

JOURNAL OF THE HOUSE.

Tuesday, July 16, 2002.

Met according to adjournment, at eleven o'clock A.M., with Mr. Rodrigues of Westport in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

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

Eternal God, the Ultimate Source of Compassion and Goodness, we look to You for the direction and guidance which enables us to serve You and the people in a thoughtful, conscientious and intelligent manner. With Your help always available to us, as we address legislative tasks, our challenges are a little less perplexing and our options made more evident. By our daily commitment to sound principles and high ideals, may the Commonwealth be well served by our decisions and the people's confidence strengthened by our concern for their safety, prosperity and health. May our hearts and minds be filled with Your peace and love.

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

At the request of the Chair (Mr. Rodrigues), 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 (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to establishing the Massachusetts Millennium Greenway Trust (House, No. 5242) was filed in the office of the Clerk on Tuesday, July 16 (The message contained the date July 12, 2002).

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

Statement Concerning Representative Brown of Wrentham.

A statement of Mr. Marini of Hanson concerning Mr. Brown of Wrentham 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 Brown of Wrentham, will not be present in the House Chamber for today's sitting due to a long-standing family commitment outside of the Commonwealth. Any roll calls that he may miss today or tomorrow will be due entirely to the reason stated.

Resolutions.

Resolutions (filed with the Clerk by Mr. Wagner of Chicopee) congratulating Senior Master Sergeant Paul F. Braudis on the occasion of his retirement, were referred, under Rule 85, to the committee on Rules.

Mrs. Harkins of Needham, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Wagner, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Mrs. Poirier of North Attleborough presented a petition (accompanied by bill, House, No. 5244) of Elizabeth Poirier and Cheryl A. Jacques relative to the effective date of certain civil service laws in the town of Plainville; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

Mr. Festa of Melrose presented a petition (subject to Joint Rule 12) of Michael E. Festa, Richard R. Tisei and Paul C. Casey relative to the payment of certain funds through the Metropolitan District Commission for land in the town of Stoneham; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

A report of the committee on Health Care, asking to be discharged from further consideration of the communication from the Board of Trustees of the Health Care Security Trust (under the provisions of Section 4(h) of Chapter 29D of the General Laws) submitting its proposed budget for fiscal year 2003 (Senate, No. 2360), and recommending that the same be referred to the Senate committee on Ways and Means,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the discharge of the committee.

A petition (accompanied by bill, Senate, No. 2411) of Thomas M. McGee, Kathi-Anne Reinstein, and Mark V. Falzone (by vote of the town) for legislation relative to the conveyance of certain parcels of land for conservation purposes in Saugus, was referred, in concurrence, to the committee on Local Affairs.

A petition of Andrea F. Nuciforo, Jr., Daniel E. Bosley and Shaun P. Kelly for legislation relative to establishing the Berkshire County Regional Housing Authority, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Housing and Urban Development.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2410) was referred, in concurrence, to the committee on Housing and Urban Development.

Reports of Committees.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the

committee on Commerce and Labor to make an investigation and study of certain House documents concerning child labor (House, No. 4344) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2113) of Peter J. Larkin and other members of the General Court relative to the child labor laws,— and recommending that the same be referred to the committee on Education, Arts and Humanities. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

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 city of Lowell to place municipal charge liens on certain properties in the city of Lowell for nonpayment of any local charges, fee or fine (House, No. 4022) [Local Approval Received]; and

Establishing a 4 year term for the office of mayor in the city of Everett (House, No. 5176, changed) [Local Approval Received];

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

Emergency Measure.

The engrossed Bill authorizing the Attorney General to suspend certain labor laws in an emergency (see House, No. 5189), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 18 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills.

Relative to dental and vision care carriers (see House, No. 4676, amended); and

Establishing a sick leave bank for Holly Andersen, an employee of the trial court of the commonwealth (see House, No. 5047);

(Which severally originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Engrossed bills

Establishing a comprehensive wastewater reuse and greywater management plan (see Senate, No. 2329) (which originated in the Senate);

Further regulating limited liability companies relative to certain alcoholic beverage licenses (see House, No. 4727, amended);

Relative to the residency requirement for employees of the city of Lawrence (see House, No. 4806); and

Relative to a certain lease agreement of the city known as the town of Methuen (see House, No. 5030);

(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 Speaker and sent to the Senate.

Orders of the Day.

Senate bills

Authorizing the Metropolitan District Commission to grant certain easements for underground electric transmission cables (Senate, No. 625); and

Designating a portion of the Holyoke Heritage State Park as Dinapoli Plaza (Senate, No. 2309);

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

Further regulating the licensing of public insurance adjusters (House, No. 1211, amended); and

Exempting the positions of school custodian and school food service worker in the town of North Andover from the civil service law (printed in House, No. 4999);

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 authorizing farmer-brewers to sell malt beverages on Sundays and legal holidays (Senate, No. 373); and

House bills

Relative to community preservation (House, No. 1194);

Relative to school safety (House, No. 4745);

Relative to establishing an affordable housing trust fund in the city of Salem (House, No. 4916);

Clarifying a special act affecting the town of Hopedale (printed in House, No. 5067);

Changing a part of the harbor line on the Merrimack River along the waterfront of the city of Haverhill (House, No. 5081);

Establishing an affordable housing trust fund in the town of Ipswich (House, No. 5122);

Authorizing the establishment of an affordable housing trust fund to promote access to affordable housing in the town of Concord (House, No. 5139);

Designating a certain bridge in the town of North Attleborough as the Women War Veterans of North Attleborough Memorial Bridge (House, No. 5156);

Relative to the terms of certain bonds issued by the Commonwealth (House, No. 5198);

Relative to the charter of the city of Attleboro (House, No. 5204, changed);

Making appropriations for the fiscal year 2002 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5238); and

Making appropriations for the fiscal year 2002 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5239);

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

At twenty-two minutes before twelve o'clock noon, on motion of Mr. Smizik of Brookline (Mr. Rodrigues of Westport being in the Chair), the House recessed until one o'clock P.M.; and at seventeen minutes after one o'clock the House was called to order with the Speaker in the Chair.

The Senate Bill providing for certain transportation improvements (Senate, No. 2245, amended) was read a second time.

The amendments previously recommended by the committee on Long-Term Debt and Capital Expenditures,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4952; and by striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for a program of capital transportation development and improvements in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”— were rejected.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5240; and by striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide for a program of capital transportation development and improvements in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”,— were adopted.

The bill (Senate, No. 2245, amended) then was ordered to a third reading.

Subsequently (Mr. Correia of Fall River being in the Chair) Mr. Sullivan of Braintree moved that the rules be suspended in order that the bill might be read a third time.

On the question on suspension of the rules, the sense of the House was taken by yeas and nays, at the request of Mr. Marini of Hanson; and on the roll call 125 members voted in the affirmative and 25 in the negative.

[\[See Yea and Nay No. 386 in Supplement.\]](#)

Therefore the rules were suspended.

The bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Linsky of Natick and other members of the House moved that it be amended by adding at the end thereof the following two sections:

“SECTION 50. Chapter 81A of the General Laws is hereby amended by inserting after section 4 the following new section:—

Section 4A. The Turnpike shall not allow any sign advertising any gasoline station, restaurant or other services to be erected or maintained on the Massachusetts Turnpike that is larger than 80 square feet in area, excluding support, or is higher than 30 feet from the ground, measured from the highest part of the sign. Signs currently in existence advertising any gasoline station, restaurant or other services erected or maintained on the Massachusetts Turnpike which are more than 80 square feet in area, excluding supports, or higher than 30 feet from the ground measured from the highest point of the sign, shall not be illuminated by any artificial means before 6:00 A.M. or after 10:00 P.M.

SECTION 51. Any sign which is in place before the effective date of this act which exceed the dimensions of this act shall be removed on or before January 1, 2004.”.

After debate the amendment was adopted.

Mr. Marini of Hanson and other members of the House then moved that the bill be amended by

striking out section 19 and inserting in place thereof the following section:

“SECTION 19. Item 6033-9917 of section 2B of chapter 235 of the acts of 2000 is hereby amended by striking out, in lines 18 and 19, the words ‘Tanzio Road’ and inserting in place thereof the words:— Malburn Street.”; and by striking out sections 21 and 23.

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. Marini; and on the roll call 22 members voted in the affirmative and 128 in the negative.

[See Yea and Nay No. 387 in Supplement.]

Therefore the amendments were rejected.

Mr. LeDuc of Marlborough then moved that the bill be amended in section 19, in line 54, by striking out the words “town of Concord” and inserting in place thereof the words “city of Marlborough”; and the amendment was adopted.

Mrs. Parente of Milford then moved that the bill be amended in section 19, in line 95, by inserting after the word “highway” the following: “; provided further, that no less than \$200,000 shall be expended for signalization at the intersection of Route 495 and Ramp 109 in the town of Milford”; and the amendment was adopted.

Mr. Jones of North Reading then moved that the bill be amended in section 19, in line 19, by inserting after the word “Milford” (inserted by amendment) the following: “; provided further, that \$500,000 shall be expended for the engineering and replacement of Bridge No. N-18-002 (Park Street) over Martin’s Brook in the town of North Reading”; in section 21, in line 4, by striking out the figures: “\$689,609,060” and inserting in place thereof the figures: “\$690,109,060”; and in section 23, in line 4, by striking out the figures: “\$1,146,609,060” and inserting in place thereof the figures: “\$1,147,109,060”.

The amendments were adopted.

Mr. Quinn of Dartmouth then moved that the bill be amended in section 19, in line 95, by inserting after the word “Reading” (inserted by amendment) the following: “; provided further that up to \$200,000 shall be expended for improvements to the intersection of Route 6 and Brandt Ave. in the town of Dartmouth”; and the amendment was adopted.

Mr. Hillman of Sturbridge then moved that the bill be amended in section 46, in line 6, by striking out the words “and the town of Framingham” and inserting in place thereof the words “the town of Framingham; and the town of Sturbridge”; and the amendment was adopted.

Mrs. Pope of Wayland then moved that the bill be amended in section 46, in line 6, by inserting after the word “Natick” the words “; the town of Wayland”; and the amendment was adopted.

Messrs. Bosley of North Adams and Hillman of Sturbridge then moved that the bill be amended by adding at the end thereof the following nine sections:

“SECTION 52. Section 24 of chapter 90 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 634, the word ‘ninety’ and inserting in place thereof the following figure:— 30.

SECTION 53. Said section 24, as so appearing, is hereby further amended by striking out, in lines 510 and 513, the words ‘one hundred and twenty’ and inserting in place thereof the following figure:— 180.

SECTION 54. Said section 24, as so appearing, is hereby further amended by striking out, in lines 518-519, the words ‘one hundred and eighty days’ and inserting in place thereof the following words:— one year.

SECTION 55. Said section 24, as so appearing, is hereby further amended by striking out, in lines 519 to 523, the words:— refusal; and provided, further, that any person previously convicted two or more times for a violation under this section or a like violation by a court of any other jurisdiction within ten years of the date of the charge in question, shall have his license or right to operate suspended forthwith for a period of one year for such.

SECTION 56. Section 24N of chapter 90 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 36, the word ‘ninety’ and inserting in place thereof the following figure:— 30.

SECTION 57. Said section 24N, as so appearing, is hereby further amended by striking out, in lines 46 and 47, the words ‘one hundred and twenty’ and inserting in place thereof the following figure:— 180.

SECTION 58. Said section 24N, as so appearing, is hereby further amended by striking out, in line 52, the words ‘one hundred and eighty days’ and inserting in place thereof the following words:— one year.

SECTION 59. Said section 24N, as so appearing, is hereby further amended by striking out, in lines 52 to 57, the words:— refusal; and provided, further, that any person previously convicted two or more times for a violation under this section or a like violation by a court of any other jurisdiction within ten years of the date of the charge in question, shall have his license or right to operate suspended forthwith for a period of one year for such.

SECTION 60. Section 24 of chapter 90 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, starting in line 483, the words ‘and if such evidence is that such percentage was eight one-hundredths or more, there shall be a permissible inference that such defendant was under the influence of intoxicating liquor’ and by inserting the following words:— in no instance shall a person operate a motor vehicle if such percentage was eight one-hundredths or more, or if such percentage was two one-hundredths or more if the individual is under the age of 21.”.

Mr. Marini of Hanson thereupon raised a point of order that the amendment offered by the gentleman from North Adams, et al, was improperly before the House for the reason that it went beyond the scope of the pending bill.

The Chair (Mr. Correia of Fall River) ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Mr. Tirone of Amesbury then moved that the bill be amended in section 4, in line 18, by inserting after the word “commonwealth” the following: “; provided further, that not less than \$3,500,000 be appropriated for the reconstruction and improvement of the R Street Bridge and Elm Street in the Town of Amesbury”; and the amendment was adopted.

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

“SECTION 52. Chapter 85 of the General Laws is hereby amended by adding the following new sections:—

Section 37. As used in section thirty-seven A, the following words shall, unless the context clearly requires otherwise, have the following meaning:

‘Direct light’, light emitting generally in a downward direction by a lamp, off a reflector, or through a refractor of a luminaire.

‘Full-cutoff luminaire’, a luminaire that allows no direct light from the luminaire above a horizontal plane through the luminaire’s lowest light-emitting part, in its mounted form.

‘Glare’, direct light emitted by a luminaire that causes reduced visibility of objects or momentary blindness.

‘Lamp’, the component of a luminaire that produces light.

‘Light Pollution’, general sky glow caused by the scattering of artificial light in the atmosphere.

‘Light trespass’, light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.

‘Lumen’, a specific standard unit of measurement of luminous flux.

‘Luminaire’, a complete lighting unit, including a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

‘Non-cutoff luminaire’, a streetlight luminaire in which either the lamp and surrounding glass lens extends well below the horizontal plane of opaque shielding elements of the luminaire, or the lamp is situated on top of a post or on a pivoting support on the side of a building, causing light to be cast as glare outward and upward, beyond its useful range.

‘Outdoor light fixtures’, outdoor artificial illuminating devices, installed or portable, used for flood-lighting, roadway and area lighting, general illumination, or advertisement.

‘Permanent outdoor luminaire’, any fixed luminaire or system of luminaires that is outdoors and

that is intended to be used for seven days or longer.

‘Roadway lighting’, permanent outdoor luminaires that are specifically intended to illuminate roadways for automotive vehicles.

‘Semi-cutoff luminaire’, a luminaire that allows no more than six percent of the light from the lamp to be emitted above a horizontal plane passing through the luminaire’s lowest light-emitting part.

‘State funds’, any bond revenues or any money appropriated or allocated by the General Court.

Section 37A. No state funds shall be used to install any new permanent outdoor luminaire or to replace an existing permanent outdoor luminaire unless the following conditions are met:

(a) The new or replacement luminaire is a full-cutoff luminaire when the rated output of the luminaire is greater than one thousand eight hundred lumens;

(b) If a lighting recommendation or regulation applies, the minimum illuminance specified by the recommendation or regulation is used;

(c) If no lighting recommendation or regulation applies, the average minimum illuminance adequate for the intended purpose is used, giving full consideration to energy conservation, glare, and minimizing light trespass;

(d) For roadway lighting unassociated with intersections of two or more streets or highways, a determination is made that the purpose of the lighting installation or replacement cannot be achieved by installation of reflectorized roadway markers, lines, warnings or informational signs, or other passive means; and

(e) Adequate consideration has been given to conserving energy and minimizing glare, light pollution, and light trespass.

The following are exempt from the provisions of this section:

(1) Situations where federal laws, rules and regulations take precedence;

(2) Situations where fire, police, rescue, or repair personnel need light for temporary emergencies or road repair work;

(3) Situations where there are special requirements, such as sports facilities, historic or decorative considerations, monuments, or flag lighting; provided, however, that all such lighting shall be selected and installed to shield the lamp from direct view to the greatest extent possible, and to minimize upward lighting and light trespass;

(4) Situations in an urban area where there is high night-time pedestrian traffic and an engineer experienced in outdoor lighting has deemed it necessary to permit the installation of semi-cutoff luminaires; or

(5) Situations where a determination has been made, established through a public hearing process, that there is a compelling safety interest that cannot be addressed by any other method.

The division of energy resources, in consultation with the department of highways, shall establish guidelines to implement the provisions of this section, including a system to ensure that the use of state funds for street lighting complies with the requirements set forth herein.”.

The amendment was adopted.

Mr. Timilty of Milton then moved that the bill be amended in section 19, in line 95, by inserting after the word “Dartmouth” (inserted by amendment) the following: “; provided further, that not less than \$100,000 shall be expended for resignalization and reconstruction on North Main Street at the Trilling House in the Town of Randolph”; and the amendment was adopted.

Mr. Turkington of Falmouth then moved that the bill be amended in section 19, in line 95, by inserting after the word “Randolph” (inserted by amendment) the following: “; provided further, that not less than \$750,000 shall be expended for intersection improvements at Route 28 (Palmer Avenue) and Jones Road; Route 28 (Davis Straits) and Jones Road; and Route 28 and Davisville Road in the Town of Falmouth”; and the amendment was adopted.

The same member then moved that the bill be amended in section 19, in line 95, by inserting after the word “Falmouth” (inserted by amendment) the following: “; provided further, that not less than \$500,000 be expended for reconstruction of upper Palmer Avenue bridge in Falmouth”; and the amendment was adopted.

Mr. Linsky of Natick then moved that the bill be amended in section 7, in lines 7 and 8, by striking out the words “not more than one of whom shall be a resident of a city or town abutting the turnpike, as defined in this chapter” and inserting in place thereof the following: “at least one member at all times shall be a resident of a town which abuts the Massachusetts Turnpike and is wholly or partially located between the Weston toll plaza and the interstate route 495 interchange”; and the amendment was adopted.

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

“SECTION 53. Section 2 of Chapter 21 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 2, the word ‘Aseven@’ and inserting in place thereof the following word:— eight.

SECTION 54. Section 2A of said chapter 21 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

The commissioner shall request each of the boards of trustees or directors of the Massachusetts Audubon Society, the Massachusetts Chapter of the Appalachian Mountain Club, the Massachusetts Chapter of the Sierra Club, and the Trustees of Reservations, to nominate three candidates for the seventh member of the board. The commissioner shall also request each of the boards of directors of the Snowmobile Association of Massachusetts, the New England Trail Riders Association, the Massachusetts All Terrain Vehicle Association and the

Massachusetts Motorcycle Business Association or their successor organizations, to nominate three candidates for the eighth member of the board. From the nominations received from the several boards of such organizations for the seventh member of the board, the commissioner shall select three candidates for the seventh member of the board whom he shall recommend to the governor and from the nominations received from the several boards of such organizations for the eighth member of the board, the commissioner shall select three candidates for the eighth member of the board whom he shall recommend to the governor. The governor shall appoint the seventh and eighth members of the board, respectively, from among the candidates recommended by the commissioner for the seventh and eighth members of the board, respectively, which members shall be appointed without regard to the county membership restrictions outlined above.”.

The amendment was adopted.

Mr. Petersen of Marblehead then moved that the bill be amended in section 19, in line 44, by inserting after the word “Milton” the following: “; provided further, that not less than \$250,000 be expended for the repaving of Paradise Road, Route 1A in Swampscott”; and the amendment was adopted.

Mr. Patrick of Falmouth then moved that the bill be amended in section 19, in line 95, by inserting after the word “Falmouth” (inserted by amendment) the following: “; provided further, that not less than \$100,000 is hereby authorized for a project to engineer and place a street light at the intersection of Route 28 and Orchard Street in the town of Mashpee”; and the amendment was adopted.

Mr. Miceli of Wilmington then moved that the bill be amended in section 19, in line 9, by inserting after the word “Airport” the following: “; and provided further, that not less than \$375,000 be expended for the design and installation of traffic signals at the intersection of East and Livingston Streets in the Town of Tewksbury”; and the amendment was adopted.

Mr. Kocot of Northampton then moved that the bill be amended in section 19, in line 95, by inserting after the word “Mashpee” (inserted by amendment) the following: “; provided further, that not less than \$50,000 shall be expended for drainage improvements on Bernache Street off Route 9, in the city of Northampton”; and the amendment was adopted.

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

“SECTION 55. The Massachusetts Port Authority shall conduct a feasibility study of implementing a 50 cent toll discount for participants in the FAST LANE program, so-called, on the Maurice J. Tobin Memorial Bridge; provided further, that as part of said study the Massachusetts Port Authority shall hold a public hearing the time and location of which shall be determined by the Authority; provided, however, that such public hearing be held within 45 days after the effective date of this act; provided further, that such public hearing be held in one of the following communities: Chelsea, Everett, Lynn, Malden, Melrose, Revere, Saugus or Winthrop, and; provided further, that comments from such public hearing be addressed by the

Authority and its responses incorporated into the feasibility study authorized in this section.

Said Authority shall provide a report of its findings, including responses to public comments, to the Speaker of the House of Representatives, President of the Senate, Chairman of the House Committee on Ways and Means, Chairman of the Senate Committee on Ways and Means, Chairmen of the Joint Committee on Transportation, Clerk of the House of Representatives and Clerk of the Senate 60 days after the effective date of this act.”.

The amendment was adopted.

Mrs. Poirier of North Attleborough then moved that the bill be amended in section 19, in line 95, by inserting after the word “Northampton” (inserted by amendment) the following: “; provided further, that not less than \$150,000 shall be provided to the Town of North Attleborough to provide the necessary specialized equipment for the Police Department’s Emergency Operations Center for advancements of a telecommunications highway program”; and the amendment was adopted.

Mr. Kulik of Worthington then moved that the bill be amended in section 10 by adding at the end thereof the following sentence: “The provisions of this section shall not apply to any towns with a population less than 10,000 persons, according to the latest U.S. Census.”. The amendment was adopted.

Mr. Pedone of Worcester then moved that the bill be amended in section 19, in line 95, by inserting after the word “program” (inserted by amendment) the following: “; provided further, that not more than \$750,000 shall be expended for the resurfacing of Plantation Street in Worcester, from the intersection of Route nine to Sunderland Road”; and the amendment was adopted.

Mr. Sullivan of Braintree then moved that the bill be amended in section 10, in line 11, by striking out the words “associated with such projects”; and the amendment was adopted.

Mrs. Provost of Sandwich then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 56. That not more than \$350,000 be expended for improvements to exit 2 on Route 6 in the Town of Sandwich.”.

The amendment was adopted.

Mr. Frost of Auburn then moved that the bill be amended in section 16, in line 5, by inserting after the word “trails” the following: “; provided further, that not less than \$40,000 shall be awarded for the creation of a rails-to-trails line in the Town of Millbury”; and the amendment was adopted.

Mr. Bradley of Hingham then moved that the bill be amended by striking out sections 26 to 29, inclusive; and the amendment was rejected.

Ms. Khan of Newton then moved that the bill be amended in section 19, in line 95, by inserting

after the word “Road” (inserted by amendment) the following: “; provided further, that not less than \$100,000 shall be expended to study the feasibility of erecting a sound barrier on 95/128 abutting East Quinobequin Road in the city of Newton”; and the amendment was adopted.

Mr. Casey of Winchester then moved that the bill be amended in section 19, in line 95, by inserting after the word “Newton” (inserted by amendment) the following: “; provided further, that \$750,000 shall be expended for repairs and improvements to state route 38 at North Main Street and Bates Road off route 28 and route 60 in the town of Winchester”; and the amendment was adopted.

Representatives Paulsen of Belmont and Marzilli of Arlington then moved that the bill be amended in section 16 by adding at the end thereof the following sentence: “The Department of Environmental Protection shall be authorized to do a study to assess the environmental impacts of reducing the use of salt on the roads in the Mystic River Watershed.”. The amendment was adopted.

Messrs. Galvin of Canton and Kafka of Sharon then moved that the bill be amended in section 19, in line 95, by inserting after the word “Winchester” (inserted by amendment) the following: “; and provided further, that \$100,000 shall be expended for a revitalization study and/or a traffic flow study at the convergence of Routes 139, 27 and 138 in the center of the town of Stoughton”; and the amendment was adopted.

Mr. Atsalis of Barnstable then moved that the bill be amended in section 19, in line 72, by inserting after the word “Natick” the following: “; provided, further that \$50,000 be provided to the Town of Barnstable for a traffic and economic feasibility study relative to considering the possible reconfiguration of traffic patterns in downtown Hyannis and the Harbor Area and parking facilities in the downtown Harbor Area”; and the amendment was adopted.

Mr. Rogers of Norwood then moved that the bill be amended by striking out section 47 and inserting in place thereof the following section:

“SECTION 47. Notwithstanding section 12 of this act, the members of the Massachusetts Port Authority, including the chairman, serving on the effective date of this act may serve the remainder of their terms of appointment. The two new members of the authority, including the member appointed according to the provisions of section 14 of the act, shall be appointed on February 1, 2003.”.

The amendment was adopted.

Mr. Hall of Westford then moved that the bill be amended in section by inserting after item 6033-9013 the following item:

“6033-9717 For the design, construction and installation of traffic signals to portions of Boston Road at the on an off ramps of state highway route 495 in

the Town of Westford 150,000”.

The amendment was adopted.

Messrs. Leary of Worcester and Pedone of Worcester then moved that the bill be amended in section 19, in line 95, by inserting after the word “Stoughton” (inserted by amendment) the following: “; provided further, that \$150,000 shall be expended for the restoration of the North Lake Avenue Bridge in the City of Worcester”; and the amendment was adopted.

Mr. Atsalis of Barnstable then moved that the bill be amended in section 19, in line 23, by inserting after the word “Acushnet” the following: “; provided further, that \$150,000 shall be expended for design and installation of traffic control signals at the intersection of Lumbert Mill Road and Route 28 (Falmouth Road) in Centerville”; and the amendment was adopted.

Mr. Fallon of Malden then moved that the bill be amended in section 3, in line 15, by inserting after the word “advanced” the following: “; provided further, that the Massachusetts Highway Department remove the overhanging traffic light at the corner of Bellvale Avenue and Route 60 in the City of Malden”; and the amendment was adopted.

The same member then moved that the bill be amended in section 19, in line 95, by inserting after the word “Worcester” (inserted by amendment) the following: “; provided further, that one hundred and fifty thousand dollars (\$150,000) shall be expended for a study to be conducted by the HiWay Department regarding the possibility of traffic signalization or other traffic controls to be installed at Fellsway East and Glenwood Street in the City of Malden, and if sufficient funds are still available, for the installation of said signalization on controls”; and the amendment was adopted.

Mr. Quinn of Dartmouth being in the Chair,—

Mr. Correia of Fall River then moved that the bill be amended in section 19, in line 95, by inserting after the word “Worcester” (inserted by amendment) the following: “; provided further that \$500,000 shall be expended for reconstruction of Maianno Bishop Boulevard in the city of Fall River”; and in section 21, in line 4, by striking out the figures “\$690,109,060” (inserted by amendment) and inserting in place thereof the figures “\$690,609,060”. The amendments were adopted.

Mr. Correia of Fall River having returned to the Chair,—

Mr. Connolly of Everett then moved that the bill be amended in section 19, in line 95, by inserting after the words “Fall River” (inserted by amendment) the following: “; provided further, that \$490,000 shall be expended on signalization on state route 99 at Gladstone Street, Second Street, Summer Street, Hancock Street and Lexington Street”; in section 21, in line 4, by striking out the figures “\$690,609,060” (inserted by amendment) and inserting in place thereof the figures “\$691,099,060”; and in section 23, in line 4, by striking out the figures “\$1,147,109,060” (inserted by amendment) and inserting in place thereof the figures “\$1,147,099,060”. The amendments were adopted.

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

“SECTION 57. Provided further, that two million dollars (\$2,000,000) shall be obligated for the Mystic Valley Development Commission to be allocated for engineering and construction costs associated with the reconstruction of Commercial Street in the city of Malden, Corporate Way in the cities of Malden and Medford, Wellington Circle in the city of Medford, Route 16 in the cities of Medford and Everett, other roadways in or abutting the Mystic Valley Development Commission’s Project, also known as TeleCom City, in the cities of Malden, Medford and Everett.”.

The amendment was adopted.

Mr. Spellane of Worcester then moved that the bill be amended in section 19, in line 95, by inserting after the words “Lexington Street” (inserted by amendment) the following: “; provided further, that not more than \$155,000 be awarded to the City of Worcester for public way enhancement for Pleasant Street from the intersection with Chestnut Street to the intersection with Park Avenue”; and the amendment was adopted.

Mr. Loscocco of Holliston then moved that the bill be amended in section 46, in line 4, by inserting after the word “Wayland” (inserted by amendment) the words “; the town of Hopkinton; the town of Southborough”. The amendment was adopted.

Mr. Ciampa of Somerville then moved that the bill be amended in section 19, in line 95, by inserting after the words “Park Avenue” (inserted by amendment) the following: “; provided further, that not less than \$500,000 shall be expended on the design and construction of a pedestrian underpass under the Mystic Wellington bridge on state highway route 28 in the city of Somerville”; and the amendment was adopted.

Mr. Koczera of New Bedford then moved that the bill be amended in section 19, in line 22, by inserting after the word “and” the word “on”; and the amendment was adopted.

Mr. Falzone of Saugus then moved that the bill be amended in section 14, in line 7, by inserting after the word “Revere” the word “Saugus”; and the amendment was adopted.

Mr. Hodgkins of Lee then moved that the bill be amended by adding at the end thereof the following three sections:

“SECTION 58. Section 2D of chapter 85 of the General Laws, as appearing in the 2000 Official Edition is hereby amended by inserting after the second sentence the following sentence:— Any sign erected on the Massachusetts turnpike shall be no more than 80 square feet in area, excluding supports, and shall be no higher than 30 feet from the ground, measured from the highest point of the sign.

SECTION 59. Subsection (f) of Chapter 354 of the acts of 1952 is hereby amended by inserting after the word ‘determine’ the following words:— , but signs advertising or identifying gasoline stations, restaurants and other services shall be no more than 80 square feet in area, excluding supports, and shall be no higher than 30 feet from the ground, measured form the highest point of the sign.

SECTION 60. Section 2 of chapter 93D of said General Laws, as so appearing, is hereby

further amended by inserting after subsection (f) the following subsection:—

(g) Signs erected under subsections (b), (c), (d), and (e) shall comply with the provisions of section 2D of chapter 85 and section 5 of chapter 354 of the acts of 1952.”.

The amendment was adopted.

Mr. Carron of Southbridge then moved that the bill be amended in section 46, in line 5, by inserting after the word “Newton” the words “; the town of Charlton”; and the amendment was adopted.

Mr. Bosley of North Adams then moved that the bill be amended in section 41, in line 11, by striking out the words “one year” and inserting in place thereof the following: “2 years”; and the amendment was adopted.

Ms. Polito of Shrewsbury then moved that the bill be amended in section 19, in line 95, by inserting after the word “Somerville” (inserted by amendment) the following: “; and provided further, that \$50,000 be expended by the Massachusetts Highway Department for a traffic noise survey to be conducted in the area of Interstate 290 in Shrewsbury”; and the amendment was adopted.

Ms. Wolf of Cambridge then moved that the bill be amended in section 2, in item 6033-9013, by adding at the end thereof the following: “; and provided further, that \$50,000 shall be expended for crosswalk and traffic light on Memorial Drive at Hawthorne Street Extension in the city of Cambridge”; and the amendment was adopted.

Messrs. Fennell of Lynn and Falzone of Saugus then moved that the bill be amended in section 14, in line 6, by inserting after the word “Hull” the word “; Lynn”; and the amendment was adopted.

Messrs. deMacedo of Plymouth and O’Brien of Kingston then moved that the bill be amended in section 19, in line 95, by inserting after the word “Shrewsbury” (inserted by amendment) the following: “; provided further, that not less than \$250,000 shall be provided to the Town of Plymouth to provide for a traffic light at the intersection of Route 3A and Manomet Point Road”; and the amendment was adopted.

Mr. Santiago of Lawrence and other members of the House then moved that the bill be amended in section 19, in line 95, by inserting after the words “Manomet Point Road” (inserted by amendment) the following: “; provided, further, that \$250,000 shall be expended for roadway improvements on Dartmouth Street (connecting road to Route 110), \$250,000 shall be expended for roadway improvements on Hillside Avenue (connecting road to Route 110), \$175,000 shall be expended for roadway improvements on Marston Street (connecting road to Route 495) all in the city of Lawrence”. The amendment was adopted.

The same members then moved that the bill be amended in section 19, in line 95, by inserting after the word “Lawrence” (inserted by amendment) the following: “; provided, further, that \$250,000 shall be expended for roadway improvements on Prospect Street (connecting road to

Route 110 & Route 495), in the city of Lawrence”. The amendment was adopted.

Mr. Quinn of Dartmouth then moved that the bill be amended in section 19, in line 95, by inserting after the word “Lawrence”, the second time it appears (inserted by amendment), the following: “; provided further, that not less than \$100,000 shall be expended for traffic signals at the intersection of Hathaway Road and Rockdale Avenue off of Rt. 140 in the City of New Bedford”; and the amendment was adopted.

Mr. Bosley of North Adams then moved that the bill be amended in section 14, in line 29, by striking out the words “or public health” and inserting in place thereof the words “, public health, transportation, commerce or aviation” and in said section, in lines 126 to 129, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

“(j) The authority shall provide any information, including but not limited to, annual current expense expenditure budgets and capital expenditure reports that the advisory board shall deem necessary for the discharge of its duties; provided, however, that the advisory board shall not be granted access to any information if it be determined by the executive director of the authority and the director of security for the authority that the release of such information would be detrimental to public safety; provided further, that said determination shall be made in writing and said writing shall be delivered to the advisory board within two days; and provided further; that said writing shall be signed by the executive director and director of security of said authority under pains and penalties of perjury.”.

The amendments were adopted.

Mr. Kane of Holyoke then moved that the bill be amended in section 19, in line 80, by inserting after the word “Belchertown” the following: “; provided further, that \$1,500,000 shall be expended for an intermodal transportation center in the city of Holyoke”; and the amendment was rejected.

Mr. Wagner of Chicopee then moved that the bill be amended in section 19, in line 95, by inserting after the words “New Bedford” the following: “; provided further, that \$2,500,000 shall be expended for improvements to Front Street in the City of Chicopee”; and the amendment was adopted.

Mr. Sullivan of Braintree then moved that the bill be amended by striking out sections 5 and 9; and the amendments were adopted.

Mr. Rushing of Boston and other members of the House then moved that the bill be amended by striking out section 20 and inserting in place thereof the following section:

“SECTION 20. Said item 6033-9917 of said section 2B of said chapter 235 is hereby further amended by inserting after the word ‘Leominster’ the following words:— ; provided further, that \$30,000,000 shall be obligated to the Massachusetts Convention Center Authority for the design, planning, permitting, repair, reconstruction, engineering and construction of transportation infrastructure in and around the new Boston Convention and Exhibition Center in the city of Boston to include a new Cypher street, connecting D street to the South Boston Haul

road; at-grade roadways at surface level of said center; elevated ring road around said center; Massachusetts Bay Transportation Authority silver line stop in front of said center; Summer street at front entrance of said center, including retaining wall; reconstruction of D street from Broadway to Summer street; reconstruction of West Second street from D street to B street; associated utilities; and a pedestrian bridge over the South Boston Haul Road; provided further, that \$15,000,000 shall be obligated to the Massachusetts Convention Center Authority for the engineering, design, siting, permitting and bid documents for the construction of a 'U-turn' and/or other ramp in the city of Boston to manage the flow of traffic to allow eastbound traffic on the Massachusetts Turnpike at a location east of the Allston/Cambridge exit and west of the Copley/Prudential exit on said turnpike to reverse direction and/or to access the Back Bay section of the city of Boston; provided, however, that, except for such funds not to exceed \$2,500,000, as shall be necessary to complete any reports that may be required by the Massachusetts Environmental Policy Act, Section 61 to 62H of chapter 30 of the General Laws, inclusive, no funds from the preceding \$15,000,000 authorization shall be expended until such reports are completed; provided, further, that such reports shall be prepared in consultation with the Massachusetts Turnpike Authority and the Massachusetts Highway Department; provided further, that said Convention Center Authority in consultation with said Turnpike Authority and said Highway Department shall conduct and prepare a study of the necessity, feasibility, costs, siting alternatives, design alternatives, financing alternatives and other issues related to construction of the ramp and a report shall be filed with the joint committee on transportation on or before January 31, 2003; provided further, that said Convention Center Authority, in consultation with said Turnpike Authority and said Highway Department shall establish and conduct a public advisory process, including a public hearing, as a part of such study regarding the specific issues stated herein and other issues related to the construction of said ramp; provided further, that \$5,000,000 shall be obligated to the Massachusetts Convention Center Authority towards the design, engineering and construction of a tunnel under D street in the city of Boston for use by the Massachusetts Bay Transportation Authority silver line; provided, that any costs above the amount authorized in this item shall be paid by other sources.”.

The amendment was adopted.

Mr. Swan of Springfield then moved that the bill be amended in section 19, in line 95, by inserting after the word “Chicopee” the following: “; provided further, that \$1,000,000 shall be expended for repairs to the State Street Bridge in Springfield on Route 20”; and the amendment was adopted.

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

“SECTION 61. Section 9 of Chapter 161A of the General Laws is hereby amended by striking in line 22 the words ‘or which has otherwise joined such an authority’ and by putting in place thereof the following:—

Or any city or town defined as an ‘other served communities’ pursuant to section 2, provided that for the purposes of this section said cities and towns shall not be considered members of the Massachusetts Bay Transportation Authority under the provision of Section 3 of Chapter 161B, which join an authority and by adding in line 24 after the word ‘section.’ the following

sentence:— Any city or town defined as an ‘other served community’ pursuant to section 2 which joins a regional transit authority after July 1, 2002 shall have 50 percent of the amount assessed for the operation of such regional transit authority credited against its share of the assessment made under this section; provided, that said regional transit authority must demonstrate to the secretary of transportation and construction that it is financially and physically capable of providing such service.”.

The amendment was adopted; and the bill, as amended, was passed to be engrossed, in concurrence (for text of bill as amended by the House, see House document numbered 5243). Mr. Sullivan of Braintree then moved that this vote be reconsidered; and, after remarks, the motion to reconsider was negatived. The bill (Senate, No. 2245, amended) then was sent to the Senate for concurrence in the amendments.

Engrossed Bill.

The engrossed Bill designating a portion of the Holyoke Heritage State Park as Dinapoli Plaza (see Senate, No. 2309) (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.

Order.

On motion of Mr. Sullivan of Braintree,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o’clock A.M.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at a quarter before seven o’clock P.M., on motion of Mr. Petrolati of Ludlow (Mr. Correia of Fall River being in the Chair), the House adjourned, to meet tomorrow at eleven o’clock A.M.