

JOURNAL OF THE HOUSE.

Friday, July 30, 2004.

Met according to adjournment, at eleven o'clock A.M.

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

Prayer.

God, Our Creator, in Whom we constantly place our hope and trust, we look to You for continued guidance as the full formal sessions of the 183rd General Court draw to a close. We have addressed many complex, emotional and ethical legislative and policy issues during the past 19 months. With Your assistance, we have tried each day to act responsibly, conscientiously and thoughtfully in meeting the needs of the people and society. Teach us to continue to respond to current legislative challenges and to plan for a peaceful and civil future for all people. Inspire us to remain faithful to our philosophical principles, our personal and legislative goals and priorities and to our own religious beliefs, traditions and commitments. May our minds and hearts remain open to You, to Your ways and the well-being of all constituents.

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

Pledge of allegiance.

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

Message from the Governor — Bill Returned with Recommendation of Amendment.

Felony convictions.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to compensation for certain erroneous felony convictions [see House, No. 4255, amended] (for message, see House, No. 5030) was filed in the office of the Clerk on Thursday July 29.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Ms. Jehlen of Somerville, to the committee on Bills in the Third Reading.

Messages from the Governor.

Dracut, selectmen vacancy.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) relative to authorizing the State Secretary to place an election in the town of Dracut on the state ballot (House, No. 5025) was filed in the office of the Clerk on Thursday, July 29.

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

Subsequently, the Senate having concurred, Mr. Straus of Mat-tapoisett, for said committee reported on the foregoing message, a Bill authorizing the State Secretary to place an election in the town of Dracut on the state ballot (printed in House, No. 5025). 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 Miss Garry of Dracut, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, 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.

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 validating the results of the annual town election held in the town of Falmouth on May 18, 2004 (House, No. 5026) was filed in the office of the Clerk on Monday, July 26.

Falmouth, town election.

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

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) relative to validating the action taken at a town meeting held by the town of Leverett (House, No. 5027) was filed in the office of the Clerk on Thursday, July 29.

Leverett, town meeting.

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

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 validating the actions taken by the town of Webster open town meeting (House, No. 5028) was filed in the office of the Clerk on Monday, July 26.

Webster, town meeting.

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

A message from His Excellency the Governor recommending legislation relative to providing for the construction of a special facility for the Department of Youth Services (House, No. 5029) was filed in the office of the Clerk on Monday, July 26.

Youth Services, women's facility.

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

Statement of Representative Kaufman of Lexington.

A statement of Mr. Kaufman of Lexington was spread upon the records of the House, as follows:

Statement of
Representative
Kaufman of
Lexington.

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

Statement Concerning Representative Kelly of Dalton.

A statement of Mr. Jones of North Reading concerning Mr. Kelly of Dalton was spread upon the records of the House, as follows:

Statement
concerning
Representative
Kelly of
Dalton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kelly of Dalton, will not be present in the House Chamber for today's sitting due to a longstanding commitment outside the State House. Any roll calls that he may miss today will be due entirely to the reason stated.

Petition.

Fitchburg,
ward
councilor.

Mr. Goguen of Fitchburg presented a petition (accompanied by bill, House, No. 5024) of Emile J. Goguen and Robert A. Antonioni (with the approval of the mayor and city council) relative to the nomination of candidates to fill of a vacancy in the office of ward councilor in the city of Fitchburg; and the same was referred to the committee on Election Laws. Sent to the Senate for concurrence.

Papers from the Senate.

Veterans,
benefits.

The House Bill relative to veteran's retirement benefits (printed as Senate, No. 1576, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2355.

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

Mr. Rogers of Norwood then moved that the House concur with the Senate in its amendment with further amendments in section 2, in line 8, by striking out the words "effective date" and inserting in place thereof the word "acceptance"; and by adding at the end of said section the following paragraph:

"Any system may accept the provisions of this act by majority vote of the board of such system, subject to the approval of the legislative body. For the purposes of this section, legislative body shall mean in the case of a city the city council in accordance with its charter, in the case of a town the town meeting, in the case of a county or region the county or regional retirement board advisory council, in the case of a district the district members, and in the case of an authority the governing body. The state employees' and teachers' retirement systems shall be deemed to have accepted the provisions of this act."

The further amendments were adopted.

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

A Bill directing the Division of Capital Asset Management and Maintenance to convey certain parcels of land in the towns of Hopkinton and Westborough (Senate, No. 2462 amended in section 1 by striking out the last sentence and inserting in place thereof the following sentence: "The department of environmental protection shall make the results of the annual groundwater and surface water testing available to the board of health of the town of Hopkinton or the town of Westborough upon request.") (on Senate bill, No. 2364), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Hopkinton
and
Westborough,
land.

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

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

Under suspension of the rules, on motion of Mr. 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 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, in concurrence.

The House Bill relative to the administrative judges of the Division of Industrial Accidents (House, No. 4465) came from the Senate passed to be engrossed, in concurrence, with an amendment inserting after section 2 the following two sections:

Industrial
Accidents,
judges.

"SECTION 2A. The first paragraph of section 5 of said chapter 23E, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following 2 sentences:— The initial appointment of all members shall be for a term of 6 years; subsequent reappointments of sitting members shall be for an additional term of 6 years which shall commence on the date of expiration of the initial or subsequent term. The appointment or reappointment of members shall be made by the governor with the advice and consent of the council.

SECTION 2B. Said section 5 of said chapter 23E, as so appearing, is hereby further amended by inserting after the first paragraph the following paragraph:—

Notwithstanding any general or special law to the contrary, a newly appointed member who has never previously served on the reviewing board, shall be reviewed for performance by the senior judge during his initial term between the twenty-first and the twenty-fourth month of the term. The performance review shall be subject to criteria established by the senior judge. If the performance review supports continuation of the term, that administrative law judge shall continue to serve the remainder of the appointed term. If the performance review recommends against a continuation of the

appointed term, the performance review shall be submitted to the governor for appropriate action pursuant to section 8.”

Under suspension of Rule 35, on motion of Mr. Cabral of New Bedford, 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.

Fire
safety.

The House Bill relative to fire safety in the Commonwealth (House, No. 4550) came from the Senate passed to be engrossed, in concurrence, with the following amendment:

Striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2468, printed as amended by the Senate and as changed by the Senate committee on Bills in the Third Reading.

Under suspension of Rule 35, on motion of Mr. Toomey of Cambridge, 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.

Spinal cord
injuries,
trust fund.

The House Bill establishing a spinal cord injury trust fund (House, No. 4738) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2475.

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

Transportation
bonds.

The House Bill modernizing the transportation system of the Commonwealth (House, No. 4771) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2470.

Under suspension of the rules, on motion of Mr. DiMasi of Boston, the amendment was considered forthwith.

Mr. Wagner of Chicopee then moved that the House concur with the Senate in its amendment with a further amendment by striking the text contained therein and inserting in place thereof the text contained in House document numbered 5041.

The further amendment was adopted.

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

Subsequently the bill came from the Senate with the endorsement that said branch had concurred with the House in its further amendment with a still further amendment in section 89, in clause (a), striking out the last sentence contained therein as follows: “The pilot wetlands mitigation bank may only be used for projects that are financed by the Commonwealth or by a city or town of the Commonwealth.”

Under suspension of the rules, on motion of Mr. Wagner, the still further amendment was considered forthwith; and it was adopted, in concurrence.

The engrossed Bill relative to extending low-income housing tax credits (see House, No. 4911) came from the Senate with the endorsement that said branch had concurred with the House in its amendment with a further amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2434.

Low-income
housing
tax credits.

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

Messrs. Ruane and Rogers of Norwood then moved that the House concur with the Senate in its amendment with a further amendment, striking out the text contained therein and inserting in place thereof the text contained in House document numbered 5037. The further amendment was adopted.

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

The House Bill authorizing the city of Chicopee to convey certain park land in the city of Chicopee (House, No. 4992) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 2 adding at the end thereof the following sentence: “The proceeds of the conveyances shall be used for conservation or recreation purposes.”

Chicopee,
park land.

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

A Bill authorizing a tax abatement filing for Old Colony Stationary (Senate, No. 1786) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Old Colony
Stationary,
Inc.

Bills

Authorizing the city of Quincy to establish interest rates payable on deferred property taxes and water charges (Senate, No. 2259) (on a recommitted petition) [Local Approval Received];

Quincy,
interest
rates.

Relative to the appointment of retired police officers in the town of Wakefield (Senate, No. 2375) (on a petition) [Local Approval Received];

Wakefield,
police.

Establishing a capital planning committee in the town of Rockland (Senate, No. 2435) (on a petition) [Local Approval Received];

Rockland,
capital planning.

Relative to the town collector of the town of Rockland (Senate, No. 2436) (on a petition) [Local Approval Received];

Rockland,
collector.

Relative to the town administrator of the town of Rockland (Senate, No. 2437) (on a petition) [Local Approval Received];

Rockland,
administrator.

Relative to the finance committee of the town of Rockland (Senate, No. 2438) (on a petition) [Local Approval Received];

Rockland,
finance
committee.

Rowley,
land.

Authorizing the town of Rowley to change the use, the care, custody and control of, a portion of town conservation land (Senate, No. 2446, amended in section 1, by adding at the end thereof the following two sentences: "The town of Rowley shall dedicate a parcel of town-owned land, equal to or larger than the parcel described in section 2, for conservation or recreation purposes. If dedication of such conservation or recreation land has not occurred by January 1, 2005, the town of Rowley shall appropriate the proceeds of all annual fees collected from such carrier for conservation and recreation purposes.") (on a petition) [Local Approval Received];

Lincoln,
housing.

Relative to certain housing in the town of Lincoln (Senate, No. 2453) (on a petition) [Local Approval Received]; and

Children,
support.

To improve the child support collection process (Senate, No. 2474) (on Senate bill No. 1117);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Lincoln,
housing.

A report of the committee on Housing and Urban Development, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2453) of Susan C. Fargo and Susan W. Pope (by vote of the town) for legislation relative to certain housing in the town of Lincoln, and recommending that the same be referred to the Senate committee on Ethics and Rules,—accepted by the Senate, was considered forthwith, under Rule 42; and the House concurred, inasmuch as relates to the discharge of the committee.

Reports of Committees.

Department
of Revenue.

Mr. Casey of Winchester, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2361, as amended) of the House Bill to clarify certain tax provisions and improve the activities of the Department of Revenue (House, No. 4744), reports recommending that the House recede from its non-concurrence with the Senate in its amendment and concur therein with a further amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5039; and that the Senate concur in the further amendment.

Under suspension of the rules, on motion of the same member, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Plymouth,
agricultural
land.

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, Viriato Manuel deMacedo and Therese Murray (by vote of the town) for legis-

lation to authorize the Division of Capital Asset Management and Maintenance to release certain land in the town of Plymouth from the operation of agricultural preservation restrictions. Under suspension of the rules, on motion of Mr. deMacedo of Plymouth, 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.

Subsequently, the Senate having concurred, Mr. Hall of Westford, for said committee on State Administration, reported on the petition, a Bill releasing certain land in the town of Plymouth from the operation of certain agricultural preservation restrictions (House, No. 5032) [Local Approval Received]. Read; and referred, under Rule 33, to the committee on Ways and Means.

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

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

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

Subsequently, 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.

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 Vincent P. Ciampa and Paul J. Donato for legislation to establish a sick leave bank for Linda J. Magno, an employee of the Department of Mental Retardation. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Linda J.
Magno,
sick leave
bank.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Government Regulations to make an investigation and study of certain House documents concerning licensing, utilities, alcohol, ticket reselling, vital statistics, racing, gaming and telecommunications (House, No. 4615) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3976) of Peter V. Kocot and Stanley C. Rosenberg (with the approval of the mayor and city council) that the licensing authority of the city of Northampton be authorized to issue additional licenses for the sale of wine and malt beverages to be drunk on the premises,—and recommending that the same be recommitted to the committee on Government Regulations. Under Rule 42, the report was considered forthwith; and it was accepted.

Northampton,
alcoholic
beverage
licenses.

Westport,
conservation
land.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill authorizing the town of Westport to convey certain conservation land to the board of selectmen for the purpose of construction a public safety complex (House, No. 5003) [Local Approval Received]. 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. Rodrigues of Westport, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, 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.

Sharon,
land.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill authorizing the town of Sharon to convey certain conservation land (House, No. 5016) [Local Approval Received]. 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. Kafka of Sharon, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, 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.

Westfield,
land
conveyance.

By Mr. Hall of Westford, for the committee on State Administration, on House, No. 3595, a Bill authorizing the Division of Capital Asset Management and Maintenance to convey property to the town of Westfield (House, No. 5035). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Rogers of Norwood, for said committee, reported (House, No. 5035) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Subsequently, 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, its title having been changed by said committee to read "An Act authorizing the Division

of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Westfield." Sent to the Senate for concurrence.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill releasing certain land in Deerfield from the operation of an agricultural preservation restriction (Senate, No. 2094) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Deerfield,
agricultural
restriction.

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

Under suspension of Rule 7A, on motion of Mrs. Paulsen of Belmont, 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. Scaccia of Boston, 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.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill authorizing the city of Northampton to convey certain park land (House, No. 4885) [Local Approval Received] ought to pass with an amendment in section 1 by adding at the end thereof the following sentence: "Consideration paid by the Commonwealth to the City of Northampton for said parcel, shall not be more than the fair market value of the parcel as determined by an independent appraisal." Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Northampton,
park land.

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

Under suspension of Rule 7A, on motion of Mr. Kocot of Northampton, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means was adopted; and the bill, as amended, was ordered to a third reading.

Subsequently, 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. The bill (House, No. 4885, amended) then was sent to the Senate for concurrence.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to private attorneys providing public counsel services (House, No. 4321) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5038). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Public
counsel
services.

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

Under suspension of Rule 7A, on motion of Mr. Rushing of Boston, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means was adopted; and the substituted bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Knuuttila of Gardner, 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. The bill (House, No. 5038) then was sent to the Senate for concurrence.

Marlborough,
land.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Marlborough (House, No. 4798) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Subsequently, 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.

Long term
care,
insurance.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill to establish standards for long term care insurance (Senate, No. 2415) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

West
Springfield,
land
conveyance.

By Mr. Hall of Westford, for the committee on State Administration, on House, No. 5021, a Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to the town of West Springfield (House, No. 5036) [Local Approval Received], Read; and referred, under Rule 33, to the committee on Ways and Means.

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

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

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

Emergency Measures.

The engrossed Bill relative to interest from certain retirement systems (see House, No. 4906, 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.

Retirement
systems,
interest.

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 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, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill
re-enacted.

The engrossed Bill relative to the home and community-based service waiver (see House, No. 4922, 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.

Medicaid,
services.

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 68 to 0. Sent to the Senate for concurrence.

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

Bill
re-enacted.

The engrossed Bill to clarify certain tax provisions and improve the activities of the Department of Revenue (see House, No. 4744, 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.

Tax
provisions,
improve.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 53 to 0. Sent to the Senate for concurrence.

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

Bill
enacted.

The engrossed Bill relative to private attorneys providing public counsel services (see House, No. 5038), 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.

Public
counsel
services.

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 44 to 0. Sent to the Senate for concurrence.

Bill
enacted.

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

Somerville,
Draw 7
Park.

The engrossed Bill designating a certain portion of land at Draw 7 Park in the city of Somerville as the Patrick Sullivan Fishing Hole (see House, No. 4948), 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.

Engrossed Bills.

Bill
enacted.

The engrossed Bill relative to oil spill prevention and response in Buzzards Bay and other harbors and bays in the Commonwealth (see House, No. 4831, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Bill
re-enacted.

The engrossed Bill relative to the buyback of creditable service (see House, No. 4907, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bills
enacted.

Engrossed bills
Validating the special town election held in the town of Goshen (see printed in House, No. 4244); and

Authorizing the town of Weston to appropriate money from the Community Preservation Fund (see House, No. 4999);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted (more than two-thirds of the members having agreed to pass the same); and they were signed by the acting Speaker and sent to the Senate.

H

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

Relative to the membership of the conservation commission of the town of Bourne (see House, No. 4057); and

Relative to the use of certain funds by municipalities (see House, No. 4184, changed and amended);

(Which severally originated in the House);

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

Engrossed bills

Relative to veteran's retirement benefits (see printed as Senate, H No. 1576, amended);

Relative to storage of personal property upon execution of a summary process judgement (see House, No. 2100, amended);

Relative to municipal lighting plant cooperatives (see House, No. 2425);

Directing the Department of Revenue to accept certain applications for abatement (see House, No. 3101);

Placing certain school department positions in the city of Gardner under the civil service law (see House, No. 4204, amended);

Providing for recall elections in the town of Blandford (see House, No. 4280);

Authorizing the town of Edgartown to enter into a certain lease (see House, No. 4339);

Relative to the administrative judges of the Division of Industrial Accidents (see House, No. 4465, amended);

Authorizing the town of Marshfield to reduce sewer fee liability and betterment charge in exchange for seniors' volunteer services (see House, No. 4532);

Relative to fire safety in the Commonwealth (see House, No. 4550, amended);

Relative to pension benefits for Sergeant Charles L. Byrne, Jr. (see House, No. 4722);

Establishing a spinal cord injury trust fund (see House, No. 4738, amended);

Authorizing the town of Swansea to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4742);

Requiring continuing education for licensed plumbers and gas fitters (see House, No. 4750);

Prohibiting certain practices in home mortgage lending (see House, No. 4880, amended); and

Relative to Joseph Fernandes (see House, No. 5020);

(Which severally originated in the House);

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

The engrossed Bill authorizing water submetering in residential tenancies (see House, No. 5001), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Tenancies,
water
submetering.

Pending the question on passing the bill to be enacted, Mr. Demakis of Boston moved that Rule 40 be suspended; and the motion prevailed.

Messrs. Demakis and Honan of Boston then moved that the bill be amended by striking out the sentence appearing in lines 244

to 248, inclusive, and inserting in place thereof the following sentence: "In the event of a repair of a leak in the water supply system to a dwelling unit, the landlord shall determine as accurately as possible the amount of water that was measured on the submeter for the dwelling unit as a result of such leak, after a review of the billing records for the dwelling unit and consultation with the licensed plumber repairing the leak."

The amendment was adopted. Sent to the Senate for concurrence.

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

Amherst,
land.

Mr. DeLeo of Winthrop moved that the Senate Bill relative to certain conservation land in the town of Amherst (Senate, No. 2261), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

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

Boston,
pilottage
rates.

Mr. DeLeo of Winthrop moved that the Senate Bill further regulating the rates of pilotage for the port of Boston (Senate, No. 2406), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

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

Lynnfield
and
Saugus,
easement.

Mr. Falzone of Saugus moved that the Senate Bill authorizing the Department of Highways to grant a certain sewer easement along Route 1 in the towns of Lynnfield and Saugus (Senate, No. 2417) (its title having been changed by the committee on Bills in the Third Reading), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill (reported by said committee to be correctly drawn) then was read a third time; and it was passed to be engrossed, in concurrence.

Boston,
Kearney
Bridge.

Mr. DeLeo of Winthrop moved that the House Bill designating a certain bridge in the Hyde Park section of the city of Boston as the Joseph M. Kearney Bridge (House, No. 293) (its title having been changed by the committee on Bills in the Third Reading), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill (reported by said committee to be correctly drawn) then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Boston,
Geraghty
Bridge.

Mr. DeLeo of Winthrop moved that the House Bill designating a certain bridge in the Hyde Park section of the city of Boston as the Thomas J. Geraghty Bridge (House, No. 294) (its title having been

changed by the committee on Bills in the Third Reading), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill (reported by said committee to be correctly drawn) then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mr. DeLeo of Winthrop moved that the House Bill authorizing the Division of Fisheries and Wildlife to take or acquire conservation restrictions in and to lands of the town of Clinton (House, No. 1208), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

Clinton,
land.

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

Mr. DeLeo of Winthrop moved that the House Bill relative to pedestrian safety at crosswalks (House, No. 1342) (its title having been changed by the committee on Bills in the Third Reading), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

Pedestrian
crosswalks,
safety.

The bill (reported by said committee to be correctly drawn) then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mr. Fallon of Malden moved that the House Bill further regulating the removal of minor children (House, No. 2101) (its title having been changed by the committee on Bills in the Third Reading), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

Minor
children,
removal.

The bill (reported by said committee to be correctly drawn) then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mr. DeLeo of Winthrop moved that the House Bill relative to debt exclusion ballot questions in the town of Groveland (House, No. 2782, changed) (its title having been changed by the committee on Bills in the Third Reading), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

Groveland,
ballot
questions.

The bill (reported by said committee to be correctly drawn) then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mr. DeLeo of Winthrop moved that the House Bill increasing the time in which real property owned by the Central Berkshire County Development Corporation may be exempt from taxation by the city or town in which it is located (House, No. 3749), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

Central
Berkshire
Development
Corporation.

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

Springfield
Water and
Sewer
Commission.

Mr. Petrolati of Ludlow moved that the House Bill relative to the Springfield Water and Sewer Commission (House, No. 4382), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

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

Lowell,
park land.

Mr. DeLeo of Winthrop moved that the House Bill relative to authorizing the city of Lowell to grant permanent easement of park land (approximately 1426 square feet) to abutters (House, No. 4392), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

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

Lancaster,
land.

Mr. DeLeo of Winthrop moved that the House Bill authorizing the town of Lancaster to lease certain land (House, No. 4628), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

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

Sutton,
land.

Mr. DeLeo of Winthrop moved that the House Bill authorizing the town of Sutton to lease certain conservation land (House, No. 4730), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

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

Worcester,
Bohigian
Bridge.

Mr. DeLeo of Winthrop moved that the House Bill designating a certain bridge in the city of Worcester as the Robert J. Bohigian Bridge (House, No. 4761) (its title having been changed by the committee on Bills in the Third Reading), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill (reported by said committee to be correctly drawn) then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Somerville,
school
custodians.

Mr. Ciampa of Somerville moved that the House Bill relative to school building custodians in the city of Somerville (House, No. 4957) (its title having been changed by the committee on Bills

in the Third Reading), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill (reported by said committee to be correctly drawn) then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mr. Ciampa of Somerville moved that the House Bill placing the city's health inspector under the supervision of the city's division of inspectional services in the city of Somerville (House, No. 4957) (its title having been changed by the committee on Bills in the Third Reading), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

Somerville,
health
inspector.

The bill (reported by said committee to be correctly drawn) then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mr. DeLeo of Winthrop moved that the House Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to the Foxborough Housing Authority (House, No. 4976), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

Foxborough
Housing
Authority.

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

Mr. DeLeo of Winthrop moved that the House Bill relative to the disposition of easements or other interests in land in the town of Uxbridge (House, No. 4991) (its title having been changed by the committee on Bills in the Third Reading), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

Uxbridge,
land.

The bill (reported by said committee to be correctly drawn) then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mr. Peterson of Grafton moved that the engrossed Bill relative to the Uncompensated Care Trust Fund (see House, No. 4929), being a printed copy of Section 381 contained in the engrossed Bill making appropriations for the fiscal year 2005 (House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment CC of House, No. 4901), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

Uncompensated
Care Trust
Fund.

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

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

The report was accepted.

The amendment recommended by the Governor then was adopted. Sent to the Senate for its action.

Animal
cruelty.

Mr. Koutoujian of Waltham moved that the Senate Bill relative to the penalties for killing, maiming or poisoning an animal (Senate, No. 198), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

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

Pending the question on passing the bill to be engrossed, in concurrence, the same member moved that it be amended by adding at the end thereof the following section:

“SECTION 4. During any investigation or evaluation reported under Chapter 119, section 51A, any employee of the department of social services, when acting in his or her professional capacity or within the scope of his or her employment, who has knowledge of or observes an animal whom he or she knows or reasonably suspects has been the victim of animal cruelty, abuse, or neglect, may report the known or suspected animal cruelty, abuse, or neglect to the entities that investigate reports of animal cruelty, abuse, or neglect set forth in Ch. 22C section 57 or any local animal control authority.

The report may be made within two working days of receiving the information concerning the animal, by facsimile transmission or a written report or by telephone. In cases where an immediate response may be necessary in order to protect the health and safety of the animal, the report should be made by telephone as soon as possible.

When two or more employees of the department are present and jointly have knowledge of known or reasonably suspected animal cruelty, abuse, or neglect, and where there is agreement among them, a report may be made by one person by mutual agreement. Any reporter who has knowledge that the person designated to report has failed to do so may thereafter make the report.

No person making such report shall be liable in any civil or criminal action by reason of such report if it was made in good faith. Any privilege established by sections one hundred and thirty-five A and one hundred and thirty-five B of chapter one hundred and twelve or by section twenty B of chapter two hundred and thirty-three, relating to the confidential communications shall not prohibit the filing of a report pursuant to the provision of this section.

Nothing in this section shall be construed to impose a duty on the department to investigate known or reasonably suspected animal cruelty, abuse, or neglect.

Nothing in this section shall prevent the department, or (area office/subdivision) from entering into an agreement, contract, or memorandum or understanding with the entities that investigate reports of animal cruelty, abuse, or neglect set forth in Ch. 22C section 57 to require such reports or to engage in training in identification and reporting of animal abuse, cruelty and neglect.”.

The amendment was adopted; and the bill (Senate, No. 198, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House.

Mr. DeLeo of Winthrop moved that the House Bill to make permanent the temporary easement granted to the Bridgewater Knights of Columbus (House, No. 4468), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

Bridgewater,
easement.

The bill then was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town of Bridgewater (House, No. 5033), which was read.

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

Mr. Larkin of Pittsfield moved that the House Bill amending the charter of the city of Pittsfield by deleting the commissioner of public health (House, No. 4812), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

Pittsfield,
charter.

The bill then was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a Bill relative to the charter of the city of Pittsfield (House, No. 5034), which was read.

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

Mr. Greene of Billerica moved that the House Bill relative to creditable service for ambulance paramedics in the town of Billerica (House, No. 4466), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

Billerica,
paramedics.

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

Pending the question on passing the bill to be engrossed, the same member moved that it be amended by striking out all after the enacting clause and inserting in place thereof the following:

“Notwithstanding paragraph (g) of subdivision (2) of section 3 of chapter 32 of the General Laws or any other general or special law to the contrary, Ambulance Paramedics in the Town of Billerica may have their retirement benefit calculated equivalent to the benefit calculation used for members classified in Group 4, provided that all additional costs and any and all increase in liability, unfunded or otherwise, as the result of said calculation shall be borne solely by the Town of Billerica.”.

The amendment was adopted; and the bill (House, No. 4466, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Municipal
tax
receivables.

Mr. Buoniconti of West Springfield moved that the House Bill relative to the sale of municipal tax receivables (House, No. 4872), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill then was read a second time.

The amendment previously recommended by the committee on Ways and Means,—that the bill be amended in section 6, in lines 18 and 19, by striking out the words “and to the current owner”,—was adopted; and the bill, as amended, was ordered to a third reading.

Subsequently, 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. The bill (House, No. 4872, amended) then was sent to the Senate for concurrence.

Devens
Army
Base.

Mr. Naughton of Clinton moved that the House Bill ceding concurrent jurisdiction to the United States over certain property located at the former Devens Army Base (House, No. 1411), 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.

Engrossed Bills.

Engrossed bills

Further regulating the rates of pilotage for the Port of Boston (see Senate, No. 2406);

Authorizing the Department of Highways to grant a certain sewer easement along Route 1 in the towns of Lynnfield and Saugus (see Senate, No. 2417);

(Which severally originated in the Senate); and

Relative to pedestrian safety at crosswalks (see House, No. 1342) (which originated in the House);

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

Emergency Measures.

Natural
gas,
transmission.

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey easements for the transmission of natural gas over lands formerly under the control of the county of Essex in the town of Middleton and the cities of Peabody and Salem to Maritimes & Northeast Pipeline, L.L.C. (see Senate, No. 1678, 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 23 to 0. Sent to the Senate for concurrence.

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

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

[See Yea and Nay No. 828 in Supplement.]

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

The engrossed Bill authorizing the University of Massachusetts to convey a certain parcel of land and buildings in the town of Nantucket to the Nantucket Conservation Foundation (see Senate, No. 2442, 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 27 to 0. Sent to the Senate for concurrence.

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

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

[See Yea and Nay No. 829 in Supplement.]

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

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Holden (see House, No. 4987), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 28 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was 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 pur-

Bill enacted
(land taking),
yea and nay
No. 828.

Nantucket,
UMass
land
conveyance

Bill enacted
(land taking),
yea and nay
No. 829.

Holden,
land
conveyance.

Bill enacted
(land taking),
yea and nay
No. 830.

poses, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 830 in Supplement.]

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

Recess.

Recess.

At two minutes after one o'clock P.M., Mr. Correia took the Chair, declared a recess until half past one o'clock; and at twenty-three minutes before two o'clock P.M., the House was called to order with Mr. Correia in the Chair.

Engrossed Bills — Land Takings.

Southeastern
Massachu-
setts,
land.

The engrossed Bill authorizing the Department of Conservation and Recreation and the Department of Fish and Game to acquire conservation restrictions in and to lands owned by the cities of New Bedford and Taunton and the towns of Freetown, Lakeville, Middleborough and Rochester (see Senate, No. 1229, amended) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

Bill enacted
(land taking),
yea and nay
No. 831.

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

[See Ye and Nay No. 831 in Supplement.]

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

Danvers,
agricultural
land.

The engrossed Bill relative to agricultural land at Danvers State Hospital (see House, No. 1594, 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.

Bill enacted
(land taking),
yea and nay
No. 832.

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

[See Ye and Nay No. 832 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.

General
Appropriation
Bill,
reductions
and
disapprovals.

Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4900), 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 2005 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. 4850), reported, in part, in each instance, that certain items (contained in section 2) and section 58 stand (as passed by the General Court).

Under suspension of the rules, in each instance, on motion of the same member, the following 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 7007-0900 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“7007-0900 For the operation and administration of the office of travel and tourism and 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 performance-based standards shall be incorporated in all contracts executed by said office for the procurement of tourism marketing and advertising services; provided, that the organizations shall be required, as a condition of receiving a grant, to submit a total operating budget which identifies each source and use of operating and capital funds; provided further, that said grants 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 \$2,000,000 of the amount appropriated herein shall be expended to implement the strategic plan developed by the business entity that is awarded the contract pursuant to section 60 of chapter 141 of the acts of 2003 to recover the Commonwealth's lost international tourism market share; provided further, that not less than \$60,000 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 \$200,000 shall be expended for the Bay State Games; provided further, that not less than \$185,000 shall be expended for the Belchertown Economic Development Corporation; provided further, that not less than \$500,000 shall be expended for the Berkshire Museum subject to a 100 per cent funding match; provided further, that not less than \$30,000 shall be expended for the Blackstone Valley Chamber of Commerce; provided further, that not less than \$100,000 shall be

expended for an economic development project in the town of Braintree; provided further, that not less than \$100,000 shall be expended for a Business Location Information Project operated by the Greater Haverhill Chamber of Commerce; provided further, that not less than \$100,000 shall be expended for an economic development project on Buzzards Bay Main Street; provided further, that not less than \$100,000 shall be expended for the Cape Cod Economic Development Council; provided further, that not less than \$100,000 shall be expended for a matching grant to the proposed Cape Cod Maritime Museum in Hyannis; provided further, that not less than \$50,000 shall be expended for the Caribbean Carnival Association; provided further, that not less than \$75,000 shall 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 a the Central Quabbin Tourism Association; provided further, that not less than \$30,000 shall be expended for an economic development project at Chestnut Hill Reservoir in the city of Boston; provided further, that not less than \$94,531 shall be expended for City Stage; provided further, that not less than \$1,000,000 shall be expended for the Colonial Theater, subject to a 100 per cent funding match; provided further, that not less than \$100,000 shall be expended for an economic development project at the historic Corkin building in the town of Randolph; provided further, that not less than \$75,000 shall be expended for the Cultural Center of Cape Cod; provided further, that not less than \$15,000 shall be expended for an education and science grant for the city of Worcester; provided further, that not less than \$200,000 shall be provided for an economic development project at the Elco Dress Factory in New Bedford; provided further, that not less than \$100,000 shall be expended for the Freedom Trail Foundation; provided further, that not less than \$300,000 shall be expended for a grant for the From the Top Inc.; provided further, that not less than \$100,000 shall be expended for a tourism promotion project at the Grandview Farm in Burlington; provided further, that not less than \$125,000 shall be expended for a historic development project at the Worcester Center for the Performing Arts; 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 2005 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 not less than \$100,000 shall be expended for the I-495 Technology Corridor Initiative; provided further, that not less than \$165,000 shall be expended for the International Trade Assistance Center in Fall River; provided further, that not less than \$50,000 shall be expended for the Johnny Appleseed Visitors' Center; provided further, that not less than \$500,000 shall be expended for the Mahaiwe Theater subject to a 100 per cent funding match; provided further, that not less than \$5,000 shall be expended for the Massachusetts Film Bureau and said agency shall be the primary service provider for film production and development in the commonwealth; provided further, that \$250,000 shall be expended for a grant to the Massachusetts Sports and Entertainment Partnership; provided further, that not less than \$200,000 shall be expended for the Memorial Auditorium in the city of Lynn; provided further, that not less than \$250,000 shall be expended for the Merrimack Valley Economic Development Council; 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 \$500,000 shall be expended for the Mohawk Theater, subject to a 100 per cent funding match; provided further, that not less than \$50,000 shall be expended for the New Bedford Art Museum; provided further, that not less than \$60,000 shall be expended for the New England Puerto Rican association; provided further, that not less than \$75,000 shall be expended for an economic development project in North Attleboro; provided further, that not less than \$50,000 shall be expended for the North End Visitor Center in the city of Boston; provided further, that not less than \$75,000 shall be expended for the Old Provincial State House; provided further, that not less than \$40,000 shall be expended as a grant for the Pioneer Valley Planning Commission for the purposes of a study of tourism promotion within Southampton and Montgomery; 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 \$35,000 shall be expended for the Pittsfield Office of Cultural Development; pro-

vided further, that not less than \$100,000 shall be expended for a portico surrounding Plymouth Rock; provided further, that not less than \$75,000 shall be expended for the Puerto Rican Cuatro Project; provided further, that not less than \$50,000 shall be expended for the Riverside Theater Works in Hyde Park in the City of Boston; provided further, that funds shall be expended for an economic development project on Rt. 110 in Amesbury; provided further, that not less than \$100,000 shall be expended for the Russian Community Association; provided further, that not less than \$25,000 shall be expended for the Salisbury Chamber of Commerce; provided further, that not less than \$100,000 shall be expended for the September 11th memorial at Battleship Cove in Fall River; provided further, that not less than \$75,000 shall be expended for a Shrewsbury Business District economic development project; provided further, that not less than \$250,000 shall be expended for the Southcoast Development Partnership for the purposes of regional tourism and economic development; provided further, that not less than \$100,000 shall be expended for the city of Springfield's Office of Economic Development to develop a walking tour of the city of Springfield; provided further, that not less than \$100,000 shall be expended for the U.S. Women's Open; provided further, that not less than \$75,000 shall be expended for the Waltham Tourist Council; provided further, that not less than \$30,000 shall be expended for the Water Farms Preservation, Inc.; provided further, that not less than \$103,000 shall be expended for an historic redevelopment project at the West School in the Town of Wilmington; provided further, that not less than \$50,000 shall be expended for a tourism promotion project in Westborough; provided further, that not less than \$100,000 shall be expended for the Western Massachusetts Economic Development Council; provided further, that expenditures on international and domestic promotion and administration shall be separately accounted for in the Massachusetts Management Accounting and Reporting System; provided further, that said office shall be required to make travel arrangements for all international travel not less than 7 days before departure; provided further, that the office shall dedicate 1 full-time equivalent employee to the advisory commission on travel and tourism; and provided further that the office shall make every effort to develop tourism in under-visited regions of the commonwealth 17,053,305".

[The Governor reduced the item to \$10,168,774; and struck out the following wording: “; provided further, that not less than

\$60,000 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 \$200,000 shall be expended for the Bay State Games”; “; provided further, that not less than \$500,000 shall be expended for the Berkshire Museum subject to a 100 per cent funding match”; “; provided further, that not less than \$100,000 shall be expended for an economic development project in the town of Braintree; provided further, that not less than \$100,000 shall be expended for a Business Location Information Project operated by the Greater Haverhill Chamber of Commerce”; “; provided further, that not less than \$100,000 shall be expended for a matching grant to the proposed Cape Cod Maritime Museum in Hyannis; provided further, that not less than \$50,000 shall be expended for the Caribbean Carnival Association; provided further, that not less than \$75,000 shall 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 a the Central Quabbin Tourism Association; provided further, that not less than \$30,000 shall be expended for an economic development project at Chestnut Hill Reservoir in the city of Boston; provided further, that not less than \$94,531 shall be expended for City Stage; provided further, that not less than \$1,000,000 shall be expended for the Colonial Theater, subject to a 100 per cent funding match; provided further, that not less than \$100,000 shall be expended for an economic development project at the historic Corkin building in the town of Randolph; provided further, that not less than \$75,000 shall be expended for the Cultural Center of Cape Cod; provided further, that not less than \$15,000 shall be expended for an education and science grant for the city of Worcester; provided further, that not less than \$200,000 shall be provided for an economic development project at the Elco Dress Factory in New Bedford; provided further, that not less than \$100,000 shall be expended for the Freedom Trail Foundation; provided further, that not less than \$300,000 shall be expended for a grant for the From the Top Inc.; provided further, that not less than \$100,000 shall be expended for a tourism promotion project at the Grandview Farm in Burlington; provided further, that not less than \$125,000 shall be expended for a historic development project at the Worcester Center for the Performing Arts; 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 2005 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 not less than \$100,000 shall be expended for the I-495 Technology Corridor Initiative; provided further, that not less than \$165,000 shall be expended for the International Trade Assistance Center in Fall River; provided further, that not less than \$50,000 shall be expended for the Johnny Appleseed Visitors' Center; provided further, that not less than \$500,000 shall be expended for the Mahaiwe Theater subject to a 100 per cent

funding match”; “; provided further, that not less than \$200,000 shall be expended for the Memorial Auditorium in the city of Lynn; provided further, that not less than \$250,000 shall be expended for the Merrimack Valley Economic Development Council”; “; provided further, that not less than \$500,000 shall be expended for the Mohawk Theater, subject to a 100 per cent funding match; provided further, that not less than \$50,000 shall be expended for the New Bedford Art Museum”; “; provided further, that not less than \$50,000 shall be expended for the North End Visitor Center in the city of Boston; provided further, that not less than \$75,000 shall be expended for the Old Provincial State House; provided further, that not less than \$40,000 shall be expended as a grant for the Pioneer Valley Planning Commission for the purposes of a study of tourism promotion within Southamptton and Montgomery; 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 \$35,000 shall be expended for the Pittsfield Office of Cultural Development; provided further, that not less than \$100,000 shall be expended for a portico surrounding Plymouth Rock; provided further, that not less than \$75,000 shall be expended for the Puerto Rican Cuatro Project; provided further, that not less than \$50,000 shall be expended for the Riverside Theater Works in Hyde Park in the City of Boston; provided further, that funds shall be expended for an economic development project on Rt. 110 in Amesbury; provided further, that not less than \$100,000 shall be expended for the Russian Community Association; provided further, that not less than \$25,000 shall be expended for the Salisbury Chamber of Commerce”; “; provided further, that not less than \$250,000 shall be expended for the Southcoast Development Partnership for the purposes of regional tourism and economic development; provided further, that not less than \$100,000 shall be expended for the city of Springfield’s Office of Economic Development to develop a walking tour of the city of Springfield; provided further, that not less than \$100,000 shall be expended for the U.S. Women’s Open; provided further, that not less than \$75,000 shall be expended for the Waltham Tourist Council; provided further, that not less than \$30,000 shall be expended for the Water Farms Preservation, Inc.”; and “; provided further, that not less than \$50,000 shall be expended for a tourism promotion project in Westborough”.]

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 153 members voted in the affirmative and 2 in the negative.

[See Ye and Nay No. 833 in Supplement.]

Therefore section 7007-0900 (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 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 depart-

Travel and
Tourism
item
7007-0900
stands,
yea and nay
No. 833.

ment shall expend not less than \$1,008,500 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 \$875,000 shall be provided for emergency safety equipment grants; provided further, that not less than \$40,000 shall be provided for the Dismas House, so called; provided further, that not less than \$200,000 shall be provided for the Aid to Incarcerated Mothers organization; provided further, that the department shall expend not less than \$500,000 to the community hosting the facility at Cedar Junction; 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; provided further, that not less than \$75,000 shall be expended for the 5-A program in the Springfield; provided further, that funds shall be expended on the Neil Houston House; and provided further, that the department may expend up to \$1,000,000 for the commissioner of probation to implement a global positioning system utilizing tamper free ankle bracelets to track level 3 sex offenders actively on parole ... 429,624,325”.

[The Governor reduced the item to \$426,965,825; and struck out the following wording: “; provided, that the department shall expend not less than \$1,008,500 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 not less than \$875,000 shall be provided for emergency safety equipment grants”;

“; provided further, that not less \$200,000 shall be provided for the Aid to Incarcerated Mothers organization; 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 not less than \$75,000 shall be expended for the 5-A program in the Springfield”.]

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 17 in the negative.

[See Yea and Nay No. 834 in Supplement.]

Therefore section 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.

Item 7007-1300 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“7007-1300 For the operation of the Massachusetts international trade council 960,000”.

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

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 835 in Supplement.]

Therefore section 7007-1300 (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 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, postvention and surveillance activities and the implementation of a statewide suicide prevention plan; provided, that no funds shall be expended in the AA subsidiary for any personnel-related costs; provided further, that the department, in coordination with the department of mental health, shall provide grant funds for locally targeted suicide prevention, intervention and postvention 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

Department of
Correction
item
8900-0001
stands,
yea and nay
No. 834.

International
Trade
Council
item
7007-1300
stands,
yea and nay
No. 835.

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 postvention activities shall be targeted toward family and friends of individuals who have attempted or completed suicide; provided further, that postvention 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, postvention, and surveillance activities not later than June 30, 2005 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 153 members voted in the affirmative and 2 in the negative.

[See Yea and Nay No. 836 in Supplement.]

Therefore section 4513-1026 (contained in section 2) 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.

Suicide
prevention
item
4513-1026
stands,
yea and nay
No. 836.

Section 58, which had been vetoed by the Governor, was considered, as follows:

"SECTION 58. Section 7H of said chapter 29, as appearing in the 2002 Official Edition, is hereby amended by inserting after the word 'decreased', in line 53, the following words:— , or that appropriations or statutory amendments that would provide funding to support recommended levels of appropriations have materially changed."

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

[See Yea and Nay No. 837 in Supplement.]

Therefore section 58 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.

Paper from the Senate.

The engrossed Bill relative to special elections to fill vacancies for Senator and Representative in Congress (see Senate, No. 2404), which had been returned to the Senate by His Excellency the Governor, with his objections thereto in writing (for message, see Senate, No. 2472), was considered.

After debate the question on passing the bill, in concurrence, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call (the Speaker being in the Chair) 121 voted in the affirmative and 34 in the negative.

[See Yea and Nay No. 838 in Supplement.]

Therefore the bill was passed, in concurrence, notwithstanding the objections of the Governor (more than two-thirds of the members having agreed to pass the same).

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. 4900), 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 2005 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. 4850), 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 following 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:

Budget reporting requirement section 58 stands, yea and nay No. 837.

Congress, vacancies.

Bill passed over veto, yea and nay No. 838.

General Appropriation Bill, reductions and disapprovals.

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 no funds shall be expended in the AA subsidiary for any personnel-related costs.....	3,750,000".
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[The Governor reduced the item to \$2,535,000.]

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 149 members voted in the affirmative and 5 in the negative.

[See Yea and Nay No. 839 in Supplement.]

Therefore item 4590-0300 (contained in section 2) 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.

Smoking prevention programs item 4590-0300 stands, yea and nay No. 839.

Item 6005-0015 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

"6005-0015	For certain assistance to the regional transit authorities, including operating grants and reimbursements to increase the accessibility of transit provided to the elderly and disabled under the mobility assistance program, the regional transit authority program, and the inter-city bus capital assistance program; provided, that the commonwealth, acting by and through the executive office for administration and finance, for the period beginning July 1, 2004 and ending June 30, 2005, may enter into contracts with the authorities; provided further, that notwithstanding section 152A of chapter 161, and section 23 of chapter 161B of the General Laws, the amount shall be at least 50 per cent and up to 75 per cent of the net cost of service of each authority incurred in fiscal year 2004 shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities; provided further, that the share assessed upon the cities and towns shall be at least 25 per cent of the net cost of service; provided further, that in the event that 25 per cent of the net cost of service of each authority exceeds 102.5 per cent of the previous year's local assessment, excluding payments made by cities and towns for the costs of new service, for which the cities and towns have not previously been assessed, as allowed by chapter 580 of the acts of 1980, the regional transit authority shall reduce its operating expenses or increase its revenues to meet the difference; provided further, that operating expenditures of each of the regional transit authorities for fiscal
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year 2005 shall not exceed 102.5 per cent of its operating expenditures for fiscal year 2004; provided further, that for the purposes of this item, operating expenditures shall not include federal, private or additional municipal non-state revenue sources or any expenses arising from the provision of services required by the Americans with Disabilities Act, or new services implemented after July 1, 1999 in an amount not to exceed a total of \$3,613,905 for the 15 regional transit authorities; provided further, that the new services must have first received approval of the appropriate regional transit authority advisory board; provided further, that not less than 25 per cent of the net cost of service of the new services shall be assessed to the cities and towns of the appropriate transit authority, as detailed previously in this item; provided further, that each regional transit authority which provides the new services must file a report with the house and senate committees on ways and means and the joint committee on transportation, detailing the total costs and revenues associated with the new service; provided further, that the cost of the new services shall not annualize to more than \$3,613,905; provided further, that not later than January 1, 2005, each of the 15 regional transit authorities shall submit to the house and senate committees on ways and means a report detailing any and all revenues collected as a result of services provided pursuant to item 4401-1000; provided further, that the executive office of transportation shall work cooperatively with the authorities and other public and private funding sources to maximize new revenues sources to expand transit services; provided further, that the authorities and the executive office of transportation shall develop processes and procedures for contracts for services with other state agencies; provided further, that the executive office of transportation and the authorities shall develop a 5-year transit plan for operational and capital objectives that the parties may measure against and plan toward and shall file the plan with the house and senate committees on way and means no later than April 1, 2005; provided further, that the executive office of transportation and the authorities shall work cooperatively to implement multi-year contracting for regional transit authority capital projects, particularly for construction projects and other multi-year commitments of the authorities; provided further, that the regional transit authorities shall implement structural, managerial and administrative reforms in order to achieve cost savings in services provided by the authorities; provided fur-

ther, that the reforms shall include, but not be limited to, improved financing procedures for capital needs, approved plans for short- and long-term service, a coordinated program of mass transportation for the regional transit authorities that provides standards of service for the authorities for types of service, passenger miles, hours of service, cost of service by route and mile and passenger, non-transportation revenue and system revenue generating options included, but not limited to, fare revenue and advertising revenue, assessments on member cities and towns, net operating investment per passenger-mile ratio and service quality standards; provided further, that the program shall involve an approach to service coordinated with the Massachusetts Bay Transportation Authority and other transit providers in order to achieve maximum efficiency of regional transit authority service routes; provided further, that all regional transit authorities shall achieve the fare and/or revenue recovery ratio of 40 per cent within 36 months from the effective date of this act; and provided further, that the Massachusetts Association of Regional Transit Authorities shall, on or before November 15, 2004, report to the joint committee on transportation and the house and senate committees on ways and means on the operations of the authorities in the first half of fiscal year 2005, and focus the report on the reforms and improvements 48,782,640".

[The Governor reduced the item to \$2,535,000.]

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 (the Speaker being in the Chair) 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 840 in Supplement.]

Therefore item 6005-0015 (contained in section 2) 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.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the engrossed Bill directing the Department of Conservation and Recreation to repair certain culverts (see House, No. 4918), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 5008), pass notwithstanding the said objections.

Under suspension of the rules, on motion of Miss Reinstein of Revere, the bill was considered forthwith.

On the question on passing the bill, notwithstanding the said objections, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and

Regional
transit
authorities
item
6005-0015
stands,
yea and nay
No. 840.

Culverts,
repair.

Bill passed
over veto,
yea and nay
No. 841.

on the roll call 134 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 841 in Supplement.]

Therefore the bill was passed, notwithstanding the said objections of the Acting Governor (more than two-thirds of the members having agreed to pass the same). Sent to the Senate for its action.

General
Appropriation
Bill,
reductions
and
disapprovals.

Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4900), 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 2005 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. 4850), 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 following 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 8910-0000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“8910-0000 For a reserve to fund county correctional programs; provided, that the funds appropriated in this item shall be distributed among the sheriffs departments of Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth and Suffolk counties by the county government finance review board upon prior notification to the house and senate committees on ways and means; provided further, that funds appropriated in this item shall be in addition to and contingent on item 1599-7092; provided further, that funds made available to Plymouth county can be expended for operating and debt service costs associated with state inmates housed in the Plymouth county facility, pursuant to the provisions of clauses 3 and 4 of the Memorandum of Agreement signed May 14, 1992; provided further, that not less than \$4,900,000 shall be provided to the sheriff department of Barnstable county to fund the operational expenses associated with the opening of a new correctional facility in fiscal year 2005; provided further, that Suffolk county may receive additional funding from the balance for county correction maintenance and operation expenses; provided further, that funds distributed from this item shall be paid to the treasurer of each county who shall place such funds in a separate account within the treasury

of each such county; provided further, that the treasurer shall authorize temporary transfers into this account for operation and maintenance of jails and houses of correction in advance of receipt of the amount distributed by the commonwealth under this item; provided further, that upon receipt of the state distribution, the treasurer may transfer out of such account an amount equal to the funds so advanced; provided further, that all funds deposited in such accounts and any interest accruing thereto shall be used solely for the functions of the sheriffs' departments of the various counties including, but not limited to, maintenance and operation of jails and houses of correction, without further appropriation; provided further, that the sheriff's department of each county shall reimburse the county treasurer of each county for personnel-related expenses, with the exception of salaries, attributable to the operations of the sheriff's department of each county heretofore paid by the county including, but not limited to, the cost of employee benefits; provided further, that the spending plans required by this item shall be developed by the county government finance review board, in consultation with the Massachusetts Sheriffs' Association; provided further, that in accordance with section 247 of chapter 38 of the acts of 1995, all spending plans shall be detailed by subsidiary and object code in accordance with the expenditure classification requirements promulgated by the comptroller; provided further, that such spending plans shall be accompanied by a delineation of all personnel employed by each county correctional facility including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that such spending plans shall be accompanied by a delineation of all vehicles leased, owned or operated by each county sheriff; provided further, that no sheriff shall purchase any new vehicles or major equipment in fiscal year 2005 unless such purchase is made pursuant to a multicounty or regionalized collaborative procurement arrangement or unless such purchase is directly related to significant population increase or is otherwise necessary to address an immediate and unanticipated public safety crisis and is approved by the county government finance review board and the executive office of public safety; provided further, that notwithstanding the provisions contained in this item, sheriffs may purchase "marked" prisoner transportation vans, upon notification to the county government finance review board; provided further, that notwithstanding any special law to the con-

trary, no county treasurer shall retain revenues derived by the sheriffs from commissions on telephone service provided to inmates or detainees; provided further, that the revenues shall be retained by the sheriffs not subject to further appropriation for use in a canteen fund; provided further, that the county government finance review board and the executive office of public safety shall identify and develop county correction expenditures which shall be reduced through shared contracts, regionalized services, bulk purchasing and other centralized procurement savings programs; provided further, that the daily count sheet for county facilities, compiled by the executive office of public safety, shall be filed with the Massachusetts Sheriffs' Association not less than monthly; provided further, that all revenues including, but not limited to, revenue received from housing federal prisoners, United States Marshals, canteen revenues, inmate industries and work-crew revenues shall be tracked and reported quarterly to the house and senate committees on ways and means and the Massachusetts Sheriffs' Association; provided further, that on or before August 15, 2004, each county sheriff shall submit a final spending plan for fiscal year 2005 to the county government finance review board and the house and senate committees on ways and means detailing the level of resources deemed necessary for the operation of each county correctional facility and the expenditures which shall be reduced to remain within the appropriation; provided further, that failure by a county sheriff to comply with any provision of this item shall result in a reduction of subsequent quarterly payments to amounts consistent with a rate of expenditure of 95 per cent of the rate of expenditure for fiscal year 2004, as determined by the county government finance review board; provided further, that each sheriff shall submit to the executive office of public safety and the house and senate committees on ways and means copies of such spending plans not later than August 15, 2004; provided further, that on or before September 15, 2004, the county government finance review board shall have approved final fiscal year 2005 county correction budgets; provided further, that the county government finance review board shall provide the executive office of public safety and the house and senate committees on ways and means with copies of such approved budgets not later than October 15, 2004; provided further, that such budgets shall include distribution schedules for the final two quarters of fiscal year 2005 and such plans shall be used to make all subsequent quarterly distri-

butions; provided further, that services shall be provided to the extent determined to be possible within the amount appropriated in this item and each sheriff shall make all necessary adjustments to ensure that expenditures do not exceed the appropriation; provided further, that each county shall expend during fiscal year 2005, for the operation of county jails and houses of correction and other statutorily authorized facilities and functions of the office of the sheriff, in addition to the amount distributed from this item, not less than 102.5 per cent of the amount expended in fiscal year 2004 for such purposes from own-source revenues, which shall not be less than 5 per cent of total county revenues including, but not limited to, amounts levied pursuant to sections 30 and 31 of chapter 35 of the General Laws and amounts provided pursuant to sections 11 to 13, inclusive, of chapter 64D of the General Laws; provided further, that in fiscal year 2005, those counties which have not met maintenance of effort obligations in prior fiscal years shall expend not less than the minimum contribution, as defined above from own-source revenues; provided further, that notwithstanding the provisions stated in this item, the maintenance of effort obligations for Suffolk county shall be 4 per cent of the total fiscal year 2005 Suffolk county correction operating budget as approved by the county government finance review board; provided further, that notwithstanding any general or special law to the contrary, the deputy commissioner of local services shall certify on or before May 15, 2005 that all municipalities have appropriated and transferred to their respective county treasuries, not less than 102.5 per cent of the municipality's prior year obligations or minimum contributions as defined above, whichever is greater, for county corrections; provided further, that if a municipality fails to transfer such obligation, the deputy commissioner shall withhold an amount equal to the shortfall in the obligation due to the county from such municipality's fourth quarter local aid "cherry sheet" distribution, authorized from item 0611-5500 of section 2 and from funds made available from the State Lottery Fund distribution in section 3; provided further, that on or before August 1, 2004, the deputy commissioner shall report all such withholdings to the house and senate committees on ways and means; provided further, that in fiscal year 2005, notwithstanding section 20A of chapter 59 of the General Laws, any county except Suffolk and Nantucket may increase its county tax for the fiscal year by an additional amount if the total amount of such additional county tax is

approved by two-thirds of the cities and towns in the county, in towns by a majority vote of the town meeting or town council, and in cities by a majority vote of the city council or board of aldermen, with the approval of the mayor or manager; and provided further, that each sheriff funded from this item shall report on a monthly basis to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than September 30, 2004 133,668,218".

[The Governor reduced the item to \$131,718,218; and struck out the following wording: “; provided further, that notwithstanding the provisions stated in this item, the maintenance of effort obligations for Suffolk county shall be 4 per cent of the total fiscal year 2005 Suffolk county correction operating budget as approved by the county government finance review board”.]

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 Ye and Nay No. 842 in Supplement.]

Therefore item 8910-0000 (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.

Item 1599-7092 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“1599-7092 For a reserve for the county correctional programs; provided, that notwithstanding any general or special laws to the contrary, the sheriffs, in conjunction with the county government finance review board, shall maintain and continue to collaborate with the comptroller’s office to collect and report all revenue collection and all spending on the Massachusetts Management Accounting and Reporting System; provided further, that the comptroller shall not transfer the funds from this item to item 8910-0000 unless the plan is in place; provided further, that the county government finance review board shall, by January 1, 2005, have developed a plan for the spending of all funds for fiscal year 2005, and developed a sound fiscal spending plan for fiscal year 2006; provided further, that the board shall build the spending plans with the direct input of the seven sheriffs still functioning under the county government system; provided further, that by January 15, 2005 the board shall report all spending plans to the house and senate committees on ways and means; provided further, that the information

County
correctional
programs
item
8910-0000
stands,
yea and nay
No. 842.

shall satisfy all fiscal requirements for a maintenance level of funding, including, but not limited to, collective bargaining increases, legal fees, debt services, one time costs, energy costs, equipment leases, medical costs, and workers’ compensation issues; provided further, that no other spending information or requests shall be submitted to the house and senate committees on ways and means by the individual sheriffs until February 15, 2005; provided further, that the board shall also provide a projection of all county funds to be collected for fiscal year 2005 and 2006; provided further, that the board shall release all funds from fiscal year 2005 quarterly; provided further, that any sheriff that spends more than the quarterly approved budget shall have the money allocated for the following quarter reduced by the excess amount overspent in the previous quarter; and provided further, that it is the intent of the General Court that funds shall not be spent from this item nor any funds be transferred from this item to another item until all of aforementioned restrictions and conditions have been satisfied 39,319,632”.

[The Governor reduced the item by striking out the following wording: “; provided further, that the county government finance review board shall, by January 1, 2005, have developed a plan for the spending of all funds for fiscal year 2005, and developed a sound fiscal spending plan for fiscal year 2006; provided further, that the board shall build the spending plans with the direct input of the seven sheriffs still functioning under the county government system; provided further, that by January 15, 2005 the board shall report all spending plans to the house and senate committees on ways and means; provided further, that the information shall satisfy all fiscal requirements for a maintenance level of funding, including, but not limited to, collective bargaining increases, legal fees, debt services, one time costs, energy costs, equipment leases, medical costs, and workers’ compensation issues; provided further, that no other spending information or requests shall be submitted to the house and senate committees on ways and means by the individual sheriffs until February 15, 2005; provided further, that the board shall also provide a projection of all county funds to be collected for fiscal year 2005 and 2006”.]

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 Ye and Nay No. 843 in Supplement.]

Therefore item 1599-7092 (contained in section 2) 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.

County
correctional
programs
item
1599-7092
stands,
yea and nay
No. 843.

Section 238, which had been vetoed by the Governor, was considered, as follows:

“SECTION 238. Item 8000-0010 of section 2 of chapter 26 of the acts of 2003 is hereby amended by adding after the words ‘description of these grants’ the following:— ; provided further, that \$165,000 shall be provided for community policing in the Dudley Square section of Roxbury in the city of Boston; provided further, that not less than \$20,000 shall be provided for community policing in Revere.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 22 in the negative.

[See Ye and Nay No. 844 in Supplement.]

Therefore section 238 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 2800-0100 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“2800-0100 For the operation of the department of conservation and recreation; provided, that said department shall enter into an interagency agreement with the department of state police to provide police coverage on department of conservation and recreation properties and parkways; provided further, that the department of state police shall reimburse said department of conservation and recreation for costs incurred by said department including, but not limited to vehicle maintenance and repairs, the operation of department of state police buildings and other related costs; provided further, that notwithstanding the provisions of any general or special law to the contrary, all offices and positions of the division performing construction activities for the department of conservation and recreation shall be subject to classification under sections 45 to 50, inclusive, of chapter 30 of the General Laws; provided further, that notwithstanding the provisions of section 3B of chapter 7 of the General Laws, the department is hereby authorized and directed to establish or renegotiate fees, licenses, permits, rents and leases, and to adjust or develop other revenue sources to fund the maintenance, operation, and administration of said department; provided further, that an annual report shall be submitted to the house and senate committees on ways and means regarding fee adjustments not later than February 14, 2005; provided further, that notwithstanding the provisions of any general or special law or administrative bulletin to the contrary, the department shall not pay any fees

charged for the leasing or maintenance of vehicles to the operational services division; provided further, that no funds shall be expended from this item for personnel overtime costs; provided further, that the department of conservation and recreation shall file a report with the house and senate committees on ways and means no later than December 6, 2004 detailing the merger of the former metropolitan district commission with the former department of environmental management into the department of conservation and recreation; provided further, that said report shall include, but not be limited to, the following: (1) the names, salaries, and the positions of all full time equivalent, so-called personnel that were scheduled to be paid out of item 2800-0100 as of September 1, 2003, March 1, 2004 and August 1, 2004, (2) the job descriptions, employee name, current job title, and the item of appropriation said employees were assigned to in fiscal years 2002 and 2003 and the item of appropriation that they are currently funded from, (3) a list by subsidiary and object code of all expenditures or allocations from items of appropriations under the executive office of environmental affairs in fiscal year 2004 on the commonwealth development coordinating council, (4) a list of all deputy commissioners and deputy associate commissioners, and their assigned duties, (5) the number of full time equivalent positions, so-called that have been eliminated due to said merger, (6) any efficiencies that have been achieved from said merger; provided further, that said secretary shall file a report on the number of employees funded through capital authorizations with the house and senate committees on ways and means no later than December 6, 2004, that shall include, but not be limited to, the following: (1) the number of full time equivalent positions so-called, delineated by fiscal year, item of appropriation and position number, job title and job code for that have been funded from capital authorizations for fiscal years 2001 to 2005 inclusive, for every item of appropriation under control of said secretary, (2) every program that has been funded from capital authorizations for fiscal years 2001 to 2005 inclusive delineated by fiscal year, program and item of appropriation, (3) detail every full time equivalent, so-called and program that has been moved to capital authorizations since fiscal year 2001; and provided further, that \$60,000 shall be expended for the Martha's Vineyard Commission 5,023,416”.

[The Governor reduced the item by striking out the following wording: “; provided further, that the department of conservation

and recreation shall file a report with the house and senate committees on ways and means no later than December 6, 2004 detailing the merger of the former metropolitan district commission with the former department of environmental management into the department of conservation and recreation; provided further, that said report shall include, but not be limited to, the following: (1) the names, salaries, and the positions of all full time equivalent, so-called personnel that were scheduled to be paid out of item 2800-0100 as of September 1, 2003, March 1, 2004 and August 1, 2004, (2) the job descriptions, employee name, current job title, and the item of appropriation said employees were assigned to in fiscal years 2002 and 2003 and the item of appropriation that they are currently funded from, (3) a list by subsidiary and object code of all expenditures or allocations from items of appropriations under the executive office of environmental affairs in fiscal year 2004 on the commonwealth development coordinating council, (4) a list of all deputy commissioners and deputy associate commissioners, and their assigned duties, (5) the number of full time equivalent positions, so-called that have been eliminated due to said merger, (6) any efficiencies that have been achieved from said merger; provided further, that said secretary shall file a report on the number of employees funded through capital authorizations with the house and senate committees on ways and means no later than December 6, 2004, that shall include, but not be limited to, the following: (1) the number of full time equivalent positions so-called, delineated by fiscal year, item of appropriation and position number, job title and job code for that have been funded from capital authorizations for fiscal years 2001 to 2005 inclusive, for every item of appropriation under control of said secretary, (2) every program that has been funded from capital authorizations for fiscal years 2001 to 2005 inclusive delineated by fiscal year, program and item of appropriation, (3) detail every full time equivalent, so-called and program that has been moved to capital authorizations since fiscal year 2001”.]

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 21 in the negative.

[See Yea and Nay No. 845 in Supplement.]

Therefore item 2800-0100 (contained in section 2) 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 45, which had been vetoed by the Governor, was considered, as follows:

“SECTION 45. Section 5 of chapter 21J of the General Laws, as it presently appears, is hereby amended by striking out, in lines 7 and 8, the words ‘one million dollars for reimbursement under section 4(a)(1) and one million dollars’ and inserting in place thereof the following words:— \$1,500,000 for reimbursement under section 4(a)(1) and \$1,500,000.”.

Conservation
and
Recreation
item
2800-0100
stands,
yea and nay
No. 845.

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

[See Yea and Nay No. 846 in Supplement.]

Therefore section 45 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 1232-0200 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“1232-0200	For the Underground Storage Tank Petroleum Cleanup Fund Administrative Review Board pursuant to chapter 21J of the General Laws and for the administration of the underground storage tank program associated with the implementation of chapter 21J of the General Laws; provided, that notwithstanding section 4 of chapter 21J or any other general or special law to the contrary, appropriations made in this item shall be sufficient to cover said administrative expenses of the underground storage tank program; provided further, that the board shall submit to the house and senate committees on ways and means a report on the status of the underground storage program, including, but not limited to, the number of municipal grants made for the removal and replacement of underground storage tanks and the reimbursements for remediated petroleum spills; provided further, that the report shall detail how many tanks are out of compliance with chapter 21J; and provided further, that the report shall be submitted not later than February 16, 2005, prior appropriation continued	1,500,000”.
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Underground
storage tanks
section 45
stands,
yea and nay
No. 846.

[The Governor reduced the item by striking out the following wording: “; provided further, that the board shall submit to the house and senate committees on ways and means a report on the status of the underground storage program, including, but not limited to, the number of municipal grants made for the removal and replacement of underground storage tanks and the reimbursements for remediated petroleum spills; provided further, that the report shall detail how many tanks are out of compliance with chapter 21J; and provided further, that the report shall be submitted not later than February 16, 2005”.]

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. 847 in Supplement.]

Therefore item 1232-0200 (contained in section 2) 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.

Underground
storage tanks
item
1232-0200
stands,
yea and nay
No. 847.

Item 7100-0350 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

"7100-0350 For an assessment at the toxic use reduction institute on the feasibility of adopting chemical and/or technological alternatives for the following toxic or hazardous substances: lead, formaldehyde, trichloroethylene, perchloroethylene, dioxins and furans, hexavalent chromium, organophosphate pesticides, pentabromodiphenyl ether (Penta BDE), 2,4, Dichlorophenoxyacetic acid (2,4,D) and di-(2-ethylhexyl)phthalate (DEHP); provided, that said assessment shall, for each named toxic or hazardous substance, identify: (1) significant uses of the toxic substance in the commonwealth in manufacturing, consumer products and any other applications, (2) potential human health and environmental impacts, (3) any and all alternative chemicals and/or technologies, both proven and emergent, and an analysis of their potential to serve as substitutes for one or more of the toxic or hazardous substances list above, which shall include a assessment of: (a) specific applications of any alternative chemical and/or technology, (b) potential impacts on the environment, human health, workers, employment level and economic competitiveness of the commonwealth from adopting and implementing any alternative chemical and/or technology as substitutes, (c) the economic opportunities or feasibility of adopting and implementing any alternative chemical and/or technology as a substitute including, but not limited to, consideration of the potential effects on capital, operating and production unit costs, and product price, to result from said substitution; and provided further, that the Institute shall report its findings to the joint committee on natural resources and agriculture by July 1, 2005..... 250,000".

Toxics
commission
study
item
7100-0350
stands,
yea and nay
No. 848.

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

[See Yea and Nay No. 848 in Supplement.]

Therefore item 7100-0350 (contained in section 2) 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 257, which had been vetoed by the Governor, was considered, as follows:

"SECTION 257. Notwithstanding the provisions of any general or special law to the contrary, the regulations, criteria and standards for determining admission to and continued stay in a nursing home shall not be more restrictive than those regulations, criteria and stan-

dards in effect on January 1, 2004 until such time as the executive office of health and human services and the executive office of elder affairs submit a multi-year plan to the house and senate committees on ways and means, the joint committee on health care, and the house committee on medicaid detailing the suggested timeline for phasing in changes to nursing home clinical criteria, provided that said changes shall not adversely affect current nursing home residents and shall not jeopardize the effectiveness of the 2176 home and community based waiver."

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 147 members voted in the affirmative and 8 in the negative.

[See Yea and Nay No. 849 in Supplement.]

Therefore section 257 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.

Nursing home
clinical criteria
section 257
stands,
yea and nay
No. 849.

Recess.

At thirteen minutes after six o'clock P.M., the Speaker declared a recess until half past seven o'clock; and at that time the House was called to order with Mr. O'Flaherty of Chelsea in the Chair.

Recess.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the town of North Andover to grant a certain utility easement (see House, No. 4789) (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 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 850 in Supplement.]

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

North
Andover,
easement.

Bill enacted
(land taking),
yea and nay
No. 850.

The engrossed Bill authorizing the city of Chicopee to convey certain park land in the city of Chicopee (see House, No. 4992) (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 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 851 in Supplement.]

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

Chicopee,
park land
conveyance.

Bill enacted
(land taking),
yea and nay
No. 851.

Reports of a Committee.

General
Appropriation
Bill,
reductions
and
disapprovals.

Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4900), 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 2005 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. 4850), 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 following 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 8910-0102 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“8910-0102 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Hampden county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2004..... 53,943,889”.

[The Governor reduced the item to \$53,146,689.]

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 20 in the negative.

[See Yea and Nay No. 852 in Supplement.]

Therefore item 8910-0102 (contained in section 2) 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 8910-0105 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“8910-0105 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Worcester county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2004..... 38,034,321”.

[The Governor reduced the item to \$37,472,237.]

Hampden
Sheriff
item
8910-0102
stands,
yea and nay
No. 852.

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. 853 in Supplement.]

Therefore item 8910-0105 (contained in section 2) 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 8910-0107 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“8910-0107 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Middlesex county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2004..... 48,620,821”.

[The Governor reduced the item to \$47,902,287.]

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 19 in the negative.

[See Yea and Nay No. 854 in Supplement.]

Therefore item 8910-0107 (contained in section 2) 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 8910-0619 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“8910-0619 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Essex county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2004..... 39,701,005”.

[The Governor reduced the item to \$39,114,291.]

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 20 in the negative.

[See Yea and Nay No. 855 in Supplement.]

Therefore item 8910-0619 (contained in section 2) 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.

Worcester
Sheriff
item
8910-0105
stands,
yea and nay
No. 853.

Middlesex
Sheriff
item
8910-0107
stands,
yea and nay
No. 854.

Essex
Sheriff
item
8910-0619
stands,
yea and nay
No. 855.

Item 8910-0110 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“8910-0110 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Hampshire county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2004..... 10,430,689”.

[The Governor reduced the item to \$10,180,467.]

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 22 in the negative.

[See Yea and Nay No. 856 in Supplement.]

Therefore item 8910-0110 (contained in section 2) 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 8910-0108 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“8910-0108 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Franklin county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2004..... 6,136,081”.

[The Governor reduced the item to \$6,045,400.]

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. 857 in Supplement.]

Therefore item 8910-0108 (contained in section 2) 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 8910-0145 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“8910-0145 For the operation of the jail, house of correction, and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Berkshire county; provided, that the sheriff shall report to the house and senate committees on ways and

Hampshire
Sheriff
item
8910-0110
stands,
yea and nay
No. 856.

Franklin
Sheriff
item
8910-0108
stands,
yea and nay
No. 857.

means on the average monthly inmate population in the county starting not later than August 1, 2004..... 12,842,331”.

[The Governor reduced the item to \$12,652,543.]

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. 858 in Supplement.]

Therefore item 8910-0145 (contained in section 2) 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 4100-0060 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4100-0060 For the operation of the division and the administration of the uncompensated care pool established pursuant to chapter 118G of the General Laws; provided, that notwithstanding any general or special law to the contrary, the assessment to acute hospitals authorized pursuant to section 5 of said chapter 118G for the estimated expenses of the division shall include in fiscal year 2005, the estimated expenses, including indirect costs, of the division and shall be equal to the amount appropriated in this item less amounts projected to be collected in fiscal year 2005 from: (1) filing fees; (2) fees and charges generated by the division’s publication or dissemination of reports and information; and (3) federal financial participation received as reimbursement for the division’s administrative costs; provided further, that the assessed amount shall be not less than 65 per cent of the division’s expenses as specified in this item; provided further, that the division shall promulgate regulations requiring all hospitals receiving payments from the uncompensated care pool to report to the division the following utilization information: the number of inpatient admissions and outpatient visits by age category, income category, diagnostic category and average charge per admission; provided further, that the division shall submit quarterly to the house and senate committees on ways and means a summary report compiling said data; provided further, that the division, in consultation with the executive office of health and human services, shall not promulgate any increase in medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act or any successor federal statute to ensure that rates of payment to providers do not exceed such rates as are neces-

Berkshire
Sheriff
item
8910-0145
stands,
yea and nay
No. 858.

sary to meet only those costs incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that the division shall meet the reporting requirements of section 25 of chapter 203 of the acts of 1996; provided further, that the division shall share financial data and expertise about the Massachusetts health care industry with the Massachusetts Institute for Social and Economic Research for the purpose of enhancing, developing and marketing data products for the public; provided further, that the division and the institute shall share any revenue generated through sale, licensure, royalty and usage fees charged for said data products; provided further, that not later than October 24, 2004 the division shall submit to the comptroller and to the house and senate committees on ways and means a report describing the method by which the division shall generate revenues through said sale, licensure, royalty, and usage fees in an amount sufficient to meet 25 per cent of the projected costs of the division in any fiscal year, as required by section 612 of chapter 151 of the acts of 1996; provided further, that funds may be expended for the purposes of a survey and study of the uninsured and underinsured in the commonwealth, including the health insurance needs of the residents of the commonwealth; provided further, that said study shall examine the overall impact of programs administered by the executive office of health and human services on the uninsured, the underinsured, and the role of employers in assisting their employees in affording health insurance pursuant to section 23 of chapter 118G of the General Laws; provided further, that for hospital fiscal year 2005, the private sector liability of purchasers and third party payers to the Uncompensated Care Trust Fund established pursuant to section 18 of chapter 118G of the General Laws shall be \$320,000,000; provided further, that the division shall publish annual reports on the financial condition of hospitals and other health care providers through the Health Benchmarks project website, in collaboration with the executive office of health and human services, the office of the attorney general, and the University of Massachusetts; provided further, that the division shall submit to the house and senate committees on ways and means not later than December 6, 2004 a report detailing utilization of the uncompensated care pool; provided further, that the report shall include: (1) the number of persons in the commonwealth whose medical expenses were billed to the pool in fiscal year 2004; (2) the total dollar amount

billed to the pool in fiscal year 2004; (3) the demographics of the population using the pool, and; (4) the types of services paid for out of the pool funds in fiscal year 2004; provided further, that the division shall include in the report an analysis on hospitals' responsiveness to enrolling eligible individuals into the MassHealth program upon the date of service rather than charging said individuals to the uncompensated care pool; provided further, that the division shall include in the report possible disincentives the state could provide to hospitals to discourage such behavior; provided further, that notwithstanding any general or special law or rule or regulation to the contrary, the division shall not allow any exceptions to the usual and customary charge defining rule as defined in 114.3 CMR 31.02, for the purposes of drug cost reimbursement to eligible pharmacy providers for publicly aided and industrial accident patients; provided further, that the division is hereby authorized to change the pricing standard used by said division when determining the rate of payment to pharmacy providers for prescribed drugs for publicly-aided or industrial accident patients if such a change would financially benefit the commonwealth; provided further, that notwithstanding any general or special law to the contrary said division shall maintain the rate paid for the dispensing fees to retail pharmacies for prescribed drugs to publicly aided or industrial accident patients at \$3 in fiscal year 2005; and provided further, that said division shall not use any funds appropriated from the health care quality improvement trust fund for operating costs, including rent and utilities 10,028,104".

[The Governor reduced the item by striking out the following wording: “; provided further, that notwithstanding any general or special law or rule or regulation to the contrary, the division shall not allow any exceptions to the usual and customary charge defining rule as defined in 114.3 CMR 31.02, for the purposes of drug cost reimbursement to eligible pharmacy providers for publicly aided and industrial accident patients”; and “; provided further, that notwithstanding any general or special law to the contrary said division shall maintain the rate paid for the dispensing fees to retail pharmacies for prescribed drugs to publicly aided or industrial accident patients at \$3 in fiscal year 2005”]

The question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 859 in Supplement.]

Therefore item 4100-0060 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-

Uncompensated
Care Pool
item
4100-0060
stands,
yea and nay
No. 859.

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

Item 4510-0110 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4510-0110 For community health center services; provided, that no funds shall be expended in the AA subsidiary for any personnel-related costs; provided further, that the department shall submit a tentative allocation schedule of the community health center grants to the house and senate committees on ways and means not later than February 1, 2005; provided further, that not less than \$50,000 shall be expended for the Cape Cod Free Clinic; provided further, that not less than \$100,000 shall be expended for the Elder Health Center in Saugus; and provided further, that not less than \$100,000 shall be expended for the Duffy Health Center 4,631,635”.

[The Governor reduced the item by striking out the following wording: “; provided further, that the department shall submit a tentative allocation schedule of the community health center grants to the house and senate committees on ways and means not later than February 1, 2005”.]

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 21 in the negative.

[See Yea and Nay No. 860 in Supplement.]

Therefore item 4510-0110 (contained in section 2) 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.

The Chair (Mr. O’Flaherty of Chelsea) then 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 129 members voted in the affirmative and 26 in the negative.

[See Yea and Nay No. 861 in Supplement.]

Therefore Rule 1A was suspended.

Item 4510-0710 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4510-0710 For the operation of the division of health care quality and the office of patient protection; provided, that the division shall be responsible for assuring the quality of patient care provided by the commonwealth’s health care facilities and services, and for protecting the health and safety of patients who receive care and services

in nursing homes, rest homes, clinical laboratories, clinics, institutions for the mentally retarded and the mentally ill, hospitals and infirmaries, including the inspection of ambulance services; provided further, that the division shall coordinate its work with the boards of registration under the department of public health to promote quality patient care in facilities licensed by the department, and shall report specific instances of preventable medical error that involve an individualized component investigated by the board of registration and a systemic or institutional component investigated by the division, the medical, administrative, educational and disciplinary outcomes of such instances of preventable medical error, and the ways in which coordination promotes quality patient care, fairness and accuracy in disciplinary actions, and better provider and facility education; provided further, that investigators shall conduct investigations of abuse, neglect, mistreatment and misappropriation under sections 51 and 72H of chapter 111 of the General Laws; provided further, that the division shall assign such investigators to perform their duties on staggered shifts which shall be established by the division in order to provide coverage adequate to ensure that all complaints of abuse, neglect, mistreatment and misappropriation are investigated under said sections 51 and 72H of said chapter 111, and that the department shall investigate complaints during evening and weekend hours as needed to assess the validity of the complaint; provided further, that not less than 10 per cent of all routine surveys of the facilities are completed during evening or weekend hours; provided further, that the division shall minimize the need for payment of overtime to investigators in both emergent and non-emergent situations and shall not authorize the assignment of overtime hours for any investigator when the duties can be performed on a non-overtime basis by another investigator; provided further, that all investigators in the division of health care quality responsible for the investigations shall receive training by the medicaid fraud control unit of the office of the attorney general under a comprehensive training program to be developed by the division and the unit; provided further, that the division shall report quarterly to the house and senate committees on ways and means on the number of incident reports and, for those reports requiring investigations under said section 72H of said chapter 111, indicating for each such report, the time in which: (1) the division completed its investigation; (2) the division made an evaluation and determination

Community health centers item 4510-0110 stands, yea and nay No. 860.

Suspension of Rule 1A.

Rule 1A suspended, yea and nay No. 861.

of the validity of the report; (3) made a referral of such report to the appropriate agency or agencies; provided further, that if in any quarter the division maintains a backlog of cases requiring investigation that have not been investigated, evaluated and determined within the time frames established in said section 72H of said chapter 111, the division shall include in the report an explanation as to the reasons therefor; provided further, that the division shall include in the report a list of all instances of the payment of overtime for investigators and the justification therefor and in each quarter shall compare the overtime expenditures from this item with the overtime expenditures made in the corresponding quarter of fiscal year 2004; provided further, that the division shall continue to research and develop, in consultation with the nursing home industry and consumer representatives, appropriate confidential survey tools to assess consumer satisfaction in long-term care facilities; provided further, the division shall continue a comprehensive training, education and outreach program for nursing home administrators and managers and other supervisory personnel in long-term care to improve the quality of care in long-term care facilities; provided further, that the program shall promote the use of best practices, models of quality caregiving and the culture of workforce retention within the facilities and shall focus on systemic ways to reduce deficiencies; and provided further, that the department shall report to the house and senate committees on the results of the program not later than April 30, 2005.....

7,620,835".

[The Governor reduced the item by striking out the following wording: “; provided further, that the division shall report quarterly to the house and senate committees on ways and means on the number of incident reports and, for those reports requiring investigations under said section 72H of said chapter 111, indicating for each such report, the time in which: (1) the division completed its investigation; (2) the division made an evaluation and determination of the validity of the report; (3) made a referral of such report to the appropriate agency or agencies; provided further, that if in any quarter the division maintains a backlog of cases requiring investigation that have not been investigated, evaluated and determined within the time frames established in said section 72H of said chapter 111, the division shall include in the report an explanation as to the reasons therefor; provided further, that the division shall include in the report a list of all instances of the payment of overtime for investigators and the justification therefor and in each quarter shall compare the overtime expenditures from this item with the overtime expenditures made in the corresponding quarter of fiscal year 2004”.]

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 21 in the negative.

[See Yea and Nay No. 862 in Supplement.]

Therefore item 4510-0710 (contained in section 2) 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 4510-0790 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4510-0790 For regional emergency medical services; provided, that no funds shall be expended in the AA subsidiary for any personnel-related costs; provided further, that the regional emergency medical services councils, designated as such in accordance with 105 CMR 170.101 and the C-MED communications as of January 1, 1992, shall remain the designated councils and C-MEDs; provided further, that the department shall report quarterly on the number of investigations of ambulance services performed by said inspectors and by inspectors funded in items 4510-0710 and 4510-0712 as well as the number of investigations pending at the end of each quarter and the reasons therefor; provided further, that the department, in conjunction with the regional emergency services councils, notwithstanding section 27C of chapter 29 of the General Laws to the contrary, shall promulgate regulations to ensure that all basic, intermediate, and paramedic emergency medical technicians are certified to use and have available epinephrine for the emergency treatment of anaphylaxis; provided further, that the department shall report to the house and senate committees on ways and means not later than January 15, 2005 on the implementation of the certifications and availability of epinephrine; provided further, that the department shall widely disseminate this requirement to all relevant parties; and provided further, that funds shall be expended to provide continuous ambulance coverage and public safety personnel to mitigate adverse effects of the construction of the central artery and third harbor tunnel project in the city of Charlestown, pursuant to subsection (f) of chapter 479 of the acts of 1990.....

1,246,896”.

[The Governor reduced the item by striking out the following wording: “; provided further, that the department shall report quarterly on the number of investigations of ambulance services performed by said inspectors and by inspectors funded in items 4510-0710 and 4510-0712 as well as the number of investigations

Health Care
Quality
item
4510-0710
stands,
yea and nay
No. 862.

pending at the end of each quarter and the reasons therefor"; and "provided further, that the department shall report to the house and senate committees on ways and means not later than January 15, 2005 on the implementation of the certifications and availability of epinephrine".]

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. 863 in Supplement.]

Therefore item 4510-0790 (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 certain conservation land in the town of Amherst (see Senate, No. 2261) (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 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 864 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. 4900), 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 2005 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. 4850), reported, in part, in each instance, that certain items (contained in section 2) and section 198 stand (as passed by the General Court).

Under suspension of the rules, in each instance, on motion of the same member, the following 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 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 no funds shall be expended in the AA subsidiary for any personnel-related costs; pro-

vided 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, 2005; 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..... 29,270,778".

[The Governor reduced the item by striking out the following wording: "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"; and "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, 2005".]

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 19 in the negative.

[See Yea and Nay No. 865 in Supplement.]

Early
intervention
services
item
4513-1020
stands,
yea and nay
No. 865.

Regional
emergency
medical
services
item
4510-0790
stands,
yea and nay
No. 863.

Amherst,
land.

Bill enacted
(land taking),
yea and nay
No. 864.

General
Appropriation
Bill,
reductions
and
disapprovals.

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 4590-0912 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“4590-0912 The department may expend an amount not to exceed \$13,928,310 from reimbursements collected for western Massachusetts hospital services, subject to the approval of the commissioner of public health; provided, that such revenues may be expended for the purpose of hospital-related costs, including personnel, capital expenditures, DD subsidiary charge-backs and motor vehicle replacement; provided further, that all revenues expended shall be pursuant to schedules submitted to the secretary of administration and finance and the house and senate committees on ways and means; provided further, that notwithstanding any general or special law to the contrary, the western Massachusetts hospital shall be eligible to receive and retain full reimbursement from the medical assistance program of the division of medical assistance; provided further, that notwithstanding any general or special law to the contrary, the western Massachusetts hospital shall reimburse the General Fund for a portion of employee benefit expenses, according to a schedule submitted by the commissioner of public health and approved by the secretary for administration and finance; provided further, that such reimbursement shall not exceed 10 per cent of total personnel costs for the hospital; 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 no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein 13,928,310”.

[The Governor reduced the item by striking out the following wording: “; provided further, that all revenues expended shall be pursuant to schedules submitted to the secretary of administration and finance and the house and senate committees on ways and means”.]

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 21 in the negative.

[See Yea and Nay No. 866 in Supplement.]

Therefore item 4590-0912 (contained in section 2) 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 8400-0001 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

“8400-0001 For the administration and operation of the registry of motor vehicles, including the title division and including all rent and related parking and utility expenses of the registry; provided, that the positions of administrative assistant to the registrar, legislative assistant, executive assistant to the registrar and the director of employee relations shall not be subject to civil service laws and rules; provided further, that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the information technology division and pursuant to schedules by the division; provided further, that 40 per cent of the costs of personnel services associated with the registry computer, which reflects the proportionate use of the computer by the merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business within the commonwealth, pursuant to section 183 of chapter 6 of the General Laws; provided further, that the registry may operate a full-service branch in the town of Southbridge; provided further, that the registry shall operate an office in the city of Fall River; provided further, that not less than \$110,000 shall be expended to operate a license express office in the city of Lynn; provided further, that the registry may operate a full service office in the town of Milford to be operated 5 days a week; provided further, the registry shall operate a license express office in the town of Walpole; provided further, that the registry shall operate a license express office in the town of Falmouth; provided further, that said registry may operate a full-service office in the city of Lowell; provided further, that said registry may operate a license express office in the Grove Hall neighborhood in the city of Boston; provided further, that the registry shall operate an office in the city of Taunton and the town of Plymouth which shall handle license business, learner’s permits, road testing and full service registra-

Western
Massachusetts
Hospital
item
4590-0912
stands,
yea and nay
No. 866.

tion business to the general public; provided further, that the registry shall establish and maintain a record of all vehicles leased within the commonwealth for a period longer than 30 days; provided further, that such record shall include, but not be limited to, the names and addresses of the lessor and the lessee; provided further, that the registry shall take all steps necessary to improve customer service within existing resources; and provided further, that the registry may operate within the Springfield branch a one stop international registration plan office for truck registrations to serve the counties of Hampden, Hampshire, Franklin and Berkshire

45,860,316".

[The Governor reduced the item to \$45,750,316; and struck out the following wording: “; provided further, that not less than \$110,000 shall be expended to operate a license express office in the city of Lynn”.]

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 21 in the negative.

[See Yea and Nay No. 867 in Supplement.]

Therefore item 8400-0001 (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 198, which had been vetoed by the Governor, was considered, as follows:

“SECTION 198. The fifteenth paragraph of said section 10 of said chapter 218, as most recently amended by section 465 of chapter 26 of the acts of 2003, is hereby further amended by inserting after the line reading ‘third district court of eastern Middlesex;’ the following line:— the district court of Newton;.”

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 23 in the negative.

[See Yea and Nay No. 868 in Supplement.]

[Ms. Stanley of West Newbury answered “Present” in response to her name.]

Therefore section 198 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. Walsh of Boston moved that the engrossed Bill relative to the health and safety on public construction projects (see House, No. 2367), which had been returned by His Excellency the Governor with his objections thereto in writing (for message, see House,

Registry of
Motor
Vehicles
item
8400-0001
stands,
yea and nay
No. 867.

Assistant
clerk
staffing
section 198
stands,
yea and nay
No. 868.

Public
construction,
health and
safety.

No. 5023), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The question on passing said bill, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 869 in Supplement.]

Therefore the bill was passed, notwithstanding the objections of the Governor (more than two-thirds of the members having agreed to pass the same). Sent to the Senate for its action.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the city of North Adams (see House, No. 4335) (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 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 870 in Supplement.]

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

The engrossed Bill authorizing the town of Sutton to lease certain conservation land (see House, No. 4730) (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 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 871 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.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the engrossed Bill relative to certain court fees (see House, No. 4915), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4995), pass notwithstanding the said objections.

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

Bill passed
over veto,
yea and nay
No. 869.

North
Adams,
land
conveyance.

Bill enacted
(land taking),
yea and nay
No. 870.

Sutton,
land
lease.

Bill enacted
(land taking),
yea and nay
No. 871.

Court
fees.

Bill passed
over veto,
yea and nay
No. 872.

On the question on passing said bill, notwithstanding the said objections, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 872 in Supplement.]

Therefore the bill was passed, notwithstanding the said objections of the Acting Governor (more than two-thirds of the members having agreed to pass the same). Sent to the Senate for its action.

Superior
Court,
fees.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the engrossed Bill relative to the fees of certain Superior Court cases (see House, No. 4916), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4996), pass notwithstanding the said objections.

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

Bill passed
over veto,
yea and nay
No. 873.

On the question on passing said bill, notwithstanding the said objections, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 873 in Supplement.]

Therefore the bill was passed, notwithstanding the said objections of the Acting Governor (more than two-thirds of the members having agreed to pass the same). Sent to the Senate for its action.

General
Appropriation
Bill,
reductions
and
disapprovals.

Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4900), 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 2005 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. 4850), reported, in part, in each instance, that item 0640-0013 (contained in section 2) and section 41 stand (as passed by the General Court).

Under suspension of the rules, in each instance, on motion of the same member, item 0640-0013 (contained in section 2) and section 41 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 0640-0013 (contained in section 2), which had been vetoed by the Governor, was considered, as follows:

“0640-0013 For costs to establish, develop, implement and promote a lottery anti-litter program; provided, that said lottery may develop regional environmental awareness events to limit the number of discarded instant tickets that become litter; provided further, that 25 per cent of the amount appropriated in this item shall be transferred

quarterly from the State Lottery Fund to the
General Fund 100,000”.

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

[See Yea and Nay No. 874 in Supplement.]

Therefore item 0640-0013 (contained in section 2) 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.

Lottery
anti-litter
program
item
0640-0013
stands,
yea and nay
No. 874.

Section 41, which had been vetoed by the Governor, was considered, as follows:

“SECTION 41. Chapter 21A of the General Laws is hereby amended by adding the following section:—

Section 21. The department of environmental protection shall ensure that all dental clinics install, use and maintain advanced filtration technology, ISO 11143 certified amalgam separators at each dental office in Massachusetts that places, replaces or removes amalgam fillings.”.

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 140 members voted in the affirmative and 14 in the negative.

[See Yea and Nay No. 875 in Supplement.]

Therefore section 41 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.

Amalgam
dental
equipment
mandate
section 41
stands,
yea and nay
No. 875.

Emergency Measures.

The engrossed Bill authorizing the Division of Fisheries and Wildlife to take or acquire conservation restrictions in and to lands of the town of Clinton (see House, No. 1208), 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 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) 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 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 876 in Supplement.]

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

Clinton,
conservation
restrictions.

Bill enacted
(land taking),
yea and nay
No. 876.

Shrewsbury
Housing
Authority,
land.

The engrossed Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to the Shrewsbury Housing Authority (see House, No. 4988), 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.

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

Bill enacted
(land taking),
yea and nay
No. 877.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 877 in Supplement.]

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

Report of a Committee.

General
Appropriation
Bill,
disapproval.

Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4900), 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 2005 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. 4850), reported, in part, that item 9110-1460 (contained in section 2) stand (as passed by the General Court).

Under suspension of the rules, on motion of the same member, said item 9110-1460, which had been vetoed by the Governor, was considered, as follows:

“9110-1460 To provide relief from co-payments related to prescription advantage; provided, that not later than July 1, 2004, the secretary of elder affairs shall implement a co-payment reduction plan limited to members in category 1 whose income is at or below 188 per cent of the federal poverty level; provided further, that said co-payment reduction plan shall seek to reduce the required co-payments for all levels of prescription drugs, both retail and mail service to the lowest extent possible; provided further, that the cost of said reduction shall not exceed in fiscal year 2005 the amount authorized herein..... 5,000,000”.

On the question on passing said item 9110-1460, notwithstanding the said objections, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 878 in Supplement.]

Therefore item 9110-1460 (contained in section 2) was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Emergency Measure.

The engrossed Bill directing the Division of Capital Asset Management and Maintenance to convey certain parcels of land in the towns of Hopkinton and Westborough (see Senate, No. 2462, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

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.

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

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 879 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. 4900), 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 2005 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. 4850), 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 following 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:

Prescription
Advantage
subsidies
item
9110-1460
stands,
yea and nay
No. 878.

Hopkinton and
Westborough,
land.

Bill enacted
(land taking),
yea and nay
No. 879.

General
Appropriation
Bill,
reductions.

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 not less than \$333,000 shall be expended for the operation of the Newburyport shellfish purification plant and that plant shall generate not less than \$115,000 from purification fees; 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; provided further, that \$50,000 shall be expended for the National Marine Life Center in the town of Bourne; 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 2005 shall not be reduced from fiscal year 2004 except in proportion to adjustments consistent with the department’s budget adjustment; and provided further, that funds shall be expended for the Center for Marine Science and Technology for research to minimize the economic impact of new fisheries management regulations shall not be reduced from fiscal year 2004 except in proportion to adjustments consistent with the department’s budget adjustment..... 3,930,804”.

[The Governor reduced the item to \$3,880,804 and disapproved the following wording: “; provided further, that \$50,000 shall be expended for the National Marine Life Center in the town of Bourne”.]

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 14 in the negative.

[See Yea and Nay No. 880 in Supplement.]

Marine
Fisheries
item
2330-0100
stands,
yea and nay
No. 880.

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 1102-3206 (contained in section 2) , which had been reduced by the Governor, was considered, as follows:

“1102-3206 For the costs associated with the maintenance and security of surplus state properties; provided, that the division shall submit quarterly reports that detail the hire date, salary, and job title of every employee at the division and the amount associated with each bond authorization; provided further, the division shall submit a report that details every employee at the division including the hire date, salary, and job title for fiscal years 2002, 2003, 2004 and 2005 to the house and senate committees on ways and means on or before January 11, 2005; provided further, that the commissioner of the division of capital asset management and maintenance shall convey a certain parcel of land with the building thereon, located at 291 Summer Street, Lowell and recorded with the North District Registry of Deeds, Book 1491, Page 170, to the current occupant of said premises; provided further, that the commissioner of the division of capital asset management and maintenance shall complete study number SDE 0301ST1 regarding the site location of the proposed regional holding facility in Essex county by July 31, 2004; and provided further, that the division of capital asset management and maintenance and the Massachusetts highway department shall close and secure the rest stop area on Route 2 west in the town of Harvard 359,208”.

[The Governor reduced the item by striking out the following wording: “; provided further, that the commissioner of the division of capital asset management and maintenance shall convey a certain parcel of land with the building thereon, located at 291 Summer Street, Lowell and recorded with the North District Registry of Deeds, Book 1491, Page 170, to the current occupant of said premises”.]

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. 881 in Supplement.]

Therefore item 1102-3206 (contained in section 2) 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.

Surplus
properties
management
item
1102-3206
stands,
yea and nay
No. 881.

Emergency Measure.

Low-income
housing
tax credits.

The engrossed Bill relative to low income housing tax credit (see House, No. 4911), 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.

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

Bill enacted
(state
loan),
yea and nay
No. 882.

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

[See Yea and Nay No. 882 in Supplement.]

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

Report of a Committee.

General
Appropriation
Bill,
disapproval.

Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4900), 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 2005 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. 4850), reported, in part, that section 340 stand (as passed by the General Court).

Under suspension of the rules, on motion of the same member, said section 340, which had been vetoed by the Governor, was considered, as follows:

"SECTION 340. Notwithstanding the provisions of any general or special law to the contrary, the division of capital asset management and planning shall not execute any lease or land disposition agreement or deed of conveyance relative to the land and buildings owned by the commonwealth of Massachusetts located at the site of the Medfield State Hospital in the town of Medfield, until a proposed reuse plan, approved by the commissioner of the department of mental health and the secretary of the executive office of health and human services, is filed with the clerks of the house of representatives and the senate, and is approved by a joint resolution of the house and senate."

Hospital
reuse plan
section 340
stands,
yea and nay
No. 883.

On the question on passing said section 340, notwithstanding the said objections of the Governor, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I,

Article II of the Constitution; and on the roll call 133 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 883 in Supplement.]

Therefore section 340 was passed, notwithstanding the said 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.

Paper from the Senate.

The Speaker being in the Chair,— The engrossed Bill relative to the town of Lenox and the reimbursement of local room occupancy taxes (see Senate, No. 2344, amended), which had been returned to the Senate by His Excellency the Governor, with his objections thereto in writing (for message, see Senate, No. 2476), was considered.

Lenox,
room
occupancy
taxes.

On the question on passing the bill, in concurrence, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call (the Speaker being in the Chair) 133 members voted in the affirmative and 21 in the negative.

Bill passed
over veto,
yea and nay
No. 884.

[See Yea and Nay No. 884 in Supplement.]

Therefore the bill was passed, in concurrence, notwithstanding the objections of the Governor (more than two-thirds of the members having agreed to pass the same).

Engrossed Bill — Land Taking.

Mr. DiMasi of Boston being in the Chair,— The engrossed Bill authorizing the city of Northampton to convey certain park land (see House, No. 4885, 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.

Northampton,
park land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),
yea and nay
No. 885.

[See Yea and Nay No. 885 in Supplement.]

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

Emergency Measure.

The engrossed Bill releasing certain land in the town of Plymouth from the operation of certain agricultural preservation restrictions (see House, No. 5032), 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.

Plymouth,
land.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 48 to 0. Sent to the Senate for concurrence.

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

Bill enacted
(land taking),
yea and nay
No. 886.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 886 in Supplement.]

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

Engrossed Bills — Land Takings.

Lancaster,
land lease.

The engrossed Bill authorizing the town of Lancaster to lease certain land (see House, No. 4628) (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.

Bill enacted
(land taking),
yea and nay
No. 887.

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

[See Yea and Nay No. 887 in Supplement.]

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

Sharon,
land.

The engrossed Bill authorizing the town of Sharon to convey certain conservation land (see House, No. 5016) (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.

Bill enacted
(land taking),
yea and nay
No. 888.

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

[See Yea and Nay No. 888 in Supplement.]

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

Emergency Measures.

Deerfield,
land.

The engrossed Bill releasing certain land in Deerfield from the operation of a certain agricultural preservation restriction (see Senate, No. 2094), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 53 to 0. Sent to the Senate for concurrence.

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

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call (the Speaker being in the Chair) 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 889 in Supplement.]

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

Bill enacted
(land taking),
yea and nay
No. 889.

The engrossed Bill providing for an accelerated transportation development and improvement program for the Commonwealth (see House, No. 4771, 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.

Transportation
development
program.

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 64 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. Torrisi of North Andover moved that Rule 40 be suspended; and the motion prevailed.

The same member and Mr. Broadhurst of Methuen then moved that the bill be amended in section 2A, in item 6033-0417, in lines 000 and 000, by striking out the words “, and such study shall also include the feasibility of relocating the Bradford Station commuter rail layover facility to said location”.

The amendment was rejected.

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 149 members voted in the affirmative and 5 in the negative.

Bill enacted
(state loan),
yea and nay
No. 890.

[See Yea and Nay No. 890 in Supplement.]

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

Order.

On motion of Mr. Atsalis of Barnstable,—
Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

Next
sitting.

Mr. Flynn of Bridgewater then moved that the House adjourn; and the motion prevailed. Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at five minutes after two o'clock A.M. (Saturday, July 31) (the Speaker being in the Chair) the House adjourned, to meet on Wednesday next at eleven o'clock A.M., in an Informal Session.