

JOURNAL OF THE HOUSE.
Wednesday, July 16, 2003.

Met according to adjournment, at one o'clock P.M.

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows: Gracious God, whose spiritual gift of wisdom enables us to make sound and ethical personal and legislative decisions and thus enjoy peace of mind and spirit, we look to You for guidance as we carry out our daily responsibilities. In reality, our legislative options are often limited and our choices often unsatisfactory to some or perhaps many constituents. Inspire us to offer You and the people our best conscientious efforts and mature decisions. As legislators, grant us the patience to seek accurate information on issues and the goodwill to respect the views of others. Teach us to work together in making our communities and the Commonwealth a safe and healthy place to live for the youngest child to the oldest senior. Let us recognize the dignity of each person and the human, civil and religious rights of all as a top priority. Grant Your blessings to the Speaker, to the members and employees of this House and their families. Amen.

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

Statement Concerning Representative George of Yarmouth.

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

Papers from the Senate.

The House Bill authorizing the transfer of an easement under the control of the Department of Environmental Management in the city of Lynn (House, No. 2018) came from the Senate passed to be engrossed, in concurrence, with certain amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2035; and striking out the title and inserting in place thereof the following title: "An Act authorizing the transfer of an easement under the control of the Department of Conservation and Recreation in the city of Lynn."

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

The House Bill relative to quality health care (House, No. 3952) came from the Senate passed (in a form to be re-enacted), in concurrence, with an amendment by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is

forthwith to provide for nursing facility Medicaid rates for fiscal year 2004, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.”.

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

A petition of Marc R. Pacheco, Steven A. Baddour, Mark C. Montigny, Steven C. Panagiotakos and other members of the General Court for legislation relative to the creation of a Big Dig cost recovery commission, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Transportation.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2044) was referred, in concurrence, to the committee on Transportation.

Reports of Committees.

By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Duarte O. Raposo, an employee of the Trial Court of the Commonwealth (House, No. 3958). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill relative to drag racing in the city of Springfield (House, No. 3835) [Local Approval Received] be scheduled for consideration by the House.

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

Emergency Measure.

The engrossed Bill relative to quality health care (see House, No. 3952, 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 40 to 0. Sent to the Senate for concurrence.

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

Mr. Rogers of Norwood moved that the Senate Bill relative to designating a certain square and two highways in the town of Webster (Senate, No. 1889, amended) be discharged from its

position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

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

Mr. Rogers of Norwood moved that the Senate Bill authorizing the the city of Lawrence to use certain park land for school purposes (Senate, No. 2022, amended) be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

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

Mr. Rogers of Norwood moved that the House Bill establishing a paid leave bank for a certain employee of the Department of Social Services (House, No. 3823) be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

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

Mr. Rogers of Norwood moved that the House Bill authorizing the town of Maynard to issue additional alcoholic beverages licenses (House, No. 3904) be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

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

Mr. Rogers of Norwood moved that the House Bill relative to the use of park land in the town of Swampscott for school purposes (printed as Senate, No. 2015) be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill then was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following:

“The town of Swampscott, acting by and through its board of selectmen, may use 10.1 acres of land, more or less, being a portion of park land known as Jackson Park in the town of Swampscott, as a site for a new high school building together with parking and other uses related thereto. Said park land is shown on a plan entitled ‘Plan of Land Jackson Park, Essex Street, Swampscott, MA’ prepared for Symmes, Maini and McKee by Surveying and Mapping Consultants of Braintree, MA, dated May 15, 2003 to be recorded in the Essex county registry of deeds.”.

The amendment was adopted; and the bill (printed as Senate, No. 2015, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Miss Garry of Dracut moved that the House Bill placing the fire department of the town of

Dracut under the civil service law (House, No. 3903) be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

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

Reports of a Committee.

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) stand (as passed by the General Court).

Under suspension of the rules, in each instance, on motion of the same member, the items 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:

Item 2820-0100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“2820-0100 For the administration, operation and maintenance of the division of urban parks and recreation, for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the division, for the flood control activities of the division, for the purchase of all necessary supplies and related equipment, and for the civilianization of crossing guards located at division intersections where state police previously performed such duties; provided, that said parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation; provided, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that not less than \$247,000 shall be expended for the maintenance and operation of the James Michael Curley recreation center in Boston 21,128,262”.

[The Governor reduced the item to \$20,881,262 and disapproved the following wording: “; provided further, that not less than \$247,000 shall be expended for the maintenance and operation of the James Michael Curley recreation center in Boston”.]

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 (Mr. DiMasi of Boston having taken the Chair) 133 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 311 in Supplement.]

Therefore item 2820-0100 (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 0321-2000 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“0321-2000 For the operation of the mental health legal advisors committee and for certain programs for the indigent mentally ill, as provided in section 34E of chapter 221 of the General Laws 501,085”.

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 137 members voted in the affirmative and 19 in the negative.

[\[See Yea and Nay No. 312 in Supplement.\]](#)

Therefore item 0321-2000 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 0330-2200 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“0330-2200 For the rental of county court facilities, in accordance with section 4 of chapter 29A of the General Laws; provided, that all county facilities shall be reimbursed from this item in fiscal year 2004 8,606,082”.

[The Governor reduced the item to \$6,606,082.]

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 134 members voted in the affirmative and 22 in the negative.

[\[See Yea and Nay No. 313 in Supplement.\]](#)

Therefore item 0330-2200 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 0331-3404 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“0331-3404 For an education and community outreach pilot program to be administered in the Suffolk superior criminal court 178,902”.

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 102 members voted in the affirmative and 54 in the negative.

[\[See Yea and Nay No. 314 in Supplement.\]](#)

Therefore the veto of item 0331-3404 (contained in section 2) was sustained (less than two-thirds of the members present and voting having voted in the affirmative).

Mr. O’Flaherty of Chelsea then moved that this vote be reconsidered.

After debate on the motion to reconsider, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton, and on the roll call 119 members voted in the affirmative and 35 in the negative.

[See Yea and Nay No. 315 in Supplement.]

Therefore the motion to reconsider prevailed.

After debate on the recurring question on passing said item, notwithstanding the objections of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 114 members voted in the affirmative and 40 in the negative.

[See Yea and Nay No. 316 in Supplement.]

Therefore item 0331-3404 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 1410-0630 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“1410-0630 For the administration of the veterans’ cemeteries in the towns of Agawam and Winchendon 429,908”.

[The Governor reduced the item to \$343,890.]

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 137 members voted in the affirmative and 15 in the negative.

[See Yea and Nay No. 317 in Supplement.]

Therefore item 1410-0630 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 5911-1000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“5911-1000 For the administration of the department of mental retardation; provided, that the department shall not charge user fees, so-called, for transportation or community day services; provided further, that the department shall not charge fees for eligibility determination for services provided by said department or for applications of requests for transfer of guardianship, so-called; provided further, that a study commission shall be established to explore the viability of developing a training and/or apprenticeship program for direct care workers, and the impact of such programs on compensation, quality of care and staff retention; provided further, that said commission shall consist of a representative from Department of Mental Retardation, Service Employees International Union, ADDP, MARC, Department of Education, Department of Labor, the House and Senate Chairs of Ways and Means or their designee, and the House and Senate Chairs of the Joint Committee on Human Services and Elderly Affairs or their designee; and provided further, that said commission shall file a report with its findings to the House and Senate Ways and Means Committees and the Joint Committee on Human Services and Elderly Affairs not later than January 1, 2004 12,102,349”.

[The Governor reduced the item to \$11,279,425 and disapproved the following wording: “; provided further, that the department shall not charge fees for eligibility determination for

services provided by said department or for applications of requests for transfer of guardianship, so-called; provided further, that a study commission shall be established to explore the viability of developing a training and/or apprenticeship program for direct care workers, and the impact of such programs on compensation, quality of care and staff retention; provided further, that said commission shall consist of a representative from Department of Mental Retardation, Service Employees International Union, ADDP, MARC, Department of Education, Department of Labor, the House and Senate Chairs of Ways and Means or their designee, and the House and Senate Chairs of the Joint Committee on Human Services and Elderly Affairs or their designee; and provided further, that said commission shall file a report with its findings to the House and Senate Ways and Means Committees and the Joint Committee on Human Services and Elderly Affairs not later than January 1, 2004".]

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 21 in the negative.

[See Yea and Nay No. 318 in Supplement.]

Therefore item 5911-1000 (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 0321-2205 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

"0321-2205 For the expenses of the social law library located in Suffolk county 1,704,671".

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 131 members voted in the affirmative and 25 in the negative.

[See Yea and Nay No. 319 in Supplement.]

Therefore item 0321-2205 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 4110-1000, which had been reduced by the Governor, was considered, as follows:

"4110-1000 For the community services program; provided, that not less than \$350,000 shall be expended from this item for the deaf-blind community access network; provided further, that not less than \$500,000 shall be expended for the talking information center; provided further, that not less than \$10,000 shall be expended for the Audible Local Ledger of Falmouth; and provided further, that the Massachusetts commission for the blind shall work in collaboration with the Massachusetts commission for the deaf and hard of hearing to provide assistance and services to the deaf-blind community through the deaf-blind community access network 3,673,070".

[The Governor reduced the item to \$3,423,070 and reduced the following: "; provided further, that not less than \$500,000 shall be expended for the talking information center" to the following: "; provided further, that not less than \$250,000 shall be expended for the talking information center".]

The question on passing said section, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 142 members voted in the affirmative and 14 in the negative.

[See Yea and Nay No. 320 in Supplement.]

[Ms. Rogeness of Longmeadow answered “Present” in response to her name.]

Therefore item 4110-1000 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 4125-0100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4125-0100 For the operation of and services provided by the Massachusetts commission for the deaf and hard of hearing 4,929,536”.

[The Governor reduced the item to \$4,801,301.]

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 137 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 321 in Supplement.]

Therefore item 4125-0100 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 4570-1500 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4570-1500 For an early breast cancer detection program, mammographies for the uninsured, and a breast cancer detection public awareness program; 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 3,029,488”.

[The Governor reduced the item to \$2,993,810.]

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 142 members voted in the affirmative and 15 in the negative.

[See Yea and Nay No. 322 in Supplement.]

Therefore item 4570-1500 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 4000-0875 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“4000-0875 For the provision of benefits to eligible women who require medical treatment for either breast or cervical cancer in accordance with 1902(a)(10)(A)(ii)(XVIII) of the Breast and

Cervical Cancer Prevention and Treatment Act of 2000, Public Law 106-354, and in accordance with section 10D of chapter 118E of the General Laws; provided, that the division shall seek to obtain federal approval to limit the provision of said benefits to women whose income, as determined by the division, does not exceed 250 per cent of the federal poverty level; provided further, that eligibility for such benefits shall be extended solely for the duration of such cancerous condition; provided further, that prior to the provision of any benefits covered by this item, said division shall require screening for either breast or cervical cancer at the comprehensive breast and cervical cancer early detection program operated by the department of public health, in accordance with item 4570-1503 of section 2D; provided further, that the division shall seek to obtain federal approval for the implementation of a cost sharing system, including co-pays and sliding scale premiums for women whose annual income is between 133 per cent and 250 per cent of the federal poverty level; provided further, that funds shall only be expended and such program implemented, subject to federal approval and the availability of federal financial participation; and provided further, that all federal reimbursements received for expenditures from this item pursuant to the provisions of Title XIX of the federal Social Security Act shall be credited to the General Fund 2,784,551”.

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

[\[See Yea and Nay No. 323 in Supplement.\]](#)

Therefore item 4000-0875 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.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the transfer of an easement under the control of the Department of Environmental Management in the city of Lynn (see House, No. 2018, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 157 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 324 in Supplement.\]](#)

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

Reports of a Committee.

Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from 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) stand (as passed by the General Court).

Under suspension of the rules, in each instance, on motion of the same member, the items 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:

Item 4513-1112 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“4513-1112 For a prostate cancer screening, education and treatment program; provided, that screening, education and treatment shall have a particular focus on the high rate of prostate cancer among African American males; and provided further, that state employees previously paid from this item shall be paid from item 4510-0099 or item 4510-0100 in fiscal year 2004 1,000,000”.

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 153 members voted in the affirmative and 4 in the negative.

[\[See Yea and Nay No. 325 in Supplement.\]](#)

Therefore item 4513-1112 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 4590-0300 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4590-0300 For smoking prevention and cessation programs; provided, that state employees previously paid from this line item shall be paid from item 4510-0099 or from line item 4510-0100 in fiscal year 2004 2,535,000”.

[The Governor reduced the item to \$1,700,000.]

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 135 members voted in the affirmative and 22 in the negative.

[\[See Yea and Nay No. 326 in Supplement.\]](#)

Therefore item 4590-0300 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 7007-0950 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“7007-0950 For grants to public and private nonprofit local and regional organizations to be awarded by the Massachusetts office of travel and tourism for tourism promotion; provided,

that the organizations shall be required, as a condition of receiving a grant, to submit a total operating budget which identify each source and use of operating and capital funds; provided further, that the grant shall not replace or supplant funding otherwise available to said centers from local chambers of commerce, regional tourist councils, and other public or private funding sources; provided further, that not less than \$500,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2004 for the highway information centers operating year-round on state highways and federally-assisted highways, and the visitor information centers on Boston Common and the Prudential Center, both in the city of Boston; provided further, that notwithstanding any general or special law to the contrary, a grant of not less than \$250,000 shall be transferred from this item to the Massachusetts office of business development for regional tourism and economic development in Southeastern Massachusetts including the Southcoast Development Project; provided further, that not less than \$250,000 shall be granted to the Southcoast Development Partnership for the purposes of regional tourism and economic development in Southeastern Massachusetts; provided further, that not less than \$250,000 be expended for the Massachusetts Sports and Entertainment Partnership; provided further, that not less than \$200,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that not less than \$155,977 shall be expended for the International Trade Assistance Center in Fall River; provided further, that not less than \$100,000 shall be expended for the Freedom Trail Foundation; provided further, that not less than \$100,000 shall be allocated for the I-495 Technology Corridor Initiative; provided further, that not less than \$95,000 be expended for a grant to the Russian Community Association; provided further, that not less than \$94,531 shall be expended for City Stage; provided further, that not less than \$75,000 shall be expended for the Waltham Tourist Council; provided further, that \$75,000 shall be expended for the Cape Cod Economic Development Council, Inc.; provided further, that not less than \$75,000 shall be expended for the Old Provincial State House; provided further, that not less than \$75,000 be expended for a technology training program operated by the Cape Cod Technology Council; provided further, that not less than \$50,000 shall be expended for the 25th anniversary of the Caribbean Council; provided further, that not less than \$45,000 shall be expended to perform a cost assessment of an economic development project at South Harbor in the city of Lynn; provided further, that not less than \$40,000 shall be expended as a grant for the Pioneer Valley Visitors and Tourist Information Center; provided further, that not less than \$40,000 shall be expended for an economic development project operated by the Arlington Neighborhood Association in the city of Lawrence; provided further, that not less than \$37,813 shall be expended for the New Bedford Art Museum; and provided further, that not less than \$25,000 shall be expended for the economic development project at the Salisbury Chamber of Commerce 2,533,321”.

[The Governor reduced the item to \$250,000 and disapproved the following wording: “; provided further, that not less than \$500,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2004 for the highway information centers operating year-round on state highways and federally-assisted highways, and the visitor information centers on Boston Common and the Prudential Center, both in the city of Boston” and “; provided further, that not less than \$250,000 shall be granted to the Southcoast Development Partnership for the purposes of regional tourism and economic development in Southeastern Massachusetts; provided further, that not less than \$250,000 be expended for the Massachusetts Sports and Entertainment

Partnership; provided further, that not less than \$200,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that not less than \$155,977 shall be expended for the International Trade Assistance Center in Fall River; provided further, that not less than \$100,000 shall be expended for the Freedom Trail Foundation; provided further, that not less than \$100,000 shall be allocated for the I-495 Technology Corridor Initiative; provided further, that not less than \$95,000 be expended for a grant to the Russian Community Association; provided further, that not less than \$94,531 shall be expended for City Stage; provided further, that not less than \$75,000 shall be expended for the Waltham Tourist Council; provided further, that \$75,000 shall be expended for the Cape Cod Economic Development Council, Inc.; provided further, that not less than \$75,000 shall be expended for the Old Provincial State House; provided further, that not less than \$75,000 be expended for a technology training program operated by the Cape Cod Technology Council; provided further, that not less than \$50,000 shall be expended for the 25th anniversary of the Caribbean Council; provided further, that not less than \$45,000 shall be expended to perform a cost assessment of an economic development project at South Harbor in the city of Lynn; provided further, that not less than \$40,000 shall be expended as a grant for the Pioneer Valley Visitors and Tourist Information Center; provided further, that not less than \$40,000 shall be expended for an economic development project operated by the Arlington Neighborhood Association in the city of Lawrence; provided further, that not less than \$37,813 shall be expended for the New Bedford Art Museum; and provided further, that not less than \$25,000 shall be expended for the economic development project at the Salisbury Chamber of Commerce”.]

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 (the Speaker having returned to the Chair) 147 members voted in the affirmative and 10 in the negative.

[See Yea and Nay No. 327 in Supplement.]

Therefore item 7007-0950 (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 0321-1600 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“0321-1600 For the Massachusetts Legal Assistance Corporation to provide legal representation for indigent or otherwise disadvantaged residents of the commonwealth; provided, that notwithstanding provisions of section 9 of chapter 221A of the General Laws that \$1,190,129 shall be expended for the disability benefits project, \$544,286 shall be expended for the Medicare advocacy project, and \$2,490,993 shall be expended for the battered women’s legal assistance project; provided further, that said corporation shall submit a report to the house and senate committees on ways and means not later than January 30, 2004 that shall include, but not be limited to the following: (a) the number of persons said programs assisted in the prior fiscal year; (b) any proposed expansion of legal services delineated by type of service, target population, and cost; (c) the total number of indigent or otherwise disadvantaged residents of the commonwealth who received services by said corporation, by type of case and geographic location; and provided further, that said corporation may contract with any organization for the purpose of providing such representation 7,564,142”.

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 147 members voted in the affirmative and 10 in the negative.

[See Yea and Nay No. 328 in Supplement.]

Therefore item 0321-1600 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 7504-0101 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“7504-0101 For the operation of an environmental technology, education, and job training partnership through the Cape Cod Community College; provided, that the college shall coordinate said partnership with the Massachusetts Maritime Academy and the University of Massachusetts at Dartmouth; provided further, that the initiative shall be conducted at the Massachusetts military reservation, or at any site on Cape Cod determined by the college to be suitable for the purposes of on-site education and training in the use of alternative technologies to clean up designated superfund sites; provided further, that preference shall be given to local applicants; and provided further, that the executive office of environmental affairs and the University of Massachusetts at Dartmouth shall participate in the testing and evaluation of innovative technologies 94,395”.

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 137 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 329 in Supplement.]

Therefore item 7504-0101 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.

Under suspension of the rules, on motion of Mrs. Canavan of Brockton, item 4513-1023 (contained in section 2), which had been returned by His Excellency the Governor with His objections thereto in writing, was considered, as follows:

“4513-1023 For the costs associated with the implementation of the universal newborn hearing program; provided, that state employee salaries shall not be paid from this item in fiscal year 2004; provided further, that the funds appropriated in this item shall be expended for the notification of and follow through with affected families, primary care providers and early intervention programs upon the department’s receipt of data indicative of potential hearing disorders in newborns 83,060”.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 135 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 330 in Supplement.]

Therefore item 4513-1023 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.

Under suspension of the rules, on motion of Mrs. Walrath of Stow, item 7007-0515 (contained in section 2), which had been reduced by His Excellency the Governor, was considered, as follows:

“7007-0515 For economic development grants to be administered by the department of business and technology; provided, that not less than \$150,000 be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce; provided further, that not less than \$200,000 shall be expended on the operation of the Massachusetts Fisheries Recovery Commission; and provided further, that not less than \$200,000 shall be expended for a grant to the South Shore Tri-Town Development Corporation established in chapter 301 of the acts of 1998 550,000”.

[The Governor reduced the item to \$200,000 and reduced the following: “; provided, that not less than \$150,000 be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce; provided further, that not less than \$200,000 shall be expended on the operation of the Massachusetts Fisheries Recovery Commission; and provided further, that not less than \$200,000 shall be expended for a grant to the South Shore Tri-Town Development Corporation established in chapter 301 of the acts of 1998” to the following: “; provided further, that not less than \$100,000 shall be expended on the operation of the Massachusetts Fisheries Recovery Commission; and provided further, that not less than \$100,000 shall be expended for a grant to the South Shore Tri-Town Development Corporation established in chapter 301 of the acts of 1998”.]

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 138 members voted in the affirmative and 19 in the negative.

[\[See Yea and Nay No. 331 in Supplement.\]](#)

Therefore item 7007-0515 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.

Under suspension of the rules, on motion of Mrs. Harkins of Needham, item 7061-0012 (contained in section 2), which had been reduced by His Excellency the Governor, was considered, as follows:

“7061-0012 For the reimbursement of extraordinary special education costs pursuant to section 5A of chapter 71B of the General Laws; provided, that reimbursements shall be pro-rated such that expenses of this line item do not exceed the amount appropriated herein; provided further, that not more than \$8,750,000 shall be used to continue and expand voluntary residential placement prevention programs between the department of education and other departments within the executive office of health and human services that develop community-based support services for children and their families; provided further, that of this \$8,750,000, not less than \$7,500,000 shall be made available to the department of mental retardation for the voluntary residential placement prevention program administered by that department; provided further, that the amount spent for a particular student shall not exceed the amount of tuition funds allocated for the student at the time of transition into such community-based support services;

provided further, that funding provided herein may reimburse private schools for prior fiscal year's tuition; provided further, that not less than \$400,000 shall be expended for the costs of borrowing audiotaped textbooks by special needs students whose disabilities include, but shall not be limited to: blindness, visual impairments, learning disabilities such as dyslexia, or physical disabilities such as cerebral palsy that limit the use of standard print, and for the cost of an outreach program geared toward special education teachers, students and parents regarding the services of such program; provided further, that of that amount, funds may be expended for the purposes of training teachers and students; and provided further, that not more than \$500,000 shall be expended to administrator the reimbursements funded herein 121,600,262".

[The Governor reduced the item to \$115,100,262 and disapproved the following wording: “; provided further, that not less than \$400,000 shall be expended for the costs of borrowing audiotaped textbooks by special needs students whose disabilities include, but shall not be limited to: blindness, visual impairments, learning disabilities such as dyslexia, or physical disabilities such as cerebral palsy that limit the use of standard print, and for the cost of an outreach program geared toward special education teachers, students and parents regarding the services of such program; provided further, that of that amount, funds may be expended for the purposes of training teachers and students”.]

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 332 in Supplement.]

Therefore item 7061-0012 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.

Under suspension of the rules, on motion of Mr. Timilty of Milton, item 7061-0011 (contained in section 2), which had been returned by His Excellency the Governor with His objections thereto in writing, was considered, as follows:

“7061-0011 For a reserve to (1) meet unanticipated or extraordinary increases in the minimum required local contribution of a municipality as calculated pursuant to the requirements of section three of this act; provided, that a municipality seeking funds hereunder shall apply for a waiver from the department of revenue pursuant to the provisions of section 3 of this act; provided further, that the commissioner shall issue a finding concerning such waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of education regarding the merits of such application; (2) meet expenses associated with extraordinary increases in enrollment calculated on a percentage basis for such municipalities; (3) to address the effects of reductions in required net school spending in districts; provided further, that preference in the awarding of such funds shall be given to districts which receive twenty percent reductions in fiscal year 2004 Chapter 70 school aid, as defined in section 3, compared to fiscal year 2003 chapter 70 aid, and which, as a result of said reduction, will see a reduction in fiscal year 2004 net school spending; provided further, that the department shall also give preference to districts in which state aid per pupil is low compared to similar municipalities or districts; (4) to assist regional school districts in offsetting unanticipated funding losses resulting from a member municipality's extraordinary increase or decrease in its

minimum required local contribution; provided further, that priority shall be granted to member municipalities of regional, and vocation regional school districts; provided further, that notwithstanding the provisions of any general or special law to the contrary, assistance funded by this item shall only be available on a one time non-recurring basis; and provided further, that no funds distributed from this item to a municipality shall be considered base aid nor used in the calculation of the minimum required local contribution for fiscal year 2005 7,000,000”.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 141 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 333 in Supplement.]

Therefore item 7061-0011 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.

Under suspension of the rules, in each instance, on motion of Mr. Rogers of Norwood, the items 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:

Item 7061-0008 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“7061-0008 For school aid to cities, towns, regional school districts, counties maintaining agricultural schools, independent vocational schools and independent agricultural and technical schools to be distributed pursuant to chapters 70 and 76 of the General Laws and section 3; provided further, that \$175,000 of the funds allocated from this item to the city of Lawrence by section 3 shall be transferred to the University of Massachusetts at Lowell for its college preparation program; provided further, that each school district shall report annually to the department of education on its professional development expenditures, in a manner and form prescribed by the commissioner and consistent with the accountability requirements of the federal No Child Left Behind Act, so-called; and provided further, that the department of education shall report annually to the house and senate committees on ways and means on school districts’

professional development spending 3,108,140,588”.

[The Governor reduced the item to \$3,107,689,540 and, in section 3, reduced corresponding Chapter 70 amounts as follows:

Municipality Amount Reduced to

Ashfield 96,581 64,284

Becket 73,044 55,101

Buckland 6,377 —

Charlemont 70,546 45,917

Chesterfield 114,818 64,284

Dalton 229,451 82,651

Hawley 20,505 18,367

Hinsdale 77,323 64,284

Holden 111,568 9,183

Millville 38,008 36,789

Peru 31,894 18,367
Plainfield 42,943 18,367
Raynham 300 —
Rutland 8,895 —
Sandisfield 6,389 — ”.]

The question on passing said item and corresponding amounts contained in section 3, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 135 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 334 in Supplement.]

Therefore item 7061-0008 (contained in section 2) and corresponding amounts in sections 3 were 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 2800-0101 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“2800-0101 For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the department; provided, that expenses incurred in other division of urban parks and recreation programs and the administration of the department of conservation and recreation to assist in the recovery of watershed administrative costs from the Massachusetts Water Resources Authority in the same manner as occurred between the metropolitan district commission and the Massachusetts Water Resources Authority in fiscal year 2003 may be charged to this item; provided, that no water shall be diverted from the Connecticut river by the said department or the Massachusetts Water Resources Authority; provided further, that \$500,000 shall be paid to the town of Clinton, under section 8 of chapter 307 of the acts of 1987, to compensate for the use of certain land; provided further, that the amount of the payment shall be charged to the General Fund and not be included in the amount of the annual determination of fiscal year charges to the Massachusetts Water Resources Authority assessed to the authority under section 113 of chapter 92 of the General Laws; provided further, that not less than 13 employees shall be assigned to patrol watershed areas; and provided further, that said department shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures in the most recent quarter including the amount and a description of what was charged 9,289,702”.

[The Governor disapproved the following wording: “; provided further, that not less than 13 employees shall be assigned to patrol watershed areas; and provided further, that said department shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures in the most recent quarter including the amount and a description of what was charged”.]

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 135 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 335 in Supplement.]

Therefore item 2800-0101 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 2330-0100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“2330-0100 For the operation of the division of marine fisheries, including expenses of the Annisquam river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program including coastal area classification, mapping and technical assistance, and for the operation of the Newburyport shellfish purification plant and shellfish classification program; provided, that \$300,000 shall be expended on a recreational fisheries program to be reimbursed by federal funds; provided further, that the Newburyport shellfish purification plant shall generate not less than \$115,000 from purification fees; and provided further, that the department shall increase any existing shellfish rack and digger license fees that have not been modified more recently than fiscal year 1989, and provided further, that the increase shall take effect during fiscal year 2004; provided further, that not less than \$45,000 shall be expended for shellfish propagation on the islands of Martha’s Vineyard and Nantucket to be administered by the state aquaculture coordinator and Dukes and Nantucket counties; provided further, that not less than \$90,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and Barnstable County Department of Health and Environment; and provided further, that the sum expended for the School for Marine Science and Technology to help mitigate the negative economic impact to the Massachusetts ports which has resulted from the change in federal fisheries regulations in fiscal year 2004 shall not be reduced from fiscal year 2003 except in proportion to adjustments consistent with the department’s budget adjustment 3,446,500”.

[The Governor reduced the item to \$3,163,900 and disapproved the following wording: “; provided further, that the Newburyport shellfish purification plant shall generate not less than \$115,000 from purification fees; and provided further, that the department shall increase any existing shellfish rack and digger license fees that have not been modified more recently than fiscal year 1989, and provided further, that the increase shall take effect during fiscal year 2004; provided further, that not less than \$45,000 shall be expended for shellfish propagation on the islands of Martha’s Vineyard and Nantucket to be administered by the state aquaculture coordinator and Dukes and Nantucket counties; provided further, that not less than \$90,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and Barnstable County Department of Health and Environment; and provided further, that the sum expended for the School for Marine Science and Technology to help mitigate the negative economic impact to the Massachusetts ports which has resulted from the change in federal fisheries regulations in fiscal year 2004 shall not be reduced from fiscal year 2003 except in proportion to adjustments consistent with the department’s budget adjustment”.]

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 138 members voted in the affirmative and 19 in the negative.

[\[See Yea and Nay No. 336 in Supplement.\]](#)

Therefore item 2330-0100 (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 5920-2025 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“5920-2025 For community-based day and work programs for adults and for \$2,720,000 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 further, that not less than \$302,000 shall be expended for the life focus center in the Charlestown section of the city of Boston, including an alternative work program 106,451,278”.

[The Governor reduced the item to \$105,929,308 and disapproved the following wording: “; provided further, that not less than \$302,000 shall be expended for the life focus center in the Charlestown section of the city of Boston, including an alternative work program”.]

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 135 members voted in the affirmative and 22 in the negative.

[\[See Yea and Nay No. 337 in Supplement.\]](#)

Therefore item 5920-2025 (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 4120-4000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4120-4000 For independent living assistance service; provided, that not more than \$858,000 shall be expended for assistive technology devices and training for individuals with severe disabilities; provided further, that \$200,000 shall be obligated for the SHARE Foundation at the University of Massachusetts; and provided further, that no less than \$20,000 will be used to assist the Living Independently for Equality, Inc. of Brockton 7,471,512”.

[The Governor reduced the item to \$7,251,512 and disapproved the following wording: “; provided further, that \$200,000 shall be obligated for the SHARE Foundation at the University of Massachusetts; and provided further that no less than \$20,000 will be used to assist the Living Independently for Equality, Inc. of Brockton”.]

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 21 in the negative.

[\[See Yea and Nay No. 338 in Supplement.\]](#)

Therefore item 4120-4000 (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 2300-0101 (contained in section 2), which had been vetoed by the Governor, was

considered, as follows:

“2300-0101 For a program of riverways protection, restoration and promotion of public access to rivers, including grants to public and non-public entities; provided, that the positions funded in this item shall not be subject to chapter 31 of the General Laws 290,293”.

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

[See Yea and Nay No. 339 in Supplement.]

Therefore item 2300-0101 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 2200-0100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“2200-0100 For the operation of the department of environmental protection, including the environmental strike force, the office of environmental results and strategic planning, the bureau of resource protection, the Senator William X. Wall experimental station, and a contract with the University of Massachusetts for environmental research, notwithstanding the provisions of section 323F of chapter 94 of the General Laws; provided, that the provisions of section 3B of chapter 7 of the General Laws shall not apply to fees established pursuant to section 18 of chapter 21A of the General Laws; provided, that not less than \$75,000 shall be expended for drinking water protection in the town of Paxton; and provided further, that enactment of the appropriations made available by this act to the department shall be deemed a determination, pursuant to subsection (m) of section 19 of chapter 21A of the General Laws 28,140,275”.

[The Governor reduced the item to \$27,465,275 and disapproved the following wording: “; provided, that not less than \$75,000 shall be expended for drinking water protection in the town of Paxton”.]

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 135 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 340 in Supplement.]

Therefore item 2200-0100 (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.

Under suspension of the rules, on motion of Ms. Spiliotis of Peabody, item 9110-1660 (contained in section 2), which had been reduced by His Excellency the Governor, was considered, as follows:

“9110-1660 For congregate and shared housing services for the elderly; provided, that not less than \$50,000 shall be expended for congregate housing services at the Tuttle House facility in Dorchester; provided further, that not less than \$100,000 shall be allocated to the Committee to End Elder Homelessness, Inc; and provided further, that not less than \$40,100 shall be allocated

to

North Shore Elder Services 1,309,680”.

[The Governor reduced the item to \$215,100.]

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 144 members voted in the affirmative and 13 in the negative.

[See Yea and Nay No. 341 in Supplement.]

Therefore item 9110-1660 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.

Recess.

At twenty minutes after six o'clock P.M., on motion of Mr. deMacedo of Plymouth) (the Speaker being in the Chair), the House recessed until the hour of eleven o'clock A.M. on Thursday, July 17; and at thirteen minutes after eleven o'clock A.M. the House was called to order with Mr. DiMasi of Boston in the Chair.

Thursday, July 17, 2003 (at 11:13 o'clock A.M.).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows: Gracious God in whom we place our trust and who gives us life, at the beginning of this day's legislative session, we pause for a moment of prayer to reflect on our own human and spiritual values and to focus our attention on our own personal priorities and goals. We pray for guidance and direction as we evaluate and address the items on today's calendar as well as the other legislative business of the day. When, in our complex and pluralistic society, we disagree on issues and policies, teach us to do so on the content, merits, interests and relevance of the proposals. May our commitment to excellence in all areas of government and administration and service assist us in building confidence in our basic institutions and hope in the future of this Commonwealth and our communities

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

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

Message from the Governor.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the town of Pembroke to exchange a certain parcel of town forest land for land held for school purposes (House, No. 3965) was filed in the office of the Clerk during today's session.

The message was read; and it was referred, on motion of Mr. Webster of Hanson, with the accompanying draft of a bill, to the committee on Rules.

Mr. Scaccia of Boston, for said committee, reported on the foregoing message, a Bill authorizing the town of Pembroke to exchange a certain parcel of town forest land for land held for school purposes (printed in House, No. 3965). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

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

Resolutions.

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

Resolutions (filed by Mr. Jones of North Reading) congratulating Eugene Nigro on receiving the Cultural Recognition Award from the Reading Cultural Council;

Resolutions (filed by Mr. Ciampa of Somerville) congratulating Cristopher Patrick Hansen on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. LeDuc of Marlborough) congratulating Mr. and Mrs. Clifford Gaucher on the occasion of their sixty-fifth wedding anniversary; and

Resolutions (filed by Mr. Walsh of Lynn) on the occasion of the one hundred and fiftieth anniversary of the incorporation of the town of Nahant;

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

Papers from the Senate.

A report of the committee on Health Care, recommending that the communication from the Board of Trustees of the Health Care Security Trust (under the provisions of Section 4(h) of Chapter 29D of the General Laws) submitting an Operating Trust Agreement (Senate, No. 1951) be placed on file,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2040) of Stanley C. Rosenberg and Ellen Story (by vote of the town) for legislation relative to voting precincts in the town of Amherst. To the committee on Election Laws.

Petition (accompanied by bill, Senate, No. 2042) of Charles E. Shannon and Paul C. Casey (by vote of the town) for legislation relative to the disposition of certain state-owned land in the

town of Winchester. To the committee on State Administration.

Petition (accompanied by bill, Senate, No. 2041) of Charles E. Shannon and Paul C. Casey (by vote of the town) for legislation to authorize the town of Winchester to lien certain outstanding charges owed the town. To the committee on Taxation.

A petition of Steven C. Panagiotakos, Thomas A. Golden, Jr., David M. Nangle and Kevin J. Murphy for legislation to establish a sick leave bank for Christopher Boumil, an employee of the Department of Correction, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2051) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules, that the House Order relative to the establishment of a permanent Joint Rule 1 for the 2003-2004 General Court (House, No. 3830) ought to be adopted with an amendment in lines 27 to 30, inclusive, by striking out the sentence contained therein.

Under suspension of the rules, on motion of the same member, the order was considered forthwith.

The amendment recommended by the committee on Rules was adopted.

The order (House, No. 3830, amended) then also was adopted. Sent to the Senate for concurrence.

By Mr. Scaccia of Boston, for the committee on Rules, that Joint Rule 7B be suspended on the petition of Joseph C. Sullivan, Michael W. Morrissey and Brian A. Joyce that the town of Braintree be authorized to lease the Watson Park Library in said town. Under suspension of the rules, on motion of Mr. Driscoll of Braintree, the report was considered forthwith. Joint Rule 7B was suspended; and the petition (accompanied by bill) was referred to the committee on Local Affairs and Regional Government. Sent to the Senate for concurrence.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Thomas J. O'Brien, Virato Manuel deMacedo and Therese Murray that the airport commission of the town of Plymouth be authorized to lease certain parcels of land. Under suspension of the rules, on motion of Mr. O'Brien of Kingston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration. Sent to the Senate for concurrence.

Order.

An order (filed this day by Mrs. Owens-Hicks of Boston) was considered forthwith, under suspension of the rules, on motion of the same member; and it was adopted, as follows:

Ordered, That all matters pending before the former committee on Local Affairs and the former committee on Counties shall be considered to be under the jurisdiction of the committee on

Local Affairs and Regional Government.
Sent to the Senate for concurrence.

Engrossed Bills.

The engrossed Bill relative to quality health care (see House, No. 3952, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be re-enacted, and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to designating a certain square and two highways in the town of Webster (see Senate, No. 1889, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

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

Mr. Scaccia of Boston moved that the report of the committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment of the House Order relative to the adoption of permanent Joint Rules 10, 11B, 12, 12A and 26A for the 2003-2004 General Court (House, No. 2005) (for report, see text contained in House document numbered 2015, adopting permanent Joint Rules 10, 11B, 12, 26A and a portion of Joint Rule 23 for the 2003-2004 General Court) be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The report of the committee of conference then was accepted. Sent to the Senate for concurrence.

Mr. Coughlin of Dedham moved that the House Bill providing for the elimination of the residency requirement for the town administrator of the town of Dedham (House, No. 2012) be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

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

Miss Garry of Dracut moved that the House Bill placing the fire department of the town of Dracut under the civil service law (House, No. 3903) be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

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

Mr. Toomey of Cambridge moved that the House Bill establishing a sick leave bank for Duarte

O. Raposo, an employee of the Trial Court of the Commonwealth (House, No. 3958) be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

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

Mr. Rogers of Norwood moved that the message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill relative to compensation of certain members of the General Court (see House, No. 3743, amended) [for message, see House, No. 3930] be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

Mr. Finneran of Boston then moved that further consideration of the message be postponed until Tuesday, January 4, 2005; and after remarks the motion to postpone prevailed.

Mr. Rogers of Norwood 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 453 [for message, see attachment H 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 453 be considered in the following form:

By passage of An Act relative to territorial jurisdiction of district courts (House, No. 3962).

The report was accepted.

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

Mr. Rogers of Norwood 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 117 [for message, see attachment E 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 117 be considered in the following form:

By passage of An Act establishing the office of administrative appeals in the Executive Office of Environmental Affairs (House, No. 3963).

The report was accepted.

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

Mr. Rogers of Norwood 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 698 [for message, see attachment J 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 698 be considered in the following form:

By passage of An Act relative to the functions of certain state agencies (House, No. 3964).

The report was accepted.

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

Emergency Measures.

The engrossed Bill relative to territorial jurisdiction of district courts (see House, No. 3962), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 46 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill establishing the office of administrative appeals in the Executive Office of Environmental Affairs (see House, No. 3963), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 47 to 1. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to the functions of certain state agencies (see House, No. 3964), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 50 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted; and it was signed by the acting

Speaker and sent to the Senate.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the the city of Lawrence to use certain park land for school purposes (see Senate, No. 2022, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 143 members voted in the affirmative and 7 in the negative.

[\[See Yea and Nay No. 342 in Supplement.\]](#)

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

Reports of a Committee.

Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from 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 section 439 stand (as passed by the General Court).

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

Item 4000-0600 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4000-0600 For health care services provided to medical assistance recipients under the division’s senior care plan; provided, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that not less than \$9,240,000 shall be expended for the purposes of a demonstration project known as the ‘community choices’ initiative, so-called; provided further, that under the demonstration, eligible MassHealth enrollees in the section 2176 elder care waiver, so-called, shall be covered for any needed community services, including case management, from among those services available under the waiver or under the Commonwealth’s Title XIX state plan, for the purpose of delaying or preventing an imminent nursing home admission; provided further, that elders enrolled in the waiver at risk of imminent nursing home admission shall be provided information about the availability of such services; provided further, that for elders who, pursuant to the

aforementioned interagency agreement, have been determined to be at such imminent risk, have chosen to remain in the community, and for whom community care is medically appropriate, the division shall establish a funding level that, on a monthly average basis, is equal to fifty percent of the median monthly per capita expenditure made by the division for nursing facility services provided to elders; provided further, that such funding level may include the costs of needed waiver services or other needed community services available to the elders under the state plan, provided further, that the interagency agreement shall be amended to implement the demonstration project and shall describe how the funding level will be made available to meet the costs of needed waiver services or other needed community services available to the elders under the state plan; provided further, that the division shall enter into an agreement with each aging service access point participating in the demonstration, which shall describe a system to be followed by each aging service access point, in accordance with state law and requirements under Title XIX of the Social Security Act, for coordination of both waiver and non-waiver community services needed by such eligible elders; provided further, that each aging services access point receiving funds under the demonstration project shall submit monthly reports to the division of medical assistance and to the executive office of elder affairs on the care provided and the service expenditures made under the 2176 elder care waiver and such other information as specified by the division and the executive office; provided further, that executive office of health and human services shall prepare a report on all relevant costs and savings associated with the demonstration project; and provided further, that the report shall be submitted to the house and senate committees on ways and means by April 1, 2004; provided further, that the division shall expend funds for the purpose of funding base hourly wage increases and related payroll taxes for certified nurses' aides at nursing facilities, in accordance with 114.2 CMR 6.00 et seq.; provided further, that effective January 1, 2002, such wage increases shall be over and above any previously collectively bargained for wage increases; provided further, that the division shall report to the house and senate committees on ways and means on the increases given at each facility by February 1, 2004; provided further, that the division shall in correlation with the senior care options program explore options for enrolling the senior care population into managed care programs through federal waivers or other necessary means; provided further, that not less than \$75,000 shall be made available to reimburse providers of dementia-specific adult day care at the rate paid on January 1, 2003; provided further, that within the amount to be expended in fiscal year 2004 on title XIX home health services, the division shall establish and implement a demonstration project to allow for the use of technology in the provision of home health services; provided further, that said demonstration project shall establish a tiered rate system of reimbursement under the Medicaid program; provided further, that technology shall include the following: information services and devices that make documentation, charting, and staff time more efficient or that encourages and allows for care through alternative settings including but not limited to touch screens, monitors, hand-helds, wipe cards, motion detectors, pagers, telemedicine, medication dispensers, and equipment to monitor vital signs and self-injections, and to observe skin and other conditions; provided further, that said division shall not expend funds related to the demonstration project for services that are not eligible for federal reimbursement under Title XIX of the federal Social Security Act of any related 1115 waiver; and provided further, that the division shall report to the house and senate committees on ways and means not later than December 1, 2003 any cost savings achieved by said project, outcomes measures and patient satisfaction information 1,522,530,000".

[The Governor reduced the item to \$1,522,455,000 and disapproved the following wording: “; provided further, that not less than \$75,000 shall be made available to reimburse providers of dementia-specific adult day care at the rate paid on January 1, 2003.]

After remarks 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 having taken the Chair) 132 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 343 in Supplement.]

Therefore item 4000-0600 (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 7061-0029 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“7061-0029 For the office of educational quality and accountability established pursuant to section 55A of chapter 15 of the General Laws; provided, that not less than \$200,000 shall be expended for the Donahue Institute at the University of Massachusetts for analysis of special education approaches that increase knowledge of the operational dynamics and educational needs of urban schools and their students 2,601,971”.

[The Governor reduced the item to \$2,401,971 and disapproved the following wording: “; provided, that not less than \$200,000 shall be expended for the Donahue Institute at the University of Massachusetts for analysis of special education approaches that increase knowledge of the operational dynamics and educational needs of urban schools and their students”.]

After remarks 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 123 members voted in the affirmative and 29 in the negative.

[See Yea and Nay No. 344 in Supplement.]

[Mr. Kulik of Worthington answered “Present” in response to his name.]

Therefore item 7061-0029 (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.

Engrossed Bill — Land Taking.

The engrossed Bill relative to the use of park land in the town of Swampscott for school purposes (see House bill printed as Senate, No. 2015) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

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

roll call 145 members voted in the affirmative and 7 in the negative.

[See Yea and Nay No. 345 in Supplement.]

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

Reports of a Committee.

Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from 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:

Item 7003-0702 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“7003-0702 For grants to be administered by the Department of Workforce Development; provided that not less than \$900,000 shall be expended on the Massachusetts Service Alliance; provided further, that not less than \$850,000 be expended for the Massachusetts Manufacturing Extension Partnership; provided further, that not less than \$400,000 shall be expended on the Commonwealth Corporation; provided further, that not less than \$200,000 shall be expended to the Western Massachusetts Enterprise Fund and the Southeastern Economic Development Corporation’s microenterprise programs as a supplemental match to conduct an entrepreneurial training and technical assistance program for support of emerging high-growth microenterprises that are owned or employ income-eligible residents; provided further, that not less than \$195,000 shall be expended for 3 full-time equivalent rapid response labor specialists at the Massachusetts AFL-CIO; provided further, that not less than \$150,000 shall be expended for the center for women and enterprise; provided further, that not less than \$139,500 shall be expended for the Just-A-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed or displaced workers, or persons receiving benefits from the transitional aid to families with dependent children program; provided further, that not less than \$135,000 shall be expended for incumbent worker coordinators at the Massachusetts AFL-CIO; provided further, that not less than \$127,000 shall be expended for the employee involvement and ownership program; provided further, that not less than \$105,000 shall be made available to the E-Team Machinist Program in the city of Lynn; provided further, that not less than \$100,000 be expended for the Aberjona River plan; provided further, that not less than \$100,000 be expended on the Acre Urban Revitalization project in the city of Lowell; provided further, that not less than \$100,000 shall be expended for minority training in Hampden County; provided further, that not less than \$100,000 shall be expended on the Jackson-Appleton-Middlesex plan, so called, in the city of Lowell; provided further, that not

less than \$90,000 shall be expended for Centro Latino de Chelsea to provide workforce training, educational services and other transitional services in the city of Chelsea; provided further, that not less than \$75,000 shall be expended for the Martin Luther King, Jr. Business Empowerment Center in Worcester; provided further, that not less than \$75,000 shall be provided to the Workforce Investment Association of MA, Inc. for the purpose of assisting administrators, career center directors, and fiscal agents; provided further, that not less than \$75,000 shall be expended to support the Technology Initiative operated by the Metro South/West Regional Employment Board for the development of Technology Centers of Excellence serving the region's youth and businesses, and said grant shall require a 200 percent match from the private sector; provided further, that not less than \$50,000 shall be expended for the Allston-Brighton vocational adjustment center for the continued operation of a job training and placement center; and provided further, that not less than \$7,500 shall be provided for the Bonnie Brae Camp in the city of Gardner 3,974,000

Workforce Training

Fund 100.00%”.

[The Governor reduced the item to \$1,750,000 and disapproved the following wording: “; provided further, that not less than \$400,000 shall be expended on the Commonwealth Corporation; provided further, that not less than \$200,000 shall be expended to the Western Massachusetts Enterprise Fund and the Southeastern Economic Development Corporation's microenterprise programs as a supplemental match to conduct an entrepreneurial training and technical assistance program for support of emerging high-growth microenterprises that are owned or employ income-eligible residents; provided further, that not less than \$195,000 shall be expended for 3 full-time equivalent rapid response labor specialists at the Massachusetts AFL-CIO; provided further, that not less than \$150,000 shall be expended for the center for women and enterprise; provided further, that not less than \$139,500 shall be expended for the Just-A-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed or displaced workers, or persons receiving benefits from the transitional aid to families with dependent children program; provided further, that not less than \$135,000 shall be expended for incumbent worker coordinators at the Massachusetts AFL-CIO; provided further, that not less than \$127,000 shall be expended for the employee involvement and ownership program; provided further, that not less than \$105,000 shall be made available to the E-Team Machinist Program in the city of Lynn; provided further, that not less than \$100,000 be expended for the Aberjona River plan; provided further, that not less than \$100,000 be expended on the Acre Urban Revitalization project in the city of Lowell; provided further, that not less than \$100,000 shall be expended for minority training in Hampden County; provided further, that not less than \$100,000 shall be expended on the Jackson-Appleton-Middlesex plan, so called, in the city of Lowell; provided further, that not less than \$90,000 shall be expended for Centro Latino de Chelsea to provide workforce training, educational services and other transitional services in the city of Chelsea; provided further, that not less than \$75,000 shall be expended for the Martin Luther King, Jr. Business Empowerment Center in Worcester; provided further, that not less than \$75,000 shall be provided to the Workforce Investment Association of MA, Inc. for the purpose of assisting administrators, career center directors, and fiscal agents; provided further, that not less than \$75,000 shall be expended to support the Technology Initiative operated by the Metro South/West Regional Employment Board for the development of Technology Centers of Excellence serving the region's youth and businesses, and said grant shall require a 200 percent match from the private sector; provided

further, that not less than \$50,000 shall be expended for the Allston-Brighton vocational adjustment center for the continued operation of a job training and placement center; and provided further, that not less than \$7,500 shall be provided for the Bonnie Brae Camp in the city of Gardner”.]

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 133 members voted in the affirmative and 20 in the negative.

[\[See Yeas and Nays No. 346 in Supplement.\]](#)

Therefore item 7003-0702 (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 4110-2000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4110-2000 For the turning 22 program of the commission; provided, 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 8,000,574”.

[The Governor reduced the item to \$7,850,419.]

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 141 members voted in the affirmative and 13 in the negative.

[\[See Yeas and Nays No. 347 in Supplement.\]](#)

Therefore item 4110-2000 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 1120-4005 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“1120-4005 For the administration of the library; provided, that said library shall maintain regular hours of operation from 9:00 a.m. to 5:00 p.m. 1,184,048”.

[The Governor reduced the item to \$1,049,877.]

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.

[\[See Yeas and Nays No. 348 in Supplement.\]](#)

[Mrs. Parente of Milford answered “Present” in response to her name.]

Therefore item 1120-4005 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 2310-0200 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“2310-0200 For the administration of the division of fisheries and wildlife, including expenses of the fisheries and wildlife board, the administration of game farms and wildlife restoration projects, for wildlife research and management, the administration of fish hatcheries, the improvement and management of lakes, ponds and rivers, for fish and wildlife restoration projects, the commonwealth’s share of certain cooperative fishery and wildlife programs, and for certain programs reimbursable under the federal Aid to Fish and Wildlife Restoration Act; provided, that funds from this item shall be made available to the University of Massachusetts at Amherst for the purposes of wildlife and fisheries research in an amount not to exceed the amount received in fiscal year 2003 for such research; provided further, that funds may be expended to supplement the natural heritage and endangered species program; provided further, that the department shall expend the amount necessary to restore anadromous fish in the Connecticut and Merrimack river systems; provided further, that not less than \$80,000 shall be expended to assist access for recreational opportunities for the disabled in the town of Wilmington; and provided further, that expenditures for such programs shall be contingent upon prior approval of the proper federal authorities for reimbursement of at least 75 per cent of the amount so expended 6,782,731”.

[The Governor reduced the item to \$6,702,731 and disapproved the following wording: “; provided further, that not less than \$80,000 shall be expended to assist access for recreational opportunities for the disabled in the town of Wilmington”.]

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 23 in the negative.

[\[See Yea and Nay No. 349 in Supplement.\]](#)

Therefore item 2310-0200 (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 4512-0103 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4512-0103 For acquired immune deficiency syndrome services and programs; provided, that state employees previously paid from this line item shall be paid from line item 4510-0099 or from line item 4510-0100 in fiscal year 2004; provided further, that particular attention shall be paid to direct the funding proportionately amongst each of the demographic groups afflicted by HIV/AIDS; provided further, that funds shall be expended for rental housing subsidies for the purposes of preventing admissions to acute hospitals, chronic hospitals and nursing homes for persons with acquired immune deficiency syndrome; provided further, that the department may contract for the administration of this program; provided further, that the costs of this administrative contract shall not be expended from this item; provided further, that rents

payable by tenants shall not be less than 30 per cent of total household income if heat and cooking fuel are provided by the landlord and shall not be less than 25 per cent of total household income if heat and cooking fuel are not provided; provided further, that no funds shall be expended for subsidies for housing units in excess of the number of units funded on June 30, 1991; provided further, that the department shall not enter into any new housing contracts or expend funds for such new contracts in fiscal year 2004 that would fund units in excess of the number of units funded on June 30, 2003; provided further, that \$562,876 shall be expended for a program to mitigate the effects of hepatitis C; provided further, that funds shall be expended to increase public awareness and provide health care provider information; provided further, that awareness efforts shall be presented in multiple languages and in a culturally appropriate manner where applicable; provided further, that hepatitis C prevention, counseling and testing, and case management services shall be integrated into existing substance abuse, HIV/AIDS and STD service programs; provided further, that funds herein shall supplement, and not supplant, funding for such purposes in item 4580-1000; provided further, that not less than \$150,000 shall be expended for the operation of a program to be administered by the Springfield department of health for a comprehensive drug treatment for the prevention of AIDS; and provided further, that no funds from this item shall be expended for disease research in fiscal year 2004 32,056,975”.

[The Governor reduced the item to \$31,906,975 and disapproved the following wording: “; provided further, that not less than \$150,000 shall be expended for the operation of a program to be administered by the Springfield department of health for a comprehensive drug treatment for the prevention of AIDS”.]

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 133 members voted in the affirmative and 20 in the negative.

[\[See Yea and Nay No. 350 in Supplement.\]](#)

Therefore item 4512-0103 (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 7004-3036 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“7004-3036 For housing services and counseling; provided, that not less than \$200,000 shall be expended as grants for the operation of 9 regional housing consumer education centers operated by the regional nonprofit housing authorities; provided further, that the grants shall be through a competitive application process pursuant to criteria created by the department; provided further, that the department shall report to the house and senate committees on ways and means not later than February 1, 2004 on possible savings and efficiencies through consolidation of said services and counseling; provided further, that not less than \$141,000 shall be expended for the Just-A-Start Corporation to administer a housing stabilization conflict management services program to prevent homelessness; provided further, that \$80,925 shall be expended for the Central Massachusetts Housing Alliance; and provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees 421,925”.

[The Governor reduced the item to \$200,000 and disapproved the following wording: “; provided further, that the department shall report to the house and senate committees on ways and means not later than February 1, 2004 on possible savings and efficiencies through consolidation of said services and counseling; provided further, that not less than \$141,000 shall be expended for the Just-A-Start Corporation to administer a housing stabilization conflict management services program to prevent homelessness; provided further, that \$80,925 shall be expended for the Central Massachusetts Housing Alliance”.]

After remarks 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 133 members voted in the affirmative and 20 in the negative.

[\[See Yea and Nay No. 351 in Supplement.\]](#)

Therefore item 7004-3036 (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 7112-0100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“7112-0100 For Framingham State College; provided, that not less than \$160,000 shall be expended for the regional economic research center; provided further, that funds may be expended for the operation of the commonwealths’ global education centers 18,314,192”.

[The Governor reduced the item to \$18,154,192 and disapproved the following wording: “; provided, that not less than \$160,000 shall be expended for the regional economic research center”.]

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 135 members voted in the affirmative and 20 in the negative.

[\[See Yea and Nay No. 352 in Supplement.\]](#)

Therefore item 7112-0100 (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 9110-1633 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“9110-1633 For contracts with aging service access points, so-called, or other qualified entities for home care case management services and the administration of the home care corporations funded through item 9110-1630 and item 9110-1500; provided, that such contracts shall include the costs of administrative personnel, home care case managers, travel, rent and other costs deemed appropriate by the executive office of elder affairs; provided further that no funds appropriated in this item shall be expended for the enhancement of management information systems; 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 9110-1630 34,941,978”.

[The Governor reduced the item to \$33,942,151.]

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

[See Yea and Nay No. 353 in Supplement.]

Therefore item 9110-1633 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 439, which had been vetoed by the Governor, was considered, as follows:

“SECTION 439. Said section 10 of said chapter 152 is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:—

(c) In order to increase the marketability of any special obligation bonds described in section 11 and any other bonds issued by the commonwealth which are payable from amounts held in the Convention Center Fund, and thereby ensure the issuance of such bonds at the lowest possible cost to the commonwealth, the special receipts deposited in the Convention Center Fund in accordance with this subsection are hereby impressed with a trust for the benefit of the owners from time to time of such bonds and special receipts shall be applied by the state treasurer without further appropriation to the payment of principal, including sinking fund payments and premium, if any, and interest on such bonds, to the maintenance of, or provisions for, the Capital Reserve Fund described in said section 11, to the payment of the costs of issuance of such bonds and to the payment of the cost of, and the satisfaction of the obligations of the commonwealth under, any surety bond, insurance policy or other form of credit enhancement required or provided for in any trust or security agreement or credit enhancement agreement entered into pursuant to this act to secure such bonds. The state treasurer with the concurrence of the secretary of administration and finance shall determine that sufficient amounts are or will be held in the Convention Center Fund to meet debt service payments and compliance with any applicable restrictions relating thereto including, without limitation, any coverage requirements, contained in any such trust or security agreement or credit enhancement agreement. If the state treasurer and the secretary of administration and finance determine that the balance of the Convention Center Fund exceeds the amount necessary to satisfy the requirement of sufficiency, then the Authority may make expenditures from the Convention Center Fund, in an amount not to exceed such surplus, for the following purposes: (i) to pay costs, not exceeding \$50,000,000, of the heating, ventilating and air conditioning systems for the project if the Authority deems it in the best interest of the Authority to fund such costs in whole or in part from amounts held in the Convention Center Fund rather than through a lease or lease-purchase agreement for such systems; (ii) to pay start-up costs, not exceeding \$2,000,000, of the project; (iii) to pay costs, not exceeding \$2,000,000, of a feasibility study and preliminary engineering program in accordance with section 38N of chapter 190 of the acts of 1982 for a parking garage for the project; (iv) to provide for, and maintain, any reserve for capital and current expenses of the project and other facilities of the Authority as the Authority shall deem necessary to appropriate, provided that the Authority receives written approval from the secretary of administration and finance; (v) to defray the net cost of operations, at an amount not to exceed \$17,000,000 in FY04 and that same amount in each fiscal year thereafter, of the Authority as defined in section 35 of said chapter 190; Notwithstanding any general or special law to the contrary, the Authority and the secretary of administration and finance shall deposit in the

Pension Reserve Investment Trust, pursuant to this act, any of the revenues of the Boston common parking garage in excess of the costs of maintenance, repair and operation thereof, reasonable reserves for such purposes and cost of debt service on bonds issued to finance the restoration of the Boston common parking garage.”.

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 107 members voted in the affirmative and 48 in the negative.

[See Yea and Nay No. 354 in Supplement.]

Therefore section 439 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Mr. Rogers of Norwood then moved that this vote be reconsidered; and the motion to reconsider was negatived. Sent to the Senate for its action.

Mr. DiMasi of Boston being in the Chair,—

Item 7004-4314 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“7004-4314 For the expenses of a service coordinators program established by the department to assist tenants residing in housing developed pursuant to sections 39 and 40 of chapter 121B of the General Laws to meet tenancy requirements in order to maintain and enhance the quality of life in said housing 490,401”.

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 135 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 355 in Supplement.]

Therefore item 7004-4314 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 8100-0000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“8100-0000 For the administration and operation of the department of state police, including the payment of charges assessed to the department of state police for the costs of worker’s compensation, unemployment insurance, medicare taxes, medical security plan, and the group insurance commission extended leave chargeback; provided, that the department shall maintain the division of field services which shall include, but not be limited to, the bureau of metropolitan district operations; provided further, that not fewer than 40 officers may be provided to the department of conservation and recreation for the purpose of patrolling the watershed property of the commission; provided further, that funds shall be expended from this item for the administration and operation of an automated fingerprint identification system and the motor carrier safety assistance program; provided further, that not fewer than 5 officers shall be provided to the disabled persons protection commission for the purpose of investigating cases of criminal abuse; provided further, that the department shall enter into an interagency agreement with the department of conservation and recreation to provide police coverage on

department properties and parkways; provided further, that the creation of a new or the expansion of the existing statewide communications network shall include the office of law enforcement in the executive office of environmental affairs department of fisheries, wildlife and environmental law enforcement at no cost to, or compensation from, that division; provided further, that not less than \$2,328,946 shall be expended for the payroll costs of the state police directed patrols; and provided further, that any community that was selected to receive earmarked funds in fiscal year 2003 shall receive 100 per cent of the amount so earmarked in fiscal year 2004, of which \$100,000 of the \$365,000 previously earmarked in chapter 184 of the acts of 2002 for the Zero Tolerance Program shall be expended for patrolling the area of the Mystic River Reservation that lies between Sandy Beach in Winchester and Dugger park in West Medford commonly known as Whiskey Flats; and provided further, that the department may expend funds appropriated herein for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the office of the chief medical examiner, the criminal justice training council, so-called, and the criminal history systems board 195,721,900

Highway Fund \$88.20%

General Fund \$11.80%”.

[The Governor reduced the item to \$193,392,954 and disapproved the following wording: “; provided further, that not less than \$2,328,946 shall be expended for the payroll costs of the state police directed patrols; and provided further, that any community that was selected to receive earmarked funds in fiscal year 2003 shall receive 100 per cent of the amount so earmarked in fiscal year 2004, of which \$100,000 of the \$365,000 previously earmarked in chapter 184 of the acts of 2002 for the Zero Tolerance Program shall be expended for patrolling the area of the Mystic River Reservation that lies between Sandy Beach in Winchester and Dugger park in West Medford commonly known as Whiskey Flats”.]

After remarks 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 20 in the negative.

[See Yea and Nay No. 356 in Supplement.]

Therefore item 8100-0000 (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.

Recess.

At thirteen minutes after two o'clock P.M. (Thursday, July 17), on motion of Mr. Petrolati of Ludlow (Mr. DiMasi of Boston being in the Chair), the House recessed until three o'clock; and at twenty-eight minutes before four o'clock the House was called to order with Mr. Petrolati in the Chair.

Quorum.

Mr. Broadhurst of Methuen asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed

the Sergeant-at-Arms to secure the presence of a quorum. Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 152 members were recorded as being in attendance.

[\[See Yea and Nay No. 357 in Supplement.\]](#)

Therefore a quorum was present.

Motion to Discharge a Certain Matter in the Orders of the Day.

Mr. Finneran of Boston moved that the House Order providing for amendments to the Rules of the House of Representatives for the creation of a committee on Homeland Security and Federal Affairs and a committee on Medicaid [A] and to provide for additional compensation for certain members of the House of Representatives (House, No. 3838), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

Pending the question on adoption of the order, the same member moved that it be amended in line 72 by striking out the following: "18B the following rule" and inserting in place thereof the following: "33B the following two rules"; in lines 73 to 112, inclusive, by striking out the paragraph contained therein (proposed Rule 18C); and in the title as printed on the Calendar by striking out [at "A"] the following: "and to provide for additional compensation for certain members of the House of Representatives".

On the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 358 in Supplement.\]](#)

Therefore the amendments were adopted.

On the question on adoption of the order, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 359 in Supplement.\]](#)

[Mr. Keenan of Southwick answered "Present" in response to his name.]
Therefore the order (House, No. 3838, amended) was adopted.

Reports of a Committee.

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:

Item 2000-0500 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“2000-0500 For the operations of the office of administrative appeals; provided, that said office shall maintain, to the fullest extent practicable, a complete physical and technological separation from any agency, department, board, commission or program whose decisions, determinations or actions may be appealed to it; provided further, that every decision issued by a commissioner or other head of agency, or designee, following the issuance of a recommended decision by an administrative law judge of the office of administrative appeals, shall be an agency decision subject to judicial review pursuant to chapter 30A of the General Laws; and provided further, that said office’s administrative law judges shall be initially the persons who, on October 1, 2000, were serving as administrative law judges and chief administrative law judge in the office of administrative appeals in the department of environmental protection 404,226”.

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 133 members voted in the affirmative and 23 in the negative.

[\[See Yea and Nay No. 360 in Supplement.\]](#)

Therefore item 2000-0500 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 4110-0001 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4110-0001 For the office of the commissioner and the bureau of research; provided, that the commissioner may transfer funds between items 4110-0001, 4110-1000, 4110-1010, 4110-1020, 4110-2000, 4110-2001, 4110-3010, and 4110-4000; provided further, that the amount transferred from any of the items stated herein shall not exceed 10 per cent of the total amount appropriated for that item; provided further, that 30 days prior to any such transfer, the commissioner shall submit an allocation plan detailing the distribution of the funds to be transferred to the house and senate committees on ways and means; and provided further, that amounts appropriated to the commission in fiscal year 2004 that extend or expand services beyond the level of services provided in fiscal year 2003 shall not annualize above the amounts in fiscal year 2005 825,292”.

[The Governor reduced the item to \$611,836.]

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 133 members voted in the affirmative and 22 in the negative.

[\[See Yea and Nay No. 361 in Supplement.\]](#)

Therefore item 4110-0001 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 2800-9004 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“2800-9004 For certain payments for the maintenance and use of the trailside museum and the Chickatawbut Hill center 219,750

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 25 in the negative.

[See Yea and Nay No. 362 in Supplement.]

Therefore item 2800-9004 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 4513-1020 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4513-1020 For the early intervention program; provided, that state employees previously paid from this item shall be paid from item 4510-0099 or from line item 4510-0100 in fiscal year 2004; provided further, that the department shall report quarterly to the house and senate committees on ways and means the total number of units of service purchased and the total expenditures for the units of service paid by the department, the division of medical assistance, and by third party payers for early intervention services for the following services categories: home visit, center-based individual, child-focused group, parent-focused group, screening, and assessment; provided further, that the department shall make all reasonable efforts to secure third party and medicaid reimbursements for the services funded herein; provided further, that funds from this item shall be expended for a reserve to provide respite services to families of children enrolled in early intervention programs who have complex care requirements, multiple disabilities and extensive medical and health needs; provided further, that priority shall be given to low and moderate income families; provided further, that the department shall submit to the house and senate committees on ways and means a report on the number of families served by said program and the amount of funds appropriated herein granted to qualified families not later than February 1, 2004; provided further, that no claim for reimbursement made on behalf of an uninsured person shall be paid from this item until the program receives notice of a denial of eligibility for the MassHealth program from the division of medical assistance; and provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the early intervention services funded in this item 29,188,130”.

[The Governor reduced the item to \$28,490,998 and disapproved the following wording: “; provided further, that the department shall submit to the house and senate committees on ways and means a report on the number of families served by said program and the amount of funds appropriated herein granted to qualified families not later than February 1, 2004”.]

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 18 in the negative.

[See Yea and Nay No. 363 in Supplement.]

Therefore item 4513-1020 (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 2800-0200 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“2800-0200 For the operation of the Commonwealth Zoological Corporation, pursuant to 92B of the General Laws; provided, that funds appropriated herein shall chapter be expended for the purposes of promoting private fund-raising, achieving self-sufficiency and serving as a catalyst for urban economic development and job opportunities for local residents; provided further, that the corporation shall take all steps necessary to increase the amount of private funding available for the operation of the zoos; provided further, that the corporation shall report to the house and senate committees on ways and means no later than February 1, 2004 on the status of, and amounts collected from, the private fundraising and enhanced revenue efforts identified in the draft Massachusetts zoos business and operations plan dated December, 1996; and provided further, that the corporation shall continue to provide free services and supplies, including, but not limited to, routine animal check-ups, diagnosis and care, emergency veterinary needs, medications and medical supplies, vitamins and diet supplements and Zoo Prem feline diet, to the trailside museum and the Chickatawbut Hill center in the town of Milton 750,000”.

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 135 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 364 in Supplement.]

Therefore item 2800-0200 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 2010-0100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“2010-0100 For recycling and related purposes consistent with the recycling plan of the solid waste master plan which includes municipal equipment, a municipal recycling incentive program, recycled product procurement, guaranteed annual tonnage assistance, recycling transfer stations, source reduction and technical assistance, consumer education and participation campaign, municipal household hazardous waste program, the recycling loan program, research and development, recycling market development and recycling business development, and the operation of the Springfield materials recycling facility; provided, that the department shall be prohibited from increasing the number of full time employees paid from this item above the number assigned to this item on March 1, 2003; provided further, that funds may be expended for a recycling industry reimbursement program pursuant to section 24I of

chapter 43 of the acts of 1997; provided further, that the department of environmental protection shall expend not less than \$1,375,000 for a program to preserve the continuing ability of redemption centers to maintain operations in pursuit of the commonwealth's recycling goals consistent with section 323 of chapter 94 of the General Laws; provided further, that said redemption centers shall be eligible for such funds if they were registered with the commonwealth as of April 1, 2003; provided further, that funds may be expended on municipal recycling incentives; provided further, that for the purposes of this item and said chapter 94, a redemption center shall be any business registered with the commonwealth whose primary purpose is the redemption of reusable beverage containers; and provided further, that such program shall take into consideration the volume of redeemables per redemption center, the length of time such center has been in operation, the number of returnables redeemed quarterly by such centers, the submission by such centers of documentation of their redeemed returnables to the department, and the costs of transportation, packing, storage and labor; and provided further, that the department may expend funds on municipal equipment grants 3,513,437

[The Governor reduced the item to \$613,437 and disapproved the following wording: “; provided further, that the department of environmental protection shall expend not less than \$1,375,000 for a program to preserve the continuing ability of redemption centers to maintain operations in pursuit of the commonwealth's recycling goals consistent with section 323 of chapter 94 of the General Laws; provided further, that said redemption centers shall be eligible for such funds if they were registered with the commonwealth as of April 1, 2003”.]

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 139 members voted in the affirmative and 15 in the negative.

[\[See Yea and Nay No. 365 in Supplement.\]](#)

Therefore item 2010-0100 (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.

Mrs. Harkins of Needham being in the Chair,—

Mr. Rogers of Norwood then moved that the rules be suspended in order that the House might consider item 4000-0300 (contained in section 2), which had been reduced by the Governor.

On the question on suspension of the rules, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 133 members voted in the affirmative and 22 in the negative.

[\[See Yea and Nay No. 366 in Supplement.\]](#)

Therefore the rules were suspended.

Said item, which had been reduced by the Governor, then was considered, as follows:

“4000-0300 For the administrative, contracted services and non-personnel systems costs related to the implementation and operation of programs authorized by sections 9A to 9C, inclusive, and sections 16B and 16C of chapter 118E of the General Laws; provided, that such costs shall include, but not be limited to, pre-admission screening, utilization review, medical consultants, disability determination reviews, health benefit managers, interagency service agreements, the

management and operation of the central automated vendor payment system, including the recipient eligibility verification system, vendor contracts to upgrade and enhance the central automated vendor payment system, the medicaid management information system and the recipient eligibility verification system MA21, costs related to the information technology chargebacks, contractors responsible for system maintenance and development, personal computers and other information technology equipment; provided further, that 50 per cent of the cost of provider point of service eligibility verification devices purchased shall be assumed by the providers utilizing the devices; provided further, that the executive office of health and human services shall assume the full cost of provider point of service eligibility verification devices utilized by any and all participating dental care providers; provided further, that in consultation with the division of health care finance and policy, no rate increase shall be provided to existing medicaid provider rates without taking all measures possible under Title XIX of the social security act to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that expenditures for the purposes of each item appropriated for the purpose of programs authorized by chapter 118E shall be accounted for according to such purpose on the Massachusetts management accounting and reporting system not more than 10 days after such expenditures have been made by the medicaid management information system; provided further, that the no expenditures shall be made for the purpose of such programs that are not federally reimbursable, except as specifically authorized herein, or unless made for cost containment efforts the purposes and amounts of which have been submitted to the house and senate committees on ways and means 30 days prior to making such expenditures; provided further, that the executive office may continue to recover provider overpayments made in the current and prior fiscal years through the medicaid management information system, and that such recoveries shall be deemed current fiscal year expenditure refunds; provided further, that the executive office shall report quarterly to the house and senate committees on ways and means the amounts of said expenditure refunds credited to each item of appropriation; provided further, that the executive office shall report quarterly to the house and senate committees on ways and means the amount of hand generated payments, to providers by item of appropriation from which said payments were made; provided further, that the executive office shall submit a report to the house and senate committees on ways and means detailing projected expenditures for fiscal years 2004 and 2005 for this item and items 4000-0320, 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0860, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0891 and 4000-1400; provided further, that in identifying the projected expenditures, the report shall account for any and all assumptions used to project promulgated or projected changes in provider payment rates, average per-member-per-month expenditure amounts, and the methods utilized to estimate current and prospective beneficiary enrollment and benefit utilization trend; provided further, that the report shall include monthly member-month caseload, date-of-service and date-of-payment expenditure data by provider type and health benefit plan; provided further, that the report shall detail by item of appropriation any updates or budgetary revisions made subsequent to the governor's budget submission for fiscal year 2005 recommendations, including, but not limited to, any assumptions used to develop the recommendations; provided further, that the report shall be submitted not later than February 15, 2004; provided further, that by October 1, 2003 the division shall report to the house and senate committees on ways and means the results of a study into the feasibility of establishing a mechanism that will allow

hospitals and community health centers the ability to electronically access the health benefit coverage database to assist with coordinating coverage of persons requesting uncompensated care under chapter 118G of the General Laws and medical assistance under chapter 118E of the General Laws; provided further, that said study shall include an analysis of any applicable provisions of the Health Insurance Portability and Accountability Act that may affect said mechanism; provided further, that the division may collect directly from a liable third party any amounts paid to contracted providers under chapter 118E of the General Laws for which the division later discovers another third party is liable if no other course of recoupment is possible; provided further, that no funds shall be expended for the purpose of funding interpretive services directly or indirectly related to a settlement or resolution agreement, with the office of civil rights or any other office, group or entity; provided further, that interpretive services currently provided shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services; provided further, that the federal financial participation received from claims filed for the costs of outreach and eligibility activities performed at certain hospitals or by community health centers which are funded in whole or in part by federally permissible in-kind services or provider donations from the hospitals or health centers, shall be credited to this item and may be expended without further appropriation in an amount specified in the agreement with each donating provider hospital or health center; provided further, that the federal financial participation received from claims filed based on in-kind administrative services related to outreach and eligibility activities performed by certain community organizations, under the so-called 'covering kids initiative' and in accordance with the federal revenue criteria in 45 CFR 74.23 or any other federal regulation which provides a basis for federal financial participation, shall be credited to this item and may be expended, without further appropriation, on administrative services including those covered under an agreement with the organizations participating in the initiative; provided further, that notwithstanding the provisions of any general or special law to the contrary, the executive office shall require the commissioner of mental health to approve any prior authorization or other restriction on medication used to treat mental illness in accordance with written policies, procedures and regulations of the department of mental health; provided further, that said executive office shall annually submit on or before February first to the house and senate committees on ways and means a report detailing the cost-effectiveness of the drug prior authorization program including an analysis of: (a) the direct cost of the prior authorization program; (b) the estimated amount, if any, of cost shifting to physicians in terms of additional time spent in obtaining authorization for a selected course of therapy; (c) internal program costs shifting, if any, including but not limited to additional prescriptions, laboratory tests, physician visits, hospitalization, and skilled nursing care that are associated with implementation of the prior authorization program; provided further, that each report shall include all therapeutic classes that are currently subject to prior authorization; provided further, that any contractor retained to develop and prepare said annual report shall not be related to any contractor retained by the state to develop and implement said prior authorization program; provided further, that the division shall file a quarterly report with the house and senate committees on ways and means and the joint committee on health care detailing the estimated savings resulting from the prior authorization of medications designed to treat epilepsy, the number of instances that an appeal for a nongeneric version of such medication was denied and any instances of hospitalization of an individual denied such nongeneric medication; provided further, that expenditures for the purpose of a dispensing fee to retail pharmacies shall be paid for out of the

Health Care Quality Improvement Trust Fund, established in section 2EEE of chapter 29 of the General Laws; provided further, that federal reimbursements received for administrative expenditures made pursuant to this item shall be credited proportionally to the General Fund and the Children's and Seniors' Health Care Assistance Fund, established under section 2FF of chapter 29 of the General Laws, in the same percentages as expenditures are made from this item and the funds; provided further, that no funds from items 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0860, 4000-0870, 4000-0880 or 4000-1400 shall be expended for the purpose of such dispensing fees, except that funds may be expended from any such item if amounts from the Health Care Quality Improvement Trust Fund are insufficient to pay for such fees; and provided further, that funds may be expended from this item for care management services provided in items 4000-0430, 4000-0500, 4000-0600, 4000-0860, 4000-0870, 4000-0875, 4000-0880, 4000-1400 pursuant to subsection (4) of section 617 of this act 116,020,407

General Fund 85.84%

Children's and Seniors'

Health Care

Assistance Fund 14.16%".

[The Governor reduced the item by striking out the following wording: “; provided further, that by October 1, 2003 the division shall report to the house and senate committees on ways and means the results of a study into the feasibility of establishing a mechanism that will allow hospitals and community health centers the ability to electronically access the health benefit coverage database to assist with coordinating coverage of persons requesting uncompensated care under chapter 118G of the General Laws and medical assistance under chapter 118E of the General Laws; provided further, that said study shall include an analysis of any applicable provisions of the Health Insurance Portability and Accountability Act that may affect said mechanism; provided further, that the division may collect directly from a liable third party any amounts paid to contracted providers under chapter 118E of the General Laws for which the division later discovers another third party is liable if no other course of recoupment is possible”; and “; provided further, that notwithstanding the provisions of any general or special law to the contrary, the executive office shall require the commissioner of mental health to approve any prior authorization or other restriction on medication used to treat mental illness in accordance with written policies, procedures and regulations of the department of mental health; provided further, that said executive office shall annually submit on or before February first to the house and senate committees on ways and means a report detailing the cost-effectiveness of the drug prior authorization program including an analysis of: (a) the direct cost of the prior authorization program; (b) the estimated amount, if any, of cost shifting to physicians in terms of additional time spent in obtaining authorization for a selected course of therapy; (c) internal program costs shifting, if any, including but not limited to additional prescriptions, laboratory tests, physician visits, hospitalization, and skilled nursing care that are associated with implementation of the prior authorization program; provided further, that each report shall include all therapeutic classes that are currently subject to prior authorization; provided further, that any contractor retained to develop and prepare said annual report shall not be related to any contractor retained by the state to develop and implement said prior authorization program; provided further, that the division shall file a quarterly report with the house and senate committees on ways and means and the joint committee on health care detailing the estimated savings resulting from the prior authorization of medications designed to

treat epilepsy, the number of instances that an appeal for a nongeneric version of such medication was denied and any instances of hospitalization of an individual denied such nongeneric medication”.]

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 133 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 367 in Supplement.]

Therefore item 4000-0300 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.

Under suspension of the rules, in each instance, on motion of Mr. Rogers of Norwood, 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 528, which had been vetoed by the Governor, was considered, as follows:

“SECTION 528. Subsection (j) of said section 110 of said chapter 5 is hereby amended by adding the following paragraph: —

Recipients not qualifying as exempt under the provisions of subsection (e) and whose child of record is under the age at which full-time school attendance is mandatory in the city or town in which such child resides, may meet said work requirement through education and training programs that meet the requirements of the federal Personal Work and Responsibility Act of 1996.”.

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 105 members voted in the affirmative and 51 in the negative.

[See Yea and Nay No. 368 in Supplement.]

Therefore section 528 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Mr. Peterson of Grafton moved that this vote be reconsidered.

On the question on reconsideration, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 30 members voted in the affirmative and 126 in the negative.

[See Yea and Nay No. 369 in Supplement.]

Therefore the motion to reconsider was negatived. Section 528 then was sent to the Senate for its action.

Item 4513-1026 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“4513-1026 For the provision of statewide and community-based suicide prevention, intervention, post-vention and surveillance activities and the implementation of a statewide suicide prevention plan; provided, that state employees previously paid from this line item shall be paid from line item 4510-0099 or from line item 4510-0100 in fiscal year 2004; provided

further, that the department, in coordination with the department of mental health, shall provide grant funds for locally targeted suicide prevention, intervention and post-vention activities; provided further, that any department, group, or institution applying for these grants shall state the program's goals, feasibility, and effectiveness, such that other communities may replicate this program, document how the program replicates or builds upon relevant evidence-based strategies or tests new strategies, describe the activities to be undertaken and include an evaluation component in the program; provided further, that prevention and intervention activities shall be targeted toward identifying and assisting those at risk; provided further, that prevention and intervention activities shall include, but not be limited to, training programs about the recognition and treatment of suicidal behavior for professionals who are in regular contact with at-risk individuals, collaborative work with emergency rooms and doctors to disseminate information regarding follow-up services for known attempters, and efforts to increase public knowledge of suicide prevention; provided further, that post-vention activities shall be targeted toward family and friends of individuals who have attempted or completed suicide; provided further, that post-vention activities shall include, but not be limited to, training for first-responders about sensitive and responsible ways of interacting with the families of suicide victims, efforts to increase survivors' access to mental health services and to decrease the stigma associated with their roles as survivors, and the development of comprehensive support programs to facilitate positive coping among survivors; provided further, that surveillance activities shall be targeted toward increasing the accuracy of statistics on suicide morbidity and the availability of information on suicide attempts and ideation; provided further, that surveillance activities shall include, but not be limited to, efforts to increase both the quantity and quality of suicide data collected by first responders, hospital staff, and the department, and the development of a system for accessing and collecting data from suicide survivors; provided further, that funds from this item shall not be transferred to any other program or item; provided further, that the departments shall, in consultation with the commissioner of education, report to the house and senate committees on ways and means on the status of statewide and community-based suicide prevention, intervention, post-vention, and surveillance activities no later than June 30, 2004 125,000".

After remarks 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 132 members voted in the affirmative and 24 in the negative.

[See Yea and Nay No. 370 in Supplement.]

Therefore item 4513-1026 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 604, which had been vetoed by the Governor, was considered, as follows:

"SECTION 604. There is hereby established a special commission to report on alternatives to using the property tax to fund public education. Said commission shall consist of the Speaker of the House of Representatives or his designee and 3 additional members to be appointed by the Speaker of the House, the President of the Massachusetts Senate or his designee and 3 additional members to be appointed by the President of the Senate, the Chairman of the House Committee on Ways and Means or his designee, the Chairman of the Senate Committee on

Ways and Means or his designee, the House and Senate Chairs of the Joint Committee on Education, Arts, and Humanities, the House and Senate Chairs of the Joint Committee on Taxation, who shall both serve as chairs of said commission, the Secretary of Administration and Finance, and 1 member appointed by the following organizations: the Department of Revenue, the Suburban Coalition, the Massachusetts Taxpayer's Foundation, the Massachusetts Municipal Association, Associated Industries of Massachusetts, and the Massachusetts Budget and Policy Center. Said commission shall be chaired by the House and Senate Chairs of the Joint Committee on Taxation. The scope of the commission's inquiry shall include, but shall not be limited to: reviewing the current practice of using the property tax to fund education and seeking alternative sources of funding to provide a dedicated stream of revenue. The Commission shall submit its report to the House and Senate Committees on Ways and Means, the Joint Committee on Education, Arts and Humanities, and the Joint Committee on Taxation not later than January 30, 2004 along with drafts of any legislation.".

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 127 members voted in the affirmative and 26 in the negative.

[See Yea and Nay No. 371 in Supplement.]

Therefore section 604 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 4120-4010 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

"4120-4010 For services to clients of the department who turn 22 years of age; provided, that the amount appropriated herein shall not annualize to more than \$605,000 in state fiscal year 2005; and 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 565,000".

[The Governor reduced the item to \$433,760.]

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 139 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 372 in Supplement.]

Therefore item 4120-4010 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 7007-1000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

"7007-1000 For assistance to local tourist councils pursuant to section 14 of chapter 23A of the General Laws; provided, that notwithstanding any general or special law, regulation or rule to the contrary, each of said councils may expend an amount not to exceed 15 per cent of the grant it receives

herein for the cost of administrative services 6,929,211

Tourism Fund 100.00%”.

[The Governor reduced the item to \$5,509,821.]

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 136 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 373 in Supplement.]

Therefore item 7007-1000 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 7000-9101 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“7000-9101 For the operation of the board of library commissioners 891,182”.

[The Governor reduced the item to \$791,182.]

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 140 members voted in the affirmative and 15 in the negative.

[See Yea and Nay No. 374 in Supplement.]

Therefore item 7000-9101 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 248, which had been vetoed by the Governor, was considered, as follows:

“SECTION 248. Said section 35 of said chapter 92, as so appearing, is hereby further amended by adding the following paragraph:—

Notwithstanding section 20 of chapter 21A, the division and department shall preserve and protect the scenic and historic integrity of its roadways and boulevards. Neither the department nor the division shall enter into an interagency or other agreement concerning the roadways and boulevards with a state or public agency or entity to transfer any lands, roadways or boulevards, bridges, facilities, personnel, equipment or material under its care, custody and control without the express prior approval of the legislature.”.

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 23 in the negative.

[See Yea and Nay No. 375 in Supplement.]

Therefore section 248 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 223, which had been vetoed by the Governor, was considered, as follows:

“SECTION 223. Section 18 of said chapter 81A, as so appearing, is hereby amended by striking out, in line 6, the words “one million dollars” and inserting in place thereof the following

words:— \$500,000 nor more than \$1,000,000.

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 126 members voted in the affirmative and 29 in the negative.

[See Yea and Nay No. 376 in Supplement.]

Therefore section 223 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 8900-0001 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“8900-0001 For the operation of the commonwealth’s department of correction; provided, that the department shall expend not less \$997,000 to cities and towns hosting facilities; provided further, that one-half of the number of inmates incarcerated at Souza Baranowski correctional center shall be deemed to be incarcerated within a correctional facility in the town of Shirley and one-half shall be deemed to be incarcerated within a correctional facility in the town of Lancaster; provided further, that before closing any correctional facility, the commissioner of corrections and the secretary of public safety shall report to the committees on ways and means and public safety on the per-inmate cost of incarceration in the closing facility, and the per-inmate cost in the facilities to which inmates will be moved; provided further, the commissioner of corrections and the secretary of public safety shall report to the committees on ways and means and public safety before January 1 of each year the point score compiled by the department of correction’s objective classification system for all prisoners confined in each prison operated by the department; provided further, that not less than \$40,000 shall be provided for the Dismas House, so called; provided further, that the department shall expend not less than \$500,000 to the community hosting the facility at Cedar Junction; and provided further, that the department may expend funds appropriated herein for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the military division, the Massachusetts parole board and the sex offender registry board 427,805,435”.

[The Governor reduced the item to \$426,268,435 and disapproved the following wording: “; provided, that the department shall expend not less \$997,000 to cities and towns hosting facilities” and “; provided further, that not less than \$40,000 shall be provided for the Dismas House, so called; provided further, that the department shall expend not less than \$500,000 to the community hosting the facility at Cedar Junction”.]

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 138 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 377 in Supplement.]

Therefore item 8900-0001 (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.

Section 714, which had been vetoed by the Governor, was considered, as follows:

“SECTION 714. Sections 494 and 499 shall expire on October 1, 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 130 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 378 in Supplement.]

Therefore section 714 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 218, which had been vetoed by the Governor, was considered, as follows:

“SECTION 218. Section 22 of chapter 74A of the General Laws, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words “and the payment of reasonable charges by said college for such use” and inserting in place thereof the following words:— ; provided, however, that the assets of the institute that are associated with the program shall be available at no cost to the college.”.

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 22 in the negative.

[See Yea and Nay No. 379 in Supplement.]

Therefore section 218 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 6000-0100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“6000-0100 For the office of the secretary of transportation and construction; provided, that the office shall collaborate with the department of transitional assistance in its efforts to develop a program of transportation services for current and former recipients of the transitional aid to families with dependent children program pursuant to item 4401-1000; provided further, that the office shall submit to the joint committee on transportation and the house and senate committees on ways and means monthly reports detailing projects funded through the statewide transportation improvement program including, but not limited to, the location of the projects, the cost of the projects, the date of advertisement of the projects, the commencement date of the projects, the projected completion date of the projects and the source of funds for the projects; provided further, that the office shall also provide the committees with quarterly reports detailing construction and reconstruction projects on town and county ways as described in paragraph (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws for which municipalities are projected to seek, have filed claims or have been paid state reimbursement; provided further, that a city or town shall comply with the procedures established by the secretary to obtain the necessary information to produce the reports; provided further, that the reports shall include, but not be limited to, the cost of the projects by city or town, the source of funding of the projects by city or town and the commencement and completion dates of the projects by city or town; provided further, that the secretary of the executive office of transportation and construction in collaboration with the commissioner of

highways shall file a report each year with the joint committee on transportation and the house and senate committees on ways and means by June 30, 2004 and the last day of each subsequent fiscal year; provided, that the report shall include spending in the commonwealth through the statewide road and bridge program, the Chapter 90 program, the Small Town Road Assistance Program and all other programs expending funds for road and bridge projects within the commonwealth; provided further, that the report shall detail the location of the project by city or town, a brief project description, the project cost, the expected completion date, the source of funding and any other information deemed necessary; provided further, that the office shall submit to the house and senate committees on ways and means quarterly reports detailing all personnel-related expenditures made from capital funds; provided further, that the reports shall delineate for the executive office and for each agency, board, authority or commission under its control, the amounts paid in the prior quarter as compensation for each type of position assigned to capital projects that were charged to each such funding source; provided further, that the reports shall also delineate by funding source any other amounts paid for personnel-related costs that were charged to those funds, including payroll allocations for budgetary employees, fringe recovery and other chargebacks; provided further, that the reports shall identify the number of full time equivalent personnel classified in each position type; provided further, that the reports shall list all employees who are paid from this item and items 6010-0001 and 6006-0003 who also receive payments from any capital funds; provided further, that the reports shall include for each of those employees how much money the employees receive from the items and how much money each employee receives from any capital funds; and provided further, that the reports shall delineate the information for full time employees, part-time employees and contracted personnel; provided, that notwithstanding any general or special law to the contrary, the secretary is hereby authorized and directed to proceed forthwith on the Route 128 add-a-lane project, so-called, in a manner consistent with the design-build provisions pursuant to section six of chapter 53 of the Acts of 1999 in order to expedite said project and to effectuate the immediate preservation of the public convenience; and provided further, that agencies within the executive office may, with the prior approval of the secretary, streamline and improve administrative operations pursuant to interdepartmental service agreements 207,956 Highway Fund 100.00%”.

[The Governor reduced the item by striking out the following wording: “; provided, that notwithstanding any general or special law to the contrary, the secretary is hereby authorized and directed to proceed forthwith on the Route 128 add-a-lane project, so-called, in a manner consistent with the design-build provisions pursuant to section six of chapter 53 of the Acts of 1999 in order to expedite said project and to effectuate the immediate preservation of the public convenience”.]

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 133 members voted in the affirmative and 21 in the negative.

[\[See Yea and Nay No. 380 in Supplement.\]](#)

Therefore item 6000-0100 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.

At twenty-seven minutes after seven o'clock P.M. (Thursday, July 17), the Chair (Mrs. Harkins of Needham) declared a recess until twenty-three minutes before eight o'clock; and at ten minutes before eight o'clock the House was called to order with Mrs. Harkins in the Chair.

Item 1231-1000 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

"1231-1000 For the Commonwealth Sewer Rate Relief Fund established in section 2Z of chapter 29 of the General Laws 5,000,000".

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 132 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 381 in Supplement.]

Therefore item 1231-1000 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 627, which had been vetoed by the Governor, was considered, as follows:

"SECTION 627. The secretary of the executive office of environmental affairs shall coordinate the delivery of services of the departments and divisions under his control to ensure the protection of the air, water, natural resources and land of the commonwealth and to provide support for the provision of recreational activities for the citizens of the commonwealth. In conducting said duties, the secretary shall also work in coordination with departments and division under his control to provide continued support for the recreational facilities currently operated in the commonwealth. The secretary shall continue to maintain the public appreciation and enjoyment of the commonwealth's natural resources, including bicycle and walking paths, hiking trails, beaches, and other public open space. To effectuate the aforementioned policies, the secretary shall ensure the following: (1) all pools and spray pools under the jurisdiction of said executive office shall remain open for not less than 10 weeks during the summer months; (2) all rinks under the jurisdiction of said executive office shall be open from October through April; (3) all golf courses under the jurisdiction of said executive office shall be maintained and groomed and open to the public for reasonable rates April through November; (4) all playgrounds, tennis courts, local parks, athletic fields and stadia under the jurisdiction of said executive office shall be open for the public use year round and shall be clean and safe for the citizens of the commonwealth; (5) all beaches shall be staffed by lifeguards during the summer swimming season and the beaches shall be cleared of litter and other pollutants; (6) all 750 lane-miles of parkways shall be repaired and kept in good operating condition, including the removal of snow, paving of potholes, and other weather-related damage.

The secretary shall coordinate the delivery of services of the departments and divisions under his or her control to ensure the protection of air, water, land, and other natural resources of the commonwealth and to provide support for the acquisition, management, utilization, and conservation of habitat for native flora and fauna. The secretary shall continue to assure the health and viability of the commonwealth's biodiversity for future generations. To effectuate the aforementioned policies, the secretary shall ensure the following: (1) Provide assistance to the departments and divisions under his or her control, including the administration of funds to cities and towns, for the acquisition of interests in land for conservation purposes; (2) Develop

partnerships with private, non-profit and other entities that will augment the commonwealth's stewardship and acquisition of such lands; (3) Monitor and enforce all conservation restrictions held by the commonwealth; (4) Enforce all laws and regulations promulgated for the protection of watersheds, lakes, ponds, rivers, streams, coastal and inland wetlands; (5) Develop natural resource management plans for all state forests, reservation, and wildlife management areas; (6) Ensure that sustainable forestry management practices are employed on all state-owned lands, and that such practices are coordinated with private forestland management practices to achieve landscape-scale goals; (7) Promote the sustainable economic development of the private agricultural and forestry resources of the commonwealth; (8) Promote research and monitoring to establish ecological benchmarks for assessing the health and viability of the commonwealth's biodiversity.”.

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 22 in the negative.

[\[See Yea and Nay No. 382 in Supplement.\]](#)

Therefore section 627 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 0333-1313 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“0333-1313 For the Suffolk probate community access program of community outreach and education; provided, that said program shall be targeted at low income persons who experience educational and language barriers to court access; and provided further, that said program shall be administered by the register of probate of Suffolk county 189,041”.

After debate 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 113 members voted in the affirmative and 40 in the negative.

[\[See Yea and Nay No. 383 in Supplement.\]](#)

Therefore item 0333-1313 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 645, which had been vetoed by the Governor, was considered, as follows:

“SECTION 645. Notwithstanding the provision of any general or special law to the contrary, the executive office of health and human services shall pursue administrative savings in the behavioral health program of the division of Medical Assistance. Such administrative savings shall seek to reduce duplication in the oversight of service provision, and shall include but not be limited to a reduction in the approval process of patients who need to be hospitalized; the development and implementation of self-management models for inpatient providers; and a recognition of national accreditation and Medicare status for licensure of inpatient behavioral health providers. Such Administrative savings shall also include initiatives to reduce the

number of hospitalized children and adolescents who do not require inpatient hospital level of care, including but not limited to an expedited approval process for appropriate residential step-down programs; the enforcement of a no-eject policy for residential settings; allowance for out-of-state placements for extraordinary circumstances; and a requirement that the department of social services visit hospitalized youths in custody of the department within three business day of hospitalization. The executive office of health and human services shall also examine and make recommendations regarding whether there should be a financial assessment to offset the cost of providing hospital care on state agencies who have clients in hospitals who no longer require hospital level care. The executive office of health and human services shall also examine and pursue appropriate models for increasing federal financial participation for the costs of the behavioral health program administrative vendor. The secretary of the executive office of health and human services shall report to the house and senate committees on ways and means and the committee on Medicaid the results of said administrative savings initiatives no later than December 1, 2003, which shall include a list of the administrative savings adopted and the projected amount of savings from such initiatives.”.

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 22 in the negative.

[See Yea and Nay No. 384 in Supplement.]

Therefore section 645 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 7061-9626 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“7061-9626 For grants and contracts with youth-build programs for the purposes of providing comprehensive youth-build services 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 137 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 385 in Supplement.]

Therefore item 7061-9626 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 1410-0012 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“1410-0012 For services to veterans, including the maintenance and operation of outreach centers; provided, that said centers shall provide counseling to incarcerated veterans and to Vietnam era veterans and their families who may have been exposed to agent orange; provided further, that not less than \$228,771 shall be obligated for a contract with the Veterans Benefit Clearinghouse in the Roxbury section of Boston; provided further, that not less than \$82,757 shall be obligated for a contract with the Veterans Northeast Outreach Center in the city of

Haverhill; provided further, that not less than \$106,102 shall be obligated for a contract with the North Shore Veterans Counseling Center in the city of Beverly; provided further, that not less than \$84,879 shall be obligated for a contract with the Veterans Association of Bristol county in the city of Fall River; provided further, that not less than \$94,501 shall be obligated for a contract with NamVets of the Cape and Islands in the town of Hyannis; provided further, that not less than \$84,879 shall be obligated for a contract with the Outreach Center, Inc., in the city of Pittsfield; provided further, that not less than \$167,394 shall be obligated for a contract with the Montachusett Veterans Outreach Center in the city of Gardner; provided further, that not less than \$84,453 shall be obligated for a contract with the Metrowest/Metrosouth Outreach Center in the town of Framingham; and provided further, that not less than \$84,879 shall be obligated for a contract with the Puerto Rican Veterans Association of Massachusetts, Inc., in the city of Springfield 1,018,615”.

[The Governor reduced the item to \$853,615.]

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

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

Therefore item 1410-0012 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 519, which had been vetoed by the Governor, was considered, as follows:

“SECTION 519. Item 7511-7961 of said section 2 of said chapter 267 is hereby amended by adding the following words:— ; provided that not less than \$300,000 of the amount appropriated shall be expended for the purpose of conducting a study to create a master plan that would assess the capital and facility needs of the T.W. McGee Building and other buildings located on the Lynn campus of North Shore Community College and that would analyze the feasibility of allowing North Shore Community College to enter a multi-year agreement with private entities relative to capital and facility needs at this site.”.

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 21 in the negative.

[\[See Yea and Nay No. 387 in Supplement.\]](#)

Therefore section 519 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 605, which had been vetoed by the Governor, was considered, as follows:

“SECTION 605. The division of urban parks and recreation is authorized and directed to prepare an application to place the former metropolitan parks system on the National Register of Historic Sites.”.

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 130 members

voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 388 in Supplement.]

Therefore section 605 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.

**Motion to Discharge a Certain Matter in the
Orders of the Day.**

Mr. Rogers of Norwood 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 39 [for message, see attachment D 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 39 be considered in the following form:

By passage of An Act relative to the teacher, principal and superintendent qulaity endowment (House, No. 3966).

The report was accepted.

After remarks on the question on adoption of the amendment, the Chair (Mrs. Harkins of Needham) interrupted the pending business and placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 112 members voted in the affirmative and 39 in the negative.

[See Yea and Nay No. 389 in Supplement.]

Therefore Rule 1A was suspended.

After further remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Evangelidis of Holden; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 390 in Supplement.]

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

Reports of a Committee.

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) stand (as passed by the General Court).

Under suspension of the rules, in each instance, on motion of the same member, the items 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:

Item 4130-0002 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“4130-0002 For the administration of the Children’s Trust Fund 870,557”.

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 140 members voted in the affirmative and 12 in the negative.

[\[See Yea and Nay No. 391 in Supplement.\]](#)

Therefore item 4130-0002 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 4130-1000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4130-1000 For statewide neonatal and postnatal home parenting education and home visiting programs for at-risk newborns to be administered by the Children’s Trust Fund; provided, that such services shall be made available statewide to parents under the age of 21 years; and provided further, that notwithstanding any general or special law to the contrary, priority for such

services shall be given to low-income parents 12,238,703”.

[The Governor reduced the item to \$5,560,812.]

After debate 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 129 members voted in the affirmative and 22 in the negative.

[\[See Yea and Nay No. 392 in Supplement.\]](#)

[Ms. Rivera of Springfield answered “Present” in response to her name.]

Therefore item 4130-1000 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.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the town of Pembroke to exchange a certain parcel of town forest land for land held for school purposes (see House bill printed in House, No. 3965) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 393 in Supplement.]

Therefore the bill was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Reports of a Committee.

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) stand (as passed by the General Court).

Under suspension of the rules, in each instance, on motion of the same member, the items 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:

Item 2810-0100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“2810-0100 For the operations of the division of state parks and recreation; provided, that funds appropriated herein shall be used to operate all of the division’s parks, heritage state parks, reservations, campgrounds, beaches, and pools, and, for the oversight of rinks to protect and manage the division’s lands and natural resources including the forest and parks conservation services and the bureau of forestry development; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that not less than \$100,000 shall be obligated for educational programming at the Ernestina Commission; and provided further, that the department is authorized to issue grants to public and non-public entities from this item 18,264,818”.

[The Governor reduced the item to \$18,164,818 and disapproved the following wording: “; provided further, that not less than \$100,000 shall be obligated for educational programming at the Ernestina Commission”.]

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 108 members voted in the affirmative and 43 in the negative.

[See Yea and Nay No. 394 in Supplement.]

Therefore item 2810-0100 (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. Lantigua of Lawrence 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, due to a malfunction in the electronic voting machine, on the previous vote I was recorded as having voted in the negative. Had the machine been operating properly, I would have been recorded as having voted in the affirmative.

Item 7002-0200 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“7002-0200 For the operation of the division of occupational safety; provided, that the division may employ staff not subject to chapter 31 of the General Laws for a program to evaluate asbestos levels in public schools and other public buildings; and provided further provided, that funds shall be expended from this item for the GG subsidiary costs of the board of conciliation and arbitration, the division of apprentice training, the labor relations commission and the division

of occupational safety 2,371,669”.

[The Governor reduced the item to \$2,218,869.]

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. 395 in Supplement.]

Therefore item 7002-0200 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.

Engrossed Bill — State Loan.

Mr. Tobin of Quincy having taken the Chair,—

The engrossed Bill providing for an accelerated transportation development and improvement program for the Commonwealth (see House, No. 3914) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a “loan” bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 150 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 396 in Supplement.]

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

the Senate.

Reports of a Committee.

Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from 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 673, which had been vetoed by the Governor, was considered, as follows:

“SECTION 673. A person who has been in the state retirement system for more than 35 years, with at least 10 or more of those years in the employment of the Massachusetts Water and Resources Administration; who, in the course of his state employment was exposed to asbestos or other hazardous materials; and who has been diagnosed with an extraneously cancer related illness as well as an extraneously cardio-vascular cardiac related illness, shall be eligible for early retirement with surviving spouse benefits at a compensation rate equivalent to his current salary, if the individual makes application for an early retirement on or before December 31, 2003.”.

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 103 members voted in the affirmative and 47 in the negative.

[\[See Yea and Nay No. 397 in Supplement.\]](#)

Therefore section 673 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 306, which had been vetoed by the Governor, was considered, as follows:

“SECTION 306. Chapter 112 of the General Laws is hereby amended by inserting after section 39B the following section: —

Section 39C. The board may, upon application, made in such manner and form as it shall determine, register an establishment for transacting business as a long-term care pharmacy or home fusionist pharmacy, and issue to such entity as it deems qualified to conduct long-term care pharmacy or home fusionist, a permit to operate. The board may deny such registration and refuse to issue such permit, if, in its reasonable discretion, such entity would be inconsistent with or opposed to the best interests of the public health, welfare or safety, but no such registration shall be made or permit issued in the case of a corporation, as defined in section 30 of chapter 63 unless it shall appear to the satisfaction of the board that the management of such entity is controlled solely by a registered pharmacist. Such permit shall expire on December 31 of each uneven numbered year following the date of its issue, and the fee therefor, shall be

determined annually by the commissioner of administration under section 3B of chapter 7. The board, in consultation with the department of public health shall promulgate regulations pertaining to the operation of long-term care and home fusionist pharmacies in the commonwealth subject to section 2 of chapter 30A. Said board shall determine which regulations, applicable to a retail drug business under section 39 shall apply to long-term care or home fusionist pharmacies. The board shall, within 150 days after the filing of an application, render a final decision denying or allowing registration. Failure to render such decision, except when such failure to act is caused by the delay of the applicant, shall constitute an approval of the application and permit shall be issued. For the purposes of this section, the term long-term care pharmacy shall mean a pharmacy which dispenses pharmaceuticals, sterile intravenous drugs and nutritional products ordered by physicians to patients in nursing homes, assisted living facilities, hospice programs and similar institutional sites of care. For the purposes of this section, the term home fusionist pharmacy shall mean a pharmacy which dispenses sterile intravenous drugs ordered by physicians to patients in their homes.”.

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.

[\[See Yea and Nay No. 398 in Supplement.\]](#)

Therefore section 306 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 607, which had been vetoed by the Governor, was considered, as follows:

“SECTION 607. There shall be a house and senate working group to develop legislation to reform chapter 70 of the General Laws. The working group shall be made up of the president of the senate or his designee, the speaker of the house or his designee, the senate and house chairs of the joint committee on education, arts and humanities, the chairs of the senate and house committees on ways and means and the minority leaders of the senate and house, or their designees. The working group shall address matters including but not limited to aid and required local contributions determined under chapter 70 and shall consider how best to allocate state funds equitably to cities, towns, and regional school districts. The working groups shall consider the appropriate balance of property value and income measures in setting local spending requirements, and shall recommend ways to reduce arbitrary discrepancies in required local contributions and state aid levels of similar districts. The working group shall draw on the expertise of interested parties including but not limited to representatives of the department of education and organizations representing educators, school administrators, and local officials. The working group shall submit recommended legislation to the joint committee on education, arts, and humanities on or before October 9, 2003.”.

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 136 members voted in the affirmative and 16 in the negative.

[\[See Yea and Nay No. 399 in Supplement.\]](#)

Therefore section 607 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 5047-0002 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“5047-0002 Notwithstanding any general or special law to the contrary, the department may expend revenues on continuing care services in the community in an amount not to exceed \$4,500,000 from increased federal reimbursements collected for services rendered in emergency programs and acute inpatient and diversionary settings; provided, that not less than an additional \$2,500,000 from the reimbursements shall be deposited in the General Fund by the close of fiscal year 2004; provided further, that upon such deposit, the secretary of administration and finance shall certify in writing to the house and senate committees on ways and means that the amount has been deposited into the General Fund; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, that the department shall submit a report to the house and senate committees on ways and means not later than February 3, 2004 detailing the use of any funds encumbered or expended from this item including, but not limited to, the number of clients served, the types of services purchased by region and the annualized impact of the expenditures in the subsequent fiscal year 4,500,000.

[The Governor reduced the item by striking out the following wording: “; provided, that not less than an additional \$2,500,000 from the reimbursements shall be deposited in the General Fund by the close of fiscal year 2004; provided further, that upon such deposit, the secretary of administration and finance shall certify in writing to the house and senate committees on ways and means that the amount has been deposited into the General Fund” and “; and provided further, that the department shall submit a report to the house and senate committees on ways and means not later than February 3, 2004 detailing the use of any funds encumbered or expended from this item including, but not limited to, the number of clients served, the types of services purchased by region and the annualized impact of the expenditures in the subsequent fiscal year”.]

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 129 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 400 in Supplement.]

Therefore item 5047-0002 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 4180-0100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4180-0100 For the maintenance and operation of the Soldiers’ Home in Massachusetts located in the city of Chelsea, including a specialized unit for the treatment of Alzheimer’s disease patients; provided, that graduates from the LPN school of nursing shall be required to work in state operated facilities for a minimum duration of one

year 22,692,947”.

[The Governor reduced the item to \$22,442,947.]

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 135 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 401 in Supplement.]

Therefore item 4180-0100 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 2000-0100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“2000-0100 For the office of the secretary, including the water resources commission, the hazardous waste facility site safety council, the coastal zone management program, environmental impact reviews conducted pursuant to chapter 30 of the General Laws, the mosquito-borne disease vector control chapter program, and a central data processing center for the secretariat; provided, that the secretary of environmental affairs may enter into interagency agreements with any line agency within the secretariat, whereby the line agency may render data processing services to said secretary, provided further, that the comptroller may allocate the costs for such data processing services to the several state and other funds to which items of appropriation of such agencies are charged; provided further, that said secretary shall file a plan with the house and senate committees on ways and means 20 days before entering into any interdepartmental service agreements with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided, that the parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation under the executive office of environmental affairs; provided further, that said plan shall detail the purposes of, reasons for, and amounts of said agreements; provided further, that funds may be expended for volunteer water monitoring grants; and provided further, that funds may be expended on the watershed initiative 6,236,022”.

[The Governor reduced the item by striking out the following wording: “; provided further, that said secretary shall file a plan with the house and senate committees on ways and means 20 days before entering into any interdepartmental service agreements with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided, that the parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation under the executive office of environmental affairs; provided further, that said plan shall detail the purposes of, reasons for, and amounts of said agreements”.]

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. 402 in Supplement.]

Therefore item 2000-0100 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 4510-0720 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“4510-0720 For a scholarship program for certified nurses’ aide and direct care worker training; provided, that state employees previously paid from this line item shall be paid from line item 4510-0099 or from line item 4510-0100 in fiscal year 2004; provided further, that the department shall establish appropriate guidelines and application criteria for the administration of the program; provided further, that the scholarships shall cover the full cost of tuition to an approved certified nurses’ aide or long-term care direct worker training program, including approved programs providing for cross-training; provided further, that funds may also be available to provide adult basic education and English as a second language training for applicants otherwise meeting criteria for the scholarships, as well as pilot training programs using enhanced curricula designed to support increased retention; provided further, that the department, shall in consultation with the nursing home industry, consumer groups, the department of labor and workforce development, Commonwealth Corporation, training providers and other appropriate state and local agencies, conduct outreach regarding the availability of such scholarships; provided further, that the department shall consult with the scholarship program advisory council and the extended care career ladder initiative to review and recommend new training requirements for certified nurses’ aides, home health aides and home care workers to improve the quality of the direct care workforce and the quality of care provided in all long-term care settings by developing skill standards, supporting the transition from training to work, improving retention, promoting portability, recognizing career advancement curricula and addressing language and education barriers; and provided further, that costs for outreach activities shall not exceed 3 per cent of the amount appropriated herein and administrative costs of the program shall not exceed 3 per cent of the amount appropriated herein 250,000”.

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 130 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 403 in Supplement.]

Therefore item 4510-0720 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 9110-9002 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“9110-9002 For the local services program for grants to the councils on aging and for grants to or contracts with non-public entities which are consortia or associations of councils on aging; provided, that notwithstanding the foregoing, all monies appropriated in this item shall be expended in accordance with the distribution schedules for formula and incentive grants

established by the secretary; and provided further, that such distribution schedules shall be submitted to the house and senate committees on ways and means 5,900,000”.

[The Governor reduced the item to \$5,310,000.]

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

[See Yea and Nay No. 404 in Supplement.]

Therefore item 9110-9002 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.

Message from the Governor — Veto.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill relative to territorial jurisdiction of district courts [see House, No. 3962] (for message, see House, No. 3967) was filed in the Office of the Clerk during today’s session.

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

The question on passing the bill, notwithstanding the said objections, was determined by the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 130 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 405 in Supplement.]

Therefore the bill was passed, notwithstanding the objections of His Excellency the Governor (more than two-thirds of the members having voted in the affirmative). Sent to the Senate for its action.

Reports of a Committee.

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 section 13 and item 0339-2100 (contained in section 2) stand (as passed by the General Court).

Under suspension of the rules, in each instance, on motion of the same member, said section and item 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 13, which had been vetoed by the Governor, was considered, as follows:

“SECTION 13. Section 202 of said chapter 6, as appearing on the 2000 Official Edition, is

hereby amended by adding the following paragraph:—

Notwithstanding any general or special law to the contrary, the office of children, youth and family services within the executive office of health and human services shall facilitate the implementation of this section, section 203 and the Children's Trust Fund but shall not exercise any supervision or control with respect to the board.”.

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 124 members voted in the affirmative and 26 in the negative.

[See Yea and Nay No. 406 in Supplement.]

Therefore section 13 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 0339-2100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“0339-2100 For the office of jury commissioner in accordance with chapter 234A of the General Laws; provided, that said office shall be located at the Charlestown division of the Boston municipal court 1,918,124”.

[The Governor reduced the item by striking out the following wording: “; provided, that said office shall be located at the Charlestown division of the Boston municipal court”.]

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 129 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 407 in Supplement.]

Therefore item 0339-2100 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.

Emergency Measure.

The engrossed Bill relative to the teacher, principal and superintendent quality endowment fund (see House, No. 3966), 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 56 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) (which had been returned by His Excellency the Governor with recommendation of amendment) was put upon its final passage.

On the question on passing the bill to be re-enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 408 in Supplement.]

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

Reports of a Committee.

Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from 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) stand (as passed by the General Court).

Under suspension of the rules, in each instance, on motion of the same member, the items 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:

Item 0332-6300 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“0332-6300 For the district court of Chelsea; provided, that notwithstanding the provisions of any general or special law to the contrary, said district court shall be the permanent location for the northern trial session to handle six person jury cases; provided further, that all personnel within said district court whose duties relate to said northern trial session shall report to the clerk magistrate of said district court; and provided further, that the clerk magistrate shall utilize whatever space within the facility at-large he deems necessary to comply with S.J.C. Rule 3:12, Canon 3(A)6 781,820”.

[The Governor reduced the item by striking out the following wording: “; provided, that notwithstanding the provisions of any general or special law to the contrary, said district court shall be the permanent location for the northern trial session to handle six person jury cases; provided further, that all personnel within said district court whose duties relate to said northern trial session shall report to the clerk magistrate of said district court; and provided further, that the clerk magistrate shall utilize whatever space within the facility at-large he deems necessary to comply with S.J.C. Rule 3:12, Canon 3(A)6”.]

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 129 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 409 in Supplement.]

Therefore item 0332-6300 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 0332-3800 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“0332-3800 For the district court of eastern Hampshire at Ware 161,045”.

[The Governor reduced the item to \$40,261.]

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 129 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 410 in Supplement.]

Therefore item 0332-3800 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 0332-7200 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“0332-7200 For the district court of Winchendon 134,005”.

[The Governor reduced the item to \$33,501.]

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 131 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 411 in Supplement.]

Therefore item 0332-7200 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 0332-7500 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“0332-7500 For the second district court of eastern Worcester at Clinton 250,087”.

[The Governor reduced the item to \$62,522.]

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 131 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 412 in Supplement.]

Therefore item 0332-7500 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 0332-7700 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“0332-7700 For the second district court of southern Worcester at Uxbridge 307,603”.

[The Governor reduced the item to \$76,901.]

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 131 members

voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 413 in Supplement.]

Therefore item 0332-7700 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 0332-3100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“0332-3100 For the district court of Orange 273,267”.

[The Governor reduced the item to \$68,317.]

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 132 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 414 in Supplement.]

Therefore item 0332-3100 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.

Adjournment.

Mr. Flynn of Bridgewater then moved that the House adjourn.

On the question on the motion to adjourn, the sense of the House was taken by yeas and nays, at the request of Mr. Linsky of Natick; and on the roll call 87 members voted in the affirmative and 64 in the negative.

[See Yea and Nay No. 415 in Supplement.]

Therefore the motion to adjourn prevailed.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at nine minutes before twelve o'clock P.M. (Thursday, July 17) (Mr. Tobin of Quincy being in the Chair) the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session