such written certification; and provided further that the division shall submit to the house and senate committees on ways and means and the joint committee on health care a report at the end of said fiscal year on the amounts recouped in said fiscal year and projected to be recouped in said fiscal year 2003 from violations of said provisions of said item 4000-0600”. The amendment was rejected.

Representatives Flavin of Easthampton, Fitzgerald of Boston, Malia of Boston, St. Fleur of Boston, Cabral of New Bedford, Candaras of Wilbraham and other members of the House moved that the bill be amended in section 2, in item 1599-6900, in line 3, by striking out the figures “25,000” and inserting in place thereof the figures “32,000”; by adding at the end of said item the following: “; and provided further, that the secretary of the executive office of administration and finance, shall, by no later than December 31, 2001, file with the house and senate committees on ways and means, and the joint committee on human services and elderly affairs, a human services direct care workforce recruitment and retention three-year plan, which shall include provisions to upgrade entry level annual compensation of direct care workers to \$25,000, increase base annual compensation for individuals earning between \$25,000 and \$39,000 by three percent, and to revise the purchase of service rating methodology to include adjustments for the increased costs of providing services, including, but not limited to, health insurance premiums and all other insurance costs, facility rental and maintenance costs, heat and fuel costs, as well as, workforce training in areas of medication administration programs and other state mandated programs; the plan shall also identify additional strategies for recruiting and retaining direct care workers, including but not limited to, tuition remission programs and student loan forgiveness programs”; and in said item by striking out the figures “15,000,000” and inserting in place thereof the figures: “25,000,000”.

The amendments were adopted.

Mr. Hynes of Marshfield moved that his vote be reconsidered; and the motion to reconsider was negatived.

Mr. Dempsey of Haverhill moved that the bill be amended in section 2 by adding at

the end of item 4100-0060 the following: “; provided further, that the Division, in establishing temporary nursing service agency rates provided to licensed nursing facilities, shall not authorize a rate that exceeds 135% of the median salary cost per hour for direct care nursing staff employed by nursing facilities”. The amendment was rejected.

Ms. Provost of Sandwich and other members of the House moved that the bill be amended in section 2 by adding at the end of item 9110-0100 the following: “; provided further, that there shall be established an advisory council on quality of care in nursing homes to consist of the commissioner of public health, the commissioner of medical assistance, the secretary of elder affairs, and eleven persons to be appointed by the governor; provided further, that of the eleven appointed persons, two shall be representatives of the nursing home industry, two shall be direct care workers who are certified as nurses aide's, one shall be a registered nurse, one shall be a licensed practical nurse, one shall be a member of a consumer advocacy organization, one shall be a nursing home ombudsman, one shall be an expert in labor recruitment and issues relative to the health care workforce, one shall be a representative of a labor organization representing nursing home direct care workers recommended by the president of the Massachusetts AFL-CIO and one shall be a family member of a nursing home resident; provided further, that members of said advisory council shall be appointed for terms of two years; provided further, that no member shall be appointed to serve more than two consecutive terms; provided further, that members of said advisory council shall select a chair for said council; provided further, that said advisory council shall meet at least four times each year; provided further, that said advisory council shall convene special meetings at the call of the chair, the commissioner of public health, or a majority of said advisory council; provided further, that members of said advisory council shall serve without compensation, but shall be reimbursed, subject to appropriation, for expenses incurred in the discharge of their duties; provided further, that the duties of said advisory council shall include, but not be limited to, to propose regulations to the department of public health establishing appropriate staffing levels for long term care facilities to ensure quality of care for residents, with consideration given to staffing ratios recommended by the National Citizens' Coalition for Nursing Home Reform, so-called, and staffing levels in other states, to annually evaluate and recommend on the required minimum staffing levels for nursing and ancillary nursing personnel set forth in the department of public health's long term care facility regulations, and to study the status of the health care workforce in the commonwealth and develop, in consultation with individuals and organizations in the area of labor recruitment and workforce, legislative, budgetary, and policy recommendations on labor recruitment and retention, including workforce development, compensation and benefits for staffing long term care facilities; provided further, that said advisory council shall submit an annual report to the governor, secretary of state, and clerks of the senate and house of representatives reflecting any legislative, budgetary, and policy recommendations necessary to support and improve quality of care in nursing homes”. The amendment was adopted.

Mr. Cahill of Beverly and other members of the House moved that the bill be amended in section 2 by adding at the end of item 9110-0100 the following: “; and provided

further, that notwithstanding the provisions of any general or special law to the contrary, there is hereby established a commission to study the future of long-term health care in the Commonwealth; provided further, that said commission shall be charged with evaluating options and making policy recommendations that can be used to develop legislation that will address the health care needs of elders age 60 and older; provided further, that said commission shall consist of the following members: seven members of the senate, one of whom shall be appointed by the minority leader of the senate; seven members of the house of representatives, one of whom shall be appointed by the minority leader of the house of representatives; the secretary of health and human services or his designee; the director of the department of housing and community development or her designee; the attorney general or his designee; the secretary of elder affairs or her designee; the commissioner of health care finance and policy or his designee; the commissioner of insurance or her designee; and the commissioner of medical assistance or her designee; one representative from each of the following organizations: Mass Aging, Mass Home Care, the Alzheimer's Association, the Massachusetts Extended Care Federation, the American Association of Retired Persons, the Medicare Advocacy Project, the Home and Health Care Association of Massachusetts, the Massachusetts Assisted Living Facilities Association, the Mass Senior Action Council, Massachusetts Association of Older Americans, the Paraprofessional HealthCare Institute, the Massachusetts Chapter of the National Alliance of Caregivers, Health Care For All, the Citizen's Housing and Planning Association, and the Gerontology Institute at the University of Massachusetts in Boston; a representative of the insurance industry who has experience in the insurance markets affecting long-term care who shall be appointed by the Governor; and a representative of the business community who shall be appointed by the Governor; provided further, that the members shall elect a chairperson of said commission who shall be one of the legislative members of the commission; and provided further, that the commission shall meet until the end of fiscal year 2003 and shall release its first recommendations to the house and senate committees on ways and means no later than July 31, 2002". The amendment was adopted.

Mr. Fallon of Malden moved that the bill be amended in section 2, in item 4100-0080, in line 2, by inserting after the word "centers" the words "and/or a municipality who intends on creating and maintaining a community health center"; and in lines 37 and 38 and also in lines 39 and 40 by striking out the words "community health centers" and inserting in place thereof, in each instance, the word "applicants". The amendments were adopted.

Mrs. Canavan of Brockton moved that the bill be amended in section 2, in item 6010-0001, in lines 31 and 32, by striking out the following: "for Route 28 and Route 26" and inserting in place thereof the following: "for Route 28 and Route 106"; and the amendment was adopted.

Mr. Peterson of Grafton moved that the bill be amended in section 2, in item 6030-7201, by striking out the figures "6,727,688" and inserting in place thereof the figures:

“25,000,000”. After remarks the amendment was rejected.

Mr. Coppola of Foxborough moved that the bill be amended in section 2, in item 6010-0001, in line 36, by striking out the following: “route 6” and inserting in place thereof the words “West Street and Forbes Boulevard”. The amendment was adopted.

Representatives Poirier of North Attleborough and Coppola of Foxborough moved that the bill be amended in section 2 by adding at the end of item 6010-0001 the following: “; provided further, that not more than \$5,000,000 shall be provided to the Town of Mansfield for the reconstruction of the Route 106 Underpass”; and in said item by striking out the figures “13,400,873” and inserting in place thereof the figures “18,400,873”. The amendments were rejected.

Mr. George of Yarmouth moved that the bill be amended in section 2, in item 6010-0001, in line 41, by inserting after the word “Saugus” the following: “; provided further, that not more than \$10,000 shall be expended for the repair, beautification and maintenance of the Yarmouth Rest Area Tourist Information Booth, so-called, located on State Highway Route 6 by the Yarmouth Chamber of Commerce”. The amendment was adopted.

Mr. Hall of Westford moved that the bill be amended in section 2, in item 6010-0001, in line 43, by inserting after the word “Worcester” the following: “; provided further, that not more than \$200,000 shall be expended for the design and construction for turn lanes on Route 2A/110 into the new Littleton high school in Littleton”. The amendment was rejected.

Mr. Marini of Hanson and other members of the House moved that the bill be amended by adding at the end thereof the following section:

“SECTION 52. The chairman of the Massachusetts Turnpike Authority is hereby authorized and directed to conduct a study of the feasibility of universal and free participation in the FAST LANE program by the drivers of the Commonwealth. Said study shall include, but not be limited to, the following topics: comprehensive accounting of the expenses associated with the FAST LANE program; the relative impact of the FAST LANE finances on the Turnpike’s finances; modern FAST LANE technology removing outdated toll plaza structures; and proposals to finance universal access to FAST LANE. The chairman shall report his findings to the Joint Committee on Transportation on or before October 1, 2001.”.

The amendment was adopted.

Messrs. Sullivan of Braintree and Mariano of Quincy moved that the bill be amended in section 2, in item 6000-0100, in lines 53 to 59, inclusive, by striking out the following: “establish a pilot program on or by September 1, 2001 to encourage pedestrian access to and from the Quincy Adams station; provided further, that said pilot program shall include pedestrian access to said station via the Independence Avenue entrance; and provided further, that said authority shall submit a report to the

joint committee on transportation no later than March 1, 2001 detailing the subsequent shift in pedestrian usage of said station” and inserting in place thereof the following: “conduct a thorough study of ways to encourage pedestrian access to and from the Quincy Adams station; provided further, that said study shall include, but not be limited to, an examination of the feasibility of pedestrian access via Independence Avenue, Federal Street in the city of Quincy and Centre Street in the town of Braintree; provided further, that said study shall also include a comprehensive set of recommendations made by the authority to encourage pedestrian access to said station; provided further, that said study shall also include a vehicular traffic analysis for said station that shall include a study of traffic volume at said station during peak travel hours; provided further, that said study be submitted to the Joint Committee on Transportation no later than September 1, 2001; provided further that said committee shall forward a copy of said report to the town of Braintree and the city of Quincy”. The amendment was adopted.

Mr. Naughton of Clinton moved that the bill be amended in section 2 by adding at the end of item 6010-0002 the following: “; provided that not less than \$1,110,000 shall be expended for the signalization project at Route 20 and West Main Street and Route 20 and Davis Street in Northboro”. The amendment was rejected.

Mrs. Hahn of Westfield moved that the bill be amended in section 2 by adding at the end of item 6005-0015 the following: “; and provided further, that \$150,000 shall be expended for the Westfield community bus route, so called, to be operated by the Pioneer Valley Regional Transit Authority”; and in said item by striking out the figures “42,406,834” and inserting in place thereof the figures “42,556,834”. The amendments were rejected.

Mr. Ayers of Quincy moved that the bill be amended in section 2, in item 6010-0001, in line 32, by inserting after the word “further,” the following: “that Transportation and MassHighway identify \$25,000 for a feasibility study for the North Quincy Access Ramp, adding highway access from Route 93 and easing traffic congestion in the surrounding area”. The amendment was adopted.

Mr. Linsky of Natick moved that the bill be amended in section 2, in item 6010-0001, in line 39, by inserting after the word “program” the following: “; provided further, that the Massachusetts Highway Department studies the feasibility of constructing a sound barrier on Route 9 at Speen Street in Natick”. The amendment was adopted.

Mr. Carron of Southbridge moved that the bill be amended in section 2, in item 6010-0001, in line 32, by striking out the word “more” and inserting in place thereof the word “less”; and the amendment was adopted.

Mr. Loscocco of Holliston moved that the bill be amended in section 2, in item 6010-0001, in line 39, by inserting after the word “program” the following: “; provided further that no less than \$600,000.00 shall be expended for the design and construction of sidewalks along Route 126 (Summer Street) in the town of Medway and otherwise to reimburse the town of Medway for its increased costs relative to the pending design

and construction of improvements to Route 126 in the town of Medway”; and the amendment was rejected.

Mr. Toomey of Cambridge moved that the bill be amended in section 2, in item 6005-0015, in line 44, by inserting after the following: “4401-1001” the following: “; provided further, that the Massachusetts Bay Transportation Authority be directed to study the construction of a noise barrier wall along the south side of the Boston Engine Terminal and Yard 14 so-called and report said findings to the Commissioner of Transportation by October 1, 2001”. The amendment was adopted.

Mr. Travis of Rehoboth moved that the bill be amended in section 2, in item 6010-0001, in line 15, by inserting after the word “and” the following: “provided further \$50,000,000 shall be expended for”; and in said item by striking out the figures “13,400,873” and inserting in place thereof the figures “63,400,873”. The amendments were rejected.

Mr. Hargraves of Groton moved that the bill be amended in section 2, in item 6010-0001, in line 39, by inserting after the word “program” the following: “; provided further, that not more than \$100,000 shall be expended for the replacement of the Vinton Pond Road Bridge in the town of Townsend”; and in said item by striking out the figures “13,400,873” and inserting in place thereof the figures “13,500,873”. The amendments were adopted.

Mr. Keenan of Southwick moved that the bill be amended in section 2 by adding at the end of item 6010-0001 the following: “; provided that no more than \$50,000 be expended to conduct a study to recommend alternatives for improved ingress and egress to the Julia Buxton Bridge in Springfield and Agawam; provided further that this study also include a recommendation of ways to improve the flow of traffic to area tourist attractions by utilizing off-site parking along the Springfield Riverfront on the Connecticut River”. The amendment was adopted.

Mr. Buoniconti of West Springfield moved that the bill be amended in section 2 by adding at the end of item 6010-0001 the following: “; provided that not more than \$95,000 shall be expended for signal/sidewalk improvements on Route 20 in the Town of West Springfield”. The amendment was adopted.

Messrs. Rogers of New Bedford and Koczera of New Bedford moved that the bill be amended in section 2 by adding at the end of item 6010-0001 the following: “that not more than \$100,000 shall be expended for the installation of traffic signals at the intersection of Wood Street & Ashley Blvd.”; and the amendment was adopted.

Messrs. Torrisi of North Andover and Jones of North Reading moved that the bill be amended in section 2 by adding at the end of item 6006-0003 the following: “; provided further, that \$25,000 shall be provided as a one time grant to the town of North Andover for analysis and mitigation costs of the vegetation management plan; and provided that \$25,000 be granted to the Merrimack Valley Economic Development Council for an economic development impact study of the Lawrence

Municipal Airport and said study shall be submitted to the joint committee on Transportation by December 31, 2001". The amendment was adopted.

Mr. Straus of Mattapoisett moved that the bill be amended in section 2 by adding at the end of item 6010-0001 the following: “; provided however that not less than \$250,000 be expended for the construction of phase one of the Mattapoisett bike path within the railroad right-of-way.”. The amendment was adopted.

Mr. DiMasi of Boston moved that the bill be amended in section 2, in item 6010-0001, in line 39, by striking out the word “a” and inserting in place thereof the following: “the UNESSA”; and the amendment was adopted.

Ms. Polito of Shrewsbury moved that the bill be amended in section 2 by adding at the end of item 6010-0001 the following: “; that the sum of \$50,000 be expended for road enhancements in the Shrewsbury Town Center; provided, that either the town of Shrewsbury or the Shrewsbury Electric Light and Cable provide dollar for dollar matching funds program prior to accessing said funding”; and in said item by striking out the figures “13,500,873” and inserting in place thereof the figures “13,550,873”. The amendments were adopted.

The Speaker being in the Chair, — Mr. Rogers of Norwood moved that the vote be reconsidered by which the House, on Wednesday, May 2, rejected amendments offered by Mr. Slattery of Peabody and other members of the House [A] in section 2 by adding at the end of item 0810-0000 the following: “; provided further that sufficient funds shall be available for oversight of the Commonwealth’s health care systems, the investigation and prosecution of crime, and the protection of children, senior citizens, working families and consumers”; and in said item by striking out the figures “21,388,796” and inserting in place thereof the figures “24,531,723”; and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendments, the same member moved that the amendments be amended by striking out the text therein [at “A”] and inserting in place thereof the following: “in section 2, in item 0810-0000, by striking out the figures ‘21,388,796’ and inserting in place thereof the figures:— 21,888,210.”.

The further amendments were adopted (thus precluding a vote on the recurring amendments).

Mr. Sullivan of Braintree and other members of the House moved that the bill be amended in section 2, in item 6010-0002, in line 4, by inserting after the word “efforts” the following: “; provided further, that a signalization project at Route 20 and West Main Street and Route 20 and Davis Street in Northboro shall commence by September 1, 2001”; and by adding at the end of item 6010-1000 the following: “; and provided further, that funds herein shall be expended for the start-up costs for a pilot program for storm water treatment in district 3”; and in said item by striking out the figures “23,118,416” and inserting in place thereof the figures “23,868,416”.

The amendments were adopted.

Mr. Rogers of Norwood moved that the vote be reconsidered by which the House, on Wednesday, May 2, rejected amendments offered by Mr. Scaccia of Boston in section 2, [A] in item 0511-0000, by striking out the figures “7,067,865” and inserting in place thereof the figures “7,515,503” and in item 0521-0001, by striking out the figures “3,912,136” and inserting in place thereof the figures “4,953,819”; and reconsideration prevailed.

Pending the recurring question on adoption of the amendments, Mr. Rogers of Norwood moved that the amendments be amended [at “A”] by striking out the text therein and inserting in place thereof the following: “in item 0511-0000, by striking out the figures ‘7,067,865’ and inserting in place thereof the figures: ‘7,267,865’ and in item 0521-0001 by striking out the figures ‘3,912,136’ and inserting in place thereof the figures:— 4,662,136.” The further amendments were adopted. The amendments, as amended, then also were adopted.

Mr. Petersen of Marblehead moved that the bill be amended in section 2, in item 2100-0005, in line 9, by inserting after the word “Shrewsbury” the following “; provided further, that not more than \$285,000 shall be expended for the restoration of Fort Sewall in Marblehead”. The amendment was adopted.

Mr. Rogers of Norwood and other members of the House moved that the bill be amended in section 2 by striking out item 7004-0087 and inserting in place thereof the following item:

“7004-0087 For state financial assistance in the form of grants to municipalities for community development and management of capital; provided, that not more than \$75,000 shall be expended for the Plymouth council on aging for the construction of an elevator; provided further, that not more than \$50,000 shall be expended for the demolition of condemned buildings on the site of the old Plymouth county hospital, so-called, in Hanson; provided further, that not less than \$12,000 shall be expended for the town of Millis for community development projects for fire rescue activities; and provided further, that not more than \$50,000 shall be expended for water control projects on publicly-owned land in Duxbury; provided further, that not more than \$125,000 shall be expended for the west broadway task force, so-called; provided further, that not more than \$300,000 shall be expended as a one-time grant for the town of Webster for community development planning; provided further, that not more than \$50,000 shall be expended for the town of Norfolk for community development activities for fire safety; provided further, that not more than \$650,000 shall be expended for both the jackson appleton middlesex and the acre urban and revitalization and development projects, so-called, in the city of Lowell; and provided that not less than \$165,000 shall be expended for the town of Walpole for community development projects for the enhancement of said town’s educational system; provided further, that not more than \$100,000 be expended for the demolition of the Spinning and Finishing Mill, so-called, at the Gardner-Kilby-Hammond Street Neighborhood Revitalization Project in Worcester; provided further, that not more

than \$50,000 be expended for improvements to the senior and youth center in Rockland; and provided further, that not more than \$90,000 be expended to assist disabled children in the historic Sylvester Building in Hanover; provided further, that not more than \$200,000 shall be expended for the demolition and development of property in the city of Lawrence; provided further, that not more than \$200,000 be expended for the rehabilitation of property in the city of Lawrence; provided further, that not less than \$180,000 shall be expended as a one-time community development grant for the town of Cheshire and not less than \$20,000 shall be expended as a one-time community development grant for the town of New Ashford for the clean-up and disposal of debris related to damage caused by the June 25, 2000 rainstorm event, so-called; provided further, that funds may be expended for the costs previously incurred and those required to be incurred as a direct result of said storm; and provided further, that not more than \$30,000 be provided for a summertime economic development event to be held in the city of Springfield; and provided further, that not less than \$20,000 be provided to the Upper-Hill Neighborhood Council, so-called, for its Youth Gymnastics Program in

the city of Springfield \$2,367,000”.

The amendment was adopted.

Mr. Petrolati of Ludlow moved to strike the following in line 1 “There is hereby appropriated the sum of nine million, seven hundred thousand dollars” and by inserting “provided further, the sum of ten million dollars shall come from the Clean Elections Trust to the Belchertown Economic Development and Industrial Corporation for the purpose of site remediation, including 21E Clean-up, ACM Abatement, Alleviation of Stormwater Infiltration/Inflow, Steam Tunnel Remediation and Demolition at the Belchertown site, formerly known as the Belchertown State School to be administered and managed by the Belchertown Economic Development and Industrial Corporation”. The amendment was rejected.

Mr. Walsh of Boston moved the bill be amended by adding at the end thereof the following three sections:

“SECTION 53. Section 1 of chapter 55A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the definition of ‘Election cycles’ and inserting in place thereof the following definition:—

Election cycle, as applied to a candidate for a particular state office shall be for state primary participants the period beginning on March 31 of the year preceding the next biennial state primary and shall end on the day next following the biennial state primary.

For participants in both the state primary and the general election the election cycle shall be the period beginning on March 31 of the year next preceding the next biennial state primary and ending on the thirtieth day following the next state election for that

office inclusive.

SECTION 54. Section 3 of said section 55A, as so appearing, is hereby further amended by adding the following paragraph:—

(d) a candidate may limit his participation to the state primary election and cease to be a participant after the state primary. Such a candidate may choose to continue his or her participation by filing an additional declaration of intent after the primary with the director.

SECTION 55. Section 16 of said section 55A, as so appearing, is hereby further amended by inserting after paragraph (b) the following paragraph:—

(b½) a candidate who filed a declaration of intent limited to the state primary may unilaterally decertify himself or herself after the state primary by filing a declaration of decertification with the director. Such a candidate shall not be subject to any fine or penalty assuming they have otherwise complied with this chapter.”.

The amendment was rejected.

Mr. O’Brien of Kingston moved that the bill be amended by adding at the end thereof the following section:

“SECTION 53. Section 325 of chapter 159 of the Acts of 2000 is hereby amended by striking out the words March 31, 2001, in line 2, and inserting in place thereof the following:— December 31, 2001.”.

The amendment was rejected.

Mr. Petrolati of Ludlow moved that the bill be amended by adding at the end thereof the following section:

“SECTION 53. The sum of ten million dollars shall come from the Clean Elections Trust to the Belchertown Economic Development and Industrial Corporation for the purpose of site remediation, including 21E Clean-up, ACM Abatement, Alleviation of Stormwater Infiltration/Inflow, Steam Tunnel Remediation and Demolition at the Belchertown site, formerly known as the Belchertown State School to be administered and managed by the Belchertown Economic Development and Industrial Corporation.”. The amendment was rejected.

The same member moved that this vote be reconsidered; and the motion to reconsider was negatived.

Mr. Honan of Boston moved that the bill be amended in section 2 by adding at the end of item 7003-1000 the following: “; provided further, that not more than \$150,000 shall be provided to the Massachusetts regional employment board association for the purpose of assisting regional employment boards”; and in said item by striking out the figures “2,187,000” (inserted by amendment) and inserting in place thereof the figures

“2,335,000”.

The amendments were adopted.

Mr. Larkin of Pittsfield and other members of the House moved that the bill be amended in section 2 by adding at the end of item 7003-0700 the following: “; provided further, that not less than \$200,000 be expended for the design, implementation, and support of projects that integrate education and training for unemployed or underemployed adults without a high school credential or lacking the ‘new literacy’ skills required for employment success, to be administered by the commonwealth corporation, in conjunction with the Massachusetts department of education, industry, labor, and community-based organizations, and community colleges”; and in said item by striking out the figures “487,500” (inserted by amendment) and inserting in place thereof the figures “582,500”.

The amendments were adopted.

Mr. Marini of Hanson and other members of the House moved that the bill be amended in section 2, in item 1750-0100, in line 20, by inserting after the word “reclassification” the following: “; and provided further, that any employee of the commonwealth who chooses to participate in a bone marrow donor program or an organ donor transplant program shall be granted a leave of absence with pay to undergo the medical procedure and for associated physical recovery time, but said leave shall not exceed five days”. The amendment was adopted.

Ms. Canavan of Brockton and other members of the House moved that the bill be amended by adding at the end thereof the following section:

“SECTION 53. Notwithstanding the provisions of section 429 of chapter 159 of the acts of 2000 to the contrary and in order to reduce the mortality and morbidity from, improve access to care for underserved populations and prevent the spread of cardiovascular disease, the department of public health shall, subject to the following conditions, approve the development and operation of new open heart surgery programs at seven community hospitals in the commonwealth, including programs which were granted by the department during this calendar year prior to the passage of this act, as contemplated by the cardiac care commission established pursuant to section 388 of chapter 194 of the acts of 1999. Said department shall, subject to the following conditions, immediately begin processing approvals for seven community hospitals during 2001 pursuant to 105CMR100.308 of its regulations and shall finish said review and authorization process by September 1, 2001. All community hospitals applying to participate in these programs shall certify an ability to conform to the following requirements as a condition of obtaining any approval:

(a) each applicant must have executed a written affiliation agreement, including licensing arrangements consistent with the provisions of this section, for a term of at least five years, in a form satisfactory to said department, with an academic medical center having an accredited primary cardio-thoracic surgery residency program; but no

single academic medical center may have affiliation agreements with more than two community hospitals;

(b) each applicant must be operating a fixed cardiac catheterization lab in accordance with standards established by the department of public health at the time of application;

(c) each applicant must be performing at least 1,000 cardiac catheterization procedures per year or have a projected annual cardiac catheterization volume of 1,000 procedures per year by the end of the third year;

(d) each applicant must have a projected open heart surgery volume of at least 300 procedures per year and a projected open heart surgery volume per surgeon of 100 procedures per year, by the end of the third year;

(e) each applicant must demonstrate an ability to finance any necessary capital improvements and operating expenses for said program;

(f) each applicant must develop programs for cardiovascular disease prevention and health promotion aimed at reducing the incidence of cardiovascular disease; and

(g) each applicant must comply with clinical standards for program quality developed by the department.

Beginning on July 1, 2001, the department shall require all hospitals in the commonwealth that perform open heart surgery to submit patient specific outcome data and shall develop a process, after consulting with the cardiac care quality advisory commission established in section 428 of Chapter 159 of the Acts of 2000, for accurately and reliably validating all such data. Beginning on March 1, 2002, and annually thereafter, the department shall conduct an evaluation of all cardiac surgery programs in the commonwealth and shall submit a report of such evaluation to the house and senate committees on ways and means and the joint committee on health care. The review should include a case-by-case analysis of the cardiac procedures delivered at community hospitals, peer review, systematic performance measurement and feedback, specific outcome data as well as an overall review of the quality of the service and the impact of the developing programs on the primary academic medical centers and community hospitals. Based on the results of its annual evaluations of existing and new programs, the department, in its March 2004 report, shall make a determination of (i) whether open heart surgery programs at the community hospitals have resulted in a material benefit to the public with no countervailing risk to the public health, and (ii) whether additional community cardiac surgery programs would be of material benefit to the health and safety of Massachusetts citizens.

Nothing contained in this section shall be construed to limit the authority of the department of public health to take any action authorized by law, against a community hospital obtaining a license hereunder, for failure to comply with any law, rule or regulation.”.

The amendment was adopted.

Messrs. Casey of Winchester and Keenan of Southwick moved that the bill be amended in section 2 by adding at the end of item 0162-1010 the following: “; provided further, that notwithstanding the provisions of section 1 of chapter 32 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the definition of ‘Teacher’ and inserting in place thereof the following definition:—

‘Teacher’, any person who is employed by one or more school committees or boards of trustees or by any combination of such committees and boards on a basis of not less than half-time service as a teacher, school psychologist, school psychiatrist, school adjustment counselor or school social worker appointed under section 46G of chapter 71, director of occupational guidance and placement appointed under section 38A or 38D of chapter 71, principal, supervisor or superintendent in any public school as defined in this section, or as a supervisor or teacher of adult civic education, but excluding any person serving as an exchange teacher in any such public school unless he is a member of the teachers’ retirement system at the time of entry into such service; provided, however, that ‘teacher’ shall not be deemed to include, nor shall sections 1 to 28, inclusive, apply to, any person who is a teacher in the public schools of the city of Boston, except to such a teacher who, on September 1, 1923, was employed by the city of Boston and was then a member of the teachers’ retirement system or who began service as a teacher in the public schools of the city of Boston on or after July 1, 2001; provided further, that Section 20 of chapter 32 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 24 and 25, the following:— or under the State-Boston retirement system,”; and the amendment was adopted.

Ms. Flavin of Easthampton and other members of the House moved that the bill be amended in section 2 by adding at the end of item 9110-1455 the following: “; provided further, that the secretary of the executive office of elder affairs shall collaborate with the commissioners of the division of medical assistance, department of public health, department of mental health, department of mental retardation, and the directors of the group insurance commission and the state office of pharmacy services in order to develop a program of aggregate purchase of prescription drugs for Massachusetts residents or a program to negotiate discounts with pharmaceutical companies; provided further, that said group shall work with the division of medical assistance in order to seek federal approval for such program of aggregate purchase of prescription drugs or for approval to negotiate discounts with pharmaceutical companies; provided further, that said secretary may contract with an independent consultant in order to assist said group to develop either recommended program; and provided further, that said secretary shall present her findings in written form to the house and senate committees on ways and means and the joint committee on health care not later than October 1, 2001”; and by striking out section 8 and inserting in place thereof the following two sections:

“SECTION 8. Section 39 of chapter 19A of the General Laws is hereby amended by

adding the following subsection:—

(q) Notwithstanding the provisions of this section or the provisions of section 40, in the event that federal legislation is enacted creating a pharmacy benefit program available to eligible persons as defined herein, the secretary of administration and finance shall review the existing state program for possible adjustments to the cost sharing requirements of enrollees in the form of co-payments, premiums, and deductibles, or any other feature of the program authorized by this section and may implement said adjustments subject to the conditions set forth herein; provided, that: (1) said adjustments are necessary to allow the commonwealth to obtain the maximum amount of federal financial participation available under such federal program or to align other aspects of the design of the program authorized by this section with the design of such federal program; (2) said secretary shall consult with the executive office of elder affairs, the executive office of health and human services, the division of medical assistance, the fiscal affairs division, the division of insurance, and the prescription drug review commission prior to developing a plan for said adjustments; (3) said secretary shall submit said plan to the president of the senate, the speaker of the house of representatives, and the prescription drug review commission not less than 60 days prior to the implementation of said plan; and (4) said prescription drug review commission shall hold a public hearing on said plan not less than 30 days prior to the implementation of said plan.

SECTION 8A. Notwithstanding the provisions of subsection (k) of section 39 of chapter 19A of the General Laws, the secretary of elder affairs, in order to maintain the fiscal viability of the prescription advantage plan, so-called, shall make structural modifications to said plan, including but not limited to adjustments to co-payments, premiums, deductibles, and the statutory limit on out-of-pocket expenditures, or any combination thereof, based upon an actuarially sound analysis. Said structural modifications shall ensure that spending for said plan does not exceed the appropriation for fiscal year 2002 provided for in section 2 in item 9110-1455; provided that no additional appropriation shall be made for said item in any supplemental appropriation or deficiency budget, so-called. Said secretary shall prepare and submit a written report to the prescription drug review commission, established pursuant to section 40 of chapter 19A, the clerk of the house, the clerk of the senate, the house and senate committees on ways and means, and the joint committees on health care and insurance not later than November 1, 2001, detailing the need for and nature of any and all structural modifications and the projected impact thereof.”.

After debate on the question on adoption of the amendments, Mr. Spellane of Worcester 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 142 members were recorded as being in attendance.

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

Therefore a quorum was present.

After remarks on the question on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Leary of Worcester; and on the roll call 153 members voted in the affirmative and 1 in the negative.

**[See Yea and Nay No. 56 in Supplement.]**

Therefore the amendments were adopted.

Mr. Rogers of Norwood moved that this vote be reconsidered; and the motion to reconsider was negatived.

Mr. O'Brien of Kingston moved that the vote be reconsidered by which the House, on Thursday, May 3, adopted amendments offered by him and other members of the House in section 2, in item 2511-0100, [A] in line 10, by inserting after the word "program" the following: "; provided further that \$35,000 shall be expended for agricultural exhibits and prize awards at the state and local fairs" and in said item by striking out the figures "5,394,799" and inserting in place thereof the figures "5,429,799"; and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendments, Mr. Bosley of North Adams and other members of the House moved that the amendments be amended [at "A"] by striking out the text therein and inserting in place thereof the following: "in line 6, by inserting after the word 'fairs' the following: '; provided that not less than \$150,000 be expended for the agricultural fair prizes and rehabilitation'; and in said item by striking out the figures '5,429,799' (inserted by amendment) and inserting in place thereof the figures:— 5,544,799".

The further amendments were adopted (thus precluding a vote on the recurring amendments).

Mrs. Poirier of North Attleborough moved that the bill be amended in section 2, in item 9110-9002, in line 8, by striking out the words "provided further, that \$50,000 shall be expended for the purposes of renovations to the new council on aging center in North Attleborough;" and in said item by striking out the figures "6,810,000" and inserting in place thereof the figures "6,760,000"; and by adding at the end of item 9100-1900 the following: "; and provided further, that \$50,000 shall be expended for the purposes of renovations to the new council on aging center in North Attleborough; provided further, that an additional \$50,000 shall be expended for said purposes subject to a \$50,000 matching expenditure to be made by the North Attleborough council on aging" and in said item by striking the figures "5,356,536" and inserting in place thereof the figures "5,456,536". The amendments were adopted.

Mr. O'Flaherty of Chelsea and other members of the House moved that the bill be

amended in section 2, in item 9110-1636, in line 3, by inserting after the word “program” the following: “; provided that \$500,000 shall be expended for guardianship services”. The amendment was adopted.

Ms. Khan of Newton moved that the bill be amended in section 2 by adding at the end of item 6000-0100 the following: “; provided further, that notwithstanding any special or general law to the contrary, the Massachusetts Bay Transportation Authority shall increase parking spaces at the Waban Station, so-called, in the city of Newton; provided further, that the increase in parking spaces shall correspond to the said Authority’s 1990 Waban Station Parking Upgrade proposal, developed in cooperation with the planning department with the city of Newton; and provided further, that notwithstanding any special or general law to the contrary, the Massachusetts Bay Transportation Authority shall install a change/token vending machine, so-called, at the Waban Station, in the city of Newton, not later than sixty days after the enactment of this act”. The amendment was adopted.

Mr. Ciampa of Somerville moved that the vote be reconsidered by which the House, on Friday, May 4, rejected amendments offered by him in section 2, in item 2440-0010, in line 19, by inserting after the word “Watertown;” the following “Not less than \$500,000 shall be expended on the construction of a pedestrian underpass under the Mystic Wellington bridge on state highway route 28 in the city of Somerville” [A]; and in said item by striking out the figures “26,763,535” and inserting in place thereof the figures “27,263,535”; and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendments, the same member moved that the amendments be amended by striking out [at “A”] the figures contained in the text therein. The further amendment was adopted. The recurring amendment, as amended, then also was adopted.

Mr. Larkin of Pittsfield moved that the vote be reconsidered by which the House, on Thursday, May 3, adopted an amendment offered by him in section 2 by striking out item 7061-9610 and inserting in place thereof a new item 7061-9610; and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendment, the same member moved that the amendment be amended by striking out the proposed new item 7061-9610 and inserting in place thereof the following item:

“7061-9610 For competitive grants for after-school programs approved in the board of education’s five year master plan; provided, that the department shall select grant recipients by September 30, 2001 and shall report to the house and senate committees on ways and means and the joint committee on education, arts, and humanities on the preliminary results of such grants not later than February 1, 2002; provided further, that not more than \$608,523 may be expended for non-grant purposes; provided further, that said funds shall only be distributed to those communities with local councils that coordinate after-school and out-of-school activities and encourage strong connections between schools and community-based after-school programs focused on

children's learning; provided further, that consideration should be given to programs that provide opportunities for disabled children to participate; provided further, that a municipality may be a member of not more than one such council; provided further, that a municipality may join with other municipalities to create a unified council for the purpose of coordinating after-school and out-of-school activities in said municipalities; provided further, that grants may be awarded to any member of such unified councils; provided further that the commissioner of education shall consult the secretary of the executive office of health and human services and other relevant state agencies to coordinate programs and services for children and youth during after-school and out-of-school hours; provided further, that applicants must detail funds received from all public and private sources for existing after school and out-of-school programs, including funds received for MCAS remediation programs funded from item 7061-9404 and the types of programs and number of students served with said funds; provided further, that said department may fund only those applications that contain accountability systems and measurable outcomes including academic and social indicators which the department deems appropriate; provided further, that said department shall give preference to applicants who demonstrate efficient use of public resources and facilities including the utilization of schools as effective centers of community life; and provided further, that not less than \$1,000,000 of said grants shall require at least a 100 per cent match from private, federal, or local sources, including in-kind resources of school facilities; and provided further, funds appropriated herein for after-school programs may be expended through August 31,

2002 5,941,932

Local Aid Fund 100.0%.”

The further amendment was adopted (thus precluding a vote on the recurring amendment).

Mr. Fennell of Lynn moved that the vote be reconsidered by which the House, on Wednesday, May 2, rejected amendments offered by him in section 2, in item 8400-0001, in lines 24 and 25, by striking out the words “that the registry shall operate a license express office so called in Lynn” and inserting in place thereof the following: “that not less than \$130,000 be expended for the registry to operate a license express so called in the city of Lynn”; and in said item by striking out the figures “54,367,014” (inserted by amendment) and inserting in place thereof the figures “54,325,109”; and the motion to reconsider prevailed.

On the recurring question, the amendments were adopted.

Mr. Jones of North Reading moved that the vote be reconsidered by which the House, on Wednesday, May 2, rejected an amendment offered by him and Mr. Caron of Springfield striking out section 21; and the motion to reconsider prevailed.

On the recurring question, the amendment was adopted.

Ms. Lewis of Dedham moved that the vote be reconsidered by which the House, on Wednesday, May 2, rejected an amendment offered by her adding at the end thereof the following section:

“[A] SECTION 51. There shall be a special commission to consist of the following: the secretary of public safety or the secretary’s designee; the commissioner of corrections or the commissioner’s designee; the president of the Massachusetts Sheriff’s Association and an additional designee of the Association; the senate and house chairs of the committee on public safety; the senate and house chairs of the committee on science and technology; [B] one (1) additional member of the house, chosen by the Speaker and one (1) additional member of the senate chosen by the senate President, two (2) industry representatives who shall not be employed by the same company, one of whom will be chosen by the senate President and one of whom will be chosen by the Speaker of the House; and a consumer with knowledge in the area of expertise who shall be chosen by the governor.

The commission is hereby established for the purpose of making an investigation and study to evaluate issues specific to the use of biometric technology, specifically as biometric technology relates to public safety, law enforcement and corrections, and in particular to biometrics, the science of identifying people using human characteristics, as it relates to the identification of subjects and the application of due process, regional sharing of information by all law enforcement agencies, crowd and riot control, security and personal and financial accountability in the correctional system, cost control, access to the essential goods and services, crowd and population control within correctional facilities, access and visitor control, surveillance and contraband control, and control of contractors, suppliers and vendors employed by or within the correctional system, as well as other issues as they relate to responsibility and accountability within the correctional system.

There shall be an honorary chairperson and vice chairperson chosen by the members of the commission.

Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, to carry such recommendation into effect by filing the same with the clerk of the house of representatives on or before November thirtieth, two thousand and one.”.

The motion to reconsider prevailed.

Pending the recurring question on adoption of the amendment, the same member moved that the proposed new section be amended [at “A”] by striking out the following:

“SECTION 51” and inserting in place thereof the following:

“SECTION 54” and [at “B”] by striking out the following “one (1) additional member” and inserting in place thereof the following: “two (2) additional members”.

The further amendments were adopted. The amendment, as amended (adding section 54), then also was adopted.

Mr. Turkington of Falmouth moved that the vote be reconsidered by which the House, on Friday, May 4, rejected an amendment offered by him and other members of the House in section 2 by adding at the end of item 2330-0100 the following: “and provided further, that not less than [A] \$100,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and Barnstable County”; and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendment, Mr. Turkington moved that the amendment be amended [at “A”] by striking out the following: “\$100,000” and inserting in place thereof the following: “\$50,000”.

The further amendment was adopted. The amendment, as amended, then also was adopted.

Mr. DiMasi of Boston and other members of the House moved that the bill be amended in section 2 by adding at the end of item 4800-1400 the following: “; provided further, that not more than \$375,000 shall be expended for a contract with Jane Doe, Inc. for the provisions of training, technical assistance, and telecommunications systems to programs serving victims of domestic violence and for the administration of a program of volunteer service within said programs”; and in said item by striking the figures “17,978,853” and inserting in place thereof the figures “18,678,853”.

The amendments were adopted.

Mr. Fitzgerald of Boston and other members of the House moved that the bill be amended in section 2, in item 9110-1636, in line 3, by inserting after the word “and” the following: “provided further that not less than \$1,900,000 shall be provided for”; and the amendment was adopted.

Mr. Rogers of Norwood and other members of the House moved that the bill be amended [A] in section 2, by striking out item 7061-0006 and inserting in place thereof the following item:

“7061-0006 For enrollment aid for school districts which experienced past enrollment growth; provided, that said enrollment aid shall be provided to any school district for which the following criteria are met: i.) the foundation enrollment used to calculate the fiscal year 1999 state education aid exceeds the foundation enrollment used to calculate the fiscal year 1994 state education aid by a percentage that exceeds, by 10 percent or more, the state average growth percentage for the same period; ii.) the amount of state education aid received by such district in fiscal year 1999 as a percentage of foundation budget for such fiscal year is less than half the state average state education aid provided in fiscal year 1999 as a percentage of foundation budget; and iii.) the fiscal year 1999 actual net school spending per pupil is less than the state

average net school spending per pupil for said fiscal year 1999; provided further, that for any district for which such criteria are met, enrollment aid shall be provided in an amount that is equal to the product of the following: i.) the foundation enrollment used to calculate the fiscal year 1999 state education aid; and ii.) the product of \$65 and the percentage by which such district's enrollment growth percentage for such period exceeds the state average percentage growth for such period; provided further, that notwithstanding such calculation, enrollment aid for such eligible districts shall be not less than \$50 per pupil nor more than \$75 per pupil; and provided further, that in the event that the amount appropriated herein exceeds the amount necessary to provide enrollment aid to all eligible districts as set forth herein, the department of education may distribute additional enrollment aid amounts for districts not otherwise eligible for enrollment aid pursuant to the criteria set forth herein but which experienced high enroll-

ment growth as determined by the department 5,000,000

Local Aid Fund 100.0%”;

by striking out item 7061-0012 and inserting in place thereof the following item:

“7061-0012 For non-educational costs of residential school programs for students placed by a local school district or ordered by the bureau of special education on appeals, as provided under chapter 71B of the General Laws; provided, that subject to rules and regulations promulgated by the commissioner of education, each city and town shall verify to the commonwealth the cost thereof and upon approval of the commissioner, the treasurer may make such payments directly to the service provider for services provided on or after July 1, 2001; provided further, that not more than \$7,500,000 shall be used to continue and expand voluntary residential placement prevention programs between the department of education and the department of mental retardation and other departments within the executive office of health and human services that develop community-based support services for children and their families; provided further, that the amount spent for a particular student shall not exceed the amount of tuition funds allocated for the student at the time of transition into such community-based support services; provided further, that funding provided herein may reimburse private schools for prior fiscal year's tuition; provided further, that the commonwealth shall not pay more than 50 percent of the cost of any such residential placement; provided further, that not less than \$525,000 shall be expended for the costs of borrowing audiotaped textbooks by special needs students whose disabilities include, but shall not be limited to: blindness, visual impairments, learning disabilities such as dyslexia, or physical disabilities such as cerebral palsy that limit the use of standard print, and for the cost of an outreach program geared toward special education teachers, students and parents regarding the services of such program; and provided further, that of said amount funds may be made available for the purposes of training teachers and

students 65,172,427

Local Aid Fund 100.0%”;

by inserting after item 7061-0019 (as printed) the following item:

“7061-0021 For one-time supplemental aid to school districts to guarantee locally budgeted amounts predicated upon uncorroborated ‘cherry sheet’ estimates, so-called, of fiscal year 2002 state education aid as reported by the department of revenue in March of 2001; provided further, that notwithstanding the provisions of section 21 of chapter 29 of the general laws, or the provisions of any other general or special law to the contrary, 40.8 percent of the amount appropriated herein shall be expended from the tax reduction fund; provided further, that the amount appropriated herein shall be allocated as set forth in section 3A of this act; provided further, that said amounts shall be in addition to amounts allocated in section 3 of this act; and provided further, that the amounts funded through this item and allocated in section 3A of this act shall not be considered any part of total chapter 70 aid in the fiscal year 2003 calculation of guaranteed per pupil aid as defined in section 2 of chapter 70 of the general laws, as amended by

section 17 of this act 18,139,272

Local Aid Fund 59.2%

Tax Reduction Fund 40.8%”;

and in item 7070-0065, in lines 65 to 87, inclusive, by striking out the words “; provided further, that not more than \$4,000,000 shall be expended for the Commonwealth Futures program, so-called; provided further, that said forgivable loan program shall be operated the state scholarship office to increase the pool of high skilled workers in the commonwealth in fields of high industry demand; provided further, that said scholarship office shall adopt guidelines for said program which shall set forth the terms for forgivable loan awards which may be made available to students enrolled in specific degree programs which are identified to be fields of high industry demand as determined by the board of higher education in consultation with the Association of Independent Colleges and Universities in Massachusetts; provided further, that said forgivable loans shall be contingent upon Massachusetts residency retention following graduation from Massachusetts independent regionally accredited colleges and universities; provided further, that said guidelines shall set forth matching requirements for such independent institutions; provided further, that not later than November 15, 2001, the state scholarship office shall report to the house and senate committees on ways and means on the status of the Commonwealth Futures program, including the number and amount of anticipated forgivable loans which shall be issued in fiscal year 2002, the amount of matching funds committed by private institutions of higher education, and the projected impact on college graduate Massachusetts residency rates and workforce development,”; and in said item by striking out the figures “106,148,421” and inserting in place thereof the figures “102,148,421”; by inserting after section 3 the following section:

“SECTION 3A. Notwithstanding the provisions of any general or special law to the contrary, the amounts appropriated in item 7061-0021 in section 2 of this act shall be allocated as set forth herein. Amounts allocated herein shall be in addition to amounts allocated in section 3 of this act. Amounts funded through said item 7061-0021 and allocated in this section shall not be considered any part of total chapter 70 aid in the fiscal year 2003 calculation of guaranteed per pupil aid, as defined in section 2 of chapter 70 of the general laws, as amended by section 17 of this act.

**7061-0021**

**Cherry Sheet**

**District Estimate Aid**

ABINGTON 38,465

ACTON 73,867

ACUSHNET 7,698

ADAMS -

AGAWAM 299,901

ALFORD -

AMESBURY -

AMHERST -

ANDOVER 419,397

AQUINNAH -

ARLINGTON 210,125

ASHBURNHAM -

ASHBY -

ASHFIELD -

ASHLAND -

ATHOL -

ATTLEBORO -  
AUBURN -  
AVON -  
AYER -  
BARNSTABLE 420,180  
BARRE 2,149  
BECKET -  
BEDFORD 191,356  
BELCHERTOWN -  
BELLINGHAM -  
BELMONT 145,706  
BERKLEY -  
BERLIN -  
BERNARDSTON -  
BEVERLY 246,450  
BILLERICA 322,780  
BLACKSTONE -  
BLANDFORD -  
BOLTON -  
BOSTON 2,204,385  
BOURNE 39,005  
BOXBOROUGH -  
BOXFORD -  
BOYLSTON 8,269  
BRAintree -

BREWSTER -

BRIDGEWATER -

BRIMFIELD -

BROCKTON -

BROOKFIELD -

BROOKLINE 246,912

BUCKLAND 7,971

**7061-0021**

**Cherry Sheet**

**District Estimate Aid**

BURLINGTON 250,810

CAMBRIDGE 315,693

CANTON 202,847

CARLISLE 35,895

CARVER -

CHARLEMONT -

CHARLTON -

CHATHAM 40,527

CHELMSFORD -

CHELSEA -

CHESHIRE -

CHESTER -

CHESTERFIELD -

CHICOPEE -

CHILMARK -

CLARKSBURG -

CLINTON -

COHASSET 44,846

COLRAIN -

CONCORD 80,472

CONWAY -

CUMMINGTON 3,903

DALTON -

DANVERS -

DARTMOUTH 269,927

DEDHAM 270,345

DEERFIELD 9,170

DENNIS -

DIGHTON -

DOUGLAS -

DOVER 22,969

DRACUT -

DUDLEY -

DUNSTABLE -

DUXBURY 194,608

EAST

BRIDGEWATER -

EAST

BROOKFIELD 9,975

EAST

LONGMEADOW -

EASTHAM -

EASTHAMPTON -

EASTON 258,761

EDGARTOWN 23,478

EGREMONT -

ERVING 16,084

ESSEX -

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**District Estimate Aid**

EVERETT -

FAIRHAVEN 45,501

FALL RIVER -

FALMOUTH 337,222

FITCHBURG -

FLORIDA -

FOXBOROUGH -

FRAMINGHAM 317,741

FRANKLIN 1

FREETOWN -

GARDNER -

GEORGETOWN -

GILL -

GLOUCESTER -

GOSHEN 224  
GOSNOLD 3,098  
GRAFTON -  
GRANBY -  
GRANVILLE -  
GREAT BARRINGTON -  
GREENFIELD -  
GROTON -  
GROVELAND -  
HADLEY -  
HALIFAX 4,306  
HAMILTON -  
HAMPDEN -  
HANCOCK 928  
HANOVER -  
HANSON -  
HARDWICK -  
HARVARD 59,708  
HARWICH 143,557  
HATFIELD 11,595  
HAVERHILL -  
HAWLEY 2,108  
HEATH -  
HINGHAM 169,095  
HINSDALE -

HOLBROOK 54,171

HOLDEN -

HOLLAND -

HOLLISTON -

HOLYOKE -

HOPEDALE -

HOPKINTON -

HUBBARDSTON -

HUDSON -

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**District Estimate Aid**

HULL 82,698

HUNTINGTON -

IPSWICH 96,424

KINGSTON -

LAKEVILLE -

LANCASTER -

LANESBOROUGH 15,652

LAWRENCE 1,665

LEE 106,524

LEICESTER -

LENOX 38,955

LEOMINSTER -

LEVERETT -

LEXINGTON 337,669  
LEYDEN -  
LINCOLN 20,223  
LITTLETON 92,033  
LONGMEADOW 241,056  
LOWELL -  
LUDLOW 168,536  
LUNENBURG -  
LYNN 8,460  
LYNNFIELD 87,929  
MALDEN 111  
MANCHESTER -  
MANSFIELD -  
MARBLEHEAD 139,242  
MARION 12,794  
MARLBOROUGH -  
MARSHFIELD -  
MASHPEE -  
MATTAPOISETT -  
MAYNARD -  
MEDFIELD 1  
MEDFORD 44,693  
MEDWAY -  
MELROSE 185,420  
MENDON -

MERRIMAC -

METHUEN 3,642

MIDDLEBOROUGH -

MIDDLEFIELD -

MIDDLETON -

MILFORD 38,369

MILLBURY -

MILLIS -

MILLVILLE -

MILTON 207,295

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**District Estimate Aid**

MONROE 749

MONSON 97,747

MONTAGUE -

MONTEREY -

MONTGOMERY -

MOUNT

WASHINGTON 649

NAHANT 13,054

NANTUCKET 30,775

NATICK 306,064

NEEDHAM 234,823

NEW ASHFORD -

NEW BEDFORD -

NEW BRAINTREE -

NEW MARLBOROUGH -

NEW SALEM -

NEWBURY -

NEWBURYPORT 109,790

NEWTON 107,245

NORFOLK -

NORTH ADAMS -

NORTH

ANDOVER 338,551

NORTH

ATTLEBOROUGH -

NORTH

BROOKFIELD -

NORTH READING 111,131

NORTHAMPTON 161,298

NORTHBOROUGH -

NORTHBRIDGE -

NORTHFIELD -

NORTON -

NORWELL 120,741

NORWOOD -

OAK BLUFFS -

OAKHAM -

ORANGE -

ORLEANS 3,198

OTIS -

OXFORD -

PALMER -

PAXTON -

PEABODY 2,202

PELHAM -

PEMBROKE 55,571

PEPPERELL -

PERU -

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**District Estimate Aid**

PETERSHAM 2,260

PHILLIPSTON -

PITTSFIELD -

PLAINFIELD -

PLAINVILLE -

PLYMOUTH 573,536

PLYMPTON -

PRINCETON -

PROVINCETOWN 1,171

QUINCY 222,818

RANDOLPH -

RAYNHAM 375  
READING -  
REHOBOTH -  
REVERE -  
RICHMOND 13,781  
ROCHESTER 1  
ROCKLAND -  
ROCKPORT 59,051  
ROWE 3,729  
ROWLEY -  
ROYALSTON -  
RUSSELL -  
RUTLAND 11,119  
SALEM 361,571  
SALISBURY -  
SANDISFIELD 7,986  
SANDWICH -  
SAUGUS 32,175  
SAVOY -  
SCITUATE 188,861  
SEEKONK -  
SHARON -  
SHEFFIELD -  
SHELBURNE -  
SHERBORN 6,039

SHIRLEY -

SHREWSBURY -

SHUTESBURY -

SOMERSET 31,939

SOMERVILLE -

SOUTH HADLEY 132,247

SOUTHAMPTON -

SOUTHBOROUGH 235,644

SOUTHBRIDGE -

SOUTHWICK -

SPENCER -

SPRINGFIELD -

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**District Estimate Aid**

STERLING -

STOCKBRIDGE -

STONEHAM 14,822

STOUGHTON 149,176

STOW -

STURBRIDGE -

SUDBURY 103,304

SUNDERLAND -

SUTTON -

SWAMPSCOTT 141,623

SWANSEA 183,591  
TAUNTON -  
TEMPLETON -  
TEWKSBURY -  
TISBURY 21,128  
TOLLAND -  
TOPSFIELD -  
TOWNSEND -  
TRURO 17,269  
TYNGSBOROUGH -  
TYRINGHAM 3,720  
UPTON -  
UXBRIDGE -  
WAKEFIELD 235,535  
WALES -  
WALPOLE 245,852  
WALTHAM 194,542  
WARE -  
WAREHAM -  
WARREN -  
WARWICK -  
WASHINGTON -  
WATERTOWN 51,788  
WAYLAND 132,613  
WEBSTER -

WELLESLEY 148,935

WELLFLEET 4,377

WENDELL -

WENHAM -

WEST

BOYLSTON 27,322

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**District Estimate Aid**

WEST

BRIDGEWATER 72,993

WEST

BROOKFIELD -

WEST NEWBURY -

WEST

SPRINGFIELD -

WEST

STOCKBRIDGE -

WEST TISBURY -

WESTBOROUGH 7,210

WESTFIELD -

WESTFORD -

WESTHAMPTON -

WESTMINSTER -

WESTON 97,481

WESTPORT 137,005  
WESTWOOD 164,800  
WEYMOUTH -  
WHATELY 31,041  
WHITMAN -  
WILBRAHAM -  
WILLIAMSBURG 2,215  
WILLIAMSTOWN 10,283  
WILMINGTON -  
WINCHENDON -  
WINCHESTER 108,509  
WINDSOR -  
WINTHROP 33,062  
WOBURN -  
WORCESTER -  
WORTHINGTON -  
WRENTHAM 2,394  
YARMOUTH -  
**Total Municipal 15,934,053**  
**Total Regional 2,205,219**  
**Grand Total 18,139,272**

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**Regional Cherry Sheet**

**District Estimate Aid**

ACTON

BOXBOROUGH 156,544

ADAMS CHESHIRE 77,900

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**Regional Cherry Sheet**

**District Estimate Aid**

AMHERST PELHAM 2

ASHBURNHAM-

WESTMINSTER -

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**Regional Cherry Sheet**

**District Estimate Aid**

ASSABET VALLEY -

ATHOL

ROYALSTON 201,189

BERKSHIRE HILLS 16,486

BERLIN

BOYLSTON -

BLACKSTONE

MILLVILLE -

BLACKSTONE

VALLEY -

BLUE HILLS -

BRIDGEWATER

RAYNHAM -

BRISTOL COUNTY 3,310

BRISTOL

PLYMOUTH -

CAPE COD 34,855

CENTRAL

BERKSHIRE -

CHESTERFIELD

GOSHEN -

CONCORD

CARLISLE -

DENNIS

YARMOUTH 368,575

DIGHTON

REHOBOTH -

DOVER

SHERBORN 5,426

DUDLEY

CHARLTON 1

ESSEX COUNTY -

FARMINGTON

RIVER 18,267

FRANKLIN

COUNTY -

FREETOWN

LAKEVILLE 62,612

FRONTIER -

GATEWAY -

GILL MONTAGUE -

GREATER

FALL RIVER -

GREATER

LAWRENCE 6,406

GREATER

LOWELL -

GREATER

NEW BEDFORD -

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**Regional Cherry Sheet**

**District Estimate Aid**

GROTON

DUNSTABLE -

HAMILTON

WENHAM 61,277

HAMPDEN

WILBRAHAM 64,774

HAMPSHIRE 79,691

HAWLEMONT 24,454

KING PHILIP -

LINCOLN

SUDBURY 13,453

MANCHESTER

ESSEX 24,508

MARTHA'S

VINEYARD -

MASCONOMET -

MENDON UPTON -

MINUTEMAN -

MOHAWK TRAIL 72,811

MONTACHUSETT -

MOUNT

GREYLOCK 15,991

NARRAGANSETT -

NASHOBA 40,908

NASHOBA VALLEY 61,562

NAUSET 173,364

NEW SALEM

WENDELL -

NORFOLK COUNTY -

NORTH MIDDLESEX -

NORTH SHORE -

NORTHAMPTON

SMITH -

NORTHBORO

SOUTHBORO 39,066

NORTHEAST

METROPOLITAN -

NORTHERN

BERKSHIRE -

OLD COLONY 699

OLD ROCHESTER 70,883

PATHFINDER -

PENTUCKET 60,777

PIONEER -

QUABBIN -

QUABOAG -

RALPH C. MAHAR -

SHAWSHEEN

VALLEY 116,732

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**Regional Cherry Sheet**

**District Estimate Aid**

SILVER LAKE -

SOUTH

MIDDLESEX -

SOUTH SHORE -

SOUTHEASTERN -

SOUTHERN

BERKSHIRE 38,505

SOUTHERN

WORCESTER -

SOUTHWICK TOLLAND 14,662

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**Regional Cherry Sheet**

**District Estimate Aid**

SPENCER

EAST BROOKFIELD -

TANTASQUA -

TRI COUNTY -

TRITON -

UP ISLAND 17,067

UPPER CAPE COD -

WACHUSETT 262,463

WHITMAN HANSON -

WHITTIER -

**Regional Total 2,205,219 ”;**

by striking out section 16 and inserting in place thereof the following section:

“SECTION 16. Section 25A of chapter 58 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding at the end thereof the following new paragraphs:—

Notwithstanding any provisions of this section, or the provisions of any general or special law to the contrary, in fulfilling the notification obligations set forth herein, the estimates reported for state education aid calculated pursuant to the provisions of chapter 70 of the General Laws for the ensuing fiscal year for each city, town or regional school district shall be not more than the total amount of such aid in fiscal year 2001. Said notification shall be accompanied by the following preface in a print font of not less than 20 point type:

‘Amounts reported herein are based entirely upon preliminary calculations and are subject to potential reduction in the final adopted General Appropriations Act. In the course of preparing municipal and regional school budget recommendations for the next fiscal year, local officials should NOT, under any circumstance, depend upon the

amounts reported herein as being guaranteed state aid.”

The state treasurer shall make advance payments for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district, or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines established by said secretary; provided, however, that the treasurer may forgo said payments if the general court determines that there currently exists any event which threatens the health, safety or welfare of the people or the fiscal stability of the commonwealth. Such event or events shall include, but not be limited to, any event which threatens the health, safety or welfare of the people or the fiscal stability of the commonwealth, a substantial decline in economic indicators which results in a severe reduction in state revenues or state financial assistance to local governmental units, or court ordered or otherwise mandated assumptions by the commonwealth of programs or costs of programs previously borne by the local governmental units.”; and by inserting after section 36 (as printed) the following section:

“SECTION 37A. There is hereby established a special commission to report on alternatives to using the property tax to fund public education. Said commission shall consist of the Speaker of the House of Representatives and three additional members to be appointed by the Speaker of the House, the President of the Massachusetts Senate and three additional members to be appointed by the President of the Senate, the Chairman of the House Committee on Ways and Means or his designee, the Chairman of the Senate Committee on Ways and Means or his designee, the House and Senate Chairs of the Joint Committee on Education, Arts, and Humanities, the Secretary of Administration and Finance, and one member appointed by the following organizations; the Department of Revenue, the Suburban Coalition, the Massachusetts Taxpayer’s Foundation, the Massachusetts Municipal Association, Associated Industries of Massachusetts, and the Taxpayer’s Equity Alliance of Massachusetts. Said commission shall be chaired by the House and Senate Chairs of the Joint Committee on Taxation. The scope of the commission’s inquiry shall include, but shall not be limited to: reviewing the current practice of using the property tax to fund education and seeking alternative sources of funding to provide a dedicated stream of revenue. The Commission shall submit its report to the House and Senate Committee on Ways and Means, the Joint Committee on Education, Arts and Humanities, and the Joint Committee on Taxation not later than December 31, 2001 along with drafts of any legislation.”.

Pending the question on adoption of the amendments, Mr. Marini of Hanson and other members of the House moved that the amendments be amended [at “A”] by striking out the text of said amendment and inserting in place thereof the following:— in section 2, in item 7061-0008, by striking out the figures “3,192,176,779” and inserting in place thereof the figures “3,193,254,055”; by striking out section 3 and inserting in place thereof the following section:

“SECTION 3. Notwithstanding the provisions of any general or special law to the

contrary, except for section 12B of chapter 76 of the General Laws and section 89 of chapter 71 of the General Laws, for the fiscal year ending June 30, 2002, the distribution to cities and towns of the balance of the State Lottery Fund, as paid by the treasurer from the Local Aid Fund in accordance with the provisions of clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, shall be \$790,000,000 and shall be apportioned to the cities and towns in accordance with this section; provided, that the amount of any balance in the State Lottery Fund at the end of the fiscal year shall be transferred to the Local Aid Fund; provided further, that the total amount of lottery distribution in fiscal year 2001 shall be considered 'general revenue sharing aid received for the prior fiscal year' for purposes of calculating the municipal revenue growth factor pursuant to the provisions of chapter 70 of the General Laws.

Notwithstanding the provisions of any general or special law to the contrary, except for section 12B of chapter 76 of the General Laws and section 89 of chapter 71 of the General Laws, the total amounts to be distributed and paid to each city, town, regional school district, independent agricultural school or county maintaining an agricultural school from items 0611-5500 and 7061-0008 of section 2 shall be as set forth in the following lists; provided, that the specified amounts to be distributed from item 7061-0008 of said section 2 are hereby deemed to be in full satisfaction of the amounts due under the provisions of chapter 70 of the General Laws, as amended by section 17 of this act; provided further, that the amounts to be distributed from item 0611-5500 of said section 2 are hereby deemed to be in full satisfaction of the amounts due under section 37 of chapter 21 of the General Laws. Notwithstanding the provisions of section 2 of chapter 70 of the general laws, as so amended, or the provisions of any other general or special law to the contrary, for fiscal year 2002 the total chapter 70 aid amount distributed to each city, town, regional school district, independent agricultural school, or county maintaining an agricultural school shall be not less than the amount of such aid provided in fiscal year 2001, increased by 50 dollars multiplied by foundation enrollment. Notwithstanding the provisions of said section 2 of said chapter 70, in the calculation of the foundation budget, for fiscal year 2002 wage adjustment factor calculations that result in an amount less than one shall be increased by 50 percent of the difference between such amount and one. No payments to cities, towns, or counties maintaining an agricultural school pursuant to this section shall be made after November 30 of the fiscal year by the state treasurer until she receives certification from the commissioner of revenue of said commissioner's acceptance of the prior fiscal year's annual financial reports submitted pursuant to the provisions of section 43 of chapter 44 of the General Laws.

Notwithstanding the provisions of any general or special law to the contrary, the sum appropriated in item 7061-0022 of section 2 shall be for disbursement to certain cities and towns as provided in said item and in this section.”.

**7061-0022 0611-5500**

**7061-0008 Reduce Additional Lottery**

**Municipality Chapter 70 Class Size Assistance Distribution**

ABINGTON 6,690,440 0 0 2,098,227  
ACTON 2,582,573 0 37,368 1,426,505  
ACUSHNET 5,010,226 0 30,043 1,611,083  
ADAMS 0 0 44,096 2,048,959  
AGAWAM 12,074,981 0 0 3,741,797  
ALFORD 0 0 0 15,382  
AMESBURY 9,964,977 0 0 2,105,744  
AMHERST 5,831,592 60,061 280,503 8,214,377  
ANDOVER 6,245,320 0 0 1,883,305  
AQUINNAH 0 0 0 2,253  
ARLINGTON 6,046,870 0 5,652,310 4,570,485  
ASHBURNHAM 0 0 0 712,824  
ASHBY 0 0 0 417,659

**7061-0022 0611-5500**

**7061-0008 Reduce Additional Lottery**

**Municipality Chapter 70 Class Size Assistance Distribution**

ASHFIELD 119,981 0 0 171,470  
ASHLAND 2,725,420 0 366,937 1,088,811  
ATHOL 0 0 5,507 2,300,847  
ATTLEBORO 24,278,514 0 0 5,825,633  
AUBURN 4,641,379 0 0 1,750,626  
AVON 694,528 0 504,148 413,733  
AYER 4,494,142 32,528 55,642 779,155

BARNSTABLE 7,808,251 123,619 0 2,157,537  
BARRE 15,506 0 0 809,697  
BECKET 90,801 0 10,797 78,555  
BEDFORD 2,464,588 0 609,391 837,296  
BELCHERTOWN 8,006,757 0 0 1,572,684  
BELLINGHAM 8,115,368 0 0 1,928,621  
BELMONT 3,506,653 0 1,041,278 1,812,279  
BERKLEY 4,275,079 0 0 572,766  
BERLIN 617,124 0 0 226,559  
BERNARDSTON 0 0 0 267,120  
BEVERLY 7,716,326 0 3,086,077 4,160,444  
BILLERICA 15,596,808 0 2,956,313 4,323,143  
BLACKSTONE 146,590 0 0 1,349,878  
BLANDFORD, 0 0 0 120,646  
BOLTON 0 0 0 188,649  
BOSTON 206,829,100 3,962,365 206,638,214 64,376,280  
BOURNE 3,677,174 0 443,645 1,242,239  
BOXBOROUGH 1,390,070 0 0 247,289  
BOXFORD 1,706,348 0 45,818 480,146  
BOYLSTON 468,439 0 0 361,462  
BRAINTREE 5,693,814 0 4,250,822 3,329,346  
BREWSTER 1,030,074 0 0 405,584  
BRIDGEWATER 139,108 0 0 3,343,030  
BRIMFIELD 1,096,081 0 0 370,458  
BROCKTON 102,903,518 595,226 5,424,063 18,704,606

BROOKFIELD 1,630,843 0 0 502,324  
BROOKLINE 6,193,892 0 4,401,448 4,030,440  
BUCKLAND 7,971 0 0 276,910  
BURLINGTON 4,489,379 0 1,744,603 1,625,305  
CAMBRIDGE 8,424,309 276,547 22,595,349 8,128,229  
CANTON 3,183,171 0 1,104,851 1,506,222  
CARLISLE 740,139 0 18,534 223,815  
CARVER 9,119,963 0 0 1,503,265  
CHARLEMONT 87,660 0 0 160,590  
CHARLTON 0 0 0 1,302,620  
CHATHAM 562,728 0 0 176,731  
CHELMSFORD 8,207,005 0 3,190,395 3,297,956  
CHELSEA 39,868,727 408,271 4,274,507 5,677,474  
CHESHIRE 257,168 0 0 546,516  
CHESTER 0 0 0 167,102  
CHESTERFIELD 141,553 0 0 126,277  
CHICOPEE 35,845,431 283,875 1,504,526 10,190,268  
CHILMARK 0 0 0 4,024  
CLARKSBURG 1,347,576 0 16,502 363,876  
CLINTON 9,415,675 44,685 220,865 2,288,050  
COHASSET 1,440,008 0 209,013 435,175  
COLRAIN 0 0 0 234,953  
CONCORD 1,924,318 0 483,163 974,921

**7061-0022 0611-5500**

**7061-0008 Reduce Additional Lottery**

## **Municipality Chapter 70 Class Size Assistance Distribution**

CONWAY 694,807 0 0 167,386  
CUMMINGTON 45,901 0 0 73,476  
DALTON 283,660 0 0 1,011,964  
DANVERS 3,900,291 0 1,408,080 2,057,091  
DARTMOUTH 7,739,520 0 0 2,648,195  
DEDHAM 3,885,501 0 1,950,847 2,264,010  
DEERFIELD 759,069 0 0 503,356  
DENNIS 0 0 0 564,083  
DIGHTON 0 0 0 718,856  
DOUGLAS 6,003,161 0 0 705,688  
DOVER 409,667 0 0 213,816  
DRACUT 13,069,853 0 0 3,694,031  
DUDLEY 0 0 0 1,561,788  
DUNSTABLE 0 0 37,846 199,511  
DUXBURY 3,356,590 0 0 983,654  
EAST BRIDGEWATER 8,710,154 0 0 1,544,145  
EAST BROOKFIELD 43,714 0 0 285,287  
EAST LONGMEADOW 4,235,564 0 0 1,388,260  
EASTHAM 304,855 0 0 154,653  
EASTHAMPTON 7,450,233 33,805 137,004 2,749,863  
EASTON 7,129,693 0 0 2,250,543  
EDGARTOWN 403,059 0 35,873 49,047  
EGREMONT 0 0 0 66,549  
ERVING 307,889 0 16,548 65,321

ESSEX 0 0 42,569 243,352  
EVERETT 17,176,114 184,957 5,139,628 3,645,833  
FAIRHAVEN 7,170,071 0 492,569 2,094,822  
FALL RIVER 83,733,147 684,041 2,882,862 23,114,435  
FALMOUTH 5,347,551 0 0 1,457,634  
FITCHBURG 36,573,305 353,761 270,312 8,645,857  
FLORIDA 518,150 0 0 53,255  
FOXBOROUGH 6,540,743 0 0 1,623,387  
FRAMINGHAM 10,083,644 217,985 5,911,189 6,607,399  
FRANKLIN 19,332,689 0 0 2,560,236  
FREETOWN 1,016,777 0 0 1,010,689  
GARDNER 16,073,745 64,835 151,944 4,175,018  
GEORGETOWN 3,240,894 0 66,691 712,216  
GILL 0 0 0 221,221  
GLOUCESTER 6,569,291 75,937 2,419,911 2,705,967  
GOSHEN 89,349 0 0 71,292  
GOSNOLD 7,025 0 2,469 561  
GRAFTON 5,055,917 0 0 1,629,445  
GRANBY 3,009,312 0 0 863,843  
GRANVILLE 767,778 0 0 143,387  
GREAT BARRINGTON 0 0 0 812,464  
GREENFIELD 9,689,623 81,765 0 3,169,915  
GROTON 0 0 0 757,318  
GROVELAND 0 0 0 683,200  
HADLEY 683,897 0 174,084 334,802

HALIFAX 2,313,199 0 0 955,331

HAMILTON 0 0 53,967 635,909

HAMPDEN 0 0 0 613,358

HANCOCK 115,774 0 22,195 39,067

HANOVER 4,088,910 0 1,669,092 1,121,349

HANSON 0 0 0 1,308,548

**7061-0022 0611-5500**

**7061-0008 Reduce Additional Lottery**

**Municipality Chapter 70 Class Size Assistance Distribution**

HARDWICK 0 0 4,062 401,901

HARVARD 1,450,836 0 69,324 1,966,939

HARWICH 1,723,846 0 0 450,810

HATFIELD 668,759 0 0 319,894

HAVERHILL 34,152,959 189,731 3,149,881 8,167,869

HAWLEY 20,296 0 16,264 29,241

HEATH 0 0 0 65,593

HINGHAM 3,969,540 0 420,485 1,448,333

HINSDALE 96,871 0 0 214,351

HOLBROOK 4,519,535 0 5,987 1,636,152

HOLDEN 138,379 0 0 1,737,157

HOLLAND 762,919 0 0 183,518

HOLLISTON 6,973,458 0 518,826 1,298,929

HOLYOKE 59,632,689 479,156 763,384 9,742,015

HOPEDALE 4,939,075 0 0 678,670

HOPKINTON 3,954,001 0 151,365 668,125

HUBBARDSTON 0 0 0 352,518  
HUDSON 6,463,438 0 0 2,176,648  
HULL 4,557,854 21,926 1,747,307 1,153,410  
HUNTINGTON 0 0 0 318,253  
IPSWICH 2,342,723 0 975,780 1,067,669  
KINGSTON 2,948,307 0 0 966,527  
LAKEVILLE 1,942,325 0 0 800,013  
LANCASTER 0 0 0 923,297  
LANESBOROUGH 645,252 0 0 370,390  
LAWRENCE 104,250,079 942,381 239,970 20,328,642  
LEE 1,951,787 16,153 0 685,113  
LEICESTER 8,224,403 0 0 1,809,360  
LENOX 1,351,396 0 90,787 565,865  
LEOMINSTER 29,269,105 134,999 14,714 5,719,443  
LEVERETT 280,476 0 0 183,900  
LEXINGTON 6,176,465 0 0 1,661,106  
LEYDEN 0 0 0 74,108  
LINCOLN 569,205 0 367,459 494,747  
LITTLETON 1,685,693 0 207,535 598,267  
LONGMEADOW 4,296,567 0 0 1,409,154  
LOWELL 102,000,464 855,842 7,978,998 20,947,303  
LUDLOW 9,664,068 0 0 2,864,747  
LUNENBURG 3,604,837 0 0 1,124,550  
LYNN 95,116,211 822,315 11,926,220 15,391,946  
LYNNFIELD 2,088,772 0 455,892 805,287

MALDEN 24,015,004 197,558 7,030,168 8,903,343

MANCHESTER 0 0 0 255,705

MANSFIELD 8,675,419 0 912,368 1,546,916

MARBLEHEAD 2,928,534 0 49,583 1,224,900

MARION 394,655 0 0 237,430

MARLBOROUGH 6,248,390 0 3,433,241 3,326,244

MARSHFIELD 11,715,050 0 255,142 2,188,232

MASHPEE 4,612,506 0 0 284,687

MATTAPOISETT 560,724 0 0 443,657

MAYNARD 2,506,778 0 738,519 1,198,614

MEDFIELD 3,148,294 0 937,000 906,507

MEDFORD 12,474,416 88,537 8,094,393 7,638,572

MEDWAY 5,778,510 0 235,317 1,073,937

MELROSE 6,346,721 0 3,402,865 3,323,977

**7061-0022 0611-5500**

**7061-0008 Reduce Additional Lottery**

**Municipality Chapter 70 Class Size Assistance Distribution**

MENDON 0 0 0 398,691

MERRIMAC 0 0 0 778,876

METHUEN 24,974,309 190,508 205,147 5,508,219

MIDDLEBOROUGH 14,239,197 0 0 2,572,937

MIDDLEFIELD 0 0 0 44,005

MIDDLETON 1,011,943 0 159,272 366,081

MILFORD 12,102,577 0 0 3,270,536

MILLBURY 5,256,502 0 0 1,851,790

MILLIS 2,266,104 0 403,862 847,160  
MILLVILLE 56,513 0 0 357,567  
MILTON 3,840,286 0 1,566,851 2,486,073  
MONROE 34,369 0 17,526 7,566  
MONSON 5,485,705 0 0 1,285,573  
MONTAGUE 0 0 0 1,253,513  
MONTEREY 0 0 15,777 37,085  
MONTGOMERY 0 0 0 85,831  
MOUNT WASHINGTON 11,670 0 41,886 3,364  
NAHANT 452,429 0 157,791 316,867  
NANTUCKET 963,885 0 0 79,634  
NATICK 4,994,045 0 2,444,348 2,467,388  
NEEDHAM 4,536,344 0 259,216 1,692,609  
NEW ASHFORD 48,420 0 9,203 9,629  
NEW BEDFORD 91,770,624 836,192 901,313 24,187,263  
NEW BRAINTREE 0 0 0 115,722  
NEW MARLBOROUGH 0 0 0 57,627  
NEW SALEM 0 0 0 94,273  
NEWBURY 0 0 0 474,274  
NEWBURYPORT 3,514,800 0 1,736,621 1,622,445  
NEWTON 11,390,141 0 1,732,789 5,276,608  
NORFOLK 3,013,086 0 0 1,008,355  
NORTH ADAMS 13,328,733 90,591 233,872 4,506,729  
NORTH ANDOVER 4,759,987 0 151,695 1,953,537  
NORTH

ATTLEBOROUGH 15,276,094 0 0 3,030,521  
NORTH BROOKFIELD 3,988,370 0 0 845,587  
NORTH READING 3,026,306 0 1,189,787 1,099,274  
NORTHAMPTON 7,539,386 58,784 727,239 4,124,795  
NORTHBOROUGH 3,001,932 0 76,900 1,097,299  
NORTHBRIDGE 11,175,453 54,732 3,865 2,369,442  
NORTHFIELD 0 0 0 310,045  
NORTON 10,066,988 0 0 2,142,552  
NORWELL 2,295,330 0 680,878 697,424  
NORWOOD 4,060,077 0 3,354,660 2,721,756  
OAK BLUFFS 637,096 0 0 75,409  
OAKHAM 59,591 0 0 175,558  
ORANGE 5,390,472 53,011 2,661 1,662,997  
ORLEANS 268,365 0 0 191,196  
OTIS 0 0 0 30,444  
OXFORD 8,208,635 0 0 2,207,749  
PALMER 9,778,310 41,910 0 1,916,724  
PAXTON 34,270 0 0 475,056  
PEABODY 15,127,285 0 3,951,625 5,098,322  
PELHAM 145,955 0 0 154,592  
PEMBROKE 4,861,846 0 0 1,748,942  
PEPPERELL 0 0 0 1,320,698  
**7061-0022 0611-5500**

**7061-0008 Reduce Additional Lottery**

**Municipality Chapter 70 Class Size Assistance Distribution**

PERU 39,623 0 0 106,428  
PETERSHAM 260,961 0 0 112,491  
PHILLIPSTON 0 0 5,519 165,719  
PITTSFIELD 28,634,906 195,781 1,107,722 7,996,033  
PLAINFIELD 52,927 0 0 44,586  
PLAINVILLE 1,993,742 0 0 783,802  
PLYMOUTH 20,692,687 0 0 3,931,132  
PLYMPTON 540,868 0 0 249,003  
PRINCETON 0 0 0 309,814  
PROVINCETOWN 310,248 0 27,912 148,535  
QUINCY 14,654,225 201,110 14,555,556 10,789,873  
RANDOLPH 11,031,310 100,194 2,297,597 3,960,111  
RAYNHAM 375 0 0 1,150,994  
READING 5,924,002 0 1,931,472 2,196,262  
REHOBOTH 0 0 0 951,273  
REVERE 23,067,165 257,841 6,712,698 6,356,837  
RICHMOND 386,772 0 0 118,337  
ROCHESTER 1,113,730 0 0 430,282  
ROCKLAND 10,001,191 0 496,221 2,513,204  
ROCKPORT 1,433,869 0 0 470,972  
ROWE 55,733 0 0 4,437  
ROWLEY 0 0 143,746 468,796  
ROYALSTON 0 0 0 148,694  
RUSSELL 0 0 0 229,744  
RUTLAND 11,119 0 0 788,908

SALEM 12,282,702 160,200 4,151,021 4,284,711  
SALISBURY 0 0 0 641,630  
SANDISFIELD 7,986 0 0 30,583  
SANDWICH 5,011,272 0 111,247 979,176  
SAUGUS 4,266,213 0 2,245,040 2,388,623  
SAVOY 363,977 0 17,367 101,893  
SCITUATE 3,698,678 0 1,101,119 1,468,942  
SEEKONK 3,751,420 0 0 1,262,079  
SHARON 5,280,045 0 78,642 1,429,223  
SHEFFIELD 0 0 15,023 226,825  
SHELBURNE 0 0 0 267,163  
SHERBORN 395,796 0 26,364 213,892  
SHIRLEY 3,804,005 0 233,500 1,191,705  
SHREWSBURY 7,590,859 0 376,077 2,522,690  
SHUTESBURY 534,925 0 0 152,370  
SOMERSET 3,363,101 0 0 1,482,310  
SOMERVILLE 24,263,597 344,158 20,410,649 12,757,410  
SOUTH HADLEY 6,358,516 0 25,437 2,614,075  
SOUTHAMPTON 2,085,114 0 0 587,825  
SOUTHBOROUGH 2,165,135 0 0 438,760  
SOUTHBRIDGE 13,743,466 87,816 0 3,609,143  
SOUTHWICK 0 0 0 1,118,016  
SPENCER 227,116 0 0 2,137,430  
SPRINGFIELD 202,774,155 1,669,553 2,302,181 34,660,221  
STERLING 0 0 0 712,152

STOCKBRIDGE 0 0 0 111,399  
STONEHAM 3,357,928 0 2,553,177 2,287,185  
STOUGHTON 9,753,515 0 129,781 3,459,768  
STOW 0 0 8,776 439,789  
STURBRIDGE 1,279,638 0 0 778,924

**7061-0022 0611-5500**

**7061-0008 Reduce Additional Lottery**

**Municipality Chapter 70 Class Size Assistance Distribution**

SUDBURY 2,837,016 0 807,321 928,198  
SUNDERLAND 786,243 0 0 481,357  
SUTTON 4,382,494 0 0 790,654  
SWAMPSCOTT 2,461,130 0 443,359 1,065,702  
SWANSEA 5,110,381 0 0 1,967,345  
TAUNTON 34,607,477 159,478 0 9,057,327  
TEMPLETON 0 0 0 1,256,943  
TEWKSBURY 11,273,348 0 0 3,032,625  
TISBURY 357,990 0 0 109,109  
TOLLAND 0 0 12,413 5,940  
TOPSFIELD 683,616 0 318,725 441,263  
TOWNSEND 0 0 0 1,205,444  
TRURO 263,591 0 0 31,381  
TYNGSBOROUGH 6,317,346 0 0 950,736  
TYRINGHAM 36,928 0 0 13,617  
UPTON 0 0 0 512,950  
UXBRIDGE 7,914,329 0 0 1,479,808

WAKEFIELD 4,930,601 0 1,809,635 2,469,557  
WALES 652,648 0 0 229,278  
WALPOLE 5,265,759 0 1,112,115 1,985,400  
WALTHAM 7,117,847 123,619 6,869,270 5,688,491  
WARE 7,122,943 47,960 19,199 1,710,791  
WAREHAM 11,426,661 100,916 0 2,178,585  
WARREN 0 0 0 732,635  
WARWICK 0 0 36,354 84,269  
WASHINGTON 14,842 0 29,889 70,299  
WATERTOWN 2,961,787 0 5,571,114 3,193,585  
WAYLAND 2,889,869 0 352,813 729,573  
WEBSTER 7,116,796 61,560 78,026 2,484,645  
WELLESLEY 3,683,128 0 121,858 1,386,296  
WELLFLEET 144,465 0 0 65,609  
WENDELL 0 0 32,131 131,155  
WENHAM 0 0 175,913 341,609  
WEST BOYLSTON 2,636,911 0 85,259 711,468  
WEST BRIDGEWATER 1,980,298 0 59,411 659,148  
WEST BROOKFIELD 0 0 0 468,370  
WEST NEWBURY 0 0 0 299,821  
WEST SPRINGFIELD 13,170,425 110,019 0 3,405,642  
WEST STOCKBRIDGE 0 0 0 109,108  
WEST TISBURY 0 0 229,569 36,795  
WESTBOROUGH 3,281,331 0 182,536 1,026,188  
WESTFIELD 26,938,619 140,772 0 6,066,958

WESTFORD 10,325,011 0 1,126,887 1,430,279

WESTHAMPTON 321,588 0 0 142,033

WESTMINSTER 0 0 0 644,366

WESTON 1,713,473 0 0 413,171

WESTPORT 3,674,343 0 0 1,340,880

WESTWOOD 2,664,350 0 45,632 757,529

WEYMOUTH 19,542,486 0 3,050,391 7,666,181

WHATELY 172,058 0 0 127,127

WHITMAN 0 0 0 2,302,256

WILBRAHAM 0 0 0 1,285,811

WILLIAMSBURG 444,303 0 0 323,252

WILLIAMSTOWN 1,118,043 0 0 994,868

WILMINGTON 4,182,349 0 1,578,564 1,490,597

**7061-0022 0611-5500**

**7061-0008 Reduce Additional Lottery**

**Municipality Chapter 70 Class Size Assistance Distribution**

WINCHENDON 10,264,153 39,634 31,919 1,634,851

WINCHESTER 3,714,076 0 433,387 1,340,776

WINDSOR 41,640 0 35,260 64,992

WINTHROP 4,918,008 0 2,878,558 2,682,211

WOBURN 5,539,437 0 4,513,710 3,357,127

WORCESTER 148,177,683 1,289,092 14,860,192 32,224,133

WORTHINGTON 0 0 0 113,446

WRENTHAM 3,176,282 0 0 1,009,435

YARMOUTH 0 0 0 1,288,221

**Total Regional 527,990,198 351,708**

**Total 3,193,254,055 18,000,000 476,315,282 790,000,000**

**7061-0022**

**7061-0008 Reduce**

**Regional School Chapter 70 Class Size**

ACTON BOXBOROUGH 3,610,101 0

ADAMS CHESHIRE 9,834,858 44,130

AMHERST PELHAM 9,419,188 0

ASHBURNHAM WESTMINSTER 8,487,467 0

ASSABET VALLEY 3,045,038 0

ATHOL ROYALSTON 15,673,951 64,835

BERKSHIRE HILLS 3,261,540 19,428

BERLIN BOYLSTON 965,430 0

BLACKSTONE MILLVILLE 10,176,506 0

BLACKSTONE VALLEY 5,618,221 0

BLUE HILLS 3,945,360 0

BRIDGEWATER RAYNHAM 19,296,263 0

BRISTOL COUNTY 1,500,020 0

BRISTOL PLYMOUTH 5,522,072 0

CAPE COD 2,223,897 0

CENTRAL BERKSHIRE 8,275,224 0

CHESTERFIELD GOSHEN 645,735 0

CONCORD CARLISLE 1,774,084 0

DENNIS YARMOUTH 7,480,997 86,317  
DIGHTON REHOBOTH 10,426,737 0  
DOVER SHERBORN 1,430,108 0  
DUDLEY CHARLTON 18,270,890 0  
ESSEX COUNTY 3,664,685 0  
FARMINGTON RIVER 456,246 0  
FRANKLIN COUNTY 2,326,144 0  
FREETOWN LAKEVILLE 5,682,680 0  
FRONTIER 2,479,655 0  
GATEWAY 6,943,698 0  
GILL MONTAGUE 6,414,591 38,857  
GREATER FALL RIVER 11,088,883 0  
GREATER LAWRENCE 13,775,737 0  
GREATER LOWELL 15,421,709 0  
GREATER NEW BEDFORD 18,592,450 0  
GROTON DUNSTABLE 9,093,386 0  
HAMILTON WENHAM 3,503,723 0  
HAMPDEN WILBRAHAM 9,467,796 0  
HAMPSHIRE 2,334,729 0  
HAWLEMONT 832,832 0  
**7061-0022**  
**7061-0008 Reduce**  
**Regional School Chapter 70 Class Size**  
  
KING PHILIP 5,062,139 0

LINCOLN SUDBURY 2,155,525 0  
MANCHESTER ESSEX 1,642,002 0  
MARTHA'S VINEYARD 2,216,322 0  
MASCONOMET 4,239,694 0  
MENDON UPTON 6,596,514 0  
MINUTEMAN 2,486,931 0  
MOHAWK TRAIL 7,801,364 27,755  
MONTACHUSETT 6,989,130 0  
MOUNT GREYLOCK 2,035,800 0  
NARRAGANSETT 7,709,460 0  
NASHOBA 6,477,049 0  
NASHOBA VALLEY 2,490,038 0  
NAUSET 3,937,270 0  
NEW SALEM WENDELL 742,497 0  
NORFOLK COUNTY 741,491 0  
NORTH MIDDLESEX 20,106,304 0  
NORTH SHORE 1,755,319 0  
NORTHAMPTON SMITH 912,727 0  
NORTHBORO SOUTHBORO 1,930,445 0  
NORTHEAST METROPOLITAN 6,587,979 0  
NORTHERN BERKSHIRE 3,064,775 0  
OLD COLONY 2,286,910 0  
OLD ROCHESTER 1,873,142 0  
PATHFINDER 2,302,334 0  
PENTUCKET 11,803,765 0

PIONEER 3,971,240 15,154  
QUABBIN 14,418,529 0  
QUABOAG 7,512,986 0  
RALPH C. MAHAR 3,682,469 0  
SHAWSHEEN VALLEY 3,927,694 0  
SILVER LAKE 10,851,168 0  
SOUTH MIDDLESEX 2,660,572 0  
SOUTH SHORE 2,175,821 0  
SOUTHEASTERN 8,981,028 0  
SOUTHERN BERKSHIRE 2,120,771 16,653  
SOUTHERN WORCESTER 5,022,415 0  
SOUTHWICK TOLLAND 7,236,637 0  
SPENCER EAST BROOKFIELD 11,174,994 38,579  
TANTASQUA 6,165,209 0  
TRI COUNTY 3,542,537 0  
TRITON 8,886,107 0  
UP ISLAND 955,971 0  
UPPER CAPE COD 2,310,592 0  
WACHUSETT 18,140,992 0  
WHITMAN HANSON 19,695,883 0  
WHITTIER 5,647,026 0

**Total Regional 527,990,198 351,708 ”;**

and by striking out section 17 and inserting in place thereof the following thirty-four sections:

“SECTION 17. Section 2 of Chapter 70 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the first paragraph the

following:

‘Adjusted local contribution’, the preliminary local contribution minus the excess debt service amount, provided that (A) the excess debt service amount does not cause a district to fall below foundation, and (B) no vocational district’s net school spending is more than one hundred and fifty percent of the foundation budget.

SECTION 17A. Said section 2 of said Chapter 70 is hereby further amended by striking the second paragraph and inserting the following two paragraphs:

‘Adjusted property valuation’, a municipality’s non-residential equalized property valuation plus the product of its residential equalized property valuation and its relative per capita income.

‘Adjusted property valuation per pupil’, adjusted property valuation divided by foundation enrollment.

SECTION 17B. Said section 2 of said Chapter 70 is hereby further amended by striking the third paragraph and inserting in its place the following: ‘Assumed tuitioned-out special education enrollment’, one percent of the total foundation enrollment in a district, not counting vocational or pre-school enrollment plus nine point five percent of foundation pre-school enrollment.

SECTION 17C. Said section 2 of said Chapter 70 is hereby further amended by striking the third paragraph and inserting in its place the following:

‘Assumed in-school special education enrollment’, three point seven five percent of total foundation enrollment of a district not counting vocational or pre-school enrollment, plus four and one-half percent of vocational enrollment. In fiscal year two thousand and four and thereafter, ‘assumed in-school special education enrollment’ shall be four percent of total foundation enrollment of a district not counting vocational or pre-school enrollment, plus four and one-half percent of vocational enrollment.

SECTION 17D. Said section 2 of Chapter 70 is hereby further amended by striking out the fourth paragraph and inserting in its place the following:

‘Base aid’, in fiscal year two thousand and two, base aid shall be the total of base aid, minimum aid, foundation aid, equity aid, overburden aid, and choice aid all from fiscal year two thousand and one. Beginning in fiscal year two thousand and three, ‘base aid’ shall be the sum of base aid, minimum aid, and foundation aid, all from the previous fiscal year.

SECTION 17E. Said section 2 of said Chapter 70 is hereby further amended by inserting in the sixth paragraph, line 40, ‘technology allotment’ after the phrase ‘extraordinary maintenance allotment’.

SECTION 17F. Said section 2 of said Chapter 70 is hereby further amended by

striking the first clause of the twelfth paragraph and inserting in its place the following:

‘Enrollment categories’, students, projected to be enrolled in the school district including students projected to be enrolled in special education programs, and students projected to be enrolled in a school in another district, pursuant to the provisions of section twelve B of chapter seventy-six, shall be placed in one and only one of the following enrollment categories depending on the grade and program to which the students are assigned:.

SECTION 17G. Said section 2 of said Chapter 70 is hereby further amended by striking paragraphs 14 and 15, encompassing lines 104 to 112, inclusive.

SECTION 17H. Said section 2 of said Chapter 70 is hereby further amended by striking the nineteenth paragraph, encompassing lines 134 to 136, inclusive, and inserting in its place the following:

‘Foundation aid’, for each district, the positive difference, if any, between the foundation budget and the sum of the preliminary local contribution, base aid, and minimum aid. For regional and vocational districts, foundation aid shall be allocated among member municipalities.

SECTION 17I. Said section 2 of said Chapter 70 is hereby further amended by striking the twenty-ninth paragraph, encompassing lines 241 to 247, inclusive.

SECTION 17J. Said section 2 of Chapter 70 is hereby further amended after the thirty-first paragraph and inserting the following:

‘Foundation inflation index’, in fiscal year two thousand and two, the foundation inflation index shall equal 1.2325352. In any fiscal year after two thousand and two, the foundation inflation index shall equal the prior year’s foundation inflation index multiplied by the maximum of (a) one plus the percentage increase in the implicit price deflator for state and local government purchases between the first quarter of the prior fiscal year and the first quarter of the year two years prior, and (b) 1.045.

SECTION 17K. Said section 2 of Chapter 70 is hereby further amended by striking the fortieth paragraph, encompassing lines 349 to 357, inclusive, and inserting in its place the following:

‘General revenue sharing aid’, the amount of assistance from the commonwealth to be received by a city or town in a fiscal year from the following local aid programs: (1) payments in lieu of taxes for state-owned lands distributed pursuant to section seventeen of chapter fifty-eight, (2) the distribution to cities and towns of the balance of the State Lottery Fund in accordance with the provisions of clause (c) of section thirty-five of chapter ten, and (3) additional assistance, so-called, as distributed pursuant to section eighteen E of chapter fifty-eight.

SECTION 17L. Said section 2 of Chapter 70 is hereby further amended by striking

paragraphs 41 to 43, encompassing lines 358 to 394, inclusive.

SECTION 17M. Said section 2 of Chapter 70 is hereby amended by striking the forty-fifth paragraph, encompassing lines 405-409, inclusive, and inserting in its place the following:

‘Minimum aid’, Fifty dollars multiplied by foundation enrollment plus, the change in the foundation budget multiplied by the sum of (A) ten percent and (B) the minimum of (i) twenty percent divided by the relative adjusted property valuation per pupil, and (ii) eighty percent.

SECTION 17N. Said section 2 of Chapter 70 is hereby amended by striking the forty-sixth paragraph, encompassing lines 410-420, inclusive.

SECTION 17O. Said section 2 of Chapter 70 is hereby amended by striking the forty-seventh paragraph of Chapter 70 and inserting in its place the following:

‘Municipal revenue growth factor’, the change in local general revenues calculated by subtracting one from the quotient calculated by dividing the sum of (1) the maximum levy for the fiscal year estimated by multiplying the levy limit of the prior fiscal year by a factor equal to one hundred two and one-half percent plus the average of the percentage increases in the levy limit due to new growth adjustments over the last three available years as certified by the department of revenue or as otherwise estimated by the division of local services of the department of revenue where it appears that a municipality may not be entitled to increase its minimum levy limit by two and one-half percent; provided, however, that if the highest percentage during such three years exceeds the average of the other two years’ percentages by more than two percentage points, then the lowest three of the last four years shall be used for such calculation; (2) the amount of general revenue sharing aid for the fiscal year; and (3) other budgeted recurring receipts not including user fees or other charges determined by said division of local services to be associated with the provision of specific municipal services for the prior fiscal year, by the sum of (1) the actual levy limit for the prior fiscal year; (2) the amount of general revenue sharing aid received for the prior fiscal year; and (3) other recurring receipts not including user fees or other charges determined by such division of municipal services to be associated with the provision of specific municipal services budgeted by the municipality for the fiscal year preceding the prior fiscal year, if any; provided, however, that for the purposes of this calculation, the levy limit shall exclude any amounts generated by overrides applicable to any year after the fiscal year ending June thirtieth, nineteen hundred and ninety-three; provided, further, that in the absence of an actual levy limit for the prior fiscal year, the actual levy limit for the prior fiscal year shall be estimated by multiplying the actual levy limit of the fiscal year preceding the prior fiscal year by a factor equal to one hundred two and one-half percent plus the average of the percentage increases in the levy limit due to new growth as specified above; provided, further, that such factor shall not be greater than the minimum of six point seven-five percent or one point five times the statewide growth rate in local general revenues; and, provided, further, that in making any of the calculations required by this

definition, said division of local services may substitute more current information or such other information as would produce a more accurate estimate of the change in a municipality's general local revenues and the department shall use such growth factor to calculate preliminary local contribution, and any other factor that directly or indirectly uses the municipal growth factor.

SECTION 17P. Said section 2 of Chapter 70 is hereby amended by striking the forty-ninth paragraph, encompassing lines 483 to 484, inclusive.

SECTION 17Q. Said section 2 of Chapter 70 is hereby amended by striking the fiftieth paragraph, encompassing lines 485 to 504, inclusive, and inserting in its place the following:

'Preliminary local contribution', in fiscal year two thousand and two, the prior year's net minimum contribution, plus the prior year's excess debt if said amount was used to reduce the required local contribution in the prior fiscal year, multiplied by one plus the municipal revenue growth factor; provided that the preliminary local contribution cannot be greater than the maximum of (A) 2.2 times the state average implicit tax rate multiplied by the municipality's adjusted equalized property value, and (B) the prior year's local contribution. In fiscal year two thousand and three, the prior year's preliminary local contribution, multiplied by one plus the municipal revenue growth factor; provided that the preliminary local contribution cannot be greater than the maximum of (A) 2.1 times the state average implicit tax rate multiplied by the municipality's adjusted equalized property value, and (B) the prior year's local contribution. In fiscal year two thousand and four, the prior year's preliminary local contribution, multiplied by one plus the municipal revenue growth factor; provided that the preliminary local contribution cannot be greater than the maximum of (A) 2.0 times the state average implicit tax rate multiplied by the municipality's adjusted equalized property value, and (B) the prior year's local contribution.

SECTION 17R. Said section 2 of said Chapter 70 is hereby further amended by inserting after the fifty-first paragraph the following new paragraphs:

'Relative adjusted property valuation per pupil', the adjusted property valuation per pupil divided by the state average adjusted property valuation per pupil.

'Relative per capita income', a municipality's per capita income divided by statewide per capita income, both as reported by the department of revenue, averaged over the three most recent years for which data is available.

SECTION 17S. Said section 2 of said Chapter 70 is hereby further amended by striking the paragraphs 53 to 55, encompassing lines 511 to 522, inclusive.

SECTION 17T. Said section 2 of said Chapter 70 is hereby further amended by inserting after the fifty-third paragraph the following new paragraph:

'State average implicit tax rate', in fiscal year two thousand and two, the total of fiscal year two thousand and one net minimum contribution divided by total adjusted

property valuation. Beginning in fiscal year two thousand and three, the statewide total of the prior year's preliminary local contribution divided by the statewide total adjusted property valuation.

SECTION 17U. Said section 2 of said Chapter 70 is hereby further amended by inserting after the fifty-fifth paragraph the following new paragraphs:

'Technology allotment', the amounts allotted within a district's foundation budget for technology expenditures in any fiscal year. For the purposes of this definition, technology investments shall include purchases of computer hardware, infrastructure improvements for networks, software, software licenses and connectivity charges but shall not include professional development costs or salaries of personnel. Beginning in fiscal year two thousand and three, the technology allotment for the base year foundation budget shall be the sum of: twenty-five dollars multiplied by the sum of the foundation elementary enrollment, the foundation bilingual enrollment, the foundation junior high/middle school enrollment, the foundation high school enrollment, and the foundation vocational enrollment.

'Total chapter 70 aid', the sum of base aid, minimum aid, foundation aid, provided that total chapter 70 aid for each district shall not be less than total chapter 70 state aid in fiscal year two thousand and one.

SECTION 17V. Section 3 of said Chapter 70 of the General Laws is hereby amended by striking the third paragraph and inserting the following:

Following fiscal year nineteen hundred and ninety-four, the foundation budget shall be calculated using foundation enrollments for the respective fiscal years as estimated by the department according to the procedures outlined in section two. The monetary factors used in calculating the foundation budget for such years shall be adjusted for inflation by multiplying each such factor by the foundation inflation index defined in section two. Said factors to be inflated shall be the monetary values for the foundation payroll, foundation non-salary expenses, professional development allotment, expanded program allotment, extraordinary maintenance allotment, book and equipment allotment, and technology allotment, as said terms are used in section two.

SECTION 17W. Section 3A of said Chapter 70 of the General Laws is hereby amended in lines 5-6 b striking the words 'required minimum' and inserting in its place: 'adjusted'.

SECTION 17X. Section 5 of said Chapter 70 of the General Laws is hereby stricken.

SECTION 17Y. Section 6 of said Chapter 70 of the General Laws is hereby amended in line 6 by striking the words 'required minimum' and inserting the word 'adjusted'.

SECTION 17Z. Said section 6 of said Chapter 70 is hereby further amended in line 8 by striking the words 'but not including equity aid'.

SECTION 17AA. Section 7 of said Chapter 70 of the General Laws is hereby stricken.

SECTION 17BB. Section 9 of said Chapter 70 the General Laws is hereby amended by inserting after the words 'extended programming' in the first paragraph the following phrase: 'technology allotment'.

SECTION 17CC. Said Chapter 70 of the General Laws is hereby further amended by striking section 10 in its entirety and inserting in its place the following:

Section 10. Subject to appropriation, the amount of state aid to be paid to each municipality in each fiscal year under this chapter shall be the total chapter 70 aid to which the municipality may be entitled under the provisions of this chapter. The amount of aid paid to each district shall be identified separately for each municipality that is a member of the district.

SECTION 17DD. Section 12 of said Chapter 70 of the General Laws is hereby amended by striking paragraphs (b) and (c) and inserting the following:

(b) The education improvement amount shall be an amount of additional state school aid needed to fulfill the requirements of the definitions and calculations set forth in sections two, sixteen, seventeen and eighteen of this chapter.

SECTION 17EE. The Department of Education shall promulgate regulations detailing the methodology for projecting enrollment categories pursuant to section 7 of section 17 of this act. The proposed regulations shall be promulgated within forty-five days of the enactment of this act and copies shall be filed with the Secretary of Administration and Finance and the clerks of the Ways and Means Committees.

SECTION 17FF. Said section 2 of Chapter 70, as appearing in the 1998 Official Edition, is hereby further amended by inserting in the twenty-third paragraph, 'technology allotment' after the phrase 'extraordinary maintenance allotment'.

SECTION 17GG. Sections 3, 7, and 33 of section 17 of this act shall take effect on July 1, 2002, for that fiscal year and the fiscal years thereafter. All other sections of section 17 shall become effective July 1, 2001."

Mr. Hynes of Marshfield thereupon raised a point of order that further amendments (offered by Mr. Marini of Hanson, et als) to the consolidated amendments (offered by Mr. Rogers of Norwood, et als) was improperly before the House because it was an amendment in the third degree.

In answer to the point of order, the Speaker stated that under the provisions of House Rule 20A (as revised by the order adopted by the House on Monday, April 30), perfecting or substitute amendments including, but not limited to amendments consolidating amendments, may be submitted by the committee on Ways and Means at any time. The Speaker stated further, that the amendment offered by Mr. Rogers, et als, simply replaced amendments in this category, and was being considered in lieu of the various amendments in this category. Therefore the amendment offered by Mr.

Rogers, et als, is the primary amendment. The further amendment offered by Mr. Marini, et als, is the secondary amendment. The Speaker stated further that, any other interpretation of the rule might be construed to limit the ability of members to offer further amendments, which was not the intent of Rule 20A, or the order revising said rule.

Therefore the Speaker stated that the point of order was not well taken.

After debate on the question on adoption of the further amendments (Ms. Flavin of Easthampton being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Marini of Hanson; and on the roll call 51 members voted in the affirmative and 103 in the negative.

**[See Yea and Nay No. 57 in Supplement.]**

Therefore the further amendments were rejected.

Pending the question on adoption of the amendments offered by Mr. Rogers of Norwood, et als, the Speaker took the Chair and placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll call 97 members voted in the affirmative and 55 in the negative.

**[See Yea and Nay No. 58 in Supplement.]**

Therefore Rule 1A was suspended.

Mr. DiMasi of Boston then 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-atArms 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 150 members were recorded as being in attendance.

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

Therefore a quorum was present.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Rogers of Norwood; and on the roll call 152 membes voted in the affirmative and 2 in the negative.

**[See Yea and Nay No. 60 in Supplement.]**

Therefore the amendments were adopted.

Ms. Malia of Boston moved that the vote be reconsidered by which the House, on Thursday, May 3, rejected an amendment offered by Mr. Petruccelli of Boston and other members of the House in section 2, in item 4512-0200, [A] by striking out the figures “45,347,504” and inserting in place thereof the figures “48,347,504”; and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendment, Ms. Malia moved that the amendment be amended [at “A”] by striking out the text contained therein and inserting in place thereof the following: “in lines 9 and 10, by striking out the following: ‘including not less than \$2,000,000 for detoxification beds targeted to homeless individuals’ and inserting in place thereof the following:— including not less than \$2,250,000 for detoxification beds targeted to homeless individuals.”.

The further amendment was adopted (thus precluding a vote on the recurring amendment).

Mr. Patrick of Falmouth and other members of the House moved that the bill be amended in section 2, in item 4590-0250, in lines 26 and 27, by striking out the words “where opportunities of other environmental exposures are present” and inserting in place thereof the words “for the Canal Power Plant, Cape Cod area”; and the amendment was adopted.

Ms. Kaprielian of Watertown and other members of the House moved that the bill be amended in section 2, in item 4513-1020, by striking out the figures “29,765,308” and inserting in place thereof the following: “23,205,307”; by inserting after item 4590-0250 the following item:

“4590-0251 For the one-time costs of the continuation of smoking prevention and cessation programs, partially funded in item 4590-0250; provided, that said programs shall include the following components: (1) enforcing local ordinances, bylaws and regulations relative to tobacco control; (2) a smoking cessation program, which may include providing smokers with vouchers to be used for counseling and cessation products and low incomes smokers’ nicotine replacement therapy; (3) grants to evaluate current anti-tobacco efforts and to pursue scientific and policy research including, but not limited to, smoking prevention, addiction, mortality associated with secondhand smoke, issues unique to minority communities and youth smoking; and (4) increased enforcement efforts and media campaigns by health and community agencies in minority communities which demonstrate a high rate of tobacco use; provided further, that \$500,000 shall be expended for school based health centers, partially funded in items 4590-0250 and 4590-0300; provided further, that said school based health centers shall include an educational component and campaign on smokeless tobacco and smoking cessation; provided further, that notwithstanding the provisions of section 72 of chapter 44 of the General Laws, any federal reimbursement collected as a result of the purposes described in this item shall be credited to Tobacco Settlement Fund, established pursuant to section 2XX of chapter 29 of the General

Laws; and provided further, that the commissioner of public health shall establish a special commission, which shall include three members of the House and three members of the Senate, to examine the advertising component of the

department's smoking cessation program 6,500,000

Tobacco Settlement Fund 100.0%";

and in item 9110-1500 by striking out the following: "Tobacco Settlement Fund . . . . 100%" and inserting in place thereof the following:

"General Fund 54.82%

Tobacco

Settlement Fund 45.18%";

and by adding at the end thereof the following four sections:

"SECTION 55. The third paragraph of section 47C of chapter 175, as so appearing, is hereby amended by striking out said paragraph and inserting in place thereof the following paragraph:

The dependent coverage of any such policy shall also provide coverage for medically necessary early intervention services delivered by an early intervention specialist, as defined in the early intervention operational standards by the department of public health including occupational, physical and speech therapy, nursing care and psychological counseling. Such medically necessary services shall be provided by early intervention specialists in accordance with applicable licensure requirements and persons licensed under the provisions of chapter 112, who are working in early intervention programs approved by the department of public health, as defined in sections 1 and 2 of chapter 111G, for children from birth until their third birthday. Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party, with a maximum benefit of \$3,200 per year per child and an aggregate benefit of \$9,600 over the total enrollment period.

SECTION 56. The third paragraph of section 87 of chapter 176A, as so appearing, is hereby amended by striking out said paragraph and inserting in place thereof the following paragraph:—

The dependent coverage of any such policy shall also provide coverage for medically necessary early intervention services delivered by an early intervention specialist, as defined in the early intervention operational standards by the department of public health including occupational, physical and speech therapy, nursing care and psychological counseling; provided, however, that such dependent coverage for early intervention services shall be included in individual medical service agreements delivered, issued or renewed on or after July 1, 2001. Such medically necessary services shall be provided by early intervention specialists in accordance with

applicable licensure requirements and by persons licensed under the provisions of chapter 112 who are working in early intervention programs approved by the department of public health, as defined in sections 1 and 2 of chapter 111G, for children from birth until their third birthday. Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or third party, with a maximum benefit of \$3,200 per year per child and an aggregate benefit of \$9,600 over the total enrollment period.

SECTION 57. The third paragraph of section 4C of chapter 176B, as so appearing, is hereby amended by striking out said paragraph and inserting in place thereof the following paragraph:

The dependent coverage of any such policy shall also provide coverage for medically necessary early intervention services delivered by an early intervention specialist, as defined in the early intervention operational standards by the department of public health including occupational, physical and speech therapy, nursing care and psychological counseling; provided, however, that such dependent coverage for early intervention services shall be included in individual medical service agreements delivered, issued or renewed on or after July 1, 2001. Such medically necessary services shall be provided by early intervention specialists in accordance with applicable licensure requirements and persons licensed under the provisions of chapter 112, who are working in early intervention programs approved by the department of public health, as defined and described in sections 1 and 2 of chapter 111G, for children from birth until their third birthday. Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or third party, with a maximum benefit of \$3,200 per year per child and an aggregate benefit of \$9,600 over the total enrollment period.

SECTION 58. The second paragraph of section 4 of chapter 176G, as so appearing, is hereby amended by striking out said paragraph and inserting in place thereof the following paragraph:

The dependent coverage of any such policy shall also provide coverage to eligible persons for appropriate medically necessary early intervention services delivered by an early intervention specialist, as defined in the early intervention operational standards by the department of public health including occupational, physical and speech therapy, nursing care and psychological counseling; provided, however, that the determination of appropriate medical necessity shall be made by the dependent's primary care physician. In making such a determination, the primary care physician shall consider the assessment of an interdisciplinary team operating within an early intervention program approved by the department of public health, as defined and described in sections 1 and 2 of chapter 111G. Such appropriate medically necessary services shall be provided by early intervention specialists in accordance with applicable licensure requirements and persons licensed under chapter 112 who are working in early intervention programs that meet standards established by the department of public health, to children from birth until their third birthday. Reimbursement of costs for such services shall be part of a basic benefits package

offered by the insurer or third party, with a maximum benefit of \$3,200 per year per child and an aggregate benefit of \$9,600 over the total enrollment period.”.

The amendments were adopted. Ms. Kaprielian then moved that this vote be reconsidered; and the motion to reconsider was negatived.

Mr. Rogers of Norwood moved that the bill be amended in section 2, in item 4100-0060, in line 54, by striking out the figures “170,000,000” and inserting in place thereof the figures “270,000,000”, by adding at the end of item 4401-1000 the following: “; and provided further, that \$1,040,061 shall be made available for the welfare-to-work skills plus program, so-called, provided that said program shall serve only recipients of the transitional aid to families with dependent children program and supplemental transitional aid to families with dependent children program” and by adding at the end of item 4403-2000 the following: “; and provided further, that the department may expend an amount not to exceed \$22,824,844, in accordance with the provisions of this act, accrued from child support payments collected pursuant to Title IV-D of the Social Security Act, for the purposes of this program”; and in section 2D by inserting after item 7002-6626 the following item:

“7002-6628 For the purposes of a federally funded grant entitled, Disabled Veterans Outreach 2,246,021”,

by inserting after item 7002-6629 the following item:

“7002-6644 For the purposes of federally funded grant entitled, Reed Act-State Unemployment 2,810,322”,

by inserting after item 7002-6627 the following item:

“7002-9701 For the purposes of a federally funded grant entitled, Bureau of Labor Statistics 2,116,231”

and by inserting after item 7003-1010 the following two items:

“7003-1621 For the purposes of a federally funded grant entitled, Job Training Partnership Title II 127,377

7003-1623 For the purposes of a federally funded grant entitled, National Reserve Account Title III 7,000,000”.

The amendments were adopted.

Mr. Rogers of Norwood and other members of the House moved that the bill be amended in section 2, in item 0320-0003, by striking out the figures “5,002,682” and

inserting in place thereof the figures “5,200,137”, in item 3020-0016, by striking out the figures “257,675” and inserting in place thereof the figures “1,378,569”; in item 0321-2205; by striking out the figures “1,751,200” and inserting in place thereof the figures “2,036,000” in item 0321-2206 by striking out the figures “300,000” and inserting in place thereof the figures “450,000”; and in item 0322-0100, in line 2, by inserting after the word “justices” the words “and recall judges” and in said item by striking out the figures “9,129,984” and inserting in place thereof the figures “9,541,000”.

The amendments were adopted.

Mr. Rogers of Norwood moved that the bill be amended in section 2 by striking out items 0330-0101, 0330-0102, 0330-0103, 0330-0104, 0330-0105, 0330-0106, 0330-0107, 0330-0300, 0330-0317, 0330-0400, 0330-0410, 0330-0441, 0330-0600, 0330-1000, 0330-2000, 0330-2002, 0330-2010, 0330-2020, 0330-2200, 0330-2201, 0330-2202, 0330-2205, 0330-2207, 0330-2300, 0330-2410, 0330-2600, 0330-2700, 0330-2800, 0330-3200, 0330-3300, 0330-3700, 0330-4303, 0331-0100, 0331-0300, 0331-2100, 0331-2200, 0331-2300, 0331-2400, 0331-2500, 0331-2600, 0331-2700, 0331-2800, 0331-2900, 0331-3000, 0331-3100, 0331-3200, 0331-3300, 0331-3400, 0331-3404, 0331-3500, 0332-0100, 0332-1100, 0332-1200, 0332-1203, 0332-1300, 0332-1400, 0332-1500, 0332-1600, 0332-1700, 0332-1800, 0332-1900, 0332-2000, 0332-2100, 0332-2300, 0332-2400, 0332-2500, 0332-2600, 0332-2700, 0332-2800, 0332-2900, 0332-3000, 0332-3100, 0332-3200, 0332-3300, 0332-3400, 0332-3500, 0332-3600, 0332-3700, 0332-3800, 0332-3900, 0332-4000, 0332-4100, 0332-4200, 0332-4300, 0332-4400, 0332-4500, 0332-4600, 0332-4700, 0332-4800, 0332-4900, 0332-5000, 0332-5100, 0332-5200, 0332-5300, 0332-5400, 0332-5500, 0332-5600, 0332-5700, 0332-5800, 0332-5900, 0332-6000, 0332-6100, 0332-6200, 0332-6300, 0332-6400, 0332-6500, 0332-6600, 0332-6700, 0332-6800, 0332-6900, 0332-7000, 0332-7100, 0332-7200, 0332-7300, 0332-7400, 0332-7500, 0332-7600, 0332-7700, 0332-7800, 0332-7900, 0332-8000, 0333-0002, 0333-0100, 0333-0150, 0333-0200, 0333-0300, 0333-0400, 0333-0500, 0333-0600, 0333-0700, 0333-0711, 0333-0800, 0333-0900, 0333-0911, 0333-1000, 0333-1100, 0333-1111, 0333-1200, 0333-1300, 0333-1313, 0333-1400, 0333-1411, 0334-0001, 0335-0001, 0336-0002, 0336-0100, 0336-0200, 0336-0300, 0336-0400, 0336-0500, 0337-0002, 0337-0003, 0337-0100, 0337-0200, 0337-0300, 0337-0400, 0337-0500, 0339-1001, 0339-1002, 0339-1003, 0339-1004, 0339-2100 and inserting in place thereof the following items:

*“Trial Court.*

0330-0101 For the salaries of the justices of the superior court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30

days of such transfer 9,268,941

0330-0102 For the salaries of the justices of the district court department of the trial

court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30

days of such transfer 20,092,078

0330-0103 For the salaries of the justices of the probate and family court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation

within 30 days of such transfer 5,756,374

0330-0104 For the salaries of the justices of the land court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30

days of such transfer 624,998

0330-0105 For the salaries of the justices of the Boston municipal court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of

appropriation within 30 days of such transfer 1,247,898

0330-0106 For the salaries of the justices of the housing court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30

days of such 1,160,075

0330-0107 For the salaries of the justices of the juvenile court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30

days of such transfer 4,628,598

0330-0300 For the administration of the office of the chief justice for administration and management, including the salary of said chief justice for administration and management; provided, that the supreme judicial court shall not charge the trial court for any assessments, services, education, training, or any other ancillary costs; provided further, that a portion of this appropriation shall be paid as sick leave

payments to a certain employee in accordance with the sick leave bank provisions of chapter 102 of the acts of 1997 and section 273 of chapter 194 of the acts of 1998; and provided further, that not less than \$ 100,000 shall be expended for the implementation of a changing lives through

literature program 8,342,651

0330-0317 For the operation and expenses of the Massachusetts sentencing commission, pursuant to chapter 211E of the General Laws; provided, that said commission shall perform a comprehensive study on the recidivism rate of offenders who have been, or currently are, incarcerated and/or sentenced to the facilities and/or programs of the department of correction, the respective county houses of correction, the parole board, those community correction centers established pursuant to chapter 211F that have been fully operational for a period of at least one calendar year, and any drug courts, so-called, operating within the district courts of the commonwealth; provided further, that said study shall include data for fiscal year 2002; provided further, that said study shall include, but not be limited to, information regarding recidivism rates, by program and facility, including an analysis detailing the effect of pre-release, post-release, diversionary and intermediate sanction rehabilitative/supervisory programs on said recidivism rates; provided further, that said study shall also include an analysis of any current and unnecessary duplication of services across state departments, agencies or offices that could be avoided through the increased utilization of the aforementioned community correction centers by the aforementioned departments and/or agencies; provided further, that said commission shall collaborate and consult with the administrative office of the trial court, the department of correction, the county sheriffs, the parole board, the office of the commissioner of probation and the office of community corrections to perform said study; and provided further, that said commission shall report the findings of said study to the house and senate committees on ways

and means not later than February 15, 2002 296,032

0330-0400 For the non-employee services performed by private individuals and contracted services performed by agencies for the individual court divisions of the trial court to be expended as determined by the chief justice for administration and management; provided, that contracting for non-employee assigned interpretive services and contracting with agencies or providers for assigned interpretive services shall not give rise to enforceable legal rights in any party or an enforceable entitlement to interpretive services; provided further, that interpretive services shall be provided by interpreters who have a place of business in the county or within 20 miles of the county where the subject court is located and a permanent court interpreter program shall be established within the counties of Hampden, Hampshire, Berkshire and Franklin with the goal of ensuring that interpretive services be provided by interpreters who have a place of business in said counties; provided further, that nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement; provided further, that in contracting for services to provide interpreters to persons who are deaf or hard of hearing, the trial court shall maximize

the use of interpreter services provided by the Massachusetts commission for the deaf and hard of hearing whenever possible; provided further, that the chief justice for administration and management shall contact and enter into contract with interpreters for the deaf, not later than 24 hours prior to all cases where said interpreters may be needed; provided further, that said contracted interpreters shall be funded at existing rates; and provided further, that not less than \$100,000 shall be expended from this item for a contract with Massachusetts General Hospital for a

research program on abused children 17,908,558

0330-0410 For alternative dispute resolution services for the trial court; provided, that such services shall be made available to the extent possible in connection with child care, protection and custody proceedings in juvenile and probate courts; provided further that not less than \$60,000 shall be expended for North Central Court Services, Inc.; provided further, that not less than \$40,000 shall be expended for the North Shore Community Mediation Program in Salem; provided further, that not less than \$50,000 shall be expended for Community Mediation of Worcester; provided further, that not less than \$85,000 shall be expended for Mediation Works, Inc; provided further, that not less than \$35,000 shall be expended for Quabbin Mediation in Athol; provided further, that not less than \$35,000 shall be expended for the Mediation and Training Collaborative of Franklin County in Greenfield; provided further, that not less than \$50,000 shall be expended for Framingham Court Mediation Services; provided further, that not less than \$57,835 shall be expended for Dispute Resolution Services, Inc., in Springfield district court; provided further, that not less than \$35,000 shall be expended for the Housing Services and Mediation Program operated by the Berkshire County Regional Housing Authority in Pittsfield; provided further, that not less than \$50,000 shall be expended for the Cape Cod Resolution Center; provided further, that not less than \$50,000 shall be expended for the Community Dispute Settlement Center, Inc., of Cambridge; provided further, that not less than \$20,000 shall be expended for the Somerville Mediation Program; provided further, that not less than \$40,000 shall be expended for Berkshire Mediation Services Inc.; and provided further, that all remaining funds from this item shall be expended for approved mediation programs in

fiscal year 2002 671,861

0330-0441 For permanency mediation services in the probate

and juvenile courts 540,360

0330-0600 For dental and optical health plan trust

agreements 4,315,034

0330-1000 For trial court jury expenses 2,730,000

0330-2000 For the trial court law libraries; provided, that the chief justice for administration and management shall collaborate with the Massachusetts bar

association, the Boston bar association and law schools in the commonwealth in developing

a voluntary library assistance program 2,101,837

0330-2002 For the maintenance, purchase and binding of trial court law library materials 3,047,118

0330-2010 For the costs associated with computerized legal research 305,079

0330-2020 For centralized law book purchases 575,344

0330-2200 For the rental of county court facilities, in accordance with section 4 of chapter 29A of the General Laws; provided, that all payments made hereunder shall be made pursuant to written agreements; provided further, that quarterly payments shall be made to counties equal to an amount which shall be at least 90 per cent of the amount owed each quarter to such county in the preceding fiscal year, subject to reconciliation based on accurate cost data in the fourth quarter or in the succeeding fiscal year; provided further, that payments made to any county which fails to submit required cost data by the beginning of the third quarter of the fiscal year shall be withheld until such data is submitted to the chief justice for administration and management and approved as accurate; provided further, that said cost data shall be filed with the house and senate committees on ways and means; provided further, that every county receiving such payments shall maintain such funds in a separate account which shall be used solely for the maintenance of the rented facilities; provided further, that each county advisory board, upon receipt of the proposed budget by the county commissioners, shall have final approval of all expenditures under this item; and provided further, that no funds from this account shall be expended on trial court telecommunications costs or rental of private or

municipal court facilities 8,430,464

0330-2201 For the purchase, maintenance and lease of statewide telecommunications for the trial court 3,343,913

0330-2202 For the payment of private and municipal court leases 13,428,434

0330-2205 For the costs associated with maintaining and operating courthouse facilities owned by the commonwealth 23,651,208

0330-2207 For the costs associated with maintaining and operating the New Chardon street courthouse in the city of Boston, also known as the Edward W. Brooke Courthouse, and the Fenton Judicial center in the city of Lawrence; provided, that no funds may be expended for the purposes stated herein from any other item of

appropriation 3,837,212

0330-2300 For the costs of witness fees 245,000

0330-2410 For the operation of the judicial training institute; provided, that not less than \$100,000 shall be expended for the training of court personnel on domestic violence issues; and provided further, that not less than \$100,000 shall be expended

for a substance abuse training program 883,496

0330-2600 For the travel expenses of judicial personnel; provided, that the chief justice for administration and management shall promulgate rules and regulations governing the selection of Justices for travel outside of the commonwealth for the purpose of judicial training; and provided further, that said rules and regulations shall give first priority to newly appointed justices for

such training 1,414,938

0330-2700 For trial court printing expenses; provided, that the trial court shall maximize to the extent possible the use of recycled paper and soy based ink products for any document printing and

purchasing 1,875,751

0330-2800 For the cost of equipment purchases, rentals, maintenance and repairs; provided, that such purchases and rentals may be allocated by the chief justice for administration and management; and provided further, that in purchasing such equipment, the chief justice for administration and management shall utilize vendors approved by the state purchasing agent for such equipment whenever the terms offered by such vendors are more

favorable than those otherwise available 3,469,453

0330-3200 For the court security program, including personnel and expenses; provided, that security guards and court officers may be available for assignment in accordance with juvenile court expansion funded pursuant to item 0337-0003; provided further, that all other per diem court officers shall be paid the daily rate in accordance with collective bargaining agreements; and provided further, that the chief justice for administration and management shall submit a report to the house and senate committees on ways and means not later than February 1, 2002 detailing the number of court officers and security personnel located in each trial court of the

commonwealth 47,718,115

0330-3300 For the payment of office, administrative and special expenses of the trial court to be allocated by the chief justice for administration and

management 929,487

0330-3700 For the court interpreters program; provided, that the chief justice for administration and management shall establish and direct a policy for the scheduling of court sessions in all court departments to cost-effectively utilize court language

interpreters 1,137,712

0330-4100 For a trial court vacancy pool and reserve; provided, that not later than February 15, 2002, the chief justice for administration and management shall submit a report to house and senate committees on ways and means detailing all assignments and allocations funded from

this item 500,000

0330-4303 For the chargeback costs of unemployment compensation, Medicare tax, workers' compensation, universal health and group insurance assessed against the employees and justices of

the trial court 6,205,941

*Superior Court Department.*

0331-0100 For the administrative office of the superior court department; provided, that not more than \$75,000 shall be expended for judicial education, including the semi-annual conferences, racial and gender bias orientation programs and judicial induction ceremonies; provided further, that \$110,000 shall be expended for education and administrative needs of the trial court as well as free screening and possible referral for mediation services for claims filed by prisoners in the trial court and for pro se litigants; and provided further, that \$200,000 shall be expended for an alternative resolution program administered by the chief justice of the superior court and that not less than \$58,000 from said \$200,000 shall be expended for Metropolitan

Mediation Services 8,539,767

0331-0300 For medical malpractice tribunals established in accordance with the provisions of section 60B

of chapter 231 of the General Laws 77,767

0331-2100 For the Barnstable superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel,

staff services and record

keeping 721,840

0331-2200 For the Berkshire superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record

keeping 305,380

0331-2300 For the Bristol superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; and provided further, that said clerk of court shall designate one employee as deputy

assistant clerk 1,202,068

0331-2400 For the Dukes superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record

keeping 196,146

0331-2500 For the Essex superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record

keeping 1,865,253

0331-2600 For the Franklin superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record

keeping 381,964

0331-2700 For the Hampden superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record

keeping 1,712,968

0331-2800 For the Hampshire superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record

keeping 376,285

0331-2900 For the Middlesex superior court; provided, that the clerk of the court shall

have responsibility for the internal administration of his office, including personnel, staff services and record

keeping 4,120,320

0331-3000 For the Nantucket superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record

keeping 164,290

0331-3100 For the Norfolk superior court; provided, that one additional assistant clerk magistrate for the civil division and one additional assistant clerk magistrate for the criminal division shall be appointed and funded from this item in fiscal year 2002; and provided further, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff

services and record keeping 1,544,224

0331-3200 For the Plymouth superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record

keeping 1,376,450

0331-3300 For the Suffolk superior civil court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record

keeping 4,276,116

0331-3400 For the Suffolk superior criminal court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and

record keeping 2,633,864

0331-3404 For an education and community outreach pilot program to be administered in the Suffolk

superior criminal court 230,451

0331-3500 For the Worcester superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record

keeping 1,489,389

*District Court Department.*

0332-0100 For the administrative office of the district court department, including a civil conciliation

program 1,457,101

0332-1100 For the first district court of Barnstable; provided, that one additional assistant clerk magistrate shall be appointed and funded from this item

in fiscal year 2002 2,168,319

0332-1200 For the second district court of Barnstable at

Orleans 1,290,511

0332-1203 For the third district court of Barnstable at

Falmouth 1,230,342

0332-1300 For the district court of northern Berkshire at

Adams, North Adams and Williamstown 718,536

0332-1400 For the district court of central Berkshire at

Pittsfield 1,438,996

0332-1500 For the district court of southern Berkshire at Great

Barrington and Lee 589,555

0332-1600 For the first district court of Bristol at Taunton 2,234,595

0332-1700 For the second district court of Bristol at Fall River; provided, that two additional assistant clerk magistrates shall be appointed and funded

from this item in fiscal year 2002 3,275,537

0332-1800 For the third district court of Bristol at New Bedford; provided, that one additional assistant clerk magistrate and one probation officer shall be appointed and funded from this item in fiscal

year 2002 3,423,390

0332-1900 For the fourth district court of Bristol at Attleboro 1,454,351

0332-2000 For the district court of Edgartown; provided, that one probation officer

shall be funded from this

item in fiscal year 2002 412,068

0332-2100 For the first district court of Essex at Salem 2,255,721

0332-2300 For the third district court of Essex at Ipswich 501,288

0332-2400 For the central district court of northern Essex at Haverhill; provided, that two probation officers shall be funded from this item in fiscal year

2002 2,201,243

0332-2500 For the district court of eastern Essex at Gloucester 946,033

0332-2600 For the district court of Lawrence; provided, that one additional assistant clerk magistrate and one additional probation officer shall be appointed and funded from this item in fiscal year 2002; provided further that one interpreter II shall be

funded from this item in fiscal year 2002 3,896,608

0332-2700 For the district court of southern Essex at Lynn 3,264,798

0332-2800 For the district court of Newburyport 1,628,601

0332-2900 For the district court of Peabody 1,408,489

0332-3000 For the district court of Greenfield 1,190,168

0332-3100 For the district court of Orange 765,618

0332-3200 For the district court of Chicopee; provided, that two additional probation officers shall be

funded from this item in fiscal year 2002 1,299,558

0332-3300 For the district court of Holyoke 1,490,433

0332-3400 For the district court of eastern Hampden at Palmer 964,863

0332-3500 For the district court of Springfield 3,577,247

0332-3600 For the district court of western Hampden at West-field 960,856

0332-3700 For the district court of Hampshire at Northampton 1,947,917

0332-3800 For the district court of eastern Hampshire at Ware 676,079

0332-3900 For the district court of Lowell 3,869,608

0332-4000 For the district court of Somerville 2,853,383

0332-4100 For the district court of Newton 1,222,081

0332-4200 For the district court of Marlborough 1,336,856

0332-4300 For the district court of Natick 978,646

0332-4400 For the first district court of eastern Middlesex at Malden; provided, that one additional assistant clerk magistrate and one probation officer shall be appointed and funded from this item in fiscal

year 2002 2,461,737

0332-4500 For the second district court of eastern Middlesex

at Waltham 1,591,688

0332-4600 For the third district court of eastern Middlesex at Cambridge; provided, that two additional assistant clerk magistrates shall be appointed and

funded from this item in fiscal year 2002 3,746,216

0332-4700 For the fourth district court of eastern Middlesex at

Woburn 2,407,686

0332-4800 For the first district court of northern Middlesex at

Ayer 1,300,985

0332-4900 For the first district court of southern Middlesex at

Framingham 2,356,461

0332-5000 For the district court of central Middlesex at

Concord 1,477,651

0332-5100 For the district court of Nantucket 333,121

0332-5200 For the district court of northern Norfolk at Dedham; provided, that two additional assistant clerk magistrates shall be appointed and funded from this item in fiscal year 2002; and provided further, that the first justice shall promote an existing

court officer to the position of chief

court officer 2,272,414

0332-5300 For the district court of East Norfolk at Quincy 5,184,395

0332-5400 For the district court of western Norfolk at

Wrentham 1,704,024

0332-5500 For the district court of southern Norfolk at

Stoughton 1,713,787

0332-5600 For the municipal court of Brookline 936,623

0332-5700 For the district court of Brockton 3,546,886

0332-5800 For the second district court of Plymouth at

Hingham 2,104,404

0332-5900 For the third district court of Plymouth at Plymouth 2,208,263

0332-6000 For the fourth district court of Plymouth at

Wareham 2,056,251

0332-6100 For the district court of Brighton; provided, that one additional assistant clerk magistrate shall be appointed and funded from this item in fiscal

year 2002 1,452,139

0332-6200 For the district court of Charlestown 834,767

0332-6300 For the district court of Chelsea; provided, that notwithstanding the provisions of any general or special law to the contrary, said district court shall be the permanent location for the northern trial session to handle six person jury cases; provided further, that all personnel within said district court whose duties relate to said northern trial session shall report to the clerk magistrate of said district court; and provided further, that the clerk magistrate shall utilize whatever space within the facility at-large he deems necessary to comply with S.J.C.

Rule 3:12, Canon 3 (A) 6 2,493,062

0332-6400 For the municipal court of the Dorchester district 4,821,879

0332-6500 For the district court of East Boston 1,890,118

0332-6600 For the district court of Roxbury 4,155,741

0332-6700 For the district court of South Boston 1,215,946

0332-6800 For the district court of West Roxbury 2,259,351

0332-6900 For the central district court of Worcester 4,646,614

0332-7000 For the district court of Fitchburg 1,492,559

0332-7100 For the district court of Leominster 1,182,918

0332-7200 For the district court of Winchendon; provided, that one additional assistant clerk magistrate and one probation officer shall be appointed and funded from this item in fiscal year 2002 384,141

0332-7300 For the first district court of northern Worcester at Gardner; provided, that one new sessions clerk shall be funded from this item in fiscal year 2002 1,322,635

0332-7400 For the first district court of eastern Worcester at Westborough 1,113,875

0332-7500 For the second district court of eastern Worcester at Clinton; provided, that one additional assistant clerk magistrate shall be appointed and funded from this item in fiscal year 2002 873,153

0332-7600 For the district court of southern Worcester at Dudley; provided, that two additional probation officers and two case specialists shall be funded from this item in fiscal year 2002 1,572,698

0332-7700 For the second district court of southern Worcester at Uxbridge 998,035

0332-7800 For the third district court of southern Worcester at Milford 1,178,636

0332-7900 For the district court of western Worcester at East Brookfield 1,047,261

0332-8000 For the development of an early intervention project for substance abusers

at the Cambridge division of the district court department; provided, that such project shall be administered by a seven member advisory board consisting of the first justice of the Cambridge court or his designee, the clerk of the Cambridge court or his designee, the chief probation officer of the Cambridge court or his designee, the Middlesex county district attorney or his designee, the city manager of the city of Cambridge or his designee, the chief administrative justice of the trial court or his designee and one person to be appointed by the governor; and provided further, that the employment conditions of the project director and the allocation of project funds shall be determined by the executive board 115,390

*Probate and Family Court Department.*

0333-0002 For the administrative office of the probate and family court department; provided, that the case manager shall meet monthly with the department of social services and shall report quarterly to the house and senate committees on ways and means on the backlog of cases in the probate court and the parties' progress made in such backlog each month; and provided further, that those employees of the probate and family court department classified at job group 19 in the 1982 collective bargaining agreement shall be reclassi-

fied to job group 20 or its equivalent 1,892,439

0333-0100 For the Barnstable probate court 1,772,233

0333-0150 For the operation of a child and parents program in the Barnstable probate court; provided, that this item shall not be subject to paragraphs (a) and (b) of clause (xxiii) of the third paragraph of

section 9 of chapter 211B of the General Laws 100,000

0333-0200 For the Berkshire probate court 925,959

0333-0300 For the Bristol probate court; provided, that one additional family law facilitator shall be funded

from this item in fiscal year 2002 2,786,543

0333-0400 For the Dukes probate court 242,261

0333-0500 For the Essex probate court; provided, that one additional case coordinator and one additional probation officer shall be funded from this item

in fiscal year 2002 2,807,895

0333-0600 For the Franklin probate court 959,262

0333-0700 For the Hampden probate court; provided, that one additional family law

facilitator, two additional probation officers and two additional case specialists shall be funded from this item in fiscal

year 2002 3,238,316

0333-0711 For the operation of the Berkshire, Franklin, Hampden and Hampshire family court clinic to be administratively located in the city of Springfield and to serve the Berkshire, Franklin, Hampden and Hampshire divisions of the pro-

bate court 70,000

0333-0800 For the Hampshire probate court 1,112,789

0333-0900 For the Middlesex probate court; provided, that three additional administrative deputy assistant registers and one additional office manager shall be appointed and funded from this item in

fiscal year 2002 5,811,617

0333-0911 For the Middlesex probate court family services

clinic 385,567

0333-1000 For the Nantucket probate court 210,858

0333-1100 For the Norfolk probate court; provided, that one deputy assistant register shall be appointed and

funded from this item in fiscal year 2002 3,163,792

0333-1111 For the Norfolk probate court family services

clinic 176,263

0333-1200 For the Plymouth probate court; provided, that one additional case coordinator and one additional administrative deputy assistant register shall be appointed and funded from this item in fiscal

year 2002 2,643,805

0333-1300 For the Suffolk probate court; provided, that one additional administrative deputy assistant shall be appointed and funded from this item in fiscal

year 2002 4,087,859

0333-1313 For the Suffolk probate community access program of community outreach and education; provided, that said program shall be targeted at low income persons who experience educational and language barriers to court access; and provided

further, that said program shall be administered by the register of probate of Suffolk county 200,880

0333-1400 For the Worcester probate court; provided, that one additional case specialist and one additional head administrative assistant shall be funded

from this item in fiscal year 2002 2,993,804

0333-1411 For the Worcester probate court family services

clinic 218,159

*Land Court Department.*

0334-0001 For the operation of the land court 2,871,314

*Boston Municipal Court Department.*

0335-0001 For the operation of the Boston municipal court 8,743,789

*Housing Court Department.*

0336-0002 For the administrative office of the housing court

department 147,570

0336-0100 For the Boston housing court 1,241,493

0336-0200 For the western division of the housing court 762,865

0336-0300 For the Worcester county housing court 781,857

0336-0400 For the southeastern division of the housing court; provided, that one additional assistant clerk magistrate shall be appointed and funded from

this item in fiscal year 2002 1,537,468

0336-0500 For the northeastern division of the housing court 752,052

*Juvenile Court Department.*

0337-0002 For the administrative office of the Juvenile court

department 1,391,262

0337-0003 For the personnel and expenses associated with the expansion of the juvenile court, including Berkshire, Essex, Hampshire/Franklin, Hampden, Middlesex, Norfolk, Plymouth, Suffolk, Worcester and Nantucket/Dukes counties; provided, that

\$80,000 shall be expended on the CASA program, so-called, in the Lawrence juvenile court; provided further, that \$80,000 shall be expended for the CASA program in the Worcester juvenile court; provided further, that \$80,000 shall be expended for the CASA program in the Plymouth county juvenile court; provided further, that \$80,000 shall be expended for the Franklin/Hampshire CASA program, including Northampton, Greenfield, Orange and Ware district courts; provided further, that \$60,000 shall be expended for a Berkshire CASA program in the Berkshire county juvenile court; provided further, that one additional assistant clerk magistrate for juvenile sessions at Clinton district court shall be appointed and funded from this item in fiscal year 2002; provided further, that one additional assistant chief probation officer for Norfolk juvenile court shall be appointed and funded from this item in fiscal year 2002; and provided further, that one additional sessions clerk for Plymouth county at Brockton shall be funded

from this item in fiscal year 2002 19,910,887

0337-0100 For the Boston juvenile court 4,582,511

0337-0200 For the Bristol juvenile court; provided that one additional assistant clerk magistrate shall be appointed and funded from this item in fiscal

year 2002 3,055,061

0337-0300 For the Springfield juvenile court; provided, that \$160,000 shall be expended for the CASA program, so-called, in the Springfield juvenile

court 1,950,294

0337-0400 For the Worcester juvenile court; provided, that one additional assistant clerk magistrate shall be appointed and funded from this item in fiscal

year 2002 1,694,067

0337-0500 For the Barnstable county juvenile court located in

the town of Plymouth 2,290,859

*Office of the Commissioner of Probation.*

0339-1001 For the office of the commissioner of probation; provided, that notwithstanding the provisions of any general or special law, rule or regulation to the contrary, said commissioner, subject to appropriation, shall have exclusive authority to appoint probation officers, associate probation officers, probation officers-in-charge, assistant chief probation officers and chief probation officers; and provided further, that said associate probation officers shall only perform in-court functions and shall assume the in-court duties of the currently employed probation officers who shall be reassigned within the probation service subject to collective bargaining agreements to perform intensive, community-based supervision of probationers, including the

provisions of intensive supervision and community restraint services as described in item

0339-1004 of this act 14,600,546

0339-1002 For the superior court probation services 10,740,781

0339-1003 For the operation of the trial court office of community corrections, including the costs of personnel; provided further, that \$200,000 shall be expended in an alternative probation program honor court, so-called, in the district court of Hampshire (Northampton); provided further, that not less than \$211,000 shall be expended for the operation of the Suffolk county courts' community service program, so-called, to be supervised by the chief justice for administration and management; and provided further, that \$90,000 shall be expended for a drug treatment on demand drug offender program, so-

called, in the district court of Lawrence 4,279,119

0339-1004 For the cost of intensive supervision and community corrections programs; provided, that said programs shall include, but not be limited to, tracking, community service, educational assistance, drug and alcohol testing and treatment, curfew enforcement, home confinement, day reporting, means-tested fines, restitution, and community incapacitation or restraint; provided further, that the number of placements in said programs shall not exceed a daily average goal of 5,000 intensively-supervised probationers; provided further, that not less than \$84,392 shall be expended for the educational assistance and drug and alcohol treatment programs at the Norfolk county community correction center in Quincy; provided further, that not less than \$60,000 shall be expended for the purpose of providing a female offender community correction center in Quincy; provided further, that not less than \$436,500 be expended for the purpose of providing a community correction center to serve the intermediate sanction needs of the district court in western Norfolk; provided further, that \$225,000 shall be expended for the purpose of providing a community services for women program in the district court of Southern Essex; provided further, that funds from this item shall be expended to cover the costs of said programs that are undertaken and administered by court probation offices and county sheriffs' offices; provided further, that said funds shall be expended for the purpose of providing said programs in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties in fiscal year 2002; provided further, that the executive director of the office of community corrections of the trial court shall enter into interagency service agreements and memoranda of understanding with said probation offices and sheriffs' offices for the provision of said programs, including the contracting for detention space for probationers arrested for violating probation and awaiting court action and detention space for probationers who have been ordered by the trial court to be supervised at a higher level of restraint; provided further, that said agreements and memoranda shall be entered into at the direction of said executive director; provided further, that said executive director shall submit a spending and management plan for said programs to

the house and senate committees on ways and means not later than September 15, 2002; provided further, that said plan shall include the projected number of probationers to be served by each such program and include a description of the oversight and services provided to said probationers; and provided further, that the amount appropriated herein shall fund the annualization of such programs commenced in fiscal year 1999 pursuant to contracts established between said office and

sheriffs' offices 13,340,692

*Office of the Jury Commissioner.*

0339-2100 For the office of jury commissioner in accordance

with chapter 234A of the General Laws 2,336,985”;

by striking out sections 27 and 28 and inserting in place thereof the following two sections:

“SECTION 27. Chapter 217 of the General Laws is hereby amended by striking out section 23B, as amended by section 257 of chapter 159 of the acts of 2000, and inserting in place thereof the following section:—

Section 23B. The registers of probate of the respective courts of the probate and family court department for the following counties may, subject to the approval of the chief justice for administration and management as to compliance with personnel standards promulgated pursuant to section 8 of chapter 211B, appoint one or more administrative deputy assistants; provided, however that such administrative deputy assistants may be removed at the pleasure of said registers of probate. Said administrative deputy assistants shall meet the definition of both confidential and managerial employees as those terms appear in chapter 150E and shall perform no official judicial duties. Said appointments shall be as follows:

Barnstable, one administrative deputy assistant.

Essex, one administrative deputy assistant.

Franklin, one administrative deputy assistant.

Hampshire, one administrative deputy assistant.

Plymouth, one administrative deputy assistant.

Middlesex, three administrative deputy assistants.

Suffolk, three administrative deputy assistants.

Worcester, one administrative deputy assistant.

SECTION 28. Said Chapter 217 of the General Laws is hereby amended by inserting the following section:—

Section 29J. The first justice of the Norfolk probate court may, with the approval of the chief justice of the probate court, designate one employee as deputy assistant register with the same powers as an assistant register and may revoke any such designation at his pleasure. Said deputy assistant register shall receive a salary in an amount equal to fifteen percent of the annual salary of the Norfolk county register of probate.”; and by striking out sections 30 and 31 and inserting in place thereof the following two sections:

“SECTION 30. Said chapter 218 is hereby further amended by striking out section 10, as amended by section 268 of chapter 159 of the acts of 2000, and inserting in place thereof the following section:—

Section 10. The clerk of a district court may, subject to the approval of the chief justice for administration and management as to compliance with personnel standards promulgated pursuant to section 8 of chapter 211B, appoint one or more assistant clerks for whose official acts the clerk shall be responsible, who shall be paid by him unless salaries payable by the commonwealth are authorized in this section or in section 53. In courts having one or more assistant clerks, the clerk may designate one as the first assistant clerk. An assistant clerk with salaries payable by the commonwealth may be appointed in courts the judicial districts of which have, according to the national census last preceding, a population of 60,000 or more, and in the following districts:

district court of Greenfield;

district court of southern Berkshire;

district court of northern Berkshire;

district court of eastern Essex;

third district court of Essex;

district court of Franklin;

district court of eastern Franklin at Orange;

district court of eastern Hampden;

district court of western Hampden;

district court of eastern Hampshire;

district court of Marlborough;

district court of Winchendon;

first district court of eastern Worcester;

second district court of southern Worcester.

Two assistant clerks with salaries payable by the commonwealth may be appointed in:

district court of Chicopee;

second district court of Barnstable;

third district court of Barnstable;

district court of central Berkshire;

district court of Natick;

district court of Holyoke;

district court of central Middlesex;

first district court of northern Middlesex;

first district court of northern Worcester.

Three assistant clerks with salaries payable by the commonwealth may be appointed in:

district court of Peabody;

fourth district court of Bristol;

district court of Fitchburg;

second district court of eastern Worcester;

first district court of southern Worcester;

district court of western Worcester;

district court of Leominster;

district court of Hampshire;

second district court of eastern Middlesex;

district court of Newton;

district court of Southern Norfolk;  
municipal court of Brookline.

Four assistant clerks with salaries payable by the commonwealth may be appointed in:

first district court of Barnstable;  
East Boston district court;  
municipal court of the South Boston district;  
municipal court of the Charlestown district;  
fourth district court of eastern Middlesex;  
central district court of northern Essex;  
third district court of Plymouth;  
district court of western Norfolk.

Five assistant clerks with salaries payable by the commonwealth may be appointed in:

municipal court of the Brighton district;  
district court of Newburyport;  
first district court of Bristol;  
district court of southern Essex;  
second district court of Plymouth.

Six assistant clerks with salaries payable by the commonwealth may be appointed in:

third district court of Bristol;  
first district court of eastern Middlesex;  
district court of northern Norfolk;  
district court of Lawrence;  
district court of Lowell;  
district court of Somerville;  
first district court of Essex;

first district court of southern Middlesex.

Seven assistant clerks with salaries payable by the commonwealth may be appointed in:

fourth district court of Plymouth;

district court of Chelsea.

Eight assistant clerks with salaries payable by the commonwealth may be appointed in:

second district court of Bristol;

municipal court of the Dorchester district;

district court of Brockton;

district court of West Roxbury district;

district court of East Norfolk.

Nine assistant clerks with salaries payable by the commonwealth may be appointed in:

central district court of Worcester.

Ten assistant clerks with salaries payable by the commonwealth may be appointed in:

third district court of eastern Middlesex;

district court of Springfield.

Twelve assistant clerks with salaries payable by the commonwealth may be appointed in:

municipal court of the Roxbury district court.

One of the 12 assistant clerks for the municipal court of the Roxbury district shall be appointed for juvenile sessions.

Assistant clerks who were appointed under authority of this section, who are paid by the commonwealth, and who have held said appointment for three consecutive years prior to the effective date of this act shall hold office during good behavior, but subject to applicable retirement laws, and may be removed from office under procedures authorized by section 8 of chapter 211B.

Each assistant clerk appointed prior to January 1, 1987 under the authority of this section and serving continuously in such appointment thereafter shall be entitled to 30 days vacation leave and 30 days sick leave in each calendar year. Any such assistant

clerk may accumulate vacation and sick leave not used in any such year; provided, however, that the total amount of vacation days so accumulated shall not exceed 60 and the total amount of sick leave so accumulated shall not exceed 180 days; and provided, further, that no additional such days shall be accumulated on or after January 1, 1987 except in accordance with the policies and procedures established by the chief justice for administration and management pursuant to section 8 of chapter 211B. All other assistant clerks appointed under the authority of this section shall be entitled to vacation leave and sick leave in accordance with the policies and procedures established by the chief justice for administration and management pursuant to said section 8.

In the following courts, one of the assistant clerks shall be designated in charge of six-person jury sessions and shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief justice of administration and management:

district court of Chelsea;

third district court of eastern Middlesex;

municipal court of the Dorchester district;

district court of Lowell;

first district court of southern Middlesex at Framingham;

district court of East Norfolk;

central district court of Worcester;

district court of Newburyport;

district court of Springfield;

district court of Brighton;

second district court of Plymouth.

In the district court of western Worcester, the central district court of Worcester, the district of Lowell, the district court of East Norfolk, the district court of Chelsea and the third district court of eastern Middlesex, the clerk may designate one of his assistant clerks as assistant clerk in charge of the remand list; said list being for the trial of all cases transferred to said court from the superior court under the provisions of section 102C of chapter 231. The salary of said assistant clerk shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation by the chief justice for administration and management.

SECTION 31. Section 58 of said chapter 218, is hereby amended by striking out the

fourth paragraph, as amended by section 275 of chapter 159 of the acts of 2000, and inserting in place thereof the following paragraph:—

Each division shall have a clerk, who shall be appointed by the governor, with the advice and consent of the council and who shall hold office during good behavior, subject, however, to retirement under the provisions of any applicable general or special law relative to retirement systems. The Suffolk county division held at Boston shall have a first assistant clerk and said division shall have eleven assistant clerks; the Barnstable county division held at Plymouth shall have a first assistant clerk and said division shall have two assistant clerks; the Bristol county division shall have a first assistant clerk and six assistant clerks; the Franklin and Hampshire counties division shall have an assistant clerk; the Essex county division shall have an assistant clerk; the Berkshire and Hampden counties division held at North Adams shall have an assistant clerk; the Hampden division held at Springfield shall have an assistant clerk; the Middlesex county division shall have a first assistant clerk and five assistant clerks; the Norfolk county division held at Quincy shall have four assistant clerks; the Plymouth county division shall have a first assistant clerk and two assistant clerks; and the Worcester county division shall have a first assistant clerk and four assistant clerks; two of whom shall be assigned to the division held at Clinton. Said first assistant clerks and assistant clerks shall be appointed by the clerks of said courts, with all such appointments subject to approval by the chief justice for administration and management with respect to personnel standards promulgated under section 8 of chapter 211B.”.

The amendments were adopted. Mr. Rogers of Norwood moved that this vote be reconsidered; and the motion to reconsider was negatived.

Mr. Cabral of New Bedford and other members of the House moved that the bill be amended in section 2, in item 4401-1000, in line 12, by inserting after the following: “1995” the following: “; provided further, that within 90 days of a recipient without a high school degree or a graduate equivalency degree or proficiency in English who is subject to the provisions of section 110(f) of chapter 5 of the acts of 1995, becoming eligible for benefits, the department shall offer to said recipient a skills assessment to identify barriers to employment; provided further that said assessments shall be conducted by an appropriate and qualified entity selected by the department pursuant to a request for proposals”. The amendment was adopted.

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Rogers of Norwood; and on the roll call 145 members voted in the affirmative and 8 in the negative.

**[See Yea and Nay No. 61 in Supplement.]**

Therefore the bill, as amended, was passed to be engrossed.

Mr. Rogers of Norwood moved that this vote be reconsidered; and the motion to

reconsider was negatived. The bill (House, No. 4101, printed as amended) then was sent to the Senate for concurrence.

*Order.*

On motion of Mr. Fitzgerald of Boston,—

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

At six minutes after eleven o'clock P.M. (Monday, May 7), on motion of Mr. Coppola of Foxborough (the Speaker in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.