

**JOURNAL OF THE HOUSE.**  
**Thursday, July 10, 2003.**

Met according to adjournment, at 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.

**Statement Concerning Representative Fagan of Taunton.**

A statement of Mr. DiMasi of Boston concerning Mr. Fagan of Taunton 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 Fagan of Taunton, was not in present in the House Chamber for today's sitting due to a previously scheduled family obligation. Had he been present for the taking of yea and nay numbers 194 to 260, inclusive, he would have voted, in each instance, in the affirmative. Any roll calls that he missed today was due entirely to the reason stated.

**Statement of Representative Kennedy of Brockton.**

A statement of Mr. Kennedy of Brockton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of yesterday's sitting due to being unavoidably delayed on my way to the State House. Had I been present for the taking of yea and nay number 181, I would have voted in the affirmative. Any roll calls that I missed at the beginning of yesterday's sitting is due entirely to the reason stated.

**Statement of Representative Fesolo of Worcester.**

A statement of Mr. Fesolo of Worcester was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of today's sitting due to a previously scheduled medical appointment. Any roll calls that I may have missed today is due entirely to the reason stated.

**Statement of Representative Khan of Newton.**

A statement of Ms. Khan 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 I was unable to be present in the House Chamber for a portion of today's sitting due to a previously scheduled medical appointment. Any roll calls that I may have missed today is due entirely to the reason stated.

**Statement Concerning Representative Loscocco of Holliston.**

A statement of Mr. Jones of North Reading concerning Mr. Los-cocco of Holliston 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 Loscocco of Hollis-ton, will not be present in the House Chamber for today's sitting due to a death in his family. Any roll calls that he may miss today will be due entirely to the reason stated.

### **Resolutions.**

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

Resolutions (filed by Representatives O'Flaherty of Chelsea and Reinstein of Revere) honoring firefighter Frederick Anthony Nowicki on the occasion of his retirement;

Resolutions (filed by Ms. Peisch of Wellesley) honoring United States Marine Lance Corporal Jesse Davis on the occasion of his return from serving the United States of America as part of Operation Iraqi Freedom; and

Resolutions (filed by Mr. Walsh of Boston) honoring Courtney Linnehan;

Mr. Miceli of Wilmington, 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 Ms. Peisch, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### **Order.**

An Order (filed by Mr. DiMasi of Boston) relative to the appointment of a special committee of the House to examine and evaluate the various issues relating to the administration, management and operation of the judiciary (House, No. 3951) was referred, under Rule 85, to the committee on Rules.

Mr. Scaccia of Boston, for said committee on Rules, then reported recommending that the order ought to be adopted. Under suspension of the rules, on motion of Mr. DiMasi, the order was considered forthwith; and after remarks it was adopted.

### **Paper from the Senate.**

A petition (accompanied by bill, Senate, No. 1942) of Michael R. Knapik and Michael F. Kane for legislation to restrict the authority of the Holyoke Power and Electric Company and the Holyoke Water Power Company (having been returned to the Clerk of the Senate by the State Secretary, under provisions of Chapter 3 of the General Laws with memorandum relative thereto) was referred, in concurrence, to the committee on Government Regulations.

### **Reports of Committees.**

By Mr. Quinn of Dartmouth, for the committee on Banks and Banking, asking to be discharged from further consideration

Of so much of the recommendations of the Office of Consumer Affairs and Business Regulation (House, No. 8) as relates to increasing protections for consumers in the insurance

marketplace (accompanied by bill, House, No. 23),— and recommending that the same be referred to the committee on Insurance; and

Of the petition (accompanied by bill, House, No. 3289) of Bradley H. Jones, Jr. and other members of the House relative to the establishment of homeowners fund bank accounts for first time home buyers,— and recommending that the same be referred to the committee on Taxation.

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

By Mr. Kujawski of Webster, for the committee on House Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill further regulating private detective business (House, No. 1337),— and recommending that the same be recommitted to the committee on Public Safety. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to police mutual aid agreements (House, No. 593),— and recommending that the same be referred to the committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to the inspection of certain elevators (House, No. 982),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Toomey of Cambridge, for the committee on Public Safety, on a petition, a Resolve providing for an investigation and study by a special commission relative to public safety communications (House, No. 3573). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Toomey of Cambridge, for the committee on Public Safety, on House, Nos. 402, 410, 411, 809, 978, 1340, 2120, 2282 and 3204, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning school buses and commercial vehicles (House, No. 3946).

By the same member, for the same committee, on House, Nos. 813, 1554, 2284, 2285 and 2286, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning driving under the influence and driver's licenses (House, No. 3947).

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

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

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

By Mr. Mariano of Quincy, for the committee on Insurance, on a petition, a Bill providing for

uniform regulatory standards (House, No. 2823).

By Mr. Hall of Westford, for the committee on State Administration, on Senate, No. 1701 and House, No. 1383, a Bill to promote fair contract provisions (House, No. 1383).

By the same member, for the same committee, on a petition, a Bill releasing certain land located in the town of Danvers from the operation of an agricultural preservation restriction (House, No. 1594).

By the same member, for the same committee, on a petition, a Bill mandating fair market rents (House, No. 3706).

By the same member, for the same committee, on House, No. 3596, a Bill relative to the disposition of certain conservation/recreation lands under the care, custody and control of the Department of Environmental Management within the town of Mashpee (House, No. 3948).

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

By Mr. Hall of Westford, for the committee on State Administration, on House, Nos. 2361, 2696 and 3439, a Bill further regulating the use of computers in libraries (House, No. 2361). Read; and referred, under Rule 33B, to the committee on Science and Technology.

By Mr. Mariano of Quincy, for the committee on Insurance, on a petition, a Bill to discourage fraud (House, No. 921).

By Mr. Toomey of Cambridge, for the committee on Public Safety, on a petition, a Bill requiring audible warning devices for certain motor vehicles (House, No. 209).

By the same member, for the same committee, on a petition, a Bill relative to the license of school bus operators (House, No. 973).

By the same member, for the same committee, on House, Nos. 1919 and 2494, a Bill to allow for motor vehicles to be immobilized to reduce incidents of drunk driving (House, No. 1919).

By the same member, for the same committee, on House, Nos. 1726 and 3212, a Bill relative to the regulation of ice cream trucks and ice cream vendors (House, No. 3212).

By the same member, for the same committee, on a petition, a Bill relative to advertising on school buses (House, No. 3216).

By the same member, for the same committee, on a petition, a Bill relative to drag racing in the city of Springfield (House, No. 3835) [Local Approval Received].

By the same member, for the same committee, on House, No. 1561, a Bill relative to junior operator's licenses (House, No. 3949).

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill relative to the Massachusetts Port Authority Board (House, No. 2362).

By the same member, for the same committee, on a petition, a Bill relating to public libraries in the Commonwealth (House, No. 2693).

By the same member, for the same committee, on a petition, a Bill relative to the Board of Directors of the Massachusetts Port Authority (House, No. 3705).

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

By Mr. Rogers of Norwood, for the committee on Ways and Means, on House No. 1, reports, in part, a Bill making one-time investments in emerging technologies to stimulate job creation and economic opportunity throughout the Commonwealth (House, No. 3950). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Mr. Scaccia of Boston, for said committee, reported that the foregoing bill ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, 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.

Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4005), returning with His 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 2004 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. 4004), reported, in part, in each instance, that certain items (contained in section 2) and certain sections stand (as passed by the General Court).

Under suspension of the rules, in each instance, on motion of the same member, the items and sections 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, as follows:

Section 545, which had been vetoed by the Governor, was considered, as follows:

“SECTION 545. Notwithstanding the provisions of any general or special law to the contrary, the department of capital assets maintenance and management may expend from capital authorizations amounts necessary to cover the operational costs not to exceed \$14 million of the department for fiscal year 2004.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 117 members voted in the affirmative and 31 in the negative.

**[See Yea and Nay No. 194 in Supplement.]**

Therefore section 545 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 5, which had been vetoed by the Governor, was considered, as follows:

“SECTION 5. Sections 43, 44 and 45 of chapter 6 of the General Laws are hereby repealed.”.

After debate the question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 18 in the negative.

**[See Yea and Nay No. 195 in Supplement.]**

[Mr. Kelly of Dalton answered “Present” in response to his name.]

Therefore section 5 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 48, which had been vetoed by the Governor, was considered, as follows:

“SECTION 48. Said chapter 10 is hereby further amended by adding the following 3

sections:—

Section 70. There shall be a commission to be known as the alcoholic beverages control commission, to consist of a commissioner and 2 associate commissioners appointed by the treasurer. Not more than 2 members shall be members of the same political party. The commissioner shall serve a term coterminous with the treasurer. The 2 associate commissioners serving on the alcoholic beverages control commission on May 1, 2003 shall remain the associate commissioners until January 2, 2005. The 2 associate commissioners shall thereafter be appointed by the treasurer for terms of 4 years. The commissioner shall serve as chairman and shall devote his full time during business hours to his official duties. The positions of commissioner and associate commissioner shall be classified in accordance with section 45 of chapter 30 and their salaries shall be determined in accordance with section 46C of said chapter 30. Any vacancy may be filled in like manner for the remainder of the unexpired term. The treasurer may remove any member for neglect of duty, misconduct or malfeasance in office, after providing the member with a written statement of the charges and an opportunity to be heard. Two members shall constitute a quorum for the purpose of conducting the business of the commission. A vacancy shall not impair the right of the remaining members to exercise the powers of the commission.

Section 71. The commission shall have general supervision of the conduct of the business of manufacturing, importing, exporting, storing, transporting and selling alcoholic beverages as defined in section 1 of chapter 138, and also of the quality, purity and alcoholic content thereof. The commission shall submit to the governor, the treasurer and to the general court, as soon as possible after the end of each state fiscal year, a full report of its actions and of the conduct and condition of traffic in alcoholic beverages during such year, together with recommendations for such legislation as it deems necessary or desirable for the better regulation and control of such traffic and for the promotion of temperance in the use of such beverages. The members shall receive their necessary traveling and other expenses incurred while in the performance of their official duties.

Section 72. The commission may appoint and remove a secretary. It may expend for such investigators, clerical and other assistants as may be necessary for the performance of its duties such amounts as may be appropriated and the employees shall retain all collective bargaining and other rights previously held. The commissioner may appoint a chief investigator and other investigators, who shall be exempt from chapter 31, for the purpose of enforcing or causing to be enforced the penalties provided by law against every person who is guilty of a violation of chapter 138 of which they can obtain reasonable proof, and shall make all necessary and appropriate investigations for that purpose. Each person appointed as an investigator shall complete a basic reserve police officer training course through the criminal justice training council and shall attend a basic training course conducted by the commission. All investigators shall attend an annual in-service training course pursuant to this section. Each member of the commission, and each of its employees having access to moneys received by it, shall give to the treasurer a bond for the faithful performance of his duties in a penal sum and with sureties approved by the treasurer.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 131 members voted in the affirmative and 19 in the negative.

**[\[See Yea and Nay No. 196 in Supplement.\]](#)**

[Messrs. Kelly of Dalton and Hargraves of Groton answered “Present” in response to their names.]

Therefore section 48 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 0610-0050 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“0610-0050 For the administration of the alcoholic beverages control commission in its efforts to regulate and control the conduct and condition of traffic in alcoholic beverages; provided, that said commission shall maintain at least one chief investigator and other investigators for the purpose of regulating and controlling the traffic of alcoholic beverages; provided further, that said commission is authorized and directed to work and cooperate with the Alcohol, Tobacco, and Firearms division of the United States Department of Justice and other relevant federal agencies to assist in its efforts to regulate and control the traffic of alcoholic beverages; and provided further, that said commission is directed to seek out matching federal dollars and to apply for federal grants that may be available to assist in the enforcement of laws pertaining to the traffic of alcoholic beverages 1,766,478”.

[The Governor reduced the item to \$825,921 and disapproved the following wording: “; provided, that said commission shall maintain at least one chief investigator and other investigators for the purpose of regulating and controlling the traffic of alcoholic beverages”.] The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 136 members voted in the affirmative and 14 in the negative.

**[See Yea and Nay No. 197 in Supplement.]**

[Mr. Kelly of Dalton answered “Present” in response to his name.]

Therefore item 0610-0050 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 411, which had been vetoed by the Governor, was considered, as follows:

“SECTION 411. Section 1 of chapter 138 of the General Laws, as so appearing, is hereby amended by striking out, in line 32, the words ‘forty-three of chapter six’ and inserting in place thereof the following words:— 70 of chapter 10.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 131 members voted in the affirmative and 19 in the negative.

**[See Yea and Nay No. 198 in Supplement.]**

[Messrs. Kelly of Dalton and Hargraves of Groton answered “Present” in response to their names.]

Therefore section 411 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the

Senate for its action.

Item 0335-0001 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“0335-0001 For the central division of the Boston municipal court department including the administrative cost of said court department 3,185,464”.

[The Governor reduced the item to \$1,659,121 and disapproved the following wording: “central division of the”.]

After debate the question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call (Mrs. Harkins of Needham being in the Chair) 120 members voted in the affirmative and 34 in the negative.

**[\[See Yea and Nay No. 199 in Supplement.\]](#)**

Therefore item 0335-0001 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 0335-0100 (contained in section 2), in which the Governor had disapproved certain wording, was considered, as follows:

“0335-0100 For the Brighton division of the Boston municipal court department 326,154”.

[The Governor disapproved the following wording: “Boston municipal”.]

The question on passing said item, notwithstanding the disapproval of the Governor of said wording, was determined by yeas and nays, as required by the Constitution; and on the roll call 122 members voted in the affirmative and 33 in the negative.

**[\[See Yea and Nay No. 200 in Supplement.\]](#)**

Therefore item 0335-0100 (contained in section 2) was passed, notwithstanding the disapproval of the Governor of said wording (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 0335-0200 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“0335-0200 For the Charlestown division of the Boston municipal court department 232,655”.

[The Governor reduced the item to \$58,164 and disapproved the following wording: “Boston municipal”.]

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 121 members voted in the affirmative and 34 in the negative.

**[\[See Yea and Nay No. 201 in Supplement.\]](#)**

Therefore item 0335-0200 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the



affirmative). Sent to the Senate for its action.

Item 0335-0300 (contained in section 2), in which the Governor had disapproved certain wording, was considered, as follows:

“0335-0300 For the Dorchester division of the Boston municipal court department 1,149,514”.

[The Governor disapproved the following wording: “Boston municipal”.]

The question on passing said item, notwithstanding the disapproval of the Governor of said wording, was determined by yeas and nays, as required by the Constitution; and on the roll call 121 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 202 in Supplement.]**

Therefore item 0335-0300 (contained in section 2) was passed, notwithstanding the disapproval of the Governor of said wording (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 0335-0400 (contained in section 2), in which the Governor had disapproved certain wording, was considered, as follows:

“0335-0400 For the East Boston division of the Boston municipal court department 582,745”.

[The Governor disapproved the following wording: “Boston Municipal”.]

The question on passing said item, notwithstanding the disapproval of the Governor of said wording, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 203 in Supplement.]**

Therefore item 0335-0400 (contained in section 2) was passed, notwithstanding the disapproval of the Governor of said wording (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 0335-0500 (contained in section 2), in which the Governor had disapproved certain wording, was considered, as follows:

“0335-0500 For the Roxbury division of the Boston municipal court department 1,116,770”.

[The Governor disapproved the following wording: “Boston Municipal”.]

The question on passing said item, notwithstanding the disapproval of the Governor of said wording, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 204 in Supplement.]**

Therefore item 0335-0500 (contained in section 2) was passed, notwithstanding the disapproval of the Governor of said wording (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 0335-0600 (contained in section 2), in which the Governor had disapproved certain wording, was considered, as follows:

“0335-0600 For the South Boston division of the Boston munic-

ipal court department 407,439”.

[The Governor disapproved the following wording: “Boston Municipal”.]

The question on passing said item, notwithstanding the disapproval of the Governor of said wording, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 205 in Supplement.]**

Therefore item 0335-0600 (contained in section 2) was passed, notwithstanding the disapproval of the Governor of said wording (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 0335-0700 (contained in section 2), in which the Governor had disapproved certain wording, was considered, as follows:

“0335-0700 For the West Roxbury division of the Boston municipal court department 733,061”.

[The Governor disapproved the following wording: “Boston Municipal”.]

The question on passing said item, notwithstanding the disapproval of the Governor of said wording, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 206 in Supplement.]**

Therefore item 0335-0700 (contained in section 2) was passed, notwithstanding the disapproval of the Governor of said wording (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 449, which had been vetoed by the Governor, was considered, as follows:

“SECTION 449. Section 2 of chapter 211B of the General Laws, is hereby amended by striking out the first sentence, as recently amended by section 38 of chapter 177 of the acts of 2001, and inserting in place thereof the following sentence:— There shall be 82 justices appointed to the superior court department, 10 justices appointed to the housing court department, 6 justices appointed to the land court department, 51 justices appointed to the probate and family court department, 30 justices appointed to the Boston municipal court department, 41 justices appointed to the juvenile court department and 158 justices and special justices appointed to the district court department.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 207 in Supplement.]**

Therefore section 449 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 478, which had been vetoed by the Governor, was considered, as follows:

“SECTION 478. Section 50 of said chapter 218, as so appearing, is hereby amended by striking out, in line 2, the word “eleven” and inserting in the place thereof the following figure:— 30.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 208 in Supplement.]**

Therefore section 478 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 695, which had been vetoed by the Governor, was considered, as follows:

“SECTION 695. Notwithstanding any general or special law to the contrary, all judges currently acting as a presiding judge in any of the divisions of the Boston municipal court department which were, prior to the passage of this act, formerly under the jurisdiction of the district court department of the trial court shall continue performing such duties and responsibilities until such time as their term expires. All grant or community service programs which were funded in those divisions of the Boston municipal court department that were, prior to the passage of this act, under the jurisdiction of the district court department shall continue receiving such funding as part of a cooperative agreement between said departments.

Notwithstanding any general or special law to the contrary, the chief justice for administration and management, the chief justice of the district court division of the trial court, and the chief justice of the Boston municipal court department shall, on or before August 1, 2003, enter into agreements regarding the assignment of judges between the district court department and the Boston municipal court department in order to preserve the continuity of the current judicial assignments of those judges serving in courts other than the court to which such judges were originally assigned and to minimize the reassignment of such judges to other courts following the passage of this act.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 209 in Supplement.]**

Therefore section 695 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 479, which had been vetoed by the Governor, was considered, as follows:

“SECTION 479. Section 51A of said chapter 218, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:—

The chief justice of the Boston municipal court department shall have the power to appoint the first justice of each of the various divisions within the Boston municipal court department, subject to the approval of the chief justice for administration and management, and to define his duties; provided, however, that appropriate consideration shall be given to seniority, length of service at that particular division, and managerial ability. Each first justice so appointed shall serve as the first justice of that court for a five-year term and shall be eligible to be reappointed for additional five-year terms at that particular court. Any first justice may be removed from his position as first justice, when it is determined by the chief justice of the district court

department to be in the best interests of the administration of justice. Any first justice who is removed from his position as first justice by the chief justice of the district court department may appeal such removal to the chief justice for administration and management.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 210 in Supplement.]**

Therefore section 479 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 484, which had been vetoed by the Governor, was considered, as follows:

“SECTION 484. Section 54 of said chapter 218, as so appearing, is hereby further amended by inserting after the words ‘Suffolk county’ in lines 5 and 8 the following:— , excluding Chelsea and Revere,.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 119 members voted in the affirmative and 35 in the negative.

**[See Yea and Nay No. 211 in Supplement.]**

Therefore section 484 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 481, which had been vetoed by the Governor, was considered, as follows:

“SECTION 481. Said section 53 of said chapter 218, as so appearing, is hereby further amended by adding the following five paragraphs:—

Four assistant clerks with salaries payable by the commonwealth may be appointed in: Brighton division of the Boston municipal court department; East Boston division of the Boston municipal court department; South Boston division of the Boston municipal court department; Charlestown division of the Boston municipal court department.

Eight assistant clerks with salaries payable by the commonwealth may be appointed in: Dorchester division of the Boston municipal court department; West Roxbury division of the Boston municipal court department.

Twelve assistant clerks with salaries payable by the commonwealth may be appointed in: Roxbury division of the Boston municipal court department.

One of the 12 assistant clerks for the Roxbury division of the Boston municipal court department shall be appointed for juvenile sessions.

In the following courts, one of the assistant clerks shall be designated in charge of six-person jury sessions and shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief justice of administration and management: Dorchester division of the Boston municipal court department.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 119 members voted in the affirmative and 35 in the negative.

**[See Yea and Nay No. 212 in Supplement.]**

Therefore section 481 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 480, which had been vetoed by the Governor, was considered, as follows:

“SECTION 480. Section 53 of said chapter 218, as so appearing, is hereby amended by inserting after the word ‘the’, in line 1, the following words:— central division of the.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 213 in Supplement.]**

Therefore section 480 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 234, which had been vetoed by the Governor, was considered, as follows:

“SECTION 234. Section 1 of chapter 90C of the General Laws, as so appearing, is hereby amended by striking out the definitions of ‘District court’ and ‘Division’ and inserting in the place thereof the following two definitions:—

‘District court’, a division of the district court department or a session thereof for holding court or a division of the Boston municipal court department or a session thereof for holding court. It shall also include the divisions of the juvenile court department with respect to automobile law violations that are treated as a delinquency matter in such department and with respect to civil motor vehicle infractions that are recorded in conjunction with and that arise from the same occurrence as automobile law violations that are treated as a delinquency matter in such department.

‘Division’, a division of the district court department or juvenile court department or a division of the Boston municipal court department.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 214 in Supplement.]**

Therefore section 234 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 454, which had been vetoed by the Governor, was considered, as follows:

“SECTION 454. Section 3 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 1 to 3, inclusive, the words ‘municipal court of the city of Boston, the municipal court of the Charlestown district and the municipal court of the South Boston district, and the East Boston district court’ and inserting in the place thereof the following words:— central, Charlestown, South Boston, and East Boston divisions of the Boston municipal court

department.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 34 in the negative.

**[\[See Yea and Nay No. 215 in Supplement.\]](#)**

Therefore section 454 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 455, which had been vetoed by the Governor, was considered, as follows:

“SECTION 455. Section 6 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words ‘, the municipal court of the Dorchester district’.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 34 in the negative.

**[\[See Yea and Nay No. 216 in Supplement.\]](#)**

Therefore section 455 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 456, which had been vetoed by the Governor, was considered, as follows:

“SECTION 456. Said section 6 of said chapter 218, as so appearing, is hereby further amended by striking out, in lines 9 and 10, the words ‘the municipal court of the Roxbury district,’.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 34 in the negative.

**[\[See Yea and Nay No. 217 in Supplement.\]](#)**

Therefore section 456 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 457, which had been vetoed by the Governor, was considered, as follows:

“SECTION 457. Said section 6 of said chapter 218, as so appearing, is further amended by striking out the figure ‘177’, inserted by section 44 of chapter 177 of the acts of 2001, and inserting in the place thereof the following figure:— 158.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 34 in the negative.

**[\[See Yea and Nay No. 218 in Supplement.\]](#)**

Therefore section 457 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the



Senate for its action.

Section 458, which had been vetoed by the Governor, was considered, as follows:

“SECTION 458. Section 8 of said chapter 218, as so appearing, is hereby amended by striking out the first sentence and inserting in the place thereof the following sentence:— Each district court and each division of the Boston municipal court department shall have a clerk, except that the central division of the Boston municipal court department shall have two clerks as provided in section 53.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 34 in the negative.

**[\[See Yea and Nay No. 219 in Supplement.\]](#)**

Therefore section 458 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 460, which had been vetoed by the Governor, was considered, as follows:

“SECTION 460. The fourth paragraph of section 10 of said chapter 218, as so appearing, is hereby amended by striking out the lines reading ‘municipal court of the Brighton district;’ ‘East Boston district court;’ ‘municipal court of South Boston district;’ and ‘the municipal court of the Charlestown district;’.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 34 in the negative.

**[\[See Yea and Nay No. 220 in Supplement.\]](#)**

Therefore section 460 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 461, which had been vetoed by the Governor, was considered, as follows:

“SECTION 461. The eighth paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by striking out the line reading ‘municipal court of the Dorchester district;’.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 119 members voted in the affirmative and 35 in the negative.

**[\[See Yea and Nay No. 221 in Supplement.\]](#)**

Therefore section 461 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 462, which had been vetoed by the Governor, was considered, as follows:

“SECTION 462. Said eighth paragraph of said section 10 of said chapter 218, as so appearing, is hereby further amended by striking out the line reading ‘district court of West Roxbury district;’.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 222 in Supplement.]**

Therefore section 462 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 463, which had been vetoed by the Governor, was considered, as follows:

“SECTION 463. Said section 10 of said chapter 218, as so appearing, is hereby further amended by striking out the eleventh and twelfth paragraphs.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 119 members voted in the affirmative and 35 in the negative.

**[See Yea and Nay No. 223 in Supplement.]**

Therefore section 463 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 464, which had been vetoed by the Governor, was considered, as follows:

“SECTION 464. The Fifteenth paragraph of said section 10 of said chapter 218, as so appearing, is hereby further amended by striking out the line reading ‘municipal court of the Dorchester district;’.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 121 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 224 in Supplement.]**

Therefore section 464 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 465, which had been vetoed by the Governor, was considered, as follows:

“SECTION 465. Said fifteenth paragraph of said section 10 of said chapter 218, as so appearing, is hereby further amended by striking out the line reading ‘district court of Brighton;’.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 121 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 225 in Supplement.]**

Therefore section 465 was passed, notwithstanding the objections of the Governor (more than



two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 466, which had been vetoed by the Governor, was considered, as follows:

“SECTION 466. Section 10A of said chapter 218, as so appearing, is hereby amended by striking, in lines 1 and 2, the words ‘municipal court of the city of Boston’ and inserting in the place thereof the following words:— central division of the Boston municipal court department.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 121 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 226 in Supplement.]**

Therefore section 466 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 469, which had been vetoed by the Governor, was considered, as follows:

“SECTION 469. Section 26 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words ‘the municipal court of the city of Boston’ and inserting in the place thereof the following words:— divisions of the Boston municipal court department.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 121 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 227 in Supplement.]**

Therefore section 469 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 470, which had been vetoed by the Governor, was considered, as follows:

“SECTION 470. Section 38 of said chapter 218, as so appearing, is hereby amended by inserting after the word ‘courts’, in line 1, the following words:— and Boston municipal court divisions.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 121 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 228 in Supplement.]**

Therefore section 470 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 471, which had been vetoed by the Governor, was considered, as follows:

“SECTION 471. Said section 38 of said chapter 218, as so appearing, is hereby further amended by inserting after the word ‘courts’, in line 10, the following words:— and Boston municipal court divisions.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 121 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 229 in Supplement.]**

Therefore section 471 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 472, which had been vetoed by the Governor, was considered, as follows:

“SECTION 472. Section 39 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words ‘municipal court of the city of Boston’ and inserting in the place thereof the following words:— central division of the Boston municipal court department.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 123 members voted in the affirmative and 32 in the negative.

**[See Yea and Nay No. 230 in Supplement.]**

Therefore section 472 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 473, which had been vetoed by the Governor, was considered, as follows:

“SECTION 473. Section 40 of said chapter 218, as so appearing, is hereby amended by striking out, in line 3, the words ‘municipal court of the city of Boston’ and inserting in place thereof the following words:— Boston municipal court department.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 121 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 231 in Supplement.]**

Therefore section 473 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 474, which had been vetoed by the Governor, was considered, as follows:

“SECTION 474. Said section 40 of said section 218, as so appearing, is hereby further amended by striking out, in line 10, the words ‘municipal court of the city of Boston’ and inserting in the place thereof the following words:— central division of the Boston municipal court department.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 121 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 232 in Supplement.]**

Therefore section 474 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 475, which had been vetoed by the Governor, was considered, as follows:

“SECTION 475. Section 47 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words ‘the municipal court of the city of Boston’ and inserting in the place thereof the following words:— Boston municipal court department.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 121 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 233 in Supplement.]**

Therefore section 475 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 476, which had been vetoed by the Governor, was considered, as follows:

“SECTION 476. Section 48 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words ‘or the East Boston district court’.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 35 in the negative.

**[See Yea and Nay No. 234 in Supplement.]**

Therefore section 476 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 477, which had been vetoed by the Governor, was considered, as follows:

“SECTION 477. Section 49 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words ‘the municipal court of the city of Boston, and in the East Boston district court’ and inserting in the place thereof the following words:— central division of the Boston municipal court department, and in the East Boston division of the Boston municipal court department.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 121 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 235 in Supplement.]**

Therefore section 477 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 482, which had been vetoed by the Governor, was considered, as follows:

“SECTION 482. Said chapter 218 is hereby further amended by striking out section 53A, as so

appearing, and inserting in the place thereof the following section:—

Section 53A. In case of the absence, death or removal of a salaried assistant clerk of any of the 8 divisions of the Boston municipal court department, the clerk of said court, may, subject to the approval of the chief justice, appoint a temporary assistant clerk, to act until such assistant clerk resumes his duties or until the vacancy is filled.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 121 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 236 in Supplement.]**

Therefore section 482 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 483, which had been vetoed by the Governor, was considered, as follows:

“SECTION 483. Section 54 of said chapter 218, as so appearing, is hereby amended by striking out, in line 2, the words ‘said court’ and inserting in the place thereof the following words:— the central division of the Boston municipal court department.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 35 in the negative.

**[See Yea and Nay No. 237 in Supplement.]**

Therefore section 483 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 485, which had been vetoed by the Governor, was considered, as follows:

“SECTION 485. Section 57 of said chapter 218, as so appearing, is hereby amended by striking out the paragraphs under the caption ‘Suffolk County’, and inserting in the place thereof the following 3 paragraphs: —

held at the Dorchester division of the Boston municipal court department, within the same territorial limits as are prescribed for the criminal jurisdiction of the Dorchester division of the Boston municipal court, as the chief justice of the juvenile court department may determine.

held at the West Roxbury division of the Boston municipal court, within the same territorial limits as are prescribed for the criminal jurisdiction of the West Roxbury division of the Boston municipal court department, as the chief justice of the juvenile court department may determine.

held at Boston, within the same territorial limits as are prescribed for the criminal jurisdiction of the central division of the Boston municipal court department, the Roxbury division of the Boston municipal court department, as the chief justice of the juvenile court department may determine, the Brighton division of the Boston municipal court department, the Charlestown division of the Boston municipal court department, the East Boston division of the Boston municipal court department, the Chelsea division of the district court department; and the South Boston division of the Boston municipal court department, as the chief justice of the juvenile court department may determine.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 121 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 238 in Supplement.]**

Therefore section 485 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 486, which had been vetoed by the Governor, was considered, as follows:

“SECTION 486. Section 66 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words ‘municipal court of the city of Boston’ and inserting in the place thereof the following words:— Boston municipal court department.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 35 in the negative.

**[See Yea and Nay No. 239 in Supplement.]**

Therefore section 486 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 487, which had been vetoed by the Governor, was considered, as follows:

“SECTION 487. Section 68 of said chapter 218, as so appearing, is hereby amended by striking out, in line 1, the words ‘district court’ and inserting in the place thereof the following words:— division of the Boston municipal court department.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 121 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 240 in Supplement.]**

Therefore section 487 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 489, which had been vetoed by the Governor, was considered, as follows:

“SECTION 489. Said chapter 218 is hereby further amended by striking out section 75B, as so appearing, and inserting in the place thereof the following section:—

Section 75B. The salaries of the first assistant clerks of the central division of the Boston municipal court department and the first assistant clerk designated in charge of twelve man jury sessions of said court for criminal business shall be equal to eighty-three and one-half percent of the salary of the clerks of said court as provided for in section 53.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 120 members voted in the affirmative and 35 in the negative.

**[See Yea and Nay No. 241 in Supplement.]**

Therefore section 489 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 492, which had been vetoed by the Governor, was considered, as follows:

“SECTION 492. Section 62B of said chapter 221, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 5, the words ‘municipal court of the city of Boston’ and inserting in the place thereof the following words: — Boston municipal court department.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 121 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 242 in Supplement.]**

Therefore section 492 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 490, which had been vetoed by the Governor, was considered, as follows:

“SECTION 490. Said chapter 218 is hereby further amended by striking out section 80A, as so appearing, and inserting in place thereof the following section:—

Section 80A. The secretary and assistant secretary to the justices of the Boston municipal court department shall receive from the commonwealth in full for all services performed by them such salaries as shall be fixed by the justices of said department.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 121 members voted in the affirmative and 34 in the negative.

**[See Yea and Nay No. 243 in Supplement.]**

Therefore section 490 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

At twenty-five minutes after three o’clock P.M., the Chair (Mrs. Harkins of Needham) declared a recess until twenty-five minutes before four o’clock; and at three minutes before four o’clock the House was called to order with Mrs. Harkins in the Chair.

Item 4510-0790 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“4510-0790 For regional emergency medical services; provided, that state employees previously paid from this line item shall be paid from line item 4510-0099 or from item 4510-0100 in fiscal year 2004; provided further, that the regional emergency medical services councils, designated as such in accordance with 105 CMR 170.101 and the C-MED communications as of January 1, 1992, shall remain the designated councils and C-MEDs; provided further, that the department shall report quarterly on the number of investigations of ambulance services performed by said inspectors and by inspectors funded in items 4510-0710 and 4510-0712 as well as the number of investigations pending at the end of each quarter and



the reasons therefor; provided further, that the department, in conjunction with the regional emergency services councils, notwithstanding section 27C of chapter 29 of the General Laws to the contrary, shall promulgate regulations to ensure that all basic, intermediate, and paramedic emergency medical technicians are certified to use and have available epinephrine for the emergency treatment of anaphylaxis; provided further, that the department shall report to the house and senate committees on ways and means not later than January 15, 2004 on the implementation of the certifications and availability of epinephrine; and provided further, that the department shall widely disseminate this requirement to all relevant parties 1,246,896”.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 244 in Supplement.]**

Therefore item 4510-0790 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 0322-0100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“0322-0100 For the appeals court, including the salaries, traveling allowances and expenses of the chief justice, recall judges and the associate justices, and the expenses of the conference program 9,236,289”.

[The Governor reduced the item to \$8,936,289.]

The question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 245 in Supplement.]**

Therefore item 0322-0100 was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 0339-1001 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“0339-1001 For the office of the commissioner of probation; provided, that notwithstanding the provisions of any general or special law, rule or regulation to the contrary, said commissioner, subject to appropriation, shall have exclusive authority to appoint, dismiss, assign and discipline probation officers, associate probation officers, probation officers-in-charge, assistant chief probation officers and chief probation officers; provided further, that said associate probation officers shall only perform in-court functions and shall assume the in-court duties of the currently employed probation officers who shall be reassigned within the probation service subject to collective bargaining agreements to perform intensive, community-based supervision of probationers, including the provisions of intensive supervision and community restraint services as described in item 0339-1004; and provided further, that notwithstanding the provisions of any general or special law, rule or regulation to the contrary, probation officer

personnel and probation clerical support staff assigned to the courts shall be provided with suitable office space in their current location in and around the various divisions and departments of the trial court, as the case may be, or in suitable office space as appropriate, with the

advice and consent of the commissioner 105,861,116”.

[The Governor reduced the item to \$90,861,116 and disapproved the following wording: “; provided, that notwithstanding the provisions of any general or special law, rule or regulation to the contrary, said commissioner, subject to appropriation, shall have exclusive authority to appoint, dismiss, assign and discipline probation officers, associate probation officers, probation officers-in-charge, assistant chief probation officers and chief probation officers”.]

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 127 members voted in the affirmative and 29 in the negative.

**[See Yea and Nay No. 246 in Supplement.]**

[Mr. Costello of Newburyport answered “Present” in response to his name.]

Therefore item 0339-1001 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Subsequently a statement of Mr. Petrolati of Ludlow 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 on the previous roll call, I was recorded in the affirmative when it was my intention to be recorded as being present.

Item 0339-1003 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“0339-1003 For the operation of the trial court office of community corrections, including the costs of personnel 3,852,505”.

[The Governor reduced the item to \$3,352,505.]

The question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 128 members voted in the affirmative and 21 in the negative.

**[See Yea and Nay No. 247 in Supplement.]**

[Mr. George of Yarmouth answered “Present” in response to his name.]

Therefore item 0339-1003 was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4110-1020 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4110-1020 For eligibility determination for the medical assistance program for the blind; provided, that the commission shall work with the division of medical assistance, the department of mental retardation and other state agencies to maximize federal reimbursement



for clients so determined through this item including, but not limited to, reimbursement for home and community-based waiver clients 323,947”.

[The Governor reduced the item to \$223,947 and disapproved the following wording: “; provided, that the commission shall work with the division of medical assistance, the department of mental retardation and other state agencies to maximize federal reimbursement for clients so determined through this item including, but not limited to, reimbursement for home and community-based waiver clients”.]

The question on passing said item, notwithstanding the reductions of the 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. 248 in Supplement.]**

Therefore item 4110-1020 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4120-3000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4120-3000 For employment assistance services; provided, that vocational evaluation and employment services for severely disabled adults may, subject to appropriation, be provided; provided further, that not less than \$100,000 shall be expended on special projects in Charlestown for people with disabilities; and provided further, that not less than \$305,000 shall be expended for the Charlestown Navy Yard Special Project for disabled adults 7,780,098”.

[The Governor reduced the item to \$7,375,098 and disapproved the following wording: “; provided further, that not less than \$100,000 shall be expended on special projects in Charlestown for people with disabilities; and provided further, that not less than \$305,000 shall be expended for the Charlestown Navy Yard Special Project for disabled adults”.]

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 130 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 249 in Supplement.]**

Therefore item 4120-3000 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4120-2000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4120-2000 For vocational rehabilitation services operated in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance and any other such indirect cost of the federally reimbursed state employees; provided further, that not less than \$100,000 shall be expended on special vocational projects in Charlestown for people with disabilities; provided further, that \$155,000 shall be expended for services provided by the Life

Focus Center; and provided further, that the commissioner, in making referrals to service providers, shall take into account the client's place of residence and the geographic proximity of the nearest provider to said residence 7,259,207".

[The Governor reduced the item to \$6,934,078 and disapproved the following wording: “; provided further, that not less than \$100,000 shall be expended on special vocational projects in Charlestown for people with disabilities; provided further, that \$155,000 shall be expended for services provided by the Life Focus Center; and provided further, that the commissioner, in making referrals to service providers, shall take into account the client's place of residence and the geographic proximity of the nearest provider to said residence”.]

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 130 members voted in the affirmative and 22 in the negative.

**[\[See Yea and Nay No. 250 in Supplement.\]](#)**

Therefore item 4120-2000 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4110-4000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4110-4000 For the administration of the Ferguson Industries for the Blind; provided, that retired workshop employees shall receive grants equal to three-fourths of the salaries of current workshop employees; and provided further, that any funds received for goods and services purchased by private and public sector entities at Ferguson Industries shall be remitted to the General Fund 1,884,200”.

[The Governor reduced the item to \$1,684,200.]

After remarks the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 130 members voted in the affirmative and 22 in the negative.

**[\[See Yea and Nay No. 251 in Supplement.\]](#)**

Therefore item 4110-4000 was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7053-1927 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“7053-1927 For a supplement to the federally funded school breakfast program, whereby all children in schools receiving funds under the program shall be provided free, nutritious breakfasts at no cost to them; provided, that subject to regulations of the board that specify time and learning standards, breakfasts shall be served during regular school hours; provided, further, that participation shall be limited to those elementary schools mandated to serve breakfast pursuant to section 1C of chapter 69 of the General Laws where 60 per cent or more of the students are eligible for free or reduced-price meals under the federally funded school meals program; provided further, that said department shall select school sites for programs

authorized by this item no later than November 15, 2003 and shall report to the house and senate committees on ways and means on the preliminary results of such grants no later than January 9, 2004; provided further, that nothing in this item shall give rise to enforceable legal rights in any party or an enforceable entitlement to services; and provided further, that nothing stated in this item shall be construed as giving rise to enforceable legal rights or enforceable entitlement to any services 2,011,060”.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 130 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 252 in Supplement.]**

Therefore item 7053-1927 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4110-2001 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“4110-2001 For services to clients of the department who turn 22 years of age during state fiscal year 2004; provided, that the amount spent from this item shall not annualize to more than \$97,000 in fiscal year 2005; provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; provided further, that the commission shall work in conjunction with the department of mental retardation to secure the maximum amount of federal reimbursements available for the care of turning 22 clients; and provided further, that the commission shall work in conjunction with the department of mental retardation to secure similar rates for contracted residential services 36,500”.

The question on passing said item, notwithstanding the objections of the 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. 253 in Supplement.]**

Therefore item 4110-2001 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 5920-2000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“5920-2000 For vendor-operated community-based residential adult services, including intensive individual supports; provided, that \$9,520,000 shall be expended in annualized funding for turning 22 clients who began receiving the services in fiscal year 2003 pursuant to item 5920-5000 of section 2 of chapter 184 of the acts of 2002; provided further, that \$8,250,000 shall be expended for the fiscal year 2003 annualized cost of the settlement agreement Rolland vs. Cellucci, so-called, and \$4,800,000 shall be expended for the fiscal year 2004 cost of the settlement; provided further, that the commissioner of the department of

mental retardation shall transfer funds from this item to item 5920-2010, as necessary, pursuant to an allocation plan, which shall detail by subsidiary the distribution of said funds to be transferred and which said commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; provided further, that not more than \$5,000,000 shall be transferred from this item in fiscal year 2004; provided further, that not less than \$99,000 shall be expended on Special Olympics Massachusetts for the purpose of “unified sports”; provided further, that an additional \$304,000 shall be expended on a contract with Work, Inc., for enhanced or expanded services to clients; and provided further, that not less than \$500,000 shall be expended for Best Buddies Massachusetts 449,520,888”.

[The Governor reduced the item to \$448,617,888 and disapproved the following wording: “; provided further, that not less than \$99,000 shall be expended on Special Olympics Massachusetts for the purpose of “unified sports”; provided further, that an additional \$304,000 shall be expended on a contract with Work, Inc., for enhanced or expanded services to clients; and provided further, that not less than \$500,000 shall be expended for Best Buddies Massachusetts”.]

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 137 members voted in the affirmative and 15 in the negative.

**[See Yea and Nay No. 254 in Supplement.]**

Therefore item 5920-2000 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 5920-3000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“5920-3000 For respite services and intensive family supports and for \$1,360,000 in annualized funding for turning 22 clients who began receiving services in fiscal year 2003 pursuant to item 5920-5000 of section 2 of chapter 184 of the acts of 2002; provided, that the department shall pursue the highest rates of federal reimbursement possible for such services 46,800,000”.

[The Governor reduced the item to \$45,500,000.]

The question on passing said item, notwithstanding the reduction of the 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. 255 in Supplement.]**

Therefore item 5920-3000 was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 684, which had been vetoed by the Governor, was considered, as follows:

“SECTION 684. Section 9 of said chapter 15A of the General Laws is hereby amended by striking out, in line 16, as so appearing, the words ‘colleges, branches or institutions as it deems advisable’ and inserting in place thereof the following words:— branches or institutions as it

deems advisable. If, in the opinion of the board, a college campus should be closed or consolidated, the board shall submit such proposal to the secretary of administration and finance, the house and senate chairs of the joint committee on education, arts, and humanities, and the chairs of the house and senate ways and means committees. The joint committee on education, arts, and humanities may, within thirty days of the receipt of a proposal, hold a public hearing on its merits. The council shall not close a college without the authorization of the general court.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 129 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 256 in Supplement.]**

Therefore section 684 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7100-0200 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“7100-0200 For the operation of the University of Massachusetts; provided, that notwithstanding any general or special law to the contrary, the university may establish and organize auxiliary organizations, subject to policies, rules and regulations adopted by the board, to provide essential functions which are integral to the educational mission of the university; provided further, that notwithstanding any general or special law to the contrary, the university may enter into leases of real property without prior approval of the division of capital asset management and maintenance; provided further, that funds appropriated herein shall be expended for the University of Massachusetts at Amherst Cranberry Station at Wareham in fiscal year 2004; provided further, that such funds shall be expended in accordance with plan reviewed and recommended by the University of Massachusetts at Amherst Cranberry Experiment Station Board of Oversight; provided further, that not less than \$100,000 shall be expended for the facilities costs associated with the college of visual and performing arts at the University of Massachusetts at Dartmouth, so-called Star Store; provided further, that of the amount allocated for Star Store funds may be expended for Bristol Community College; and provided further, that the Center for Portuguese Studies shall operate at the University of Massachusetts at Dartmouth; provided further, that not less than \$500,000 shall be expended for matching funds for a National Science Foundation grant for the establishment of a nanomanufacturing facility as part of a joint venture with the University of New Hampshire, Northeastern University and the University of Massachusetts at Lowell; provided further, that not less than \$50,000 shall be expended for a grant to the McCormack Institute; and provided further, that no funds appropriated herein may be used for the issuance and/or renewal of identification cards to plan participants or covered individuals which display the participants’ or individuals’ social security number 327,764,464”.

[The Governor reduced the item to \$327,714,464 and disapproved the following wording: “; provided further, that notwithstanding any general or special law to the contrary, the university may enter into leases of real property without prior approval of the division of capital asset management and maintenance” and “; provided further, that not less than \$50,000 shall be

expended for a grant to the McCormack Institute”.]

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 131 members voted in the affirmative and 21 in the negative.

**[See Yea and Nay No. 257 in Supplement.]**

Therefore item 7100-0200 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 0321-2100 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“0321-2100 For the Massachusetts correctional legal services committee 500,000”.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 122 members voted in the affirmative and 30 in the negative.

**[See Yea and Nay No. 258 in Supplement.]**

Therefore item 0321-2100 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 9110-1630 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“9110-1630 For contracts with aging service access points or other qualified entities for the home care program, including home care, health aides, home health and respite services and other services provided to the elderly; provided, that a sliding fee shall be charged to qualified elders; provided further, that the secretary of elder affairs may waive collection of sliding fees in cases of extreme financial hardship; provided further, that not more than \$7,500,000 in revenues accrued from sliding fees shall be retained by the individual home care corporations without re-allocation by the executive office of elder affairs, and shall be expended for the purposes of the home care program, consistent with guidelines to be issued by the executive office; provided further, that the executive office shall report quarterly to the house and senate committees on ways and means on the receipt and expenditure of revenues accrued from the sliding fees; provided further, that the executive office shall report monthly to the house and senate committees on ways and means and the executive office for administration and finance on the amount expended from this item for purchase of service expenditures by category of service as set forth in 651 C.M.R. 3.01 and 651 C.M.R. 3.06; provided further, that no rate increase shall be awarded in fiscal year 2004 which would cause a reduction in client services or the number of clients served; provided further, that no funds shall be expended from this item to pay for salary increases for direct service workers who provide state-funded homemaker and home health aid services, which would cause a reduction in client services; and provided further, that the secretary of elder affairs may transfer an amount not to exceed 3 per cent of the funds appropriated herein to item 9110-1633 for case management services and the administration of the home



care program 94,158,158

[The Governor reduced the item to \$91,741,798.]

After remarks the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 151 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 259 in Supplement.]**

Therefore item 9110-1630 was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 620, which had been vetoed by the Governor, was considered, as follows:

“SECTION 620. Notwithstanding the provisions of any general or special law to the contrary, the following payments shall be made from the Health Care Quality Improvement Trust Fund in fiscal year 2004 utilizing monies accumulated in said fund during fiscal year 2003 as a result of the prohibition of retroactive application of rate increases to nursing homes approved by section 180 of chapter 184 of the Acts of 2002:

(1) \$6,500,000 for grants to community health centers for one-time grants for costs incurred by the development of the staff and infrastructure necessary to accommodate the MassHealth disabled population pilot project as mandated by this act and to mitigate the effect of changes made to clause (g) of section 9A of chapter 118E of the General Laws by chapter 184 of the Acts of 2002;

(2) \$5,000,000 for the purpose awarding one-time grants to community health centers for capital, equipment, and other costs for the purpose of increasing access to health care for medically underserved populations or areas of the commonwealth through extended hours and innovative urgent care strategies including but not limited to diverting non-emergency visits from hospitals emergency departments. The criteria for awarding such grants shall include, but not be limited to, the lack of sufficient access to cost-effective outpatient services in the geographic area of the applicant to financially sustain the program in future years, the long-term viability of the applicant, and any other criteria the commissioners of the division of medical assistance and the division of health care finance and policy deem appropriate. An advisory group consisting of the secretary of health and human services, who shall chair the group, the commissioner of the division of medical assistance, the commissioner of the department of public health, the executive director of the Massachusetts League of Community Health Centers, or their designees, shall recommend to the commissioner of health care finance and policy not later than 45 days after the effective date of this act the most efficacious means of awarding said grants consistent with the provisions of this section. The grants shall be awarded not later than six months after the effective date of this act. The commissioner of health care finance and policy shall submit a report to the house and senate committees on ways and means when said grants are awarded, specifying which community health centers will receive funds from this item and the amounts and uses of the awards;

(3) \$1,500,000 to the city of Haverhill over a period of two years for the severe financial hardship resulting from maintaining critical health services through the operation of the former municipally-owned Hale Hospital. Said funds may be utilized for the expenses relative to health insurance and pension costs attributable to retirees of Hale Hospital during fiscal years 2004 and 2005;

- (4) \$2,500,000 for a contract with an independent auditor for the purpose of examining the costs and services being billed to the Uncompensated Care Pool, pursuant to section 641 of this act;
- (5) \$4,100,000 for the career ladder grant program in long-term care established pursuant to section 410 of chapter 159 of the acts of 2000, provided; that grants shall be available for certified nurses' aides, home health aides, homemakers and other entry-level workers in long term care; provided further, that the length of such grants shall not exceed a period of 3 years; provided further, that the Commonwealth Corporation shall submit quarterly reports to the house and senate committee on ways and means on said grant program including, but not limited to, the number of grants awarded, the amount of each grant, a description of the career ladder programs, changes in care giving and workplace practices that have occurred and their impact on quality of care and worker retention and the certificates, degrees or professional status attained by each participating employee; provided further, that the administrative and program management costs for the implementation of the grant program shall not exceed 4 per cent of the amount provided for in this item; and provided further, that grants may also include funding for technical assistance and evaluation;
- (6) \$3,000,000 to fund expenses at the division of health care quality within the department of public health to enforce and improve nursing home quality standards partially funded in item 4510-0710; provided, that \$1,000,000 shall be expended to support boards of registration being transferred to or serving in the department of public health;
- (7) \$2,000,000 for administrative expenditures at the division of medical assistance, partially funded in item 4000-0300, related to the establishment of a program of care management for Medicaid recipients with high-utilization of medical services; provided, that the division shall use the funds to identify health care costs and pricing patterns in the Medicaid program that are not cost effective or medically appropriate using best practices and identify alternatives which provide for an integrated approach to managing health care needs of recipients at risk of or diagnosed with specific ailments, including, but not limited to, asthma, congestive heart failure, diabetes, heart disease and stroke; provided further, that the program shall be designed to improve health care and health outcomes, reduce unnecessary or avoidable inpatient hospitalization, and reduce the number of emergency room visits by such recipients; provided further, that the program shall require the provision of clinically appropriate care management based on best practices, clinical studies and health outcome research; provided further, that the division shall report to the house and senate committees on ways and means by March 1, 2004, the number of individuals participating in the program and any reduction in utilization or spending resulting from the program; provided further, that administrative expenditures may include contracts with disease management organizations;
- (8) \$1,500,000 for non-recurring payments to financially distressed visiting nurse association that are operated by a corporation organized pursuant to chapter 190 of the General Laws, are located in an urban area, have experienced an operating deficit during the last two fiscal years and whose Medicaid and other governmental revenues comprise at least 75% of total revenues;
- (9) \$300,000 for a statewide stroke education and public awareness program at the department of public health to educate the public and providers, including emergency medical systems personnel, medical dispatchers and fire and police department personnel, about the warning signs of stroke, the recognition of stroke symptoms, and the importance of timely and appropriate acute care treatment. The department shall coordinate such program with any ongoing federally-funded statewide efforts, including any programs funded by federal



cardiovascular health initiative grants and shall seek to maximize other available sources of funding to accomplish the goals of the program;

(10) \$162,368 for the MS PASS program, so-called, as previously established at the department of public health. Said funds shall be expended to maximize matching dollars to be used for services provided by the program as managed by the Central New England chapter of the National Multiple Sclerosis Society.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 20 in the negative.

### **[See Yea and Nay No. 260 in Supplement.]**

Therefore section 620 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

### **Emergency Measures.**

The engrossed Bill consolidating Massachusetts Housing Finance Agency mortgage loans (see House, No. 3734, 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 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 acting Speaker and sent to the Senate.

The engrossed Bill providing relief and flexibility to municipal officials (see House, No. 3944), 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 32 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 acting Speaker and sent to the Senate.

### **Engrossed Bill.**

The engrossed Bill designating certain bridges and a park in the town of Billerica (see House, No. 1036, amended) (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; and it was signed by the acting Speaker and sent to the Senate.

### **Motion to Discharge a Certain Matter in the**

### **Orders of the Day.**

Mr. DeLeo of Winthrop moved that so much of the message from His Excellency the Governor returning with recommendations of amendments the engrossed Bill making appropriations for the fiscal year 2004 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. 4004) as relates to section 701 [for message, see attachment K of House, No. 4006] be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The committee on Bills in the Third Reading reported, in part, recommending that so much of the message as relates to section 701 be considered in the following form:

By passage of An Act relative to quality health care (House, No. 3952).

The report was accepted.

After remarks the amendment was adopted; and the bill was passed. Sent to the Senate for concurrence.

### **Orders.**

On motion of Mr. Finneran of Boston,—

Ordered, That amendments to be offered to the House Bill making one-time investments in emerging technologies to stimulate job creation and economic opportunity throughout the Commonwealth (House, No. 3950) shall be filed with the Clerk of the House by five o'clock P.M. on Monday, July 14.

The Speaker having returned to the Chair, on motion of Mrs. Har-kins of Needham,—

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

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Mr. Peterson of Grafton then moved that the House adjourn; and the motion prevailed.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day (the Speaker being in the Chair), at seventeen minutes after six o'clock P.M., the House adjourned, to meet on Monday next at eleven o'clock A.M.

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