

## JOURNAL OF THE HOUSE.

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Wednesday, July 7, 2004.

Met at eight minutes past eleven o'clock A.M.

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

Pledge of  
allegiance.

### *Statement of Representative Festa of Melrose.*

A statement of Mr. Festa of Melrose 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 I was not present in the House Chamber for the formal session on Tuesday June 29, 2004 due to previously scheduled personal circumstances. If I had been present I would have voted in the negative on Roll Call No. 671 and in the affirmative on Roll Calls 666, 667, 668, 669 and 670.

Statement of  
Representative  
Festa of  
Melrose.

### *Statement Concerning Representative Golden of Lowell.*

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

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Golden of Lowell, will not be present in the House Chamber for today's sitting due to an unexpected illness in his family. Any roll calls that he may miss today is due entirely to the reason stated.

Statement  
concerning  
Representative  
Golden of  
Lowell.

### *Statement Concerning Representative Kelly of Dalton.*

A statement of Mr. Jones of North Reading concerning Mr. Kelly of Dalton 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 Kelly of Dalton, will not be present in the House Chamber for today's sitting due to a long-standing and unavoidable personal commitment. Any roll calls that he may miss today or tomorrow is due entirely to the reason stated.

Statement  
concerning  
Representative  
Kelly of  
Dalton.

### *Resolutions.*

Resolutions (filed with the Clerk by Mr. Miceli of Wilmington) on the occasion of the dedication of a community room honoring the Tewksbury Fire Chiefs, were referred, under Rule 85, to the committee on Rules.

Tewksbury  
Fire  
Chiefs.

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

Petitions.

Petitions severally were presented and referred as follows:

Brockton, solar energy.

By Mr. Kennedy of Brockton, petition (accompanied by bill, House, No. 4955) of Thomas P. Kennedy, Geraldine Creedon and Christine E. Canavan (with the approval of the mayor and city council) relative to the installation, financing and the operation of solar energy facilities in the city of Brockton. To the committee on Energy.

Plymouth, city charter.

By Mr. deMacedo of Plymouth, petition (accompanied by bill, House, No. 4956) of Viriato Manuel deMacedo, Therese Murray and Thomas J. O'Brien (by vote of the town) relative to the charter of the town of Plymouth;

Somerville, city charter.

By Mr. Ciampa of Somerville, petition (accompanied by bill, House, No. 4957) of Vincent P. Ciampa, Timothy J. Toomey, Jr., and Charles E. Shannon (with the approval of the mayor and city council) relative to transferring certain employees of the school committee of the city of Somerville to the department of public works of said city;

Somerville, Health inspector.

By the same member, petition (accompanied by bill, House, No. 4958) of Vincent P. Ciampa, Timothy J. Toomey, Jr., and Charles E. Shannon (with the approval of the mayor and city council) relative to placing the health inspector of the city of Somerville under the supervision of the Division of Inspectional Services; and

Lawrence, city charter.

By Mr. Lantigua of Lawrence, petition (accompanied by bill, House, No. 4959) of William Lantigua, Barry R. Finegold, David M. Torrisi and Susan C. Tucker (with the approval of the mayor and city council) relative to the filling of vacancies in the city of Lawrence;

Severally to the committee on Local Affairs and Regional Government.

Fall River, Dennis O'Neil.

By Mr. Correia of Fall River, petition (accompanied by bill, House, No. 4960) of Robert Correia, Joan M. Menard, Michael J. Rodrigues and David B. Sullivan (with the approval of the mayor and city council) that the city of Fall River be authorized to increase the pension payable to Dennis O'Neil, a retired police officer;

Medford, early retirement.

By Mr. Donato of Medford, petition (accompanied by bill, House, No. 4961) of Paul J. Donato, J. James Marzilli, Charles E. Shannon and Vincent P. Ciampa (with the approval of the mayor and city council) providing for an early retirement incentive program for the city of Medford;

Gardner, police incentive pay.

By Mr. Knuuttila of Gardner, petition (accompanied by bill, House, No. 4962) of Brian Knuuttila, Emile J. Goguen, Mary Jane Simmons and Robert A. Antonioni (with approval of the mayor and city council) that the city of Gardner be authorized to provide a career incentive pay program for police officers; and

Eric K. Gouck.

By Mrs. Poirier of North Attleborough, petition (accompanied by bill, House, No. 4963) of Elizabeth Poirier and Scott P. Brown (by vote of the town) relative to the appointment of Eric K. Gouck as a firefighter in the town of North Attleborough;

Severally to the committee on Public Service.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Howland of Freetown, petition (subject to Joint Rule 12) of Mark A. Howland relative to designating a certain overpass in the city of New Bedford as the Andre Lopes Korean War Veteran Overpass.

New Bedford, Lopes Overpass.

By Mr. Lantigua of Lawrence, petition (subject to Joint Rule 12) of William Lantigua, Barbara A. L'Italien and Susan W. Pope relative to barring chiropractors convicted of insurance fraud from practicing said profession.

Chiropractors, regulate.

By the same member, petition (subject to Joint Rule 12) of William Lantigua relative to residency requirements under the rental assistance program.

Rental assistance, residency.

By the same member, petition (subject to Joint Rule 12) of William Lantigua, Christine E. Canavan and Edward G. Connolly relative to the packaging of certain goods.

Goods, packaging.

By Mr. Nyman of Hanover, petition (subject to Joint Rule 12) of Robert J. Nyman that the Teachers' Retirement Board be directed to grant additional retirement credit to Kathy Pelletier.

Kathy Pelletier, retirement.

By Mr. Rush of Boston, petition (subject to Joint Rule 12) of Michael F. Rush for legislation to extend certain employee rights to lay teachers in parochial schools.

Parochial school teachers.

By the same member, petition (subject to Joint Rule 12) of Michael F. Rush relative to creditable service for retirement purposes for Alan Nathan, an employee of the Department of Revenue.

Alan Nathan, retirement.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

The House Bill authorizing the city of Taunton to re-institute an early retirement program (House, No. 3871) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 4 and inserting in place thereof the following section:

Taunton, early retirement.

"SECTION 4. Notwithstanding section 116 of chapter 46 of the acts of 2003, the executive authority, in consideration of the benefits conferred in this act, shall negotiate to agreement any payment due to the employees for accrued vacation time, unused sick leave, and other payments to employees usually made at the time of retirement in accordance with chapter 150E. Notwithstanding the negotiation referenced in this section, payments shall be made over a period of 5 years. Any payments due, as provided in this section, shall commence, at the earliest, on July 1, 2005."

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

The same member then moved that the House concur with the Senate in its amendment with a further amendment in section 1, in lines 5 and 6, by striking out the following: "chapter 116 of the acts of 2002" (as changed by the House committee on Bills in the Third Reading) and inserting in place thereof the following: "section 116 of chapter 46 of the acts of 2003".

The further amendment was adopted.

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

Foster children, medical screening.

A Bill relative to medical screening and evaluation of foster children (Senate, No. 801, amended in section 1, in the first sentence, by striking out the word "insure" and inserting in place thereof the word "ensure", and in said section by striking out the second and third sentences and inserting in place thereof the following sentence: "The screening and evaluation shall follow recommendations of the American Academy of Pediatrics, the department of social services, and the executive office of health and human services in accordance with early and periodic screening, diagnostic, and treatment services as defined in 42 U.S.C. sec. 1396d.") (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33C, to the committee on Medicaid.

Bills

Hampshire County.

Relative to the Hampshire County Housing Authority (Senate, No. 2369) (on a petition);

Long-term care.

To establish standards for long-term care insurance (Senate, No. 2415) (on Senate bill, No. 2290);

Legal services.

Relative to prepaid legal services (Senate, No. 2425) (on Senate bill, No. 2285);

Tewksbury, lands.

Designating certain lands in the town of Tewksbury for conservation, agriculture and passive public recreational purposes (Senate, No. 2427) (on Senate, No. 1708);

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

Harvard, Still River Village.

A Bill relative to the Still River Village Wastewater Management District in the town of Harvard (Senate, No. 2339) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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 following petitions:

Stoughton, land conveyance.

Petition (accompanied by bill) of Louis L. Kafka, William C. Galvin and Brian A. Joyce that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land located in the town of Stoughton to said town. To the committee on State Administration.

Disabled, tax exemptions.

Petition (accompanied by bill) of Paul C. Demakis for legislation to provide motor vehicle excise tax exemptions for certain disabled persons. To the committee on Taxation.

Under suspension of the rules, on motion of Mr. Demakis of Boston, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Protective custody, study.

By Mr. Scaccia of Boston, for the committee on Rules, asking to be discharged from further consideration of the Order relative to authorizing the committee on Local Affairs and Regional Govern-

ment on the part of the House to make an investigation and study of a certain House document concerning persons in protective custody (House, No. 4869),— and recommending that the same be recommended to the committee on Local Affairs and Regional Government on the part of the House. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration

Of the Bill establishing a self-sufficiency standard in the Commonwealth (Senate, No. 2391); and

Self-sufficiency.

Of the Bill relative to the safety of junior operators (House, No. 4881);

Junior operators, safety.

And recommending that the same severally be referred to the House committee on Rules.

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

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to the town of Lenox and the reimbursement of local room occupancy taxes (Senate, No. 2344) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Lenox, taxes.

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

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

By Mr. Toomey of Cambridge, for the committee on Public Safety, on House, Nos. 2660 and 2661, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning anti-gang measures in the city of Somerville (House, No. 4950).

Somerville, anti-gang measures.

By Mr. Casey of Winchester, for the committee on Taxation, on House, No. 3620, an Order relative to authorizing the committee on Taxation to make an investigation and study of a certain House document concerning a local option income tax (House, No. 4951).

Local tax, study.

By the same member, for the same committee, on House, No. 4351, an Order relative to authorizing the committee on Taxation to make an investigation and study of a certain House document concerning the town of Plymouth impact development (House, No. 4952).

Plymouth development, study.

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

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

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

Health care trust.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill requiring a study of the financial feasibility of establishing the Massachusetts health care trust (Senate, No. 2272, amended) ought to pass with an amendment substituting therefor a Bill to determine the financial feasibility of establishing the Massachusetts health care trust (House, No. 4953). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

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

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

Senate bills

Cormier Bridge.

Designating a certain bridge in the town of Barre as Private First Class Edward J. Cormier Memorial Bridge (Senate, No. 2280, changed);

Abington, town manager. Boston, pilotage.

Providing for a strong town manager form of government in the town of Abington (Senate, No. 2345) [Local Approval Received]; and Further regulating the rates of pilotage for the Port of Boston (Senate, No. 2406); and

House bills

Area boards.

Granting additional duties and powers to area boards (House, No. 1116);

State colors.

Designating the official colors of the Commonwealth (House, No. 2694);

Special permits.

Allowing special permits granting authorities to receive mitigation funds (House, No. 4042);

Counties.

Concerning the structure of county government (House, No. 4047);

ri

Relative to powers of county governments and councils of government (House, No. 4048);

County advisory boards.

Providing for county advisory boards on economic development, regional planning and intergovernmental relations (House, No. 4050);

ri

Providing for an advisory board on economic development for each county accepting this section (House, No. 4052);

Zoning protection.

Relative to zoning protection of lawful, nonconforming single-family and two-family residences (House, No. 4059);

Municipal expenditures.

Relative to the expenditures of certain municipal and district monies (House, No. 4064);

Millbury, sewer fees.

Relative to sewerage facilities and fees in the town of Millbury (House, No. 4181) [Local Approval Received];

Martha's Vineyard, lease.

Authorizing the Martha's Vineyard Regional High School District school committee to lease certain property (House, No. 4190);

Tea.

Designating tea as the official hot beverage of the Commonwealth (House, No. 4192);

Lowell, easement.

Relative to authorizing the city of Lowell to grant permanent easement of park land (approximately 1426 square feet) to abutters (House, No. 4392) [Local Approval Received];

Sutton, land.

Authorizing the town of Sutton to lease certain conservation land (House, No. 4730) [Local Approval Received];

Validating the proceedings of the annual town meeting in the town of Brookfield (printed in House, No. 4756);

Brookfield, validate acts.

Relative to the reduction of rank for members of the fire department of the city of Boston (House, No. 4791) [Local Approval Received];

Boston, fire department.

Establishing a sick leave bank for Thomas McCabe, an employee of MCI-Norfolk (House, No. 4794);

Thomas McCabe, sick leave.

Relative to student records (House, No. 4807);

Student records.

Exempting the position of superintendent of streets of the town of Hull from the civil service law (House, No. 4816);

Hull, street superintendent.

Establishing a paid leave bank for a certain employee of the Department of Social Services (House, No. 4841);

Jamie Richard, sick leave.

Relative to the sale of alcoholic beverages to be drunk on the premises of clubs or war veterans' organizations in the town of Natick (House, No. 4882); and

Natick, liquor licenses.

Authorizing the town of Hingham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4896) [Local Approval Received];

Hingham, liquor license.

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

By Mr. Binienda of Worcester, for the committee on Energy, that the recommitted Bill clarifying a minimum threshold for the purchase of existing renewable power for the purposes of the renewable portfolio standard regulation (House, No. 4293, amended) ought to pass with an amendment by substitution of a Bill with the same title (House, No. 4954). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

Renewable power.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Carole M. Lees, an employee of the Department of Social Services (see Senate, No. 2230), 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.

Carole M. Lee, sick leave.

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 30 to 0. Sent to the Senate for concurrence.

The engrossed Bill relative to the possession of electronic weapons (see House, No. 3400, 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.

Law enforcement agencies.

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 28 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.

Bill enacted.

*Engrossed Bills.*

## Engrossed bills

Bills  
enacted.

Establishing a sick leave bank for Rosa A. McPherson, an employee of the Trial Court (see Senate, No. 2073) (which originated in the Senate); and

Relative to business corporations (see House, No. 4833, amended) (which originated in the House);

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

*Orders of the Day.*

## House bills

Third  
reading  
bills.

Authorizing the town of Leominster to grant a certain abatement (House, No. 4499);

Authorizing the town of Marshfield to reduce sewer fee liability and betterment charge in exchange for volunteer services by persons over the age of sixty (House, No. 4532);

Relative to dental hygienists (House, No. 4653); and

Authorizing the town of Yarmouth to lay out a public way over certain wellfield land (House, No. 4707);

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

## Senate bills

Second  
reading  
bills.

Authorizing Barnstable County to administer the repair, replacement and upgrade of septic systems (Senate, No. 2123);

Relative to meningitis immunization awareness (Senate, No. 2155); and

Further regulating meetings of municipal boards (Senate, No. 2247); and

## House bills

Allowing certain county employees to buy back additional years for retirement purposes (House, No. 220);

Providing a minimum pension for certain retired municipal employees (House, No. 243, changed);

Relative to falsifying an emergency transmission (House, No. 1636);

Further regulating construction supervisors licenses (House, No. 2115);

Establishing a retirement benefit for employees of the Massachusetts Port Authority (House, No. 2149);

Relative to nursing homes (House, No. 2620);

Criminally negligent homicide (House, No. 3486);

Relative to the Springfield Water and Sewer Commission (House, No. 4382);

Relative to the Massachusetts Property Insurance Underwriting Association (House, No. 4672);

Further regulating the setting of private passenger automobile insurance rates (House, No. 4675);

Relative to the reduction in rank for certain public employees in the city of Haverhill (House, No. 4736);

Authorizing the board of selectmen of the town of Lancaster to grant certain employment contracts (House, No. 4779);

Relative to the position of town administrator in the town of Wayland (House, No. 4784);

For a special law re: creditable service of certain employees of the city of Boston (House, No. 4790);

Prohibiting the criminal use of real property in a movie theater (House, No. 4863); and

Relative to public safety (House, No. 4946);

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

The House Bill relative to the uniform probate code (House, No. 787) was read a second time.

Second reading  
bill amended.

The amendment previously recommended by the committee on Medicaid,— that the bill be amended in section 14 by striking out the paragraph contained in lines 5297 to 5311, inclusive and inserting in place thereof the following paragraph:

“Notwithstanding any provision or law to the contrary, a voluntary personal representative shall certify on the statement that copies of said statement and death certificate have been sent to the division of medical assistance by certified mail. If the decedent received medical assistance subject to recovery under section thirty-one of chapter 118E, the provisions of section thirty-two of chapter 118E shall apply except (1) the period for the division to file a written statement with the registry of probate under subsection (b)(1) of said section thirty-two shall be written four months of the date the Register docketed the statement and (2) interest on allowed claims under subsection (g) of said section thirty-two shall commence four months plus sixty days after said date.”,— was adopted.

The bill (House, No. 787, amended) then was ordered to a third reading.

The House Bill relative to certain tanks used for the storage of fluids (House, No. 2132) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 1, in line 5, by striking out the word “liquids” and inserting in place thereof the word “fluids” and in section 2, in line 21, by striking out the word “liquid” and inserting in place thereof the word “fluid”,— were adopted.

The bill (House, No. 2132, amended) then was ordered to a third reading.

The House Bill concerning high school diplomas and veterans of World War II and the Korean War (House, No. 2399) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out, in lines 12, 13 and 14, the words “or who entered active wartime service within four years immediately following the date of withdrawal from the public school system”,— was adopted.

The bill (House, No. 2399, amended) then was ordered to a third reading.

Second reading bill amended.

The House Bill establishing a spinal cord injury trust fund (House, No. 2434) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4738),— was adopted.

The substituted bill then was ordered to a third reading.

Small group insurance.

The House Bill relative to small group insurance (House, No. 1699) was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Jones of North Reading and other members of the House moved that it be amended by adding at the end thereof the following section:

“SECTION 2. The division of insurance shall submit a report to the house and senate committees on ways and means annually on or before January 1st of each year, that shall include, but not be limited to the following: analysis of the products offered by health insurance carriers to small business or associations, including analysis of premium rates charged by insurance carriers, names of associations offering group health insurance and the percentage of members within the associations that are enrolled in insurance plans offered by the association.”

The amendment was adopted.

Pending the question on ordering the bill, as amended, to a third reading, it was referred, on motion of Mr. Rushing of Boston, to the committee on Ways and Means.

Small claims court, damages.

The House Bill relative to increasing the amount of damages in small claims court (House, No. 3000) was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Jones of North Reading and other members of the House moved that it be amended by striking out all after the enacting clause and inserting in place thereof the following:

“Section 21 of chapter 218 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out the words ‘two thousand dollars’, in lines 6 and 35, and inserting in place thereof in both instances the following figures:— \$5,000.”

The amendment was adopted; and the bill (House, No. 3000, amended) was ordered to a third reading.

Board of Education.

The engrossed Bill relative to the membership of the Board of Education (see House, No. 4903), being a printed copy of Section 28 contained in the engrossed Bill making appropriations for the fiscal year 2005 (House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment D of House, No. 4901), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment D of said House, No. 4901 (as perfected by said committee).

The report was accepted.

On the question on adoption of the amendment recommended by the Governor, 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 21 members voted in the affirmative and 134 in the negative.

[See Yea and Nay No. 689 in Supplement.]

Therefore the House refused to amend the bill. Sent to the Senate for its action.

Amendment rejected, yea and nay No. 689.

The engrossed Bill relative to early childhood education and care (see House, No. 4904), being a printed copy of Section 35 contained in the engrossed Bill making appropriations for the fiscal year 2005 (House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment E of House, No. 4901), was considered.

Early childhood education.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment E of said House, No. 4901 (as perfected by said committee).

The report was accepted.

On the question on adoption of the amendment recommended by the Governor, 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 21 members voted in the affirmative and 133 in the negative.

Amendment rejected, yea and nay No. 690.

[See Yea and Nay No. 690 in Supplement.]

Therefore the House refused to amend the bill. Sent to the Senate for its action.

Joint Session of the Two Houses to Consider Specific Amendments to the Constitution.

At twenty minutes past one o'clock P.M., the two Houses met in

Joint session.

JOINT SESSION

and were called to order by the Honorable Robert E. Travaglini, President of the Senate.

At twenty-one minutes past one o'clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the President declared a recess; and at twenty-two minutes past two o'clock P.M., the Joint Session reassembled, the President in the Chair.

Recess.

The Proposal for a Legislative Amendment to the Constitution providing for the abolition of the council (Senate, No. 1984),— was then read twice in accordance with the provisions of the special rules.

Governor's council, abolish.

The Proposal was as follows:—

Governor s  
council,  
abolish.

## ARTICLE OF AMENDMENT.

ART. *Section 1.* Article IV of section I of chapter I of Part the Second of the Constitution is hereby amended by striking out the words “with the advice and consent of the council”.

*Section 2.* Article II of section II of said chapter I is hereby amended by striking out in the first paragraph the words “and councillors” and the words “councillors and” wherever they appear in the third paragraph.

*Section 3.* Article III of section II of said chapter I is hereby amended by striking out the words “with five of the council”.

*Section 4.* Article XI of section III of said chapter I is hereby amended by striking out the words “and council,” and the word “council,” wherever they appear.

*Section 5.* Article IV of section I of chapter II of the Second Part of the Constitution is hereby annulled.

*Section 6.* Article V of said section I of said chapter II is hereby amended by striking out the words “with advice of the council”.

*Section 7.* Article VI of said section I of said chapter II is hereby amended by striking out the words “with advice of the council”.

*Section 8.* Article VIII of said section I of said chapter II is hereby annulled and the following article is adopted in place thereof:—

*Article VIII.* The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor; provided, that if the offence is a felony the General Court shall have the power to prescribe the terms and conditions upon which a pardon may be granted; but no charter of pardon, granted by the before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned. The each Governor shall annually communicate to the General Court the name of person pardoned, the crime and date of conviction, and the date of the pardon.

*Section 9.* Article IX of said section I of said chapter II is hereby amended by striking out the word “council” and inserting in place thereof the following word:— senate.

*Section 10.* Article XI of said section I of said chapter II is hereby amended by striking out the words “,with the advice and consent of the council,”.

*Section 11.* Article II of section II of said chapter II is hereby annulled.

*Section 12.* Articles I to V, inclusive, of section III of said chapter II are hereby annulled.

*Section 13.* Article II of section IV of said chapter II is hereby amended by striking out the words “and council”.

*Section 14.* Article I of chapter III of Part the Second of the consent of Constitution is hereby amended by striking out the words with the “the council,” the first time they appear.

*Section 15.* Said article I of said chapter III is hereby further amended by striking out the word “council”, the second time it appears, and inserting in place thereof the following word:— senate.

*Section 16.* Article II of said chapter III is hereby amended by striking out the words “or the council”.

*Section 17.* Article V of said chapter III is hereby annulled.

*Section 18.* Article I of chapter VI of Part the Second of the insert- ing Constitution is hereby amended by striking out the last para- graph and in place thereof the following paragraph:—

And the said oaths or affirmations shall be taken and subscribed by the governor and the two lieutenant governor, before the president of the senate, in the presence of houses of assembly; and by senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and for- ever afterwards before the governor for the time being; and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the legislature.

*Section 19.* Article II of said chapter VI is hereby amended by striking out in the second paragraph the words “or the governor and council”.

*Section 20.* Said Article II of said chapter VI is hereby further amended by striking out the fourth paragraph.

*Section 21.* Said Article II of said chapter VI is hereby further amended by striking out the words “with the advice and consent of the council”.

*Section 22.* Article VII of the Amendments to the Constitution is hereby amended by striking out the word “councillors,”.

*Section 23.* Article VIII of said Amendments is hereby amended by in striking out the words “, lieutenant governor, or councillor” and inserting place thereof the words:— or lieutenant governor.

*Section 24.* Article XIII of said Amendments is hereby amended by striking out in the last sentence the words “or in the executive council”.

*Section 25.* Article XVI of said Amendments is hereby annulled and the following article is adopted in place thereof:—

*Article XVI.* That there may be no delay in the organization of the government on the first Wednesday of January, the governor shall, as soon as may be, examine the returned copies of the records for the election of governor and lieutenant governor; and ten days before the said first Wednesday in January he shall issue his sum- mons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in the case of the election of either of said officers, the choice shall be by them declared and published; but in case there for shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the Constitution the choice of such officers.

*Section 26.* Article XVII of said Amendments is hereby amended by striking out the words “with the advice and consent of the council”.

*Section 27.* Article XXV of said Amendments is hereby annulled.

*Section 28.* Article XXXVII of said Amendments is hereby amended by striking out the words “,with consent of the council”.

*Section 29.* The first sentence of section 1 of article LXIV, as striking appearing in article LXXX, of said Amendments is hereby amended by out the word “councillors”.

Governor's  
council,  
abolish.

*Section 30.* Said section 1 of said article LXIV, as so appearing, is hereby further amended by striking out the sixth sentence.

*Section 31.* The first sentence of section 2 of article CI, as appearing in section 2 of article CXIX, of said Amendments is hereby amended by striking out the words "and also the councillor districts".

*Section 32.* The last sentence of said section 2 of said article CI is hereby amended by striking out the words "and councillors".

*Section 33.* Section 3 of said article CI is hereby amended by striking out the word "councillor".

*Section 34.* All of the provisions of the constitution and amendments inconsistent with the provisions of these Amendments are hereby annulled.

Pending the question on ordering the proposal to a third reading, Mr. Finegold of Andover and Mr. Joyce moved that the proposal be amended by adding at the end thereof the following section:—

"Section 35. The provisions of this law will take effect on the 7th day of January, 2009."

Quorum.

Pending the question on adoption of the amendment, at twenty-four minutes past two o'clock P.M., Mr. Bosley of North Adams doubted the presence of a quorum and asked for a call of the yeas and nays to ascertain if a quorum was present. The President, 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 at twenty-four minutes past two o'clock P.M., as follows to wit (Answered Present 189) [**Senate Yeas and Nays No. 602**] [**House Yeas and Nays No. 691**]:

ANSWERED "PRESENT" (189).

*Senators.*

Antonioni, Robert A.  
Baddour, Steven A.  
Barrios, Jarrett T.  
Berry, Frederick E.  
Brewer, Stephen M.  
Chandler, Harriette L.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Fargo, Susan C.  
Glodis, Guy W.  
Hart, John A., Jr.  
Havern, Robert A.  
Hedlund, Robert L.  
Joyce, Brian A.  
Knapik, Michael R.  
Lees, Brian P.  
Magnani, David P.  
McGee, Thomas M.  
Melconian, Linda J.  
Menard, Joan M.

Montigny, Mark C.  
Moore, Richard T.  
Morrissey, Michael W.  
Murray, Therese  
Nuciforo, Andrea F., Jr.  
O'Leary, Robert A.  
Pacheco, Marc R.  
Panagiotakos, Steven C.  
Resor, Pamela  
Rosenberg, Stanley C.  
Shannon, Charles E.  
Sprague, Jo Ann  
Tarr, Bruce E.  
Tisei, Richard R.  
Tolman, Steven A.  
Travaglini, Robert E.  
Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — 39.

*Representatives.*

Asselin, Christopher P.  
Atkins, Cory

Atsalis, Demetrius J.  
Ayers, Bruce J.

Balser, Ruth B.  
Binienda, John J.  
Blumer, Deborah D.  
Bosley, Daniel E.  
Bradley, Garrett J.  
Buoniconti, Stephen J.  
Cabral, Antonio F. D.  
Callahan, Jennifer M.  
Canavan, Christine E.  
Candaras, Gale D.  
Carron, Mark J.  
Casey, Paul C.  
Ciampa, Vincent P.  
Connolly, Edward G.  
Coppola, Michael J.  
Correia, Robert  
Costello, Michael A.  
Coughlin, Robert K.  
Creedon, Geraldine  
DeLeo, Robert A.  
deMacedo, Viriato Manuel  
Demakis, Paul C.  
Dempsey, Brian S.  
DiMasi, Salvatore F.  
Donato, Paul J.  
Donelan, Christopher J.  
Donovan, Carol A.  
Driscoll, Joseph R.  
Eldridge, James B.  
Evangelidis, Lewis G.  
Fagan, James H.  
Fallon, Christopher G.  
Falzone, Mark V.  
Fennell, Robert F.  
Finegold, Barry R.  
Finneran, Thomas M.  
Flynn, David L.  
Fox, Gloria L.  
Fresolo, John P.  
Frost, Paul K.  
Galvin, William C.  
Garry, Colleen M.  
George, Thomas N.  
Gifford, Susan Williams  
Gobi, Anne M.  
Goguen, Emile J.  
Golden, Brian Paul  
Gomes, Shirley  
Grant, Mary E.  
Greene, William G., Jr.  
Haddad, Patricia A.  
Hall, Geoffrey D.  
Hargraves, Robert S.  
Harkins, Lida E.  
Hill, Bradford  
Hillman, Reed V.  
Honan, Kevin G.  
Howland, Mark A.  
Humason, Donald F., Jr.  
Hynes, Frank M.  
Jehlen, Patricia D.  
Jones, Bradley H., Jr.  
Kafka, Louis L.  
Kane, Michael F.  
Kaufman, Jay R.  
Keenan, Daniel F.  
Kennedy, Thomas P.  
Khan, Kay  
Knuuttila, Brian  
Kocot, Peter V.  
Koczera, Robert M.  
Koutoujian, Peter J.  
Kujawski, Paul  
Kulik, Stephen  
Lantigua, William  
Larkin, Peter J.  
Leary, James B.  
LeDuc, Stephen P.  
Lepper, John A.  
Linsky, David Paul  
L'Italien, Barbara A.  
Loscocco, Paul J.  
Malia, Elizabeth A.  
Mariano, Ronald  
Marzilli, J. James, Jr.  
Miceli, James R.  
Murphy, Charles A.  
Murphy, James M.  
Murphy, Kevin J.  
Nangle, David M.  
Naughton, Harold P., Jr.  
Nyman, Robert J.  
O'Brien, Thomas J.  
O'Flaherty, Eugene L.  
Parente, Marie J.  
Patrick, Matthew C.  
Paulsen, Anne M.  
Pedone, Vincent A.  
Peisch, Alice Hanlon  
Perry, Jeffrey Davis  
Petersen, Douglas W.  
Peterson, George N., Jr.  
Petrolati, Thomas M.  
Petruccelli, Anthony  
Pignatelli, William Smitty  
Poirier, Elizabeth  
Polito, Karyn E.  
Pope, Susan W.  
Quinn, John F.  
Rivera, Cheryl A.  
Rodrigues, Michael J.  
Rogeness, Mary S.  
Rogers, John H.  
Ruane, J. Michael  
Rush, Michael F.  
Rushing, Byron



Governor's  
council,  
abolish.

Sánchez, Jeffrey  
Scaccia, Angelo M.  
Scibak, John W.  
Smizik, Frank I.  
Speliotis, Theodore C.  
Spellane, Robert  
Spiliotis, Joyce A.  
Spilka, Karen  
Stanley, Harriett L.  
Stanley, Thomas M.  
St. Fleur, Marie P.  
Story, Ellen  
Straus, William M.  
Sullivan, David B.  
Swan, Benjamin

Teahan, Kathleen M.  
Timilty, Walter F.  
Toomey, Timothy J., Jr.  
Torrisi, David M.  
Travis, Philip  
Turkington, Eric  
Vallee, James E.  
Verga, Anthony J.  
Wagner, Joseph F.  
Wallace, Brian P.  
Walrath, Patricia A.  
Walsh, Martin J.  
Walsh, Steven Myles  
Webster, Daniel K.  
Wolf, Alice K. — 150.

NAYS — (0).

ABSENT OR NOT VOTING (9).

*Senator.*

Brown, Scott P. — 1.

*Representatives.*

Broadhurst, Arthur J.  
Festa, Michael E.  
Golden, Thomas A., Jr.  
Kaprielian, Rachel  
Kelly, Shaun P.

Owens-Hicks, Shirley  
Reinstein, Kathi-Anne  
Simmons, Mary Jane  
Tobin, A. Stephen — 9.

The yeas and nays having been completed at twenty-seven minutes before three o'clock P.M., a quorum was declared present.

The Proposal for a Legislative Amendment to the Constitution providing for the abolition of the council (Senate, No. 1984),— was further considered, the question being on adoption of the amendment. After debate, the pending amendment (Finegold-Joyce) was *rejected*.

The question on ordering the proposal to a third reading was then determined by a call of the yeas and nays at four minutes past three o'clock P.M. as follows to wit (yeas 43 — nays 149) [**Senate Yeas and Nays No. 603**] [**House Yeas and Nays No. 692**]:

YEAS (43).

*Senators.*

Baddour, Steven A.  
Glodis, Guy W.  
Hedlund, Robert L.  
Joyce, Brian A.  
Moore, Richard T.  
Murray, Therese  
Nuciforo, Andrea F., Jr.

O'Leary, Robert A.  
Resor, Pamela  
Rosenberg, Stanley C.  
Sprague, Jo Ann  
Tisei, Richard R.  
Tucker, Susan C. — 13.

*Representatives.*

Atkins, Cory  
Bosley, Daniel E.

Callahan, Jennifer M.  
Coppola, Michael J.

Donelan, Christopher J.  
Eldridge, James B.  
Finegold, Barry R.  
Frost, Paul K.  
Galvin, William C.  
Grant, Mary E.  
Humason, Donald F., Jr.  
Hynes, Frank M.  
Jehlen, Patricia D.  
Kaufman, Jay R.  
Kulik, Stephen  
Lepper, John A.  
Linsky, David P.

Marzilli, J. James, Jr.  
Patrick, Matthew C.  
Peisch, Alice H.  
Perry, Jeffrey D.  
Petersen, Douglas W.  
Poirier, Elizabeth  
Pope, Susan W.  
Speliotis, Theodore C.  
Spilka, Karen  
Stanley, Harriett L.  
Story, Ellen  
Travis, Philip  
Walrath, Patricia A. — 30.

NAYS — (149).

*Senators.*

Antonioni, Robert A.  
Barrios, Jarrett T.  
Berry, Frederick E.  
Brewer, Stephen M.  
Chandler, Harriette L.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Fargo, Susan C.  
Hart, John A., Jr.  
Havern, Robert A.  
Knapik, Michael R.  
Lees, Brian P.  
Magnani, David P.

McGee, Thomas M.  
Melconian, Linda J.  
Menard, Joan M.  
Montigny, Mark C.  
Morrissey, Michael W.  
Pacheco, Marc R.  
Shannon, Charles E.  
Tarr, Bruce E.  
Tolman, Steven A.  
Travaglini, Robert E.  
Walsh, Marian  
Wilkerson, Dianne — 25.

*Representatives.*

Asselin, Christopher P.  
Atsalis, Demetrius J.  
Ayers, Bruce J.  
Balsler, Ruth B.  
Binienda, John J.  
Blumer, Deborah D.  
Bradley, Garrett J.a  
Buoniconti, Stephen J.  
Cabral, Antonio F. D.  
Canavan, Christine E.  
Candaras, Gale D.  
Carron, Mark J.  
Casey, Paul C.  
Ciampa, Vincent P.  
Connolly, Edward G.  
Correia, Robert  
Costello, Michael A.  
Coughlin, Robert K.  
Creedon, Geraldine  
DeLeo, Robert A.  
deMacedo, Viriato Manuel  
Demakis, Paul C.  
Dempsey, Brian S.  
DiMasi, Salvatore F.  
Donato, Paul J.  
Donovan, Carol A.

Driscoll, Joseph R.  
Evangelidis, Lewis G.  
Fagan, James H.  
Fallon, Christopher G.  
Falzone, Mark V.  
Fennell, Robert F.  
Festa, Michael E.  
Finneran, Thomas M.  
Flynn, David L.  
Fox, Gloria L.  
Fresolo, John P.  
Garry, Colleen M.  
George, Thomas N.  
Gifford, Susan Williams  
Gobi, Anne M.  
Goguen, Emile J.  
Golden, Brian Paul  
Gomes, Shirley  
Greene, William G., Jr.  
Haddad, Patricia A.  
Hall, Geoffrey D.  
Hargraves, Robert S.  
Harkins, Lida E.  
Hill, Bradford  
Hillman, Reed V.  
Honan, Kevin G.

Governor's council, abolish.

Howland, Mark A.
Jones, Bradley H., Jr.
Kafka, Louis L.
Kane, Michael F.
Kaprielian, Rachel
Keenan, Daniel F.
Kennedy, Thomas P.
Khan, Kay
Knuutila, Brian
Kocot, Peter V.
Koczera, Robert M.
Koutoujian, Peter J.
Kujawski, Paul
Lantigua, William
Larkin, Peter J.
Leary, James B.
LeDuc, Stephen P.
L'Italiani, Barbara A.
Loscocco, Paul J.
Malia, Elizabeth A.
Mariano, Ronald
Miceli, James R.
Murphy, Charles A.
Murphy, James M.
Murphy, Kevin J.
Nangle, David M.
Naughton, Harold P., Jr.
Nyman, Robert J.
O'Brien, Thomas J.
O'Flaherty, Eugene L.
Parente, Marie J.
Paulsen, Anne M.
Pedone, Vincent A.
Peterson, George N., Jr.
Petrinati, Thomas M.
Petrucelli, Anthony

Pignatelli, William Smitty
Polito, Karyn E.
Quinn, John F.
Reinstein, Kathi-Anne
Rivera, Cheryl A.
Rodrigues, Michael J.
Rogeness, Mary S.
Rogers, John H.
Ruane, J. Michael
Rush, Michael F.
Rushing, Byron
Sanchez, Jeffrey
Scaccia, Angelo M.
Scibak, John W.
Smizik, Frank I.
Spellane, Robert
Spiliotis, Joyce A.
Stanley, Thomas M.
St. Fleur, Marie P.
Straus, William M.
Sullivan, David B.
Swan, Benjamin
Teahan, Kathleen M.
Timilty, Walter F.
Tobin, A. Stephen
Toomey, Timothy J., Jr.
Torrisi, David M.
Turkington, Eric
Vallee, James E.
Verga, Anthony J.
Wagner, Joseph F.
Wallace, Brian P.
Walsh, Martin J.
Walsh, Steven Myles
Webster, Daniel K.
Wolf, Alice K. — 124.

ABSENT OR NOT VOTING (7).

Senators.

Brown, Scott P.
Panagiotakos, Steven C. — 2.

Representatives.

Broadhurst, Arthur J.
Golden, Thomas A., Jr.
Kelly, Shaun P.
Owens-Hicks, Shirley
Simmons, Mary Jane — 5.

The yeas and nays having been completed at fourteen minutes past three o'clock P.M., the proposal was rejected.

Gov.-Lt. Gov., vacancies.

There being no objection, on motion of Mr. Lees, the Proposal for a Legislative Amendment to the Constitution relative to a vacancy in the office of Governor or Lieutenant Governor (House, No. 727) was placed at the end of the calendar.

Executive council, abolish.

The proposal for a Legislative Amendment to the Constitution abolishing the Executive Council (House, No. 946),— was placed before the Joint Session.

The President ruled that since this proposal was a duplicate of Senate, No. 1984 which was previously rejected by a vote of the Joint Session the proposal was declared moot as the Joint Session had previously considered the same subject matter.

The Proposal for a Legislative Amendment to the Constitution to limit the content of appropriation bills (House, No. 3287),— was then read twice in accordance with the provisions of the special rules.

Appropriation Bills.

The Proposal was as follows:—

ARTICLE OF AMENDMENT.

Article LXIII of the Articles of Amendments to the Constitution of the Commonwealth is hereby amended by adding the following new section:—

SECTION 5. Content of Appropriation Bills. A bill making appropriations shall not contain provisions on any other subject matter except as required for its routine implementation."

Pending the question on ordering the proposal to a third reading, on motion of Mr. Hynes of Marshfield, the proposal was placed at the end of the calendar.

The Proposal for a Legislative Amendment to the Constitution to require biennial state budgets (House, No. 3288),— was then read twice in accordance with the provisions of the special rules.

Biennial state budgets.

The Proposal was as follows:—

ARTICLE OF AMENDMENT.

Article LXIII of the Articles of Amendments to the Constitution of the Commonwealth is hereby amended by striking out sections 2, 3 and 4 and inserting in place thereof the following new sections:

SECTION 2. The Budget. Within three weeks after the convening of the general court the governor shall in each even numbered year recommend to the general court a biennial budget which shall contain a statement of all proposed expenditures for the fiscal year and for the ensuing fiscal year, including those already authorized by law, and of all taxes, revenues, loans and other means by which such expenditures shall be defrayed. In the first year of the term of office of a governor who has not served in the preceding year said governor shall recommend such budget within eight weeks after the convening of the general court. The budget shall be arranged in such form as the general court may by law prescribe, or, in default thereof, as the governor shall determine. For the purpose of preparing his budget, the governor shall have the power to require any board, commission, officer or department to furnish him with any information he may deem necessary.

SECTION 3. The Biennial Appropriation Bill. All appropriations based upon the budget to be paid from taxes or revenues shall be incorporated in a single bill which shall be called the biennial appropriation bill. The general court may increase, decrease, add or omit items in the budget. The general court may provide for its salaries, mileage, and expenses and for necessary expenditures in anticipation of appropriations, but before final action on the biennial appropriation bill it shall not enact any other appropriation bill except on recommendation of the governor. The governor may at any time

recommend to the general court supplementary budgets which shall be subject to the same procedures as the original budget.

SECTION 4. Special Appropriation Bills. After final action on the biennial appropriation bill or on recommendation of the governor, special appropriation bills may be enacted. Such bills shall provide the specific means for defraying the appropriations therein contained.

Pending the question on ordering the proposal to a third reading, on motion of Mr. Hynes of Marshfield, the proposal was placed at the end of the calendar.

The Initiative Amendment to the Constitution relative to the provision of health insurance (House, No. 4444),— was read twice in accordance with the provisions of the special rules.

The Proposal was as follows:—

ARTICLE OF AMENDMENT

The people of the Commonwealth of Massachusetts hereby declare it necessary and expedient to alter the Constitution by the adoption of the following Article of Amendment:

Upon ratification of this amendment and thereafter, it shall be the obligation and duty of the Legislature and executive officials, on behalf of the Commonwealth, to enact and implement such laws as will ensure that no Massachusetts resident lacks comprehensive, affordable and equitably financed health insurance coverage for all medically necessary preventive, acute and chronic health care and mental health care services, prescription drugs and devices.

After debate, on motion of Mr. DiMasi of Boston, the further consideration thereof was postponed until Wednesday, July 14.

The Proposal for a Legislative Amendment to the Constitution creating a permanent “Rainy Day” fund to provide stable revenues for the Commonwealth (House, No. 4691),— was then read twice in accordance with the provisions of the special rules.

The Proposal was as follows:—

ARTICLE OF AMENDMENT.

Article LXIII of the Articles of Amendments to the Constitution of the Commonwealth is hereby amended by adding the following 2 sections:

SECTION 6. There shall be established and set up on the books of the commonwealth a separate fund to be known as the stabilization fund consisting of amounts transferred to the fund and income derived from the investment of amounts so transferred. The general appropriation bill shall annually appropriate to said stabilization fund an equal to 1% of the amount of state tax revenues used to defray the general appropriation bill for the previous fiscal year.

Appropriations to said stabilization fund shall not be necessary in any fiscal year when either of the following conditions are met: (i) the general appropriation bill assumes that there is no increase or a decrease in state tax revenue due to economic factors beyond the control of the general court; or (ii) in any fiscal year immediately following a fiscal year of no increase or a decrease in said revenue due to economic factors beyond the control of the general court. All surplus funds at the end of each fiscal year shall also be deposited in

Health insurance.

Rainy day fund.

said fund; however, nothing stated herein shall preclude the general court from making additional appropriations to said fund as it deems appropriate.

If said fund shall, in any given fiscal year, exceed 15% of total revenues used to defray the general appropriation act for that fiscal year, said excess shall be expended in such manner as the general court may by law prescribe. No funds may be transferred or appropriated from said fund, except by an emergency appropriations bill; provided, however, that no more than 50% of said fund shall be expended in any fiscal year.

SECTION 7. After final action on the general appropriation bill or on recommendation of the governor, emergency appropriation bills shall be enacted by a two-thirds vote of members present and voting thereon, taken by yeas and nays, of each branch of the general court. Such bills shall provide the specific means of defraying the appropriations therein contained and shall declare in a preamble setting forth the facts constituting the emergency, public exigency, or significant distress necessitating use of these funds. An emergency appropriations bill which transfers or appropriates funds from the stabilization fund shall contain a plan for decreasing the necessity for the use of said fund in the subsequent five fiscal years resulting from the utilization of stabilization funds in the first fiscal year. No emergency appropriations bill shall transfer or appropriate more than 50% of the balance to the stabilization fund.

Pending the question on ordering the proposal to a third reading, Mr. Marzilli of Arlington moved that the proposal be amended by substituting the following text:

“SECTION 6. There shall be established and set up on the books of the commonwealth a separate fund to be known as the stabilization fund consisting of amounts transferred to the fund and income derived from the investment of amounts so transferred. The general appropriation bill shall annually appropriate to said stabilization fund an amount equal to 1% of the amount of state tax revenues used to defray the general appropriation bill for the previous fiscal year. Appropriations to said stabilization fund shall not be necessary in any fiscal year when either of the following conditions are met: (i) the general appropriation bill assumes that there is no increase or a decrease in state revenue due to economic factors beyond the control of the general court; or (ii) in any fiscal year immediately following a fiscal year of no increase or a decrease in said revenue due to economic factors beyond the control of the general court. All surplus funds at the end of each fiscal year shall also be deposited in said fund; however, nothing stated herein shall preclude the general court from making additional appropriations to said fund as it deems appropriate.

If said fund shall, in any given fiscal year, exceed 15% of total revenues used to defray the general appropriation act for that fiscal year, said excess shall be expended in such manner as the general court may by law prescribe. No funds may be transferred or appropriated from said fund, except by an emergency appropriations bill.

SECTION 7. After final action on the general appropriation bill or on recommendation of the governor, emergency appropriation bills shall be enacted by a majority vote of members present and voting thereon, taken by yeas and nays, of each branch of the general court.

Rainy day  
fund.

Such bills shall provide the specific means of defraying the appropriations therein contained and shall declare in a preamble setting forth the facts constituting the emergency, public exigency, or significant distress necessitating use of these funds. An emergency appropriations bill which transfers or appropriates funds from the stabilization fund shall contain a plan for decreasing the necessity for the use of said fund in the subsequent five fiscal years resulting from the utilization of stabilization funds in the first fiscal year."

After remarks, the amendment was *rejected*.

Mr. Marzilli of Arlington doubted the vote and asked for a call of the yeas and the nays.

An insufficient number of members joining with him, the yeas and nays were not ordered.

Messrs. Finneran of Boston, Rogers of Norwood, Larkin of Pittsfield, Travaglini of Suffolk and Middlesex, Jones of North Reading and Lees of Hampden and Hampshire moved that the proposal be amended in line 29 by striking the words "two-thirds" and inserting in place thereof the words "three-fifths".

After remarks, the amendment was adopted.

The proposal, as amended, was ordered to a third reading.

The rules were suspended, on motion of Mr. Finneran of Boston, and the proposal was read a third time.

The question on agreeing to the amendment was taken by a call of the yeas and nays, as required by Article XLVIII of the amendments to the Constitution, at two minutes past six o'clock P.M., as follows, to wit (yeas 181 — nays 12) [**Senate Yeas and Nays No. 604**] [**House Yeas and Nays No. 693**]:

YEAS (181).

*Senators.*

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 37.
Montigny, Mark C.	

*Representatives.*

Asselin, Christopher P.	Atsalis, Demetrius J.
Atkins, Cory	Ayers, Bruce J.

Binienda, John J.	Hynes, Frank M.
Blumer, Deborah D.	Jones, Bradley H., Jr.
Bosley, Daniel E.	Kafka, Louis L.
Bradley, Garrett J.	Kane, Michael F.
Buoniconti, Stephen J.	Kaprielian, Rachel
Cabral, Antonio F. D.	Keenan, Daniel F.
Callahan, Jennifer M.	Khan, Kay
Canavan, Christine E.	Knuutila, Brian
Candaras, Gale D.	Kocot, Peter V.
Carron, Mark J.	Koczera, Robert M.
Casey, Paul C.	Koutoujian, Peter J.
Ciampa, Vincent P.	Kujawski, Paul
Connolly, Edward G.	Kulik, Stephen
Coppola, Michael J.	Lantigua, William
Correia, Robert	Larkin, Peter J.
Costello, Michael A.	Leary, James B.
Coughlin, Robert K.	LeDuc, Stephen P.
Creedon, Geraldine	Lepper, John A.
DeLeo, Robert A.	Linsky, David Paul
deMacedo, Viriato Manuel	L'Italien, Barbara A.
Dempsey, Brian S.	Loscocco, Paul J.
DiMasi, Salvatore F.	Malia, Elizabeth A.
Donato, Paul J.	Mariano, Ronald
Donelan, Christopher J.	Miceli, James R.
Donovan, Carol A.	Murphy, Charles A.
Driscoll, Joseph R.	Murphy, James M.
Eldridge, James B.	Murphy, Kevin J.
Evangelidis, Lewis G.	Nangle, David M.
Fagan, James H.	Naughton, Harold P., Jr.
Fallon, Christopher G.	Nyman, Robert J.
Fennell, Robert F.	O'Brien, Thomas J.
Festa, Michael E.	O'Flaherty, Eugene L.
Finegold, Barry R.	Owens-Hicks, Shirley
Finneran, Thomas M.	Parente, Marie J.
Flynn, David L.	Patrick, Matthew C.
Fox, Gloria L.	Pedone, Vincent A.
Fresolo, John P.	Peisch, Alice Hanlon
Frost, Paul K.	Perry, Jeffrey Davis
Galvin, William C.	Petersen, Douglas W.
Garry, Colleen M.	Peterson, George N., Jr.
George, Thomas N.	Petrolati, Thomas M.
Gifford, Susan Williams	Petrucelli, Anthony
Gobi, Anne M.	Pignatelli, William Smitty
Goguen, Emile J.	Poirier, Elizabeth
Golden, Brian Paul	Polito, Karyn E.
Gomes, Shirley	Pope, Susan W.
Grant, Mary E.	Quinn, John F.
Greene, William G., Jr.	Reinstein, Kathi-Anne
Haddad, Patricia A.	Rivera, Cheryl A.
Hall, Geoffrey D.	Rodrigues, Michael J.
Hargraves, Robert S.	Rogeness, Mary S.
Harkins, Lida E.	Rogers, John H.
Hill, Bradford	Ruane, J. Michael
Hillman, Reed V.	Rush, Michael F.
Honan, Kevin G.	Sánchez, Jeffrey
Howland, Mark A.	Scaccia, Angelo M.
Humason, Donald F., Jr.	Scibak, John W.

Rainy day  
fund.

Speliotis, Theodore C.  
Spellane, Robert  
Spiliotis, Joyce A.  
Spilka, Karen  
Stanley, Harriett L.  
Stanley, Thomas M.  
St. Fleur, Marie P.  
Straus, William M.  
Sullivan, David B.  
Swan, Benjamin  
Teahan, Kathleen M.  
Timilty, Walter F.  
Tobin, A. Stephen

Toomey, Timothy J., Jr.  
Torrissi, David M.  
Travis, Philip  
Turkington, Eric  
Vallee, James E.  
Verga, Anthony J.  
Wagner, Joseph F.  
Wallace, Brian P.  
Walrath, Patricia A.  
Walsh, Martin J.  
Walsh, Steven Myles  
Webster, Daniel K.  
Wolf, Alice K. — 144.

NAYS — (12).

*Senator.*

Creem, Cynthia Stone — 1.

*Representatives.*

Balser, Ruth B.  
Demakis, Paul C.  
Falzone, Mark V.  
Jehlen, Patricia D.  
Kaufman, Jay R.  
Kennedy, Thomas P.

Marzilli, J. James, Jr.  
Paulsen, Anne M.  
Rushing, Byron  
Smizik, Frank I.  
Story, Ellen — 11.

ABSENT OR NOT VOTING (6).

*Senators.*

Brown, Scott P.

Hedlund, Robert L. — 2.

*Representatives.*

Broadhurst, Arthur J.  
Golden, Thomas A., Jr.

Kelly, Shaun P.  
Simmons, Mary Jane — 4.

**The yeas and nays having been completed at thirteen minutes past six o'clock P.M., the amendment was agreed to.**

At fourteen minutes after six o'clock P.M., the House reconvened with the Speaker in the Chair.

Springfield,  
financial  
stability.

The Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2422) to the House Bill relative to the financial stability in the city of Springfield (printed in House, No. 4799, amended) was considered.

The House then non-concurred with the Senate in its amendment. Sent to the Senate for its action.

*Engrossed Bills — Land Takings.*

The engrossed Bill authorizing the town of Carlisle to grant conservation restrictions for town owned conservation land (see Senate, No. 1148) (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.

Carlisle,  
conservation  
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

Bill enacted  
(land taking),  
yea and nay  
No. 694.

**[See Yea and Nay No. 694 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 town of Wareham to grant a conservation restriction to the Wareham land trust (see Senate, No. 1171) (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.

Wareham,  
conservation  
restriction.

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 154 members voted in the affirmative and 0 in the negative.

Bill enacted  
(land taking),  
yea and nay  
No. 695.

**[See Yea and Nay No. 695 in Supplement.]**

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

*Engrossed Bills.*

Engrossed bills

Authorizing the Superintendent of State Office Buildings to install a plaque in the State House honoring Lieutenant Frances Y. Slinger (see House, No. 619);

Bills  
enacted.

Relative to the discontinuance of a portion of Dock Lane in the city of Beverly (see House, No. 4189); and

Relative to the charter of the town of Needham (see House, No. 4875, changed);

(Which severally originated in the House);

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

*Order.*

On motion of Mr. DiMasi of Boston,—

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

Next  
sitting.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-seven minutes before seven o'clock P.M., on further motion of Mr. DiMasi, the House adjourned, to meet tomorrow at eleven o'clock A.M.