

JOURNAL OF THE HOUSE.
Wednesday, July 31, 2002.

Met according to adjournment, at eleven o'clock A.M., with Mr. Kafka of Sharon 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, Our Creator and Protector, we acknowledge and recognize Your presence here and now and availability of Your assistance, if wanted, in evaluating and addressing legislative and personal issues. As elected civic leaders, inspire us to make well thought out and responsible decisions and to consider carefully the present and future consequences and results of our choices. By our conscientious concern for the well-being of the people and our dedication to advancing the common good, may we earn the respect of the people now and the gratitude of those who come after us. As we try to cope with current uncertain political and economic times, help us to deepen our commitment to You and to our political and religious principles. May we be grateful for the opportunity of serving the people and for their trust and confidence in us, our principles and our decisions.

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

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

Statement Concerning Representative Honan of Boston.

A statement of Mr. DiMasi of Boston concerning Mr. Honan of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Honan of Boston, will not be present in the House Chamber for today's sitting due to the death of his brother, Brian Honan. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Koutoujian of Newton.

A statement of Mr. DiMasi of Boston concerning Mr. Koutoujian of Newton 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 Koutoujian of Newton, will not be present in the House Chamber for today's sitting due to the death of his close personal friend, Brian Honan. Any roll calls that

he may miss today will be due entirely to the reason stated.

Recesses.

At three minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Kafka of Sharon being in the Chair), the House recessed until the hour of twelve o'clock noon; and at that time the House was called to order with Mr. Naughton of Clinton in the Chair.

The House thereupon took a further recess, on further motion of Mr. Peterson, until the hour of one o'clock P.M.; and at twenty-three minutes after one o'clock the House was called to order with Mr. DiMasi of Boston in the Chair.

Resolutions.

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

Resolutions (filed by Speaker Finneran of Boston) commending all state employees on the occasion of "Performance Recognition Day"; and

Resolutions (filed by Mr. Merrigan of Greenfield) honoring American prisoners of war and soldiers missing in action.

Mr. DiMasi of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Marini of Hanson, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Mr. Naughton of Clinton presented a petition (subject to Joint Rule 12) of Harold P. Naughton, Jr., Robert A. Antonioni and Harriette L. Chandler relative to authorizing the Division of Fisheries and Wildlife to take or acquire conservation restrictions in and to lands of the town of Clinton; 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. Fallon of Malden, 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.

Papers from the Senate.

The House Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain property in the city of North Adams (House, No. 4595, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 3, by inserting after the word "convey" the words "to the city of North Adams," and in line 4, by

inserting after the following: “40F” the following: “40F½,”.

Under suspension of Rule 35, on motion of Mr. Bosley of North Adams, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

The House Bill regulating telemarketing solicitation (House, No. 5225) 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 2245.

Under suspension of Rule 35, on motion of Mr. Straus of Mattapoisett, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

A Bill directing the Division of Capital Asset and Management and Maintenance to convey a certain parcel of land in the town Randolph (Senate, No. 2443) (on Senate, No. 2438), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Subsequently Mr. Rogers of Norwood, for said committee on Ways and Means, reported recommending that the bill 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.

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. Subsequently, under suspension of the rules, on motion of Mr. Timilty of Milton, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

Bills

Providing pediatric palliative care to children with life-limiting illnesses (Senate, No. 565) (on House, No. 1759);

Authorizing the Department of Environmental Management and the Division of Fisheries and Wildlife to acquire conservation restrictions in and to the lands owned by the cities of New Bedford and Taunton and located in the towns of Freetown, Lakeville, Middleborough and Rochester (Senate, No. 2427) (on a petition);

To prevent employers from restricting the sale of employer securities held in employee pension accounts (Senate, No. 2442, amended by inserting after section 2 the following section:

“SECTION 2A. Paragraph (e) of subdivision (2A) of section 23 of chapter 32 of the General Laws, as appearing in the 2000 Official Edition is hereby amended by striking out clause (xiii)

and inserting in place thereof the following 2 clauses:—

(xiii) Acts as treasurer-custodian of the PRIT Fund and shall have the custody of the funds and securities of said fund;

(xiv) put a mechanism in place to monitor current market conditions to detect and immediately notify the board of potential high-risk corporate investments, so that the board can take action, when possible, to prevent investment losses.”; in section 10, at the end of clause (4), by inserting after the word “company” the following: “as specified under rules or regulations to be promulgated by PRIM”; and in section 11, at the end of clause (4), by inserting after the word “company” the following: “as specified under rules or regulations to be promulgated by PERAC”) (on Senate bill printed as House, No. 5219);

Authorizing the Division of Capital Asset Management and Maintenance to lease a parcel of land in the city of Holyoke under the care and control of the Department of Environmental Management Senate, No. 2452) (on Senate bill No. 1850);

Authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center (Senate, No. 2453) (on Senate bill No. 1942); and

Relative to gas company gate boxes (Senate, No. 2455) (on Senate bill No. 467);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

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 Christopher G. Fallon and other members of the House relative to the statute of limitations for the crime of rape. Under suspension of the rules, on motion of Mr. Fallon of Malden, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill validating action taken at the special town meeting held by the town of Lancaster (House, No. 5184) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mrs. Walrath of Stow, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a department of finance and budget in the town of Lancaster (House, No. 5185) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mrs. Walrath of Stow, the bill was read a second

time forthwith; and it was ordered to a third reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Concord to send certain information to registered voters in the town of Concord (House, No. 5227) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Atkins of Concord, the bill was read a second time forthwith; and it was ordered to a third reading.

Motions to Discharge Certain Matters in the Orders of the Day.

Mr. Torrisi of North Andover moved that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey permanent easements on state property in the town of North Andover to Lucent Technologies, Inc. for the purpose of water and sewer force mains (Senate, No. 1868), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill then was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Jones of North Reading, the bill, reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. in concurrence, its title having been changed by said committee to read: An Act authorizing the Division of Capital Asset Management and Maintenance to convey permanent easements on state property in the town of North Andover.

Mr. Ayers of Quincy moved that the Senate Bill authorizing the Department of Highways to acquire land in the city of Quincy for the purpose of flood control and prevention (Senate, No. 2232), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill, reported by the committee on Bills in the Third Reading to be correctly drawn, then was read a third time; and it was passed to be engrossed, in concurrence.

Mrs. Provost of Sandwich moved that the House Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain conservation land to the town of Sandwich (printed as Senate, No. 2446), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill, reported by the committee on Bills in the Third Reading to be correctly drawn, then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mr. LeDuc of Marlborough moved that the House Bill authorizing the Division of Capital and Management to convey easements and land originally acquired for water quality protection for the Sudbury Reservoir in the city of Marlborough (House, No. 3192, changed), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed. The bill then was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended in section 1, in line 4, by inserting after the words “provisions of” the following: “sections 40E through 40J of”,— was adopted; and the bill, as amended, was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of the same member, the bill, reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. The bill (House, No. 3192, changed and amended) then was sent to the Senate for concurrence.

Mr. Kulik of Worthington moved that the House Bill relative to agricultural land at the University of Massachusetts (House, No. 4219), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill then was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of the same member, the bill, reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mr. Swan of Springfield moved that the House Bill authorizing the city of Springfield to convey a certain parcel of land (House, No. 5115), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill, reported the committee on Bills in the Third Reading to be correctly drawn, then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mr. O’Flaherty of Chelsea moved that the House Bill authorizing the Division of Capital Asset Management and Maintenance to convey an easement in certain park land in the city of Chelsea (House, No. 5169, changed), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mr. Wagner of Chicopee moved that the House Bill relative to the sale of certain land by the city of Chicopee (House, No. 5182), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill, reported by the committee on Bills in the Third Reading to be correctly drawn, then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mr. Locke of Wellesley moved that the House Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to the town of Wellesley (House, No. 5271), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill then was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, the bill, reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mr. Torrisi of North Andover moved that the House Bill authorizing the town of North Andover to grant open space restrictions (House, No. 5286), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill, reported by said committee on Bills in the Third Reading to be correctly drawn, then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mrs. Parente of Milford moved that the House Bill authorizing the town of Hopedale to use certain conservation land for water supply purposes (House, No. 5287), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill, reported by the committee on Bills in the Third Reading to be correctly drawn, then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mr. Toomey of Cambridge moved that the House Bill relative to jet skis, surf jets, wet bikes, and other personal watercraft in municipalities (House, No. 5019), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed. The bill then was read a second time.

The amendment previously recommended by the committee on Rules,— that the bill be amended in section 3, in line 9, by inserting after the word “lake” the following: “not exceeding 500 acres”,— was considered.

Mr. O’Brien of Kingston and other members of the House then moved that the recommended amendment be amended by striking out the figures “500” and inserting in place thereof the figures “750”; and the further amendment was adopted.

The amendment recommended by the committee on Rules, as amended, then also was adopted; and the bill (House, No. 5019, amended) was ordered to a third reading.

Engrossed Bill.

The engrossed Bill relative to the employment of certain minors (see House, No. 4310, amended) (which originated in the House) (which had been returned by Her Honor the Lieutenant-Governor, Acting Governor, with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill exempting the positions of school custodian and school food service worker in the town of North Andover from the civil service law (see House bill printed in House, No.

4999) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills

Designating a walking path at Squantum Point Park in the city of Quincy as the Janet Niles Murphy Harbor View Walkway (see Senate, No. 627, amended);

Authorizing an increase in parking fines in the city of Somerville (see Senate, No. 1819);

Establishing a board of public works and a department of public works in the city of Northampton (see Senate, No. 2172);

(Which severally originated in the Senate);

Relative to funding for certain telecommunications programs within the Commonwealth (see House, No. 1751, amended);

Relative to handicapped stickers for motorcycle license plates (see House, No. 4099, amended);

Authorizing the city of Holyoke to enter into contracts for a sewer works system and operation (see House, No. 4271, changed);

Providing for recall elections in the town of Newbury (see House, No. 4288, changed);

Establishing standards for stage II vapor recovery systems (see House, No. 4379, amended);

Authorizing the town of Dedham to reimburse certain sewer use fees (see House, No. 5058); and

Authorizing the city of Lowell to pay a certain unpaid bill (see House, No. 5112);

(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.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the Metropolitan District Commission and the Massachusetts Bay Transportation Authority to enter into certain temporary construction agreements and convey certain permanent easements to facilitate the reconstruction of the Red Line Charles/MGH station in the city of Boston (see Senate, No. 2373) (which originated in the Senate), 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 150 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 433 in Supplement.]

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

Emergency Measure.

An engrossed Bill relative to the production and preservation of affordable housing in the Commonwealth (see House, No. 5288) (which originated in the House), 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 on the question on adoption of the emergency preamble, 28 members voted in the affirmative and 0 in the negative.

The sense of the House then was taken by yeas and nays, at the request of Mr. Hynes of Marshfield; and on the roll call 110 members voted in the affirmative and 41 in the negative.

[See Yea and Nay No. 434 in Supplement.]

Therefore the preamble was adopted. Sent to the Senate for concurrence.

Engrossed Bill.

The engrossed Bill relative to the membership of the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (see House, No. 5142) (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.

Pending the question on passing the bill to be enacted, Mr. Turkington of Falmouth moved that Rule 40 be suspended in order that he might offer an amendment.

After debate on the question on suspension of Rule 40, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 36 members voted in the affirmative and 113 in the negative.

[See Yea and Nay No. 435 in Supplement.]

Therefore the motion to suspend Rule 40 was negatived.

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

Engrossed Bills — Land Takings.

The engrossed Bill authorizing an exchange of certain land between the town of Tewksbury and the Commonwealth (see Senate, No. 2342, amended) (which originated in the Senate), 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 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 436 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 Saugus to convey certain parcels of land (see Senate, No. 2411) (which originated in the Senate), 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 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 437 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 relative to the transfer of land in the town of Sharon (see House, No. 5131) (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 150 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 438 in Supplement.]

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

Engrossed Bill.

Mr. Fennell of Lynn being in the Chair,—

The engrossed Bill relative to the production and preservation of affordable housing in the Commonwealth (see House, No. 5288) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. Marini of Hanson asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Fennell), 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 143 members were recorded as being in attendance.

[\[See Yea and Nay No. 439 in Supplement.\]](#)

Therefore a quorum was present.

Mr. Fagan of Taunton then moved that Rule 40 be suspended in order that he might offer an amendment.

After debate on the question on suspension of Rule 40, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call (Ms. Flavin of Easthampton being in the Chair) 69 members voted in the affirmative and 84 in the negative.

[\[See Yea and Nay No. 440 in Supplement.\]](#)

Therefore the motion to suspend Rule 40 was negatived.

After remarks on the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Frost of Auburn; and on the roll call 92 members voted in the affirmative and 59 in the negative.

[\[See Yea and Nay No. 441 in Supplement.\]](#)

[Mr. Naughton of Clinton answered “Present” in response to his name.]

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

Emergency Measures.

The engrossed Bill relative to authorizing the financing of the production and preservation of affordable housing (see House, No. 4274, amended), 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 35 to 2. Sent to the Senate for concurrence.

Subsequently (the Speaker being in the Chair), the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. Marini of Hanson asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (Ms. Flavin of Easthampton being in the Chair) 145 members were recorded as being in attendance.

[\[See Yea and Nay No. 442 in Supplement.\]](#)

Therefore a quorum was present.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a “loan” bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 130 members voted in the affirmative and 20 in the negative.

[\[See Yea and Nay No. 443 in Supplement.\]](#)

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

At eighteen minutes after five o’clock P.M., on motion of Mr. Marini of Hanson (Ms. Flavin of Easthampton being in the Chair), the House recessed until half past six o’clock P.M.; and at a quarter before seven o’clock the House was called to order with Mrs. Walrath of Stow in the Chair.

The engrossed Bill releasing certain land in the town of Hadley from the operation of an agricultural preservation restriction (see Senate, No. 2387), 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 31 to 1. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) 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 148 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 444 in Supplement.]

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

Papers from the Senate.

The House Bill relative to gift certificates (House, No. 216) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2413; and by striking out the title and inserting in place thereof the following title: "An Act further regulating the expiration dates of gift certificates and certain other mediums of exchange".

Under suspension of Rule 35, on motion of Mr. Greene of Billerica, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

The same member then moved that the House concur with the Senate in its amendments with a further amendment by striking out section 8 and inserting in place thereof the following section:

"SECTION 8. Notwithstanding any general or special law to the contrary, a gift certificate that has been issued but not redeemed as of the effective date of this act, shall expire 7 years after the gift certificate's date of issuance. If the date of issuance is not clearly marked on its face, the gift certificate shall be redeemable in perpetuity."

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

The House Bill authorizing the Division of Capital Asset Management and Maintenance to grant certain easements to the town of Plymouth (House, No. 4975) came from the Senate passed to be engrossed, in concurrence, with the following amendments: Striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2454; and striking out the title and inserting in place thereof the following title: "An Act authorizing the Division of Capital Asset Management and Maintenance to grant certain easements to the town of Plymouth over lands held for conservation and recreation purposes."

Under suspension of the Rule 35, on motion of Mr. deMacedo of Plymouth, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

The House Bill authorizing certain conveyances of land to establish the Southeastern Massachusetts Bioreserve (House, No. 5270) 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 2450.

Under suspension of Rule 35, on motion of Mr. Rodrigues of Westport, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Emergency Measures.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey an easement to the town of Milford (see House, No. 4754, amended), 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 55 to 0. Sent to the Senate for concurrence.

The engrossed Bill authorizing an alternative method of construction for the Blue Hills and Spot Pond area covered water storage tanks (see House, No. 4816, amended), 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 70 to 1. Sent to the Senate for concurrence.

Message from the Acting Governor —

Bill Returned with Recommendation of Amendment.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendments the engrossed Bill relative to enhancing English opportunities for all students in the Commonwealth (see House, No. 5010, amended) [for message, see House, No. 5302], was filed in the office of the Clerk this day.

The message was read; and the amendments recommended by the Acting Governor were adopted in the following form (as approved by the committee on Bills in the Third Reading):

In section 16 (as engrossed) by striking out, in lines 28 and 29, and also in lines 32 and 36, the word “full-time”; and in section 17 (as engrossed), in line 217, by inserting after the word “remain” the words “or be placed”.

Mr. Cabral of New Bedford then moved that the bill be amended in section 16 (as engrossed) by striking out the words “in any school district with fifty or more limited English proficient students in any one language group at the elementary school level, the school committee shall establish a policy requiring that the district offer at least two” and inserting in place thereof the following: “in any school district with twenty or more limited English proficient students in any one language group at the elementary school level, the school committee shall establish a policy requiring that the district offer at least two”; and by striking out the words “English language learners programs for those students” and inserting in place thereof the words

“English language learners programs for those students for their parents’ consideration”.

Pending the question on adoption of the amendments, Mr. Brown of Wrentham asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Walrath of Stow), 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 144 members were recorded as being in attendance. No.445.

[See Yea and Nay No. 445 in Supplement.]

Therefore a quorum was present.

After debate the amendments were rejected.

Mr. Cabral then moved that the bill be amended in section 16 (as engrossed) by striking out the words “In any school district with fifty or more limited English proficient students in any one language group at the middle school level, the school committee shall establish a policy requiring that the district offer at least two” and inserting in place thereof the words “In any school district with twenty or more limited English proficient students in any one language group at the middle school level, the school committee shall establish a policy requiring that the district offer at least two”; and by striking out the words “English language learners programs for those students” and inserting in place thereof the words “English language learners programs for those students for their parents’ consideration”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Ms. Rogeness of Longmeadow; and on the roll call (the Speaker being in the Chair) 35 members voted in the affirmative and 116 in the negative.

[See Yea and Nay No. 446 in Supplement.]

Therefore the amendments were rejected.

Mr. Cabral then moved that the bill be amended in section 16 (as engrossed) by striking out the words “In any school district with fifty or more limited English proficient students in any one language group at the high school level, the school committee shall establish a policy requiring that the district offer at least two” and inserting in place thereof the words “In any school district with twenty or more limited English proficient students in any one language group at the high school level, the school committee shall establish a policy requiring that the district offer at least two”; and by striking out the words “English language learners programs for those students” and inserting in place thereof the words “English language learners programs for those students for their parents’ consideration. Should any such English language learners programs so offered not be selected by the parents or guardian of any qualifying students, such programs need not be offered”.

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 the same member; and on the roll call 41 members voted in

the affirmative and 107 in the negative.

[\[See Yea and Nay No. 447 in Supplement.\]](#)

Therefore the amendments were rejected.

The engrossed Bill (see House, No. 5010, amended) then was sent to the Senate for its action.

Emergency Measure.

The engrossed Bill providing for the preservation and improvement of the environmental assets of the Commonwealth (see Senate, No. 2319), 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 13 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) 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 “loan” bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 150 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 448 in Supplement.\]](#)

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

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain easements in the towns of Groton and Pepperell (see House, No. 1879, amended) (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 151 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 449 in Supplement.\]](#)

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

Message from the Acting Governor — Veto.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with her objections thereto in writing the engrossed Bill relative to the implementation of a housing improvement plan in the city of Fall River [see House, No. 4971] (for message, see House, No. 5303) was filed this day in the office of the Clerk.

The message was read; and, under the provisions of Article II of Section I of Chapter I of the Constitution, the House proceeded to “reconsider” the said bill.

After debate on the question on passing the bill, notwithstanding the said objections, the Speaker interrupted the pending business and placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o’clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 132 members voted in the affirmative and 20 in the negative.

[\[See Yea and Nay No. 450 in Supplement.\]](#)

Therefore Rule 1A was suspended.

After further debate, the question on passing the bill, notwithstanding the said objections, was determined by the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 101 members voted in the affirmative and 48 in the negative.

[\[See Yea and Nay No. 451 in Supplement.\]](#)

[Mr. Quinn of Dartmouth answered “Present” in response to his name.]

Therefore the bill was passed, notwithstanding the objections of the Acting Governor (more than two-thirds of the members having voted in the affirmative). Mr. Correia of Fall River moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill then was sent to the Senate for its action.

Engrossed Bill — State Loan.

The engrossed Bill providing for capital facility improvements and repairs for the Commonwealth (see House bill printed in House, No. 5037) (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 “loan” bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 152 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 452 in Supplement.\]](#)

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

Engrossed Bills — Land Takings.

The engrossed Bill releasing certain land in the town of Whately from the operation of an agricultural preservation restriction (see House, No. 732) (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 152 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 453 in Supplement.\]](#)

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

The engrossed Bill authorizing the city of Springfield to convey a certain parcel of land (see House, No. 5115) (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 152 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 454 in Supplement.\]](#)

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

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey an easement in certain park land in the city of Chelsea (see House, No. 5169, changed) (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 152 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 455 in Supplement.\]](#)

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

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey permanent easements on state property in the town of North Andover (see Senate, No. 1868) (which originated in the Senate), 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 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 456 in Supplement.]

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

Emergency Measure.

The engrossed Bill relative to the disposition of certain state owned property in the city of Somerville (see House, No. 5138), 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 53 to 2. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was 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 “loan” bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 457 in Supplement.]

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

Recess.

At twelve minutes after ten o'clock P.M., the Speaker declared a recess, subject to the call of the Chair; and at twenty-four minutes before eleven o'clock the House was called to order with Mr. DiMasi of Boston in the Chair.

Papers from the Senate.

The engrossed Bill authorizing the Attorney General to suspend certain labor laws in an emergency (see House, No. 5189) came from the Senate with an amendment in line 6 (as printed) by striking out the following: “June 26, 2002 to June 21, 2003” (as engrossed) and inserting in place thereof the following: “May 26, 2002 to June 21, 2002”.

Under suspension of Rule 35, on motion of Mr. Keenan of Southwick, the amendment was considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House concur with the Senate in its amendment with a further amendment in lines 1 to 13, inclusive (as printed), by striking out the sentence contained therein and inserting in place thereof the following sentence: “The attorney general may, pursuant to Article XX of Part the First of the Constitution, suspend the application or operation of chapter 149 of the General Laws or any rule or regulation made thereunder which regulates, limits or prohibits the employment of minors over the age of 16, during the following periods: (a) May 25, 2003 to June 21, 2003, inclusive, on Friday and Saturday evenings only; (b) August 1, 2002 to September 4, 2002, inclusive; (c) June 21, 2003 to September 3, 2003, inclusive; (d) September 5, 2002 to October 31, 2002, inclusive, on Friday and Saturday evenings only; and (e) September 4, 2003 to October 31, 2003, inclusive, on Friday and Saturday evenings only.”; and the report was accepted.

On the question on adoption of the further amendment, 34 members voted in the affirmative and 0 in the negative. Therefore the further amendment was adopted.

On the question on concurring with the Senate in its amendment, as amended, Mr. Marini of Hanson asked for a count of the House to ascertain if a quorum was in attendance. A count showed that 95 members were in attendance.

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

The engrossed Bill relative to dental and vision care carriers (see House, No. 4676, amended) came from the Senate with an amendment striking out sections 2 and 3 and inserting in place thereof the following section:

“SECTION 2. Section 1 shall be effective until December 31, 2005.”.

Under suspension of Rule 35, on motion of Ms. Flavin of Easthampton, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Emergency Measure.

The engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain property in the city of North Adams (see House, No. 4595, amended), 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 48 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Engrossed Bills.

The engrossed Bill relative to enhancing English opportunities for all students in the Commonwealth (see House, No. 5010, amended) (which originated in the House) (which had been returned by Her Honor the Lieutenant-Governor, Acting Governor, with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills

Relative to certificates of birth resulting in stillbirth (see Senate, No. 2160, amended);

Reducing medication waste in certain licensed facilities (see Senate, No. 2186, amended);

(Which severally originated in the Senate);

Relative to licensing hospice programs (see House, No. 1756, changed and amended);

Relative to payment of certain medical expenses of Boston firefighters Joseph Cady and Alonzo P. Brooks (see House, No. 4056);

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain easement (see House, No. 4260);

Relative to the powers of state chartered banks (see House, No. 4358, amended);

Providing for insurance coverage of certain clinical trials (see House, No. 4376, amended);

Authorizing the town of Truro to establish an affordable housing trust fund (see House, No. 4477, amended);

Authorizing the repaying of certain sewer fees paid in error by the town of Dedham (see House, No. 4694);

Providing for a betterment program for private road improvements in the city of Gloucester (see House, No. 4835);

Authorizing the town of Shrewsbury to establish certain special funds (see House, No. 4940);

Authorizing the town of Dedham to send certain information to the voters of the town (see House, No. 5055, changed and amended);

Authorizing the town of Dedham to reimburse certain real estate taxes (see House, No. 5062);
and

Relative to the sale of certain land by the city of Chicopee (see House, No. 5182);

(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.

Engrossed Bill.

The engrossed Bill regulating telemarketing solicitation (see House, No. 5225, amended) (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.

After remarks on the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Straus of Mattapoisett; and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 458 in Supplement.]

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

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant certain easements to the town of Plymouth over lands held for conservation and recreation purposes (see House, No. 4975, amended) (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 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 459 in Supplement.]

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

Emergency Measure.

The engrossed Bill authorizing the town of Plymouth to convey certain easements in conservation land (see House, No. 5294), 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 47 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was 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 152 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 460 in Supplement.\]](#)

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

Reports of a Committee.

Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from Her Honor the Lieutenant-Governor, Acting Governor (for message, see House, No. 5301), returning with her disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2003 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300), reported, in part, in each instance, that certain items (contained in section 2) and section 79 stand (as passed by the General Court).

Under suspension of the rules, in each instance, on motion of the same member, the items and section were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and Section 5 of Article LXIII of the Amendments to the Constitution, as follows:

Section 79, which had been vetoed by the Acting Governor, was considered, as follows:

“SECTION 79. Section 8 of chapter 70B of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:—

The board is directed to create a separate priority list for projects that have completed a project application after August 30, 2001. The board shall assign each project to a priority category and place each project on the list in order of priority category, pursuant to subsections 1 to 8,

inclusive. Projects placed on the priority list shall not be re-ranked. The board shall provide funding for projects in the order of placement on the list first, by the year the board received the application, then by the application's priority category.”.

The question on passing said section, notwithstanding the objections of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 461 in Supplement.\]](#)

Therefore section 79 was passed, notwithstanding the objections of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative. Sent to the Senate for its action.

Item 7002-0700 (contained in section 2), which had been reduced by the Acting Governor, was considered, as follows:

“7002-0700 For the operation of the joint labor/management committee 259,858”.

[The Acting Governor reduced the item to \$129,929.]

The question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 141 members voted in the affirmative and 9 in the negative.

[\[See Yea and Nay No. 462 in Supplement.\]](#)

Therefore item 7002-0700 (contained in section 2) was passed, notwithstanding the reduction of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative. Sent to the Senate for its action.

On the question on suspension of the rules to consider item 4110-1000 (contained in section 2), the sense of the House was taken by yeas and nays, at the request of Mr. Marini of Hanson; and on the roll call 127 members voted in the affirmative and 23 in the negative.

[\[See Yea and Nay No. 463 in Supplement.\]](#)

Therefore the rules were suspended.

Item 4110-1000 (contained in section 2), which had been reduced by the Acting Governor, then was considered, as follows:

“4110-1000 For the community services program; provided, that not less than \$350,000 shall be expended from this item for the deaf-blind community access network; provided further, that not less than \$500,000 shall be expended for the talking information center; provided further, that not less than \$10,000 shall be expended for the Audible Local Ledger of Falmouth;

provided further, that the Massachusetts commission for the blind shall work in collaboration with the Massachusetts commission for the deaf and hard of hearing to provide assistance and services to the deaf-blind community through the deaf-blind community access network; provided further, that the commissioner may transfer an amount to to exceed \$400,000 from this item to item 4110-2000; and provided further, that 30 day prior to any such transfer, the commissioner shall submit an allocation plan, which shall detail by subsidiary the distribution of the funds, to the house and senate committees on

ways and means 3,768,186”.

[The Acting Governor reduced the item to \$2,908,186 and disapproved the following wording: “; provided, that not less than \$350,000 shall be expended from this item for the deaf-blind community access network; provided further, that not less than \$500,000 shall be expended for the talking information center; provided further, that not less than \$10,000 shall be expended for the Audible Local Ledger of Falmouth”.]

The question on passing said item, notwithstanding the reductions of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 144 members voted in the affirmative and 8 in the negative.

[\[See Yea and Nay No. 464 in Supplement.\]](#)

Therefore item 4110-1000 (contained in section 2) was passed, notwithstanding the reductions of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative. Sent to the Senate for its action.

On the question on suspension of the rules to consider item 0330-0317 (contained in section 2), the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 127 members voted in the affirmative and 24 in the negative.

[\[See Yea and Nay No. 465 in Supplement.\]](#)

Therefore the rules were suspended.

Item 0330-0317 (contained in section 2), which had been vetoed by the Acting Governor, then was considered, as follows:

“0330-0317 For the operation and expenses of the Massachusetts sentencing commission, pursuant to

chapter 211E of the General Laws 232,756”.

After remarks, the question on passing said item, notwithstanding the objections of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 91 members voted in the affirmative and 61 in the negative.

[\[See Yea and Nay No. 466 in Supplement.\]](#)

Therefore the veto of item 0330-0317 (contained in section 2) was sustained (less than two-thirds of the members present and voting having voted in the affirmative).

On the question on suspension of the rules to consider item 7066-0009 (contained in section 2), the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 130 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 467 in Supplement.]

Therefore the rules were suspended.

Item 7066-0009 (contained in section 2), which had been reduced by the Acting Governor, then was considered, as follows:

“7066-0009 For the New England board of higher education 668,004”.

[The Acting Governor reduced the item to \$300,004.]

The question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 468 in Supplement.]

Therefore item 7066-0009 (contained in section 2) was passed, notwithstanding the reduction of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative. Sent to the Senate for its action.

Item 1108-5200 (contained in section 2), which had been reduced by the Acting Governor, then was considered, as follows:

“1108-5200 For the commonwealth’s share of the group insurance premium and plan costs incurred in fiscal year 2003; provided, that the secretary of administration and finance shall charge the division of employment and training and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided further, that prior year costs incurred by the state indemnity health insurance plan and the preferred provider organization shall be funded from this item; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means the amounts expended from this item for said prior year costs; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appropriation; provided further, that the secretary of administration and finance may charge all agencies for the commonwealth’s share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for a period of more than one year; provided further, that the amounts received

in payment for such charges shall be credited to the general fund; provided further, that notwithstanding section 26 of chapter 29 of the General Laws, the commission may negotiate, purchase and execute contracts before July 1 of each year for policies of group insurance as authorized by chapter 32A of the General Laws; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of said chapter 32A and for the purposes of section 14 of said chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired before July 1, 1994 shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that the commission shall provide the number of retirees for whom the commonwealth pays said 85 per cent to the house and senate committees on ways and means by February 1 of each year; provided further, that the commonwealth's share of such premiums for active state employees shall be 85 per cent of such premiums and rates; provided further, that notwithstanding chapter 150E of the General Laws, retirees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall continue to pay the same percentage, if any, of the health insurance premium that they paid on June 1, 1994; provided further, that active employees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall pay 15 per cent of such premiums and rates; provided further, that the commission shall notify the house and senate committees on ways and means by March 15 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year; and provided further, however, that the commission shall issue, at the request of the beneficiary, a separate identification number for enrollment and benefit pur-

poses instead of the social security 744,063,652".

[The Acting Governor reduced the item to \$706,063,652 and disapproved the following wording: “; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of said chapter 32A and for the purposes of section 14 of said chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired before July 1, 1994 shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that the commission shall provide the number of retirees for whom the commonwealth pays said 85 per cent to the house and senate committees on ways and means by February 1 of each year; provided further, that the commonwealth's share of such premiums for active state employees shall be 85 per cent of such premiums and rates”.]

The question on passing said item, notwithstanding the reductions of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 148 members voted in the affirmative and 3 in the negative.

[See Yea and Nay No. 469 in Supplement.]

Therefore item 1108-5200 (contained in section 2) was passed, notwithstanding the reductions of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative. Sent to the Senate for its action.

Item 8100-0301 (contained in section 2), which had been vetoed by the Acting Governor, then

was considered, as follows:

“8100-0301 For the payroll costs of the state police directed patrols; provided that \$365,000 shall be expended for the Medford state police barracks entitled Zero Tolerance and Fire Risk Prevention to increase patrols and public safety using bicycles and other policing means within the Middlesex Fells Fellsmere Pond area and Mystic River Reservation district; provided further, that the station commanders who have been allocated funding under this item may utilize any special operations units necessary to further the public safety goals of their district; provided further, that this money shall not be used by the special operations marine unit of the State Police unless specifically authorized by the station commander who will denote the hours of need to coincide with the Zero Tolerance Program; provided further, that \$12,700 shall be expended at the direction of the Bourne barracks for increased traffic detail on Cape Cod and in the town of Plymouth; provided further, that \$45,360 shall be expended for the costs associated with providing state police patrols 3 nights per week in the city of Brockton, south between Montello street and Warren avenue and north to Battle street between Montello street and Warren avenue and north to Battle street between Montello street and Warren avenue, or at other locations, and such patrols shall be assigned between the hours of 8:00 p.m. and 4:00 a.m. beginning July 1, 2001 for a period of 18 weeks, as deemed necessary; provided further, that \$30,000 shall be expended for the costs associated with providing state police services at Breakheart Reservation; provided further, that \$75,000 shall be expended for the costs of state police patrols along the Charles river esplanade and the Charlesgate area of the city of Boston; provided further, that \$40,000 shall be expended for patrols along Revere beach, which shall be assigned between the hours of 10 p.m. and 4 a.m. nightly from July 1 through September 15 inclusive; provided further, that \$49,860 shall be expended for the costs associated with state police mounted patrols on Lynn beach, Kings beach, and Red Rock park, so-called; provided further, that \$35,000 shall be expended for the costs associated with patrols of the Wollaston beach, Quincy Shore drive section of Quincy; provided further, that \$355,550 shall be expended for the purposes of increased patrols during the months of April to October, inclusive, at Winthrop Shore drive in the town of Winthrop, Revere beach in the city of Revere and Constitutions beach and Belle Islands marsh in the East Boston section of the city of Boston; provided further, that not less than \$282,310 shall be expended to provide motorcycle patrols along the southwest corridor, so-called; provided further, that \$100,000 shall be expended for the plain clothes foot patrol and bike patrol of the Upper Reservation Basin area along the Charles river; provided further, that \$45,000 shall be expended to provide patrols of Blue Hill and Stonybrook reservations and those parklands and roadways under the care and control of the metropolitan district commission patrolled by the state police in the Hyde Park, West Roxbury, Roslindale and Readville sections of the city of Boston and in the towns of Canton, Milton and Randolph; provided further, that \$5,000 shall be expended to patrol the state-owned portion of Willard Street adjacent to the Shea rink in the city of Quincy and other property under the care, custody and control of the metropolitan district commission in the city of Quincy; provided further, that not less than \$50,000 shall be expended to provide increased patrols during the months of April to October, inclusive, at Mary O’Malley park in the city of Chelsea; provided further, that not less than \$130,000 shall be expended for the cost of state police patrols for the Neponset river bicycle path in the town of Milton and the Dorchester section of the city of Boston; provided further, that not less than \$280,000 shall be expended for the costs of increased patrols during the months of June to September, inclusive, for

Nantasket beach in the town of Hull; provided further, that not less than \$15,000 shall be expended for the costs of increased patrols from November 1 to December 31 between the hours of 3:30 p.m. and 7:30 p.m. from the state route 24 south ramp to state route 140 in the city of Taunton; provided further, that \$46,666 shall be expended for patrols of properties of the metropolitan district commission located along Day boulevard in the South Boston section of the city of Boston; provided further, that the patrols along Day boulevard shall be assigned between the hours of 8 p.m. and 4 a.m. nightly until November 1, 2001; provided further, that \$40,000 shall be expended for patrols along state highway 2 between the city of Fitchburg and the town of Greenfield; provided further, that \$15,000 shall be expended for patrols along state highway route 88 in the town of Westport; provided further, that \$18,500 shall be expended for patrols along state highway route 18 in the city of New Bedford; provided further, that the station commanders who have been allocated funding under this item may utilize any special operations units necessary to further the public safety goals of their districts; provided further, that notwithstanding the provisions of any general or special laws to the contrary, all funds appropriated herein shall be scheduled in the AA subsidiary, so-called; provided further, that \$31,000 shall be expended for the purpose of assigning 1 State Trooper to Fort Revere in the town of Hull during the hours of peak nefarious activity of the summer months; provided further, that \$20,000 shall be expended for the purpose of a state police patrol in the Willow street area, so-called, of Yarmouth; and provided further, that not less than \$125,000 shall be expended for state police service at Salisbury Beach between Memorial Day, May 27, 2002, and Labor Day,

September 2, 2002 2,328,946

Local Aid Fund 100.0%”.

The question on passing said item, notwithstanding the objections of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 105 members voted in the affirmative and 45 in the negative.

[See Yea and Nay No. 470 in Supplement.]

Therefore item 8100-0301 (contained in section 2) passed, notwithstanding the objections of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative. Sent to the Senate for its action.

Item 1599-6902 (contained in section 2), which had been vetoed by the Acting Governor, then was considered, as follows:

“1599-6902 For a commission to study the fiscal, economic and social implications of the proposed expansion of legalized gaming in the commonwealth; provided, that it is hereby found and declared that such proposed expansion in various forms and scope warrants particularly careful consideration in order to protect the short and long term interests of all the citizens of the commonwealth; provided further, that it is also found and declared that the research conducted relative to the effects of casino gaming and fiscal well-being of host states and localities has yielded conflicting results; provided further, that it is in the interest of the commonwealth, its political subdivisions and its citizens to investigate this issue thoroughly in

order to ensure that any potential expansion of legalized gaming be effectuated through legislation that first and foremost protects the interests of the citizens of the commonwealth; provided further, that it shall be the mission of the commission established and funded herein to research comprehensively and identify specifically the potential effects, positive and negative, of gaming expansion on the economic, social, cultural and fiscal well-being of the commonwealth, its localities and citizens; provided further, that the commission's evaluation shall include, but not be limited to, consideration of the commonwealth's potential duties and obligations relative the federal Indian Gaming Regulatory Act of 1988, 25 U.S.C. (29-2701 - 29-2721); provided further, that said commission shall consist of 21 voting members: three appointed by the Governor, five appointed by the speaker of the house of representatives; one appointed by the minority leader of the house of representatives; five appointed by the president of the senate; one appointed by the minority leader of the senate; three appointed by the attorney general, one of whom shall represent the Massachusetts District Attorneys Association, one of whom shall represent the Massachusetts Municipal Association, and one of whom shall represent the Associated Industries of Massachusetts; three appointed by the treasurer and receiver general, one of whom shall represent the Massachusetts State Lottery; and provided further, that the commission shall submit a report of its findings and recommendations to the clerks of the house and the senate

not later than December 1, 2002 \$100,000

Massachusetts

Tourism Fund 100.0%".

The question on passing said item, notwithstanding the objections of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 72 members voted in the affirmative and 80 in the negative.

[\[See Yea and Nay No. 471 in Supplement.\]](#)

Therefore the veto of item 1599-6902 (contained in section 2) was sustained (less than two-thirds of the members present and voting having voted in the affirmative).

Item 7030-1002 (contained in section 2), which had been vetoed by the Acting Governor, then was considered, as follows:

"7030-1002 For kindergarten development grants to provide ongoing grant awards to continue quality enhancement of existing full day kindergarten classrooms and to encourage the transition of half day classrooms into full day classrooms; provided, that the office of school readiness shall administer a grant program to encourage the voluntary expansion of high quality, full day kindergarten education throughout the commonwealth; provided further, that grants of not more than \$18,000 per classroom shall be made available to public schools for the enhancement of existing full day kindergarten classrooms and for the transition of existing half day kindergarten classrooms into full day kindergarten classrooms; provided further, that said grants shall be awarded pursuant to guidelines established by the department relative to the application and award process which shall include eligibility criteria, allowable grant

expenditures and grant recipient obligations; provided further, that guidelines for transition grants shall require applicants for such grants to identify obstacles that impede the transition to full day kindergarten; provided further, that said guidelines shall require grant recipients to identify the anticipated date by which the implementation of quality enhancement or transition projects shall commence; provided further, that said guidelines shall detail the range of permissible grant expenditures which shall include, but not be limited to, the expenditure of funds for facility improvements or other expenses necessary to provide adequate space for the transition from half day kindergarten classrooms into full day kindergarten classrooms; provided further, that grants funded through this appropriation shall not annualize to more than \$18,000 per classroom in subsequent fiscal years; provided further, that preference shall be given to grant applicants with high percentages of students scoring in levels one or two on the Massachusetts comprehensive assessment system exam, so-called, as determined by the department based on available data; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that such program shall supplement and shall not supplant currently funded local, state and federal programs at the school or district; provided further, that not later than January 15, 2003 said department shall report to the house and senate committees on ways and means on the total number of enhancement and transition grants requested and awarded; provided further, that said report shall detail common factors associated with both successful and unsuccessful applications and shall include the total number of full day and half day kindergarten classrooms projected to be in operation in Massachusetts public schools in fiscal year 2004; provided further, that funds appropriated herein for transition grant awards may be expended through August 31, 2003 for the purposes of transition projects scheduled for the school year beginning in September, 2003; and provided further, that the department may expend not more than \$200,000 to administer

the grants program established herein 27,940,000

Local Aid Fund.....100.0%”.

The question on passing said item, notwithstanding the objections of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 472 in Supplement.]

Therefore item 7030-1002 (contained in section 2) passed, notwithstanding the objections of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative. Sent to the Senate for its action.

Item 4100-0068 (contained in section 2), which had been vetoed by the Acting Governor, then was considered, as follows:

“4100-0068 For the purpose of awarding one-time grants in fiscal year 2003 to qualifying community health centers located in communities with demonstrated significant barriers to care

of serving patients with unusually high acuity, notwithstanding the provisions of any general or special law to the contrary; provided, that criteria established by the division for the award of such grants shall be based on barriers to care in a community including, but not limited to, language, ethnicity, race, insurance status and patient acuity factors, provided further, that such factors shall include multi-system failures, psycho-social needs, endemic incidence of substance abuse and nutritional and dietary deficiencies underlying the disease process; provided further, that such grants shall be awarded consistent with the recommendations of an advisory council consisting of the commissioner of the division of health care finance and policy, the commissioner of medical assistance, the commissioner of public health, the executive director of the Massachusetts League of Community Health Centers, the executive director of Health Care for All, and the secretary of health and human services, who shall chair the advisory group, or the designees of any such member thereof; provided further, that said advisory group shall recommend to the division not later than September 1, 2002 the most efficacious means of awarding such grants; provided further, that not more than \$100,000 shall be expended for a program of technical assistance to applicants for and recipients of said grants by a state primary care association qualified under section 330(f)(1) of the United States Public Health Service Act 42 USC 254C(f); provided further that such grants shall be awarded within six months of the effective date of this act; provided further, that the commissioner of health care finance and policy shall submit a report to the secretary of health and human services and the house and senate committees on ways and means at least 30 days prior to any grants being awarded, including, a listing of facilities that applied for grants, the methodology used to determine the disbursement of grants, the amount projected to be paid to each community health center, and the projected impact of said grants on patient care and the promotion of public health at each facility; and provided further, that all grants shall be distributed no later than 6 months after the effective date of this act 5,000,000

Tobacco Settlement Fund 100.0%”.

The question on passing said item, notwithstanding the objections of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 126 members voted in the affirmative and 26 in the negative.

[See Yea and Nay No. 473 in Supplement.]

Therefore item 4100-0068 (contained in section 2) was passed, notwithstanding the objections of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative. Sent to the Senate for its action.

Item 1108-5400 (contained in section 2), which had been reduced by the Acting Governor, then was considered, as follows:

“1108-5400 For the costs of the retired municipal teachers’ premiums and the audit of such premiums 41,710,424

Local Aid Fund 100.00%”.

[The Acting Governor reduced the item to \$38,710,424.]

The question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 141 members voted in the affirmative and 9 in the negative.

[See Yea and Nay No. 474 in Supplement.]

Therefore item 1108-5400 (contained in section 2) was passed, notwithstanding the reduction of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative. Sent to the Senate for its action.

Item 4130-1000 (contained in section 2), which had been reduced by the Acting Governor, then was considered, as follows:

“4130-1000 For statewide neonatal and postnatal home parenting education and home visiting programs for at-risk newborns to be administered by the Children’s Trust Fund; provided, that such services shall be made available statewide to all parents under the age of 21 years within the

amount appropriated herein 19,121,630”.

[The Acting Governor reduced the item to \$17,121,630.]

The question on passing said item, notwithstanding the reduction of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 131 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 475 in Supplement.]

Therefore item 4130-1000 (contained in section 2) was passed, notwithstanding the reduction of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative. Sent to the Senate for its action.

Emergency Measure.

The engrossed Bill authorizing the conveyance of certain property in the city of Boston (see House, No. 3630, amended), 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 46 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was 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 144 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 476 in Supplement.]

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

Engrossed Bill — Land Taking.

The engrossed Bill directing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Randolph (see Senate, No. 2443) (which originated in the Senate), 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 148 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 477 in Supplement.]

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

Papers from the Senate.

The Senate Bill providing for certain transportation improvements (Senate, No. 2245, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5243) with the following further amendment:

“Striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2440.”.

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

Mr. Sullivan of Braintree then moved that the House concur with the Senate in its further amendment with a still further amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5310.

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

The Senate Bill providing for capital facility improvements and repairs for the Commonwealth (Senate, No. 2271, printed as amended) came from the Senate with the endorsement that said

branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5290), with the following further amendment:

“Striking out all after section 1 and inserting in place thereof the text contained in Senate document numbered 2458.”.

Under suspension of Rule 35, on motion of Mrs. Walrath of Stow, the further amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Reports of a Committee.

Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from Her Honor the Lieutenant-Governor, Acting Governor (for message, see House, No. 5301), returning with her disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2003 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300), reported, in part, in each instance, that certain items (contained in section 2) and a certain section stand (as passed by the General Court).

Under suspension of the rules, in each instance, on motion of the same member, the items and section were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and Section 5 of Article LXIII of the Amendments to the Constitution, as follows:

Section 215, which had been vetoed by the Acting Governor, was considered, as follows:

“SECTION 215. Notwithstanding any general or special law to the contrary, the department of public health shall institute a pilot program in the city of Springfield during fiscal year 2003 relative to the siting of methadone clinics, as said term is defined in part by section 52 of chapter 111 of the General Laws, and whether said department should be more directly involved in the process of siting said clinics as a condition of licensing said clinics. Pursuant to said pilot program, the department shall draft and promulgate interim regulations relative to methadone clinics within the city limits of Springfield that shall: (1) prohibit the continued location of any methadone clinic licensed by said department within 1 mile of real property comprising a public or privately accredited pre-school, accredited head start facility, elementary, vocational or secondary school, whether or not in session, or within 1 mile of a public park or playground, a house of worship, public library, day care facility, federally or state funded low or moderate income or elderly housing or a designated heritage river; provided that, the regulations shall provide for a sufficient period of time in which a clinic may relocate within the city; (2) establish a public hearing process relative to the relocation of any methadone clinic so licensed by said department and currently operating in the city of Springfield in order to determine whether the current location of said clinics is detrimental to the institutions, communities, or industries within proximity of said clinics and whether relocation of said clinics is detrimental to the delivery of substance abuse treatment services

within the city; (3) study the benefits and burdens that may result from the siting requirements set forth in this section including, but not limited to, any impact that said siting requirement may have on the delivery of addiction services at such clinics and the number of individuals seeking said services at said clinics; (4) determine whether said siting requirements can be reasonably imposed on methadone clinics in other areas of the commonwealth without jeopardizing its core mission of substance abuse treatment. The department shall issue a report setting forth the findings from the pilot program required by this section. Said report shall be submitted to the joint committee on health care and the joint committee on human services and elderly affairs not later than May 1, 2003.”.

The question on passing said section, notwithstanding the objections of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 110 members voted in the affirmative and 38 in the negative.

[\[See Yea and Nay No. 478 in Supplement.\]](#)

Therefore section 215 was passed, notwithstanding the objections of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative. Sent to the Senate for its action.

Item 7109-0100 (contained in section 2), which had been reduced by the Acting Governor, then was considered, as follows:

“7109-0100 For Bridgewater State College; provided, that not less than \$613,000 shall be expended for the operation of the John Joseph Moakley Center for Technological Applications at Bridgewater State College; and provided further, that the initiative shall be conducted on the site of the college for the purposes of technological applications to classroom teaching and initiatives in distance learning and economic development in conjunction with business and industry in southeastern Massachusetts 35,843,656”.

[The Acting Governor reduced the item to \$34,903,656 and reduced the following wording: “; provided, that not less than \$613,000 shall be expended for the operation of the John Joseph Moakley Center for Technological Applications at Bridgewater State College” to the following: “; provided, that not less than \$306,500 shall be expended for the operation of the John Joseph Moakley Center for Technological Applications at Bridgewater State College”.

The question on passing said item, notwithstanding the reductions of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 118 members voted in the affirmative and 30 in the negative.

[\[See Yea and Nay No. 479 in Supplement.\]](#)

Therefore item 7109-0100 (contained in section 2) was passed, notwithstanding the reductions of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative. Sent to the Senate for its action.

Section 75, which had been vetoed by the Acting Governor, then was considered, as follows:

“SECTION 75. Chapter 69 of the General Laws is hereby amended by inserting after section 11 the following section:—

Section 11½. The Massachusetts Comprehensive Assessment System multiple choice question results shall be made available to the public, school officials, parents and students no later than the third Wednesday in June. The results of the Massachusetts Comprehensive Assessment System essay questions shall be made available to the public no later than the first Tuesday of September to provide schools and parents with timely and valuable diagnostic information.”.

The question on passing said section, notwithstanding the objections of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 143 members voted in the affirmative and 4 in the negative.

[See Yea and Nay No. 480 in Supplement.]

Therefore section 75 was passed, notwithstanding the objections of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative. Sent to the Senate for its action.

Item 4403-2120 (contained in section 2), which had been vetoed by the Acting Governor, then was considered, as follows:

“4403-2120 For certain expenses of the emergency assistance program as herein delineated: (i) contracted family shelters; (ii) transitional housing programs; (iii) programs to reduce homelessness in Barnstable, Dukes and Nantucket counties; (iv) residential education centers for single mothers with children; (v) intake centers, so-called; (vi) hotel and motel payments on behalf of homeless families; and (vii) voucher shelters, so-called; provided further, that eligibility shall be limited to families with income at or below 100 percent of the federal poverty level; provided further, that notwithstanding any general or special law or provisions of this item to the contrary, after February 28, 2003, the commissioner of transitional assistance may expand eligibility to families with income under 130 per cent of the federal poverty level; provided further, that eligibility may be so expanded only after the secretary of administration and finance has certified in writing ten days prior to the intended eligibility expansion that the department does not require supplemental appropriation in this or any of its other items of appropriation, that no supplemental appropriations have been given to date, that no funds have been transferred to this item to support spending needs, and that no supplemental funds will be necessary for the remainder of the fiscal year in this or any of its other items of appropriation; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States; provided further, that the department shall take all steps necessary to enforce regulations to prevent abuse in the emergency assistance program; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized; provided further, that no funds may be expended for heat or utility arrearages; provided further, that an otherwise eligible household shall be authorized for temporary emergency shelter even if that household has been authorized to receive a rental arrearage payment within the past 12 months; provided further, that eligible households shall be placed in shelter as close as possible to their home community, unless the

household requests otherwise; provided further, if the closest available placement is not within 20 miles of the household's home community, the household shall be transferred to an appropriate shelter within 20 miles of its home community at the earliest possible date, unless the household requests otherwise; provided further, that the department shall strive to place eligible households in scattered site shelters in their home communities rather than in motels upon a determination that this action shall not entail additional costs to the family shelter program; provided further, that the department shall report monthly to the house and senate committees on ways and means on the number of families who apply for emergency assistance funded family shelter, the number of families approved for shelter, the number of families denied shelter along with reasons for denials, the home community of families receiving shelter, the number of families receiving shelter within each home community, the number of available shelter slots within each home community, the income level of families receiving shelter, programs designed to prevent homelessness that had previously been accessed by families receiving shelter, the reason that the household is seeking emergency family shelter, and any other information that the department determines to be necessary in evaluating and proposing changes to the operation of emergency assistance family shelter programs; provided further, that not later than September 1 of the current fiscal year, the department shall deliver an annual report to the house and senate committees on ways and means on the status and activities of the emergency assistance family shelter program for the preceding fiscal year and any modifications that the department intends to make in the operation of the program in the current fiscal year; provided further, that this report shall include an analysis of the number of households from each home community that are receiving shelter services, the number of family shelter units available in each home community, and the steps that have been taken, and that the department plans to take in the future, to bring the number of family shelter units available in each home community into line with the number of households from each home community receiving shelter services; provided further, that the report shall also include information, by type of shelter, on average length of stay, average cost per household served, average number of shelter slots not used either as a result of no placement being made or of a family not making use of shelter, and an analysis of this data, including an analysis of causes relating to any significant differences in the data for each type of shelter; provided further, that in the first half of fiscal year 2004, and in the first half of every second fiscal year thereafter, the department shall conduct a program to monitor the outcomes for households denied family shelter services; provided further, that the department shall report on the results of this monitoring program to the house and senate committees on ways and means not later than February 17 of the fiscal year in which the program was undertaken; provided further, that this report shall include a recommendation on whether any changes should be made in the eligibility standards for emergency assistance shelter program to insure that households in need of emergency family shelter services are provided these services; provided further, that not later than December 15, 2002, the department shall submit to the house and senate committees on ways and means and the joint committee on human services and elderly affairs a policy document detailing the guidelines used in making decisions on daily operations of the family shelter system; provided further, that this document shall include the guidelines, and the rationale and supporting research behind the guidelines, used in determining whether and eligible household should be placed in congregate or scattered site shelter, the guidelines used in determining what support services need to be provided to recipients of family shelter services to expedite discharge from family shelter, the guidelines used in assigning priority to

support services in those instances where demand outstrips available services, and the linkages that have been developed between family shelter services, front-door homelessness prevention services, and back-door homeless shelter discharge services; provided further, that in promulgating, amending, or rescinding regulations with respect to eligibility or benefits under this program, the department shall take into account the amounts available to it for expenditure in this item so as to not to exceed the amount appropriated herein; provided further, that notwithstanding the provisions of any general or special law to the contrary, 30 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that nothing herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to services other than to the extent that such rights or entitlements exist under the regulations promulgated by the department; and provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels, except to the extent that such changes are needed to avoid a deficiency in this item 70,220,128”.

The question on passing said item, notwithstanding the objections of the Acting Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 16 in the negative.

[\[See Yea and Nay No. 481 in Supplement.\]](#)

Therefore item 4403-2120 (contained in section 2) passed, notwithstanding the objections of the Acting Governor (more than two-thirds of the members present and voting having voted in the affirmative. Sent to the Senate for its action.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing certain conveyances of land to establish the Southeastern Massachusetts Bioreserve (see House, No. 5270) (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 151 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 482 in Supplement.\]](#)

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

The engrossed Bill authorizing the Department of Highways to acquire land in the city of Quincy for the purpose of flood control and prevention (see Senate, No. 2232) (which originated in the Senate), 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 151 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 483 in Supplement.\]](#)

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

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain conservation land to the town of Sandwich (see printed as Senate, No. 2446) (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 151 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 484 in Supplement.\]](#)

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

Emergency Measure.

The engrossed Bill authorizing the commissioner of the Division of Capital Asset Management and Maintenance to convey certain easements in the town of North Andover (see House, No. 5200), 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 52 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was 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 149 members voted in the affirmative and 1 in the negative.

[\[See Yea and Nay No. 485 in Supplement.\]](#)

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

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the town of Hopedale to use certain conservation land for water supply purposes (see House, No. 5287) (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 151 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 486 in Supplement.\]](#)

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

The engrossed Bill authorizing the Division of Capital and Management to convey easements and land originally acquired for water quality protection for the Sudbury Reservoir in the city of Marlborough (see House, No. 3192, changed and amended) (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 151 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 487 in Supplement.\]](#)

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

Emergency Measures.

The engrossed Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to the town of Wellesley (see House, No. 5271), 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 51 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill

(which originated in the House) was 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 146 members voted in the affirmative and 5 in the negative.

[\[See Yea and Nay No. 488 in Supplement.\]](#)

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

The engrossed Bill authorizing the Commonwealth to take or acquire conservation restrictions in and to lands of the Auburn Water District (see House, No. 5295), 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 50 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was 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 150 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 489 in Supplement.\]](#)

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

The engrossed Bill providing for capital facility improvements and repairs for the Commonwealth (see Senate, No. 2271), 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 74 to 2. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) 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 “loan” bill as defined by Section 3 of Article LXII of the Amendments to the

Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 490 in Supplement.\]](#)

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

The engrossed Bill providing for certain transportation improvements (see Senate, No. 2245, amended), 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 76 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) 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 “loan” bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 138 members voted in the affirmative and 13 in the negative.

[\[See Yea and Nay No. 491 in Supplement.\]](#)

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

On motion of the members of the Boston Delegation, and by grant of unanimous consent of all of the members of the House, the Speaker read the following communication from the members of the Boston Delegation:

We adjourn tonight in memory of Brian J. Honan, a distinguished member of the Boston City Council, who died Tuesday evening, July 30, 2002.

Brian served the people of Allston and Brighton with distinction, honor and integrity. He devoted his career to the causes of those in the shadows of life — seniors, the young, disadvantaged, and the poor. In the affable spirit that was distinctively his, Brian was as comfortable on the basketball court of the West End House or singing a song at the Veronica Smith Senior Center, as he was in the courtroom or in the Chamber of the City Council. He was truly loved and respected by all those with whom he served, and those whose lives he touched.

A son of Allston/Brighton, Brian was a graduate of St. Columbkille’s High School, Boston College and the New England School of Law. In the same spirit of his service on the City Council, he spent his early career helping people and fighting the good fight — first as a teacher, and then as a prosecutor in the District Attorney’s Office. People were indeed Brian’s true vocation.

He was the son of a union laborer, Patrick Honan, and every day of his life, Brian fought for

the causes of working people everywhere.

He developed his love and his passion for public service from his mother, Mary Doyle Honan, whose work on Home and School Association Boards and Ward 21 Democratic Committee no doubt inspired her son to a lifetime of helping people.

Brian shared these same passions with his closest friend and brother — and our beloved and esteemed colleague — Representative Kevin Honan.

The House of Representatives thanks the Honan family for the service of their dear son, and we thank Brian Honan for showing us the true gift of public service.

May God bless him and his family at this time.

Order.

On motion of Mr. Jones of North Reading,—

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

Mr. Jones of North Reading then moved that the House adjourn; and the motion prevailed. Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at fourteen minutes before two o'clock A.M. (Thursday, August 1) (the Speaker being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.