

JOURNAL OF THE HOUSE.

Monday, June 25, 2001.

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

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

Eternal and Compassionate God, at the beginning of this new legislative workweek we pray for guidance and direction as we take up the items on today's calendar. In a spirit of humility and integrity, we ask for Your gift of wisdom which enables us to see clearly current political, social and ethical issues and to address these same issues in a mature, responsible and fair manner. Grant us the patience to be good and respectful listeners to the insights of others even when we disagree on important issues. In Your goodness, help us to be leaders in our communities who are faithful to our commitments, principles and spiritual values as we try to serve the best interests of the people today and in the future. Inspire us to do our best in serving You and the people whom we represent.

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

At the request of the Speaker, the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement Concerning Representative Bunker of Rutland.

A statement of Mr. DiMasi of Boston concerning Mr. Bunker of Rutland 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 Bunker of Rutland, will not be present in the House Chamber for today's sitting due to a scheduling conflict. Any roll calls that he may miss today is due entirely to the reason stated.

Statement Concerning Representative Candaras of Wilbraham.

A statement of Mr. DiMasi of Boston concerning Representative Candaras of Wilbraham 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 Candaras of Wilbraham, will not be present in the House Chamber for today's sitting due to a previously scheduled stay in the hospital for medical procedures. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement of Representative Demakis of Boston.

A statement of Mr. Demakis 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 a family medical concern. Any roll calls that I missed today is due entirely to the reason stated.

Statement Concerning Representative Galvin of Canton.

A statement of Mr. DiMasi of Boston concerning Mr. Galvin of Canton 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 Galvin of Canton, will not be present in the House Chamber for today's sitting due to an unexpected personal matter. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Golden of Lowell.

A statement of Mr. DiMasi of Boston concerning Mr. Golden 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 one of our colleagues, Representative Golden of Lowell, will not be present in the House Chamber for today's sitting due to official business outside of the Country. Any roll calls that he may miss today or for the next several days will be due entirely to the reason stated.

Statement Concerning Representative Gomes of Harwich.

A statement of Mr. DiMasi of Boston concerning Ms. Gomes of Harwich 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 Gomes of Harwich, will not be present in the House Chamber for today's sitting due to official business outside of the Commonwealth. Any roll calls that she may miss today is due entirely to the reason stated.

Statement Concerning Representative Kaufman of Lexington.

A statement of Mr. DiMasi of Boston concerning Mr. Kaufman of Lexington 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 Kaufman of Lexington, will not be present in the House Chamber for today's sitting due to official business outside of the Commonwealth. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Larkin of Pittsfield.

A statement of Mr. DiMasi of Boston concerning Mr. Larkin of Pittsfield 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 Larkin of Pittsfield, will not be present in the House Chamber for today's sitting due to official business outside of the Commonwealth. Any roll calls that he may

miss today or Wednesday will be due entirely to the reason stated.

Statement Concerning Representative Marini of Hanson.

A statement of Mr. Jones of North Reading concerning Representative Marini of Hanson 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 Marini of Hanson, will not be present in the House Chamber for today's sitting due to illness. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Teahan of Whitman.

A statement of Mr. DiMasi of Boston concerning Mrs. Teahan of Whitman 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 Teahan of Whitman, will not be present in the House Chamber for today's sitting due to official business outside of the Commonwealth. Any roll calls that she may miss today will be due entirely to the reason stated.

Guest of the House.

During consideration of the Orders of the Day, the Chair (Mrs. Harkins of Needham) declared a recess subject to the call of the Chair; and introduced State Trooper Mark Augusta. The Chair thereupon, on behalf of the Speaker and all of the members of the House, commended Trooper August for his heroic lifesaving actions of last fall, when he placed his cruiser in the direct path of a speeding vehicle which was traveling in the wrong direction. The courageous Trooper was the guest of Mrs. Simmons of Leominster.

Resolutions.

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

Resolutions (filed by Mr. Jones of North Reading) congratulating Len Sherry on the occasion of his retirement;

Resolutions (filed by Mr. Caron of Springfield) congratulating Bernie Welz on the occasion of his retirement from the Springfield Fire Department;

Resolutions (filed by Mr. Connolly of Everett) congratulating the Honorable Sumner Gage Whittier on the occasion of his ninetieth birthday;

Resolutions (filed by Mr. George of Yarmouth) congratulating Henri S. Rauschenbach on the occasion of being named Citizen of the Year by the Boy Scouts of America;

Resolutions (filed by Mr. Hart of Boston) congratulating Mr. and Mrs. Daniel J. “Red” Flynn, Jr.; and

Resolutions (filed by Messrs. Travis of Rehoboth and Rogers of Norwood) congratulating Professor John Edward O’Brien on the occasion of his retirement;

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

Order.

On motion of Mr. Finneran of Boston,—

Ordered, That, notwithstanding the provisions of the rules, the Speaker shall assign a court officer to cast the votes, except for quorum roll calls, of members of the committee of conference on the General Appropriation Bill, whenever said members are absent from the House Chamber attending a meeting of said committee of conference.

Special Report.

A report of the Foundation Budget Review Commission (under the provisions of Section 139 of Chapter 159 of the Acts of 2000), was placed on file.

Petitions.

Mr. Finneran of Boston presented a petition (subject to Joint Rule 12) of Thomas M. Finneran for legislation to provide for a temporary extension of the horse and dog racing simulcast wagering law; 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. Jones of North Reading, 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.

Mr. Naughton of Clinton presented a petition (subject to Joint Rule 12) of Harold P. Naughton, Jr., relative to merging the Boylston and Morningdale water districts; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

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. 4101) came from the Senate with the endorsement that said branch had insisted on its amendment (striking out all after the enacting clause and inserting in place thereof the text

contained in Senate document numbered 1901) (in which the House had non-concurred).

The bill bore the further endorsement that the Senate had concurred with the House in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Montigny, Berry and Knapik had been joined as the committee on the part of the Senate.

The House Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4231) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1902.

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

The same member then moved that the House concur with the Senate in its amendment with a further amendment in section 2 by striking out item 7061-9615.

The further amendment was adopted. The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

A Bill providing for the annual observance of Thomas Paine Day (Senate, No. 1602) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A report of the Department of Public Health (under the provisions of Section 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the Bristol County Jail, Ash Street Facility, in the city of New Bedford, was spread upon the records of the House; and returned to the Senate.

A petition of Robert A. Havern and J. James Marzilli, Jr. (by vote of the town) for legislation to exempt Dennis J. Mahoney of Arlington from maximum age requirements for applying for civil service appointment as a police officer in the town of Arlington, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1911) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Michael F. Kane, Michael R. Knapik and Stephen J. Buoniconti (with the approval of the mayor and city council) for legislation to authorize the city of Holyoke to enter into contracts for the lease, operation and maintenance, repair or replacement, financing, design, construction and

installation of the sewer works system. Under suspension of the rules, on motion of Mr. Kane of Holyoke, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration. Sent to the Senate for concurrence.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill regarding investigations conducted by the Division of Professional Licensure (House, No. 47);

Of the Bill regarding the transfer of Bureau of Special Investigations-technical changes (House, No. 190);

Of the Bill clarifying certain interests in bankruptcy proceedings (House, No. 576);

Of the Bill relative to corporate governance (House, No. 1340);

Of the Bill to clarify the terms of motor vehicle liability bonds and policies (House, No. 2540); and

Of the Bill relative to lending limits of state-chartered banks (House, No. 4173);

And recommending that the same severally be referred to the committee on Rules; and

Of the Bill to promote technology performance standards for generation facilities (House, No. 4248),— and recommending that the same be referred to the committee on Science and Technology.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Greene of Billerica, for the committee on Commerce and Labor, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3047) of Stephen P. LeDuc, David C. Bunker, Jr., and Harold P. Naughton, Jr., relative to the collection of certain information for the improvement of workforce development;

By Mr. Mariano of Quincy, for the committee on Insurance, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1964) of Brian S. Dempsey relative to the equitable compensation of medical injuries of persons by health care providers;

And recommending that the same severally be referred to the committee on Ways and Means.

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

By Mr. Mariano of Quincy, for the committee on Insurance, asking to be discharged from

further consideration

Of the petition (accompanied by bill, House, No. 3748) of Cele Hahn for legislation to further regulate the sale of insurance by motor vehicle rental companies,— and recommending that the same be referred to the committee on Commerce and Labor; and

Of the petition (accompanied by bill, House, No. 3752) of James R. Miceli that the Group Insurance Commission be directed to forgive Thomas Skowronski for payment of a certain sum of money due to said commission,— and recommending that the same be referred to the committee on Public Service.

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

By Mrs. Simmons of Leominster, for the committee on Counties, on a petition, a Bill further extending the time for which certain land in Norfolk County may be used as a temporary minimum security alternative correction center (House, No. 4251), which was read.

Under suspension of rules, on motion of Mr. Sullivan of Braintree, the bill was read a second and a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from Her Honor the Lieutenant-Governor, Acting Governor, a Bill making certain appropriations for the fiscal year ending June 30, 2002, prior to final action on the General Appropriation Bill for said fiscal year (printed in House, No. 4244) [Cost: \$1,000,000,000.00], which was read.

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

Under suspension of the rules, on motion of Mr. Ruane of Salem, the bill was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House No. 4196, reported, in part, a Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4266) [Cost: \$2,495,649.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

By Mr. Mariano of Quincy, for the committee on Insurance, on a petition, a Bill relative to health insurance for health and human service workers (House, No. 1779, changed in line 9 by striking out the figures: “2001” and inserting in place thereof the figures: “2002”). Read; and

referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Binienda of Worcester, for the committee on Energy, on Senate, Nos. 359 and 1108 and House, Nos. 433, 1497, 1575, 1742, 1938, 2888 and 2890, an Order relative to authorizing the committee on Energy to make an investigation and study of certain Senate and House documents concerning the Energy Facilities Siting Board and the bottle law, so-called (House, No. 4255).

By the same member, for the same committee, on House, No. 2155, an Order relative to authorizing the committee on Energy to make an investigation and study of a certain House document concerning recycling programs and the expansion of the bottle bill, so-called (House, No. 4256) [Representative Rivera of Springfield dissenting].

By Mrs. Parente of Milford, for the committee on Local Affairs, on Senate, No. 1845 and House, Nos. 4153 and 4182, an Order relative to authorizing the committee on Local Affairs to make an investigation and study of certain Senate and House documents concerning the towns of Dalton, Lancaster and North Attleborough (House, No. 4257).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Mariano of Quincy, for the committee on Insurance, on a petition, a Bill to establish a patient choice option for health care coverage (House, No. 2364). Read; and referred, under Rule 33, to the committee on Counties on the part of the House.

By Mr. Greene of Billerica, for the committee on Commerce and Labor, on House, No. 2651, a Bill to ensure eligibility for unemployment insurance for victims of domestic violence (House, No. 4258).

By Mr. Mariano of Quincy, for the committee on Insurance, on House, Nos. 8 and 27, a Bill allowing insurance companies to use modern banking facilities (House, No. 27).

By the same member, for the same committee, on Senate, No. 766 and House, No. 630, a Bill relative to disability insurance (House, No. 630).

By the same member, for the same committee, on House, Nos. 8, 36, 288 and 1211, a Bill further regulating the licensing of public insurance adjusters (House, No. 1211).

By the same member, for the same committee, on House, Nos. 8, 33 and 1213, a Bill providing for the use of uniform accounting principles (House, No. 1213).

By the same member, for the same committee, on a petition, a Bill requiring the licensing of insurance claims adjusters (House, No. 1785).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, that the Bill to encourage the production and preservation of affordable housing in the Commonwealth (House, No. 4243) ought to pass. Referred, under Rule 33, to the committees on Ways and Means.

By Mr. Mariano of Quincy, for the committee on Insurance, on a petition, a Bill relative to the notification of employees in the event of termination of group health insurance coverage (House, No. 3549, changed in line 7 by striking out the word “thirty” and inserting in place thereof the word “sixty”).

By Mrs. Parente of Milford, for the committee on Local Affairs, on a petition, a Bill authorizing the conservation commission of the town of Andover to grant a certain easement (House, No. 4014) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the appointing of alternate members to the conservation commission of the town of North Andover (House, No. 4017) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of West Boylston to establish a department of public works (House, No. 4152) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the conservation commission of the town of Dennis to establish fees for the employment of consultants (House, No. 4188) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the transfer of land in the town of Littleton (House, No. 4189) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Sherborn to convey certain forest land (House, No. 4191) [Local Approval Received].

By Mr. Casey of Winchester, for the committee on Taxation, on Senate, No. 1870 and House, No. 4139, a Bill relative to the taxation of real property (House, No. 4262).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to the development and preservation of affordable housing (House, No. 4240) ought to pass with an amendment substituting therefore a Bill relative to authorizing the financing of the production and preservation of affordable housing in the Commonwealth (House, No. 4263) [Bond

Authorization: \$508,500,000.00].

By the same member, for the same committee, that the Bill to encourage the production and preservation of affordable housing in the Commonwealth (House, No. 4243) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4264).

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading with the amendments pending.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Asset Management and Maintenance to transfer certain parcels of land in the town of Medfield (House, No. 4108) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House, and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

House bills

Authorizing the Board of Selectmen of the town of Plymouth to operate as a crematory corporation (House, No. 4004); [Local Approval Received]; and

Authorizing the town of Hingham to convey certain conservation land (House, No. 4201) [Local Approval Received];

Severally placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Greene of Billerica, for the committee on Commerce and Labor, ought NOT to pass, on the petition (accompanied by bill, House, No. 1344) of John A. Stefanini relative to the conducting of lie detector tests as a condition of employment.

By Mr. Mariano of Quincy, for the committee on Insurance, ought NOT to pass, on so much of the recommendations of the Office of Consumer Affairs and Business Regulation (House, No. 8) as relates to the organization and supervision of fraternal benefit societies (accompanied by bill, House, No. 37).

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 632) of James R. Miceli relative to the conversion of certain group life insurance policies.

By the same member, for the same committee, ought NOT to pass, on the petition

(accompanied by bill, House, No. 3875) of Brian S. Dempsey for legislation to exclude non-direct costs in the calculation of motor vehicle insurance premiums.

By Mr. Donnelly of Boston, for the committee on the Judiciary, ought NOT to pass, on the petition (accompanied by bill, House, No. 633) of Bruce J. Ayers relative to the payment of child support orders by inmates in correctional institutions.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1235) of Laurence Brown relative to the sealing of records of abuse prevention orders.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1604) of Geoffrey D. Hall, Pamela P. Resor and others relative to certain construction liens.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1606) of Joanne Cone relative to the jurisdiction of the Juvenile Court Department in certain cases.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2548) of Bob LeClair for legislation to regulate the conduct of custodial parents prior to a divorce being declared final.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2734) of David T. Donnelly and Robert S. Creedon, Jr., relative to pleas in certain criminal proceedings.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3369) of Owen McGonagle, Jr., relative to the procedures for non-criminal disposition of certain traffic violations.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3563) of Roy Bercaw relative to prosecutions for libel.

By Mr. Sullivan of Braintree, for the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 1711) of Francis L. Marini and other members of the House relative to reducing traffic congestion by further regulating the operation of certain commercial vehicles [Representative deMacedo of Plymouth dissents].

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1712) of Francis L. Marini and other members of the House that the Commissioner of Highways be directed to study the effects of restricted access to certain highways during peak travel hours [Representative deMacedo of Plymouth dissents].

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3477) of Peter J. Larkin, David C. Bunker, Jr., and Brian Paul Golden for legislation to provide for a highway business revolving loan fund

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3849) of Thomas J. O'Brien relative to the assessment of service costs for cities and towns for Massachusetts Bay Transportation Authority services

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Engrossed Bills.

The engrossed Bill allowing victims of violent crimes to testify at Parole Board hearings (see Senate, No. 1844) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Engrossed bills

Relative to certain town ways in the town of Tewksbury (see Senate, No. 1048);

Validating actions taken at the annual town election of the town of Longmeadow (see Senate, No. 1817);

(Which severally originated in the Senate); and

Authorizing the town of Hanover to pay a certain bill (see House, No. 3959) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.

Engrossed bills

Relative to financial conditions in the city of Pittsfield (see House, No. 4178, changed);

Making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4231, amended); and

Making certain appropriations for the fiscal year ending June 30, 2002, prior to final action on the General Appropriation Bill for said fiscal year (see House bill printed in House, No. 4244);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Senate bills

Establishing the boundary line between the town of Southborough and the town of Westborough (Senate, No. 1834); and

Authorizing the city of Revere to pay a certain sum of money to Noelle Pitten and Virginia Odoardi (Senate, No. 1853);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Authorizing the park commissioners of the town of Rochester to change the use of a certain parcel of municipal land (House, No. 855) (its title having been changed by the committee on Bills in the Third Reading); and

Exempting debt of the city of Lawrence for certain approved school projects from the statutory limit (House, No. 4202);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The Senate Bill relative to gas or electric companies declaring stock or scrip dividend (Senate, No. 416); and

House bills

Relative to the net school spending of the Southern Worcester County Regional Vocational School District (printed as Senate, No. 1864);

Relative to the annual report to the Legislature on the banking industry by the Commissioner of Banks (House, No. 17);

Authorizing the transfer of a certain parcel of land in the town of North Reading (House, No. 356);

Providing for the placement and display of a Johnny Appleseed statue (House, No. 1124);

Relative to small group insurance (House, No. 2361);

Relative to the promotion of charitable giving in the Commonwealth (House, No. 2984);

Authorizing the city known as the town of Agawam to use certain parkland for school purposes (House, No. 3766);

Authorizing the town of Lancaster to place certain questions regarding the sale of alcoholic

beverages on the town's election ballot (House, No. 4181); and

Relative to written warnings (House, No. 4242);

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

The House Bill amending the uniform commercial code covering provisions dealing with secured transactions (House, No. 2111) was read a second time; and it was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Larkin of Pittsfield, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill authorizing the establishment of a library district in the towns of Mendon and Upton (Senate, No. 1833), 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, in concurrence, Mrs. Parente of Milford moved that it be amended in section 6, in line 45, by striking out the figure "5" and inserting in place thereof the figures "30"; in lines 119 to 126, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:—

"(3) If, after submission of the budget, no agreement is reached as set forth above as to a budget for the district, then the budget shall be an amount equal to (1) the average of the said towns' appropriation for operating costs and for capital costs, not including capital costs for the payment of principal of and interest on bonds or other obligations issued by the district to finance capital costs for free public library service for the 3 years immediately preceding, increased by 2½ per cent of this average, plus (2) the capital costs required for the payment of principal of and interest on bonds or other obligations issued by the district payable during the fiscal year for which the budget is proposed. Such district budget shall be apportioned between the towns and paid by them in accordance with the terms set forth above concerning apportionment of costs."; and, in line 193, by inserting before the words "attorneys' fees" the word "reasonable".

The amendments were adopted; and the bill (Senate, No. 1833, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments adopted by the House.

The House report of the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 1574) of George Rogers relative to absentee voting by physically disabled voters, was considered.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Rogers of New Bedford.

At sixteen minutes before twelve o'clock noon, the Speaker declared a recess until one o'clock P.M.; and at that time the House was called to order with Mrs. Harkins of Needham in the

Chair.

House reports

Of the committee on Health Care, ought NOT to pass, on the petition (accompanied by bill, House, No. 1592) of Francis L. Marini and other members of the House for legislation to regulate the control of certain contagious diseases; and

Of the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 3083) of Gloria L. Fox, Shirley Owens-Hicks, Byron Rushing and Benjamin Swan relative to the eligibility of voters when their residence has changed;

Severally were considered.

Pending the question, in each instance, on acceptance of the report, further consideration thereof was postponed, on motions of Mr. Jones of North Reading, until the next sitting.

The House report of the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 3082) of Gloria L. Fox, Shirley Owens-Hicks, Byron Rushing, Jarrett T. Barrios and Benjamin Swan relative to notifications to registered voters of changes in voting locations, was considered.

Pending the question on acceptance of the report, further consideration thereof was postponed until the next sitting, on motion of Mr. Rushing of Boston.

House bills

To provide consumers additional coverage relative to private passenger automobile insurance (House, No. 1775, changed); and

Relative to the right of incarcerated felons to vote (House, No. 2883);

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

The House Bill providing for improvements to the horse and greyhound racing industry in the Commonwealth and the regulation thereof (House, No. 4197) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4254), was considered.

Pending the question on adoption of the amendment recommended by the committee on Ways and Means, Representatives Khan of Newton and Paulsen of Belmont moved that the proposed substitute bill be amended in section 8, in lines 100 to 112, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following:

“Section 5D. Chapter 128C of the general laws is hereby amended by striking section 7 of said chapter and replacing it with the following section:

A. DISPOSITION RECORDS

Section 7. No owner, trainer or kennel operator shall cause or permit any racing or retired greyhound to be put to death until reasonable efforts by such owner, trainer, or kennel operator to place such greyhound for adoption with a responsible person or entity have been exhausted. No racing or retired greyhound shall be put to death except in a humane manner. For purposes of this section, the words 'in a humane manner' shall mean by means of euthanasia by lethal injection, or by such other standard of humane killing as may be established by the American Veterinary Medical Association.

The racing commission shall adopt regulations governing the disposition of all racing greyhounds. For the purposes of this section and said regulations, the word 'disposition' shall mean euthanasia, transfer to another jurisdiction, adoption, or donation or sale for medical research, or other purpose. The Commission shall maintain accurate records and statistics regarding the disposition of all greyhounds that have participated in dog racing, including schooling races, in the commonwealth. Such records shall include the following detailed information:

1. The greyhound's registered name and left and right ear tattoos, the name and address of the greyhound's owner, trainer, and kennel operator at the time of disposition, and the name and address of the racetrack where the greyhound last raced prior to disposition;
2. If the greyhound has been transferred to another racetrack, the name and address of the racetrack that received the greyhound and the name, business address, telephone number, and driver's license number and state of the person who received the greyhound on behalf of the receiving racetrack;
3. If the greyhound has been retired for breeding, the name and address of the facility that received the greyhound and the name, business address, telephone number and driver's license number and state of the person who received the greyhound on behalf of the receiving facility;
4. If the greyhound has been adopted or placed for adoption, the name, address and telephone number of the person or entity that received the greyhound and, if applicable, the name, business address, telephone number and driver's license number and state of the person who received the greyhound on behalf of the adoption facility;
5. If the greyhound has been euthanized, the name, address, professional title and professional affiliation of the person performing the euthanasia, the manner of euthanasia, and a detailed statement of reasons why the greyhound was euthanized rather than adopted or placed for adoption;
6. If the greyhound has been sold or donated to any individual, corporation or entity, the name and address of the individual, corporation or entity purchasing or receiving the greyhound, the purpose for which the greyhound is being purchased or received, and the name, business address, telephone number and driver's license number and state of the person who received the greyhound on behalf of the receiving individual, corporation or entity;
7. If the greyhound's disposition does not fit into any of the above categories, the owner, trainer

or kennel operator must state, in detail, the greyhound's destination, the name, business address, telephone number and driver's license number and state of the person who received the greyhound, and the specific purpose for which the greyhound has been received, sold, transferred or donated.

All disposition forms shall be completed and signed under the pains and penalties of perjury by the greyhound's owner, trainer or kennel operator, whose signature shall be witnessed by a state racing commission inspector. Whoever knowingly makes a false written statement on a disposition form shall be punished by imprisonment for up to two years and a fine of up to two thousand five hundred dollars, or both. A person found guilty of violating this section for a second or subsequent offense shall be punished by imprisonment for not less than one, nor more than five years, or a fine of not less than five thousand dollars, or both.

B. INJURY RECORDS

The racing commission shall adopt regulations governing injuries incurred by racing greyhounds while they are racing in the commonwealth, including schooling races. The Commission shall maintain accurate records and statistics regarding such injuries. Such records shall include the following:

The greyhound's registered name and right and left ear tattoo numbers;

The owner, trainer and kennel operator's name, business address and telephone number;

The color, weight, and sex of the greyhound;

Where the injury took place (on race track or other area);

If the injury occurred while the greyhound was racing, the racetrack where the injury occurred, along with the distance, grade, race and post position when the injury occurred;

The weather conditions, time, temperature, and track condition when the injury occurred;

The specific type of injury, the cause of the injury, the estimated recovery time, and the location of injury on the greyhound;

All injury forms shall be completed and signed under the pains and penalties of perjury by the racetrack veterinarian, whose signature shall be witnessed by a state racing commission inspector. Whoever knowingly makes a false written statement on an injury form shall be punished by imprisonment for up to two years and by a fine of up to two thousand, five hundred dollars, or both. A person found guilty of violating this section for a second or subsequent offense shall be punished by imprisonment for not less than one, nor more than five years, or a fine of not less than five thousand dollars, or both. Disposition and injury records created and maintained under this section shall be maintained by the state racing commission for a period of seven years and shall be made readily available to the public upon oral or written request.

The department of food and agriculture is authorized to certify entities of any kind which provide humane disposition and cremation, or adoption services, including proper

implementation of neutering and spaying of all greyhounds prior to adoption, for greyhounds bred for racing who never qualify for pari-mutuel races or for racing greyhounds who have reached the end of their racing career.

Section 5F. Chapter 128C of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after section 7A the following section:

Section 7B. The state racing commission shall adopt regulations governing the humane handling, care, treatment, and transportation of racing greyhounds. Such regulations shall include minimum requirements for the handling, housing, feeding, watering, sanitation, ventilation, adequate veterinary care, exercise, and shelter of racing greyhounds, and safety of track surface and banking to prevent injury.

If the state racing commission has reason to believe that any person who is licensed by the commission or who is affiliated with any person, corporation, partnership, trust or any combination of the same or other entity which owns, operates, holds any interest in any racetrack or other facility which operates pari-mutuel racing of greyhounds, or is licensed to operate such facility pursuant to section 3 of chapter 128A has violated or is violating any provision of this section, or any of the rules or regulations promulgated by the racing commission under this section, the commission may suspend such person's license, and, after notice and opportunity for a hearing, may revoke such license, if such violation is determined to have occurred. One year after this act is enacted, and annually thereafter, the commission shall submit to the Joint Committee on Government Regulations a comprehensive and detailed report (i) identifying the nature and place of all investigations and inspections conducted under this section; (ii) all violations found and the action that was taken.

Pending the question on adoption of the further amendment, Mr. Jones of North Reading 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 131 members were recorded as being in attendance.

[See Yea and Nay No. 75 in Supplement.]

Therefore a quorum was present.

After remarks on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Khan; and on the roll call 137 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 76 in Supplement.]

[Mr. Barrios of Cambridge answered "Present" in response to his name.]

Therefore the further amendment was adopted.

Representatives Reinstein of Revere and DeLeo of Winthrop then moved that the proposed substitute bill, as amended, be amended by adding at the end thereof the following section:

“SECTION 25. Notwithstanding any general or special law to the contrary, during calendar years 2001, through 2004, the greyhound racing meeting licensee located in Suffolk County shall pay daily a sum equal to one percent of all sums wagered on live races and one percent of all sums wagered on simulcast races into the Greyhound Promotional Trust Fund; and a sum equal to one percent of all sums wagered on live races and one percent of all sums wagered on simulcast races into the Greyhound Capital Improvements Trust Fund.”.

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 Miss Reinstein; and on the roll call 81 members voted in the affirmative and 55 in the negative.

[See Yea and Nay No. 77 in Supplement.]

[Mr. Barrios of Cambridge answered “Present” in response to his name.]

Therefore the further amendment was adopted.

Miss Reinstein of Revere then moved that this vote be reconsidered; and the motion to reconsider was negatived.

The same member then moved that the proposed substitute bill be amended by striking out section 5. After remarks the further amendment was adopted.

Representatives Jehlen of Somerville and Hahn of Westfield then moved that the proposed substitute bill be amended by striking out section 24.

After remarks the further amendment was adopted.

Messrs. Petruccelli of Boston and O’Flaherty of Chelsea then moved that the proposed substitute bill be amended in section 7 by adding at the end thereof the following four paragraphs:

“Pay the total sum of the breaks, less the amount of \$200,000 annually, into the trust fund known as the Running Horse Capital Improvements Trust Fund, under the direction and supervision of the state racing commissioners as they are individuals as trustees of said trust; provided, however, that of the aforementioned sum of \$200,000, \$35,000 shall be paid annually to a compulsive gambling organization or organizations, as determined by the department of public health, \$80,000 shall be allocated annually to an organization or organizations, as determined by the commission, which provide health, medical, food, substance abuse treatment and other social services for persons who are workers employed in the stable or backstretch area of the running horse racing licensee located in Suffolk county; \$20,000 shall be allocated annually to the commission who is authorized and directed to establish rules and regulations for the purpose of using these monies to providing economic assistance to any person employed in the racing facility, in the stable and in the backstretch area of the running horse racing licensee located in Suffolk county who is facing hardship due to illness or unforeseen tragedy; and

\$65,000 shall be allocated annually to an organization or organizations, as determined by the commission, who represent the majority of jockeys who are licensed by the commission and regularly ride in the commonwealth, for the purpose of providing health and other welfare benefits to active, disabled or retired jockeys; and provided further, that any such organization receiving any such allocation from either of said amounts shall make an annual report with the joint committee on government regulations and the house and senate committees on ways and means detailing its expenditures from said allocations.

Pay the total sum of the breaks, less the amount of \$35,000 annually, and a sum equal to one percent of the total amount wagered by patrons on so-called exotic races into the trust fund known as the Harness Horse Capital Improvements Trust Fund, under the direction and supervision of the state racing commissioners as they are individuals as trustees of said trust; provided, however, that the aforementioned sum of \$35,000 shall be paid annually to a compulsive gambling organization or organizations, as determined by the department of public health.

The greyhound meeting licensees shall deposit daily to said purse account the total sum of the breaks, less \$35,000 annually, to be used solely for the payment of purses to dog owners; provided, further, that said \$35,000 amount shall be paid annually to a compulsive gambling organization or organizations, as determined by the department of public health.

The Commission shall audit said purse accounts of each of the racing meeting licensees to ensure compliance with this section.”.

The further amendment was adopted.

After debate Messrs. Petruccelli of Boston and O’Flaherty of Chelsea moved that the proposed substitute bill be amended by adding at the end thereof the following section:

“SECTION 26. Said Chapter 128C, as so appearing, is hereby further amended by inserting after section 5, the following section:—

Section 5A. No action to recover winnings upon a wager made under this chapter after the effective date of this section shall be commenced after December 31st of the year following the year in which such wager was made, and no such winnings shall be paid by a licensee except pursuant to a judgment in an action so commenced or in settlement of such action. Within 90 days of said December 31st, money held by a licensee for the payment of any such wager for the recovery of which no action has commenced within the time herein limited shall be deposited with the commission. Subject to the rules and regulations established by the commission, said money shall be used for the payment of purses in addition to those amounts already provided for in chapter 128A and chapter 128C of the General Laws; provided, however, that monies generated at a racetrack shall be used for purses only at that facility, The commission may approve a multi-year plan to disburse said funds over a period not to exceed five years. Any such money for the recovery of which no action has been duly commenced shall be so paid to the commission within 90 days after December 31st of the year in which such action shall have terminated adversely to the plaintiff therein. A notice of the limitation prescribed by this section in such form as the commission may prescribe shall be posted by

each licensee in a conspicuous place at each window or booth where pari-mutuel tickets are sold.

Notwithstanding any general or special law to the contrary, monies from all unclaimed simulcast wagers made pursuant to this chapter and held by the running horse meeting licensee located in Suffolk county, the greyhound dog meeting licensee located in Bristol county, the greyhound dog meeting licensee located in Suffolk county, and the harness horse meeting licensee located in Norfolk county prior to the effective date of this act shall be deposited with the commission. Subject to the rules and regulations established by the commission, said money shall be used for the payment of purses at each licensee's wagering facility."

After debate the further amendment was adopted.

The same members then moved that the proposed substitute bill be amended in section 18 by adding at the end thereof the following paragraph:

"The outs collected by the running horse racing meeting licensee shall be deposited daily to said purse to be solely used for the payment of purses to the horse owners. The outs collected by the harness horse racing meeting licensee shall be deposited daily to said purse to be solely used for the payment of purses to the horse owners. The outs collected by the greyhound racing meeting licensee shall be deposited daily to said purse to be solely used for the payment of purses to the dog owners."

After remarks the further amendment was adopted.

Messrs. Petruccelli and O'Flaherty then moved that the proposed substitute bill be amended in section 17 by adding at the end thereof the following paragraph:

"The greyhound meeting licensees shall deposit daily to said purse account the total sum of the breaks to be used solely for the payment of purses to dog owners."

The further amendment was adopted.

Messrs. Petruccelli of Boston and O'Flaherty of Chelsea then moved that the proposed substitute bill be amended in section 7 by adding at the end thereof the following paragraph:

"All pari-mutuel taxes paid to the commission pursuant to this section, together with all pari-mutuel taxes paid to the commission pursuant to section 2 of chapter 128C, shall be deposited to a separate account under the control and supervision of the commission. Of the amount credited during any calendar year, a portion shall be paid toward the purses accounts of the licensees. The amount credited shall be based on a formula established by the commission whereby the monies allocated into said purses shall be directly related to the growth in tax revenue from the licensees; provided that, not less than \$2,000,000 but not more than \$3,000,000 for purses shall be allocated using said formula. The commission shall establish pursuant to its rules and regulations, a minimum amount of not less than \$300,000, to be paid annually to purse accounts with respect to each such licensee; provided that, for the purpose of this subsection, that the licensee from Bristol county shall be considered a single licensee. With respect to the remainder of said account, the commission shall promulgate regulations regarding

the distribution of said funds; provided, however, that in establishing such accounts, the commission shall consider all pertinent factors, including but not limited to: (i) the relative needs for increased purses of each licensee; (ii) the number of live racing days conducted by each licensee; (iii) the amount of the live racing handle of each licensee; (iv) the total amount of employment, both direct and indirect, attributable to each licensee; (v) each licensee's total payroll; (vi) capital investments made by each licensee; and (vii) that amount of tax revenue and other revenues payable to the commonwealth produced by each such licensee. In the event the amount available in any year from pari-mutuel taxes credited by the commission to the account as provided herein is insufficient to meet the established minimum balances, the commission shall proportionately reduce the amount paid to each licensee according to the relative size of its respective minimum balance. The commission is authorized, in any case it deems appropriate, to conduct an audit of any such purse accounts and shall report the findings of any such audit within 30 days of the conclusion thereof to the house and senate chairmen of the joint committee on government regulations.”.

After debate on the question on adoption of the further amendment, Mr. Jones of North Reading 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 129 members were recorded as being in attendance.

[See Yea and Nay No. 78 in Supplement.]

Therefore a quorum was present.

After remarks on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mrs. Pope of Wayland; and on the roll call 97 members voted in the affirmative and 41 in the negative.

[See Yea and Nay No. 79 in Supplement.]

[Mr. Barrios of Cambridge answered “Present” in response to his name.]

Therefore the further amendment was adopted.

Messrs. Petruccelli of Boston and O’Flaherty of Chelsea then moved that the proposed substitute bill be amended by inserting after section 1 the following section:

“SECTION 1A. Section One of Chapter 128A of the General Laws is hereby amended by adding at the end of the definition of ‘race track’, as appearing in the 2000 Official Edition, the following words:— ; provided further, each person licensed to conduct a running horse racing meeting, other than a licensee holding a racing meeting in connection with a state or county fair, shall conduct such racing meeting on a race track with a circumference of not less than one mile including a turf course contained within.”.

The further amendment was adopted.

Mrs. Poirier of North Attleborough then moved that the proposed substitute bill be amended in section 16, in line 187, by striking out the word “forty-five” and inserting in place thereof the word “sixty”.

After remarks the further amendment was adopted.

Mr. Flynn of Bridgewater then moved that the proposed substitute bill, as amended, be amended by adding at the end thereof the following section:

“SECTION 27. Notwithstanding any general or special law to the contrary, during calendar years 2001, through 2004, the greyhound racing meeting licensee located in Bristol County shall pay daily a sum equal to one percent of all sums wagered on live races and one percent of all sums wagered on simulcast races into the Greyhound Promotional Trust Fund; and a sum equal to one percent of all sums wagered on live races and one percent of all sums wagered on simulcast races into the Greyhound Capital Improvements Trust Fund.”.

The further amendment was rejected.

The same member 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 Mr. Flynn; and on the roll call 36 members voted in the affirmative and 101 in the negative.

[See Yea and Nay No. 80 in Supplement.]

[Mr. Barrios of Cambridge answered “Present” in response to his name.]

Therefore the motion to reconsider was negatived.

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

“SECTION 27. Four percent of all purses at all running horse racing meeting licensees in the commonwealth shall be paid to the Massachusetts Thoroughbred Breeder’s Association, Inc.”.

The further amendment was adopted.

Representatives Jehlen of Somerville and Rivera of Springfield then moved that the proposed substitute bill be amended by inserting after section 8 the following section:

“SECTION 8A. Chapter 10 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after section 63 the following section:—

Section 64. There shall be established a separate fund to be known as the Retired Greyhound Care and Adoption Trust Fund, which shall not be subject to further appropriation. Said fund

shall be expended for the purposes of providing humane care for retired greyhounds and promoting their adoption as companion animals. The retired greyhound care and adoption board, established pursuant to section 7A of chapter 128C, is authorized to receive and expend monies received (1) under the provisions of section 5 of chapter 128A; (2) from public and private sources as gifts, grants and donations to further retired greyhound care and adoption; (3) from fines and penalties received on account of violations of chapter 128A, chapter 128C, or the regulations promulgated thereunder; (4) and any interest earned from the Retired Greyhound Care and Adoption Trust Fund. Such funds shall be impressed with a trust and held for said board in the Retired Greyhound Care and Adoption Trust Fund. The treasurer may receive, deposit and invest funds held for said board in a manner that will insure the highest interest rate available consistent with the safety of said Retired Greyhound Care and Adoption Trust Fund. The books and records of the Retired Greyhound Care and Adoption Trust Fund shall be subject to an annual audit by the state auditor.

There is hereby established a Retired Greyhound Care and Adoption Board, hereinafter referred to as the board, which shall be comprised of the following: the director of the Bureau of Animal Health Division of the Department of Food and Agriculture or his designee, the president/executive director of the Massachusetts Veterinary Medical Association or his designee, the director of the Animal Rescue League of Boston or his designee, the director of the Massachusetts Society for the Prevention of Cruelty of Animals or his designee, and the executive director of a Massachusetts greyhound rescue organization that is not affiliated with any person, corporation, partnership, trust or any combination of the same or other entity which owns, operates, holds any interest in any racetrack or other facility which operates pari-mutuel racing of greyhounds, or is licensed to operate such a facility pursuant to section 3 of chapter 128A, For the purposes of this section and the following section, retired greyhound shall mean any greyhound dog that is bred for racing and has never qualified for pari-mutuel races, or that is bred for racing, has qualified for pari-mutuel races, and has reached the end of its racing career.

The board shall have the following powers and duties: (1) to authorize the expenditure of funds deposited into the Retired Greyhound Care and Adoption Trust Fund for the purposes of providing humane care for retired greyhounds and for promoting the adoption of retired racing greyhounds as companion animals, provided, that no expenditure shall be authorized by the board pursuant to a contract with a person, corporation, partnership, trust or any combination of the same or other entity which owns, operates, holds any interest in any racetrack or other facility which operates pari-mutuel racing of greyhounds, or is licensed to operate such a facility pursuant to section 3 of chapter 128A, and provided further, that the board shall not condition or otherwise limit such expenditures to any entity on the basis of the entity's position, public or otherwise, which may oppose dog racing; and (2) to maintain detailed records of all such deposits and expenditures and such other documents as the board may deem necessary to verify that expenditures from the trust are earned out in accordance with the provisions of this section.

Section 5 of chapter 128A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting in the fifth paragraph of said section on line one, the following sentence after the words "Sunday dog racing meeting:—

A sum equal to one half of one percent to the Retired Greyhound Care and Adoption Trust Fund established under section 64 of chapter 10 of the general laws;.”.

After remarks the further amendment was adopted.

The same members then moved that the proposed substitute bill be amended by inserting after section 8A (inserted by amendment) the following section:

“Section 8B. Chapter 128A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after section 13B the following section:—

Section 13C. Racing During Extreme Temperatures Prohibited.

No person or entity shall permit any dog to race, nor shall any race be conducted, when the ambient temperature is greater than 80 degrees Fahrenheit or below 20 degrees Fahrenheit, or when the heat/humidity index is greater than 140 degrees Fahrenheit. Should the prohibition of dog racing because of temperature result in the greyhound meeting licensee not being able to complete a racing day, then that greyhound meeting licensee shall have that lost racing day be considered one racing day for the purposes of complying with section 2 of chapter 128C of the general laws. Any person violating this section shall be punished by imprisonment in the state prison for not more than five years and by a fine of not more than two thousand five hundred dollars or by a fine of not more than one thousand dollars and imprisonment in jail for not more than two and one-half years. The racing commission may suspend or revoke any person’s or entity’s license who violates this section.”.

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. Flynn of Bridgewater; and on the roll call 42 members voted in the affirmative and 95 in the negative.

[See Yea and Nay No. 81 in Supplement.]

[Mr. Barrios of Cambridge answered “Present” in response to his name.]

Therefore the further amendment was rejected.

The amendment recommended by the committee on Ways and Means, as amended, then was adopted.

On the question on ordering the substituted bill, as amended, to a third reading, the sense of the House was taken by yeas and nays, at the request of Ms. Jehlen of Somerville; and on the roll call 101 members voted in the affirmative and 38 in the negative.

[See Yea and Nay No. 82 in Supplement.]

[Mr. Barrios of Cambridge answered “Present” in response to his name.]

Therefore the bill, as amended, was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Bosley of North Adams, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time forthwith; and it was passed to be engrossed.

Mr. Travis of Rehoboth moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 4261, printed as amended) then was sent to the Senate for concurrence.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the town of Tewksbury to convey certain conservation land (see Senate, No. 1047) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, 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 140 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 83 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the town of Manchester-by-the-Sea to convey a certain parcel of land held for conservation purposes (see House, No. 1239) (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 137 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 84 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. Finneran of Boston,—

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

At ten minutes before five o'clock P.M., on motion of Mr. Cabral of New Bedford (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet on Wednesday next at

eleven o'clock A.M.

