

JOURNAL OF THE HOUSE.
Thursday, November 13, 2003.

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

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

Eternal God, we acknowledge our dependence upon You, Your guidance and direction in legislative matters as we take up the often complex, sensitive and difficult items on the day's calendar. In Your kindness, help us to make decisions, in our conscientious judgments, which serve the best interests of people and our communities today and in the days ahead. When we disagree on issues and policies, teach us to have an open mind and to give others a fair hearing and to remain committed to our own human and spiritual values and political goals. May our hearts and minds enjoy Your peace, goodness and truth as we carry out our daily responsibilities in these uncertain times.

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

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

Guests of the House.

During the session, the Speaker declared a brief recess; and introduced Master Sergeant John DeLorey, who, on January 23, 2004, will have completed 37 years of service in the Massachusetts Air National Guard. Master Sergeant DeLorey, accompanied by his wife, Jayne and his son, John, was presented citations by Representative Miceli of Wilmington. Master Sergeant DeLorey, who was the guest of Representatives Miceli and Murphy of Burlington, then addressed the House briefly and presented a flag to Representative Miceli.

Resolutions.

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

Resolutions (filed by Representatives Falzone of Saugus and Reinstein of Revere) congratulating the Saugus American Little League All-Star team on their outstanding performance in the fifty-seventh Little League World Series;

Resolutions (filed by Mr. Galvin of Canton) on the grand opening of the Canton Public Library; and

Resolutions (filed by Messrs. Walsh of Boston and Rodrigues of Westport) the observation of International Human Rights Day;

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

Report of a Committee.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the Board of Health of the town of Tewksbury (House, No. 4145) [Local Approval Received] be scheduled for consideration by the House.

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

Emergency Measure.

The engrossed Bill relative to fiscal relief funds (see House, No. 4302, 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 18 to 0. Sent to the Senate for concurrence.

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

Engrossed Bills.

Engrossed bills

Establishing a sick leave bank for Christopher Boumil, an employee of the Department of Correction (see House bill printed as Senate, No. 2051, amended);

Relative to the terms of certain bonds to be issued by the Commonwealth (see House bill printed in House, No. 4097); and

Relative to the terms of certain bonds to be issued by the Commonwealth (see House bill printed in House, No. 4117);

(Which severally originated in the House);

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

The engrossed Bill authorizing the city of Methuen to pay certain moral obligations (see House, No. 2133) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill establishing reasonable fees for copying medical records (Senate, No. 642), 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.

House bills

Relative to recall elections in the town of Bernardston (printed as Senate, No. 2011).

Relative to insurance fraud (House, No. 921) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to the taxation of corporations (printed in House, No. 3727, changed) (its title having been changed by the committee on Bills in the Third Reading);

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

Senate bills

Authorizing the town of Lunenburg to establish a capital improvement trust fund and a bond and note proceeds investment fund (Senate, No. 1144, amended); and

Relative to Ponders Hollow Road in the city of Westfield (Senate, No. 1157); and

House bills

Relative to convictions of motor vehicle violations and license suspensions and revocations in other states or countries (House, No. 981);

Establishing a sick leave bank for Luella Erwin an employee of the Trial Court (House, No. 1528);

Relative to the dissemination of criminal record information to private detectives (House, No. 1721);

Relative to operating an uninsured motor vehicle (House, No. 2116);

Authorizing a public waterfront walkway to be exempted from the harbor line in the Charlestown Navy Yard, city of Boston (House, No. 3857);

Establishing the Chelsea affordable housing trust fund (House, No. 3977);

Designating a certain overpass in the town of Milton as the Private First Class Paul W. Curran Memorial Overpass (House, No. 4206);

Relative to absentee ballots (House, No. 4207); and

Relative to the taxation of certain personal property (House, No. 4219);

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

House reports

Of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 477) of Mary E. Grant that the Department of Highways be directed to study the feasibility of making improvements to interchanges on a certain portion of state highway Route 128;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 480) of Philip Travis that the Department of Highways be authorized to perform certain reconstruction roadwork in the town of Seekonk; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 854) of Marie J. Parente and Richard T. Moore that the Department of Highways be directed to construct an access ramp on Route I-495 to the industrial areas of the towns of Milford, Bellingham and Franklin;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1234) of Harold P. Naughton, Jr., for legislation to further regulate permits by the Department of Highways for water well drilling rigs; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No.

1415) of James F. Donahue, Sr., and Anne M. Gobi for legislation to direct the Department of Highways to evaluate the safety benefits of centerline markings on unmarked paved roads;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1607) of Anne M. Gobi for legislation relative to certain regulations issued by the Massachusetts Turnpike Authority and the Executive Office of Transportation and Construction affecting the use of motorcycles;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1612) of Theodore C. Speliotis that the Department of Highways be directed to study the feasibility of making improvements to interchanges on a certain portion of state highway Route 128 from the city of Peabody to the city of Gloucester;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1615) of Eric Turkington and other members of the General Court for legislation to require a public hearing prior to certain state highway construction in Barnstable County;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1792) of Joseph C. Sullivan and William M. Straus relative to the membership of the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2908) of Colleen M. Garry that the Department of Highways be directed to erect markers at locations of highway fatalities;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3103) of Stephen P. LeDuc and other members of the General Court that the Turnpike Authority be directed to expend a certain sum of money for the erection of sound barriers along Interstate 90 in the towns of Framingham, Natick, Wayland, Hopkinton and Southborough;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3475) of David Paul Linsky for an appropriation of a certain sum of money for the construction of sound barriers on a section of Route 9 in the town of Natick; and
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3626) of Leonard H. Golder relative to the establishments of toll booths at the New Hampshire border on certain highways;
Severally were accepted.

The House Bill making appropriations for fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4308), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time. Pending the question on passing the bill to be engrossed, Mr. Bradley of Hingham moved that it be amended by adding at the end thereof the following two sections:

“SECTION 87. Section 6 of chapter 46 of the acts of 1997 is hereby repealed.

SECTION 88. Notwithstanding section 89(i) of chapter 71 of the General Laws or any other general or special law to the contrary, the commissioner of education may assess additional charter school tuition charges to public school districts previously subject to the provisions of section 6 of chapter 46 of the acts of 1997 in order to provide for the continued education of students enrolled in charter schools as of October 1, 2003.”.

The amendment was adopted.

Mr. Hynes of Marshfield and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 89. The first paragraph of section 5B of chapter 40 of the General Laws, as

amended by section 14 of chapter 46 of the Acts of 2003, is hereby further amended by adding the following sentence:— Any interest shall be added to and become part of the fund.”.

The amendment was adopted.

Mr. Petrolati of Ludlow then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 90. Chapter 26 of the acts of 2003 is hereby amended in section 2, in item 1108-5200, by striking out the date: ‘July 1, 2002’ and inserting in place thereof the date:— July 1, 2003.”.

The amendment was adopted.

Messrs. Vallee of Franklin, Jones of North Reading and other members of the House then moved that the bill be amended by adding at the end thereof the following five sections:

“SECTION 91. Section 178D of Chapter 6 of the General Laws is hereby amended by inserting, after line 21, the following paragraph:—

Notwithstanding any provision of sections 178C to 178P or any other law to the contrary, and in addition to any responsibility otherwise imposed upon the board, the board shall make the sex offender information contained in the sex offender registry, delineated below in subsections (i) through (viii), available for inspection by the general public in the form of a comprehensive database published on the internet, known as the ‘sex offender internet database’; provided, that no registration data relating to a sex offender given a level 1 or 2 designation by the board under section 178K shall be published in the sex offender internet database but may be disseminated by the board as otherwise permitted by sections 178C to 178P, inclusive; and provided further, that the board shall keep confidential and shall not public in the sex offender internet database any information relating to requests for registration data under sections 178I and 178J:

- (i) the name of the sex offender;
- (ii) the offender’s home address;
- (iii) the offender’s work address;
- (iv) the offense for which the offender was convicted or adjudicated and the date of the conviction or adjudication;
- (v) the sex offender’s age, sex, race, height, weight, eye and hair color;
- (vi) a photograph of the sex offender, if available;
- (vii) whether the sex offender has been designated a sexually violent predator; and
- (viii) whether the offender is in compliance with the registration obligations of sections 178C to 178P, inclusive.

All information provided to the general public through the sex offender internet database shall include a warning regarding the criminal penalties for use of sex offender registry information to commit a crime or to engage in illegal discrimination or harassment of an offender and the punishment for threatening to commit a crime under section 4 of chapter 275. The sex offender internet database shall be updated regularly, based on information available to the board, and shall be open to searches by the public at any time without charge or subscription. The board shall promulgate rules and regulations to implement, update and maintain such a sex offender internet database, to ensure the accuracy, integrity and security of information contained therein, to ensure the prompt and, complete removal of registration data for persons whose duty to register has terminated or expired under sections 178G, 178L or 178M or any other law, and to protect against the inaccurate, improper or inadvertent publication of registration data on the internet.

SECTION 92. Subsection (n) of section 1789E of said chapter 6, as so appearing, is hereby amended, in line 194, by inserting after the word ‘sections’ the following:— 178D.

SECTION 93. Section 178F½ of said chapter 6, as so appearing, is hereby amended, in line 54, by striking out the words ‘sex offender’ and inserting in place thereof the words:— sex offender, except as otherwise provided by sections 178C to 178P, inclusive.

SECTION 94. Section 178K of said chapter 6, as so appearing, is hereby amended, in line 161, by inserting after the word ‘sections’ the following:— 178D.

SECTION 95. Section 1780 of said chapter 6, as so appearing, is hereby amended, in line 2, by inserting after the word ‘any’ the following:— publication on the internet under section 178D or other.”.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Vallee; and on the roll call 152 members voted in the affirmative and 6 in the negative.

[See Yea and Nay No. 441 in Supplement.]

Therefore the amendment was adopted. Mrs. Paulsen of Belmont moved that this vote be reconsidered; and after remarks the motion to reconsider was negatived.

Mr. Kocot of Northampton then moved that the bill be amended in section 2 by inserting after item 8000-0040 the following item:

“8910-0111 For the expenses related to the operation of modular units under the administration of the office of the sheriff of the former Hampshire County, provided, that the sheriff shall continue to

accept state prisoners at said facility 225,952”.

The amendment was rejected.

The same member then moved that the bill be amended in section 2 by inserting before item 2330-0100 the following item:

“2260-8884 For the purposes of groundwater and well testing, analysis and mitigation of groundwater contamination by TCE, benzene and other carcinogens in the Barnes and Southampton Aquifers in the communities of Southampton, West Holyoke and Westfield 300,000”.

The amendment was rejected.

Mr. Jones of North Reading and other members of the House moved that the bill be amended by striking out section 47 and inserting in place thereof the following section:

“SECTION 47. Section 2 of chapter 26 of the acts of 2003 is hereby amended in item 0321-1518 by striking out the words: — provided, however, that said revenues credited to this account shall only be those revenues in excess of the amounts for fees collected in fiscal year 2003 as calculated on a monthly basis;”.

The amendment was adopted.

Mr. Leary of Worcester and other members of the House then moved that the bill be amended in section 2 by inserting after item 7002-0800 the following item:

“7512-0100 Quinsigamond Community College 200,000”.

The amendment was rejected.

Messrs. Jones of North Reading and Hill of Ipswich moved that the bill be amended by adding at the end thereof the following section:

“SECTION 96. Section 2 of Chapter 26 of the Acts of 2003 is amended, in item 7052-0004, by

adding after the word ‘projects’ the following:— provided, that the aggregate amount of first annual estimated payments for school projects approved by the board of education under said laws, in the fiscal year ending June 30, 2004 shall not exceed \$5,904,573; provided further, that projects on the fiscal year 2003 priority lists ranked through number 3, inclusive, shall be given priority before any other projects.”.

The amendment was rejected.

Mr. Toomey of Cambridge then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 96. Section 65, subsection (c) of Chapter 30 of the General Laws is hereby amended and replaced with the following language:— Instead of making the certificate under clause (1) of sub-section (a), the Governor’s Chief Legal Counsel may, upon written request by the head of any department, agency, board or commission, with the written approval of the head thereof and with the voluntary written consent of the attorney, to provide specific legal services for the requesting department, agency, board or commission, for a period not exceeding three months but subject to renewal with the voluntary written consent of the attorney. Such an assignment shall be subject to any applicable collective bargaining agreement. The certification required of the comptroller by the fourth paragraph section 31 of Chapter 29 shall not be required in instances of such an assignment by the Governor’s Chief Legal Counsel.”.

The amendment was adopted.

Mr. Kocot of Northampton then moved that the bill be amended in section 2 by inserting before item 4408-1000 the following item:

“4406-3002 For the purposes of a multi-agency pilot program in the Franklin, Hampshire and Hampden county catchment areas of ServiceNet, Inc., and the Center for Human Development to provide homelessness services for single adults and families, including accommodations, employ-
ment assistance and health assessments 400,000”.

The amendment was rejected.

Ms. Fox of Boston then moved that the bill be amended in section 2 by inserting before item 8000-0040 the following item:

“8000-0010 For community policing in the B-2 Sector in the city of Boston for additional enforcement in conjunction with the neighborhood policing
program 57,500”.

The amendment was rejected.

Mrs. Teahan of Whitman then moved that the bill be amended in section 2 by inserting before item 8000-0040 the following item:

“8000-0010 For community policing grants to be administered by the executive office of public safety; provided that \$20,000 shall be expended for the Town of Abington; provided that \$20,000 shall be expended for the Town of East Bridgewater, and provided further that \$20,000 shall be
expended for the Town of Whitman 60,000”.

The amendment was rejected.

Messrs. Kelly of Dalton and Timilty of Milton then moved that the bill be amended in section 2 by inserting after item 7007-1300 the following item:

“7035-0006 For reimbursements to regional school districts for the transportation of pupils; provided, that notwithstanding any general or special law to the contrary, the commonwealth’s obligation shall not exceed the amount appropriated in this item; provided further, that the

amount appropriated in this item shall constitute the full funding of this item, as determined by the department of education; provided further, that upon receipt by the department of education of required transportation cost reports from regional school districts, said department shall reimburse 50 per cent of the amount such districts received from this item in fiscal year 2003; and provided further, that the reports shall meet criteria established by the department of education 10,000,000”.

The amendment was rejected.

Messrs. Quinn of Dartmouth and Straus of Mattapoisett then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 97. Section 595 of chapter 26 of the Acts of 2003 is hereby amended by striking out the final sentence and inserting in place thereof the following new sentence:— Said special commission shall submit its report and recommendation, if any, to the legislature by July 1, 2004.”.

The amendment was adopted.

Mr. Falzone of Saugus then moved that the bill be amended in section 55, in item 4000-0100, in line 28, by inserting after the article “the” the words “town of Saugus and the”. The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended in section 2 by inserting after item 7002-0800 the following item:

“Division of Insurance.
7006-0020 1,100,000”.

The amendment was adopted.

Mr. Jones and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 98. Section 2 of chapter 26 of the acts of 2003 is hereby amended by inserting after item 7002-0101 the following item:

7002-0102 For a grant program to be administered by the department of workforce development for the purpose of awarding a grant or grants to one or more companies that newly locate their corporate headquarters and principal executive offices within the City of Boston by December 31, 2005, to be used by such company or companies for workforce training and development purposes; provided, however, that a company shall only be eligible to receive such a grant on the condition that the department receives a written statement from the president and/or chief executive officer of the company, signed under the pains and penalties for perjury, that the company will locate its corporate headquarters and principal executive offices within the City of Boston, Massachusetts by December 31, 2005; provided, further that the department may issue further criteria for the award of said grant or grants, including criteria related to number of workers to be employed and trained by the company within the City of Boston and the length of time by which the company will retain its corporate headquarters and principal executive offices within the City of Boston; provided, further, that any monies appropriated pursuant to this item that are not expended by the end of this fiscal year shall not revert to the General Fund, but shall remain available for the purposes established in this item until

December 31, 2006 1,500,000”.

The amendment was adopted.

Mr. Kujawski of Webster then moved that the bill be amended in section 2A by inserting after item 1599-4501 the following item:

“1599-6300 For a one-time reserve for a loan to the town of Webster to help defray certain unanticipated costs associated with the implementation of chapter 24 of the acts of 2003; provided, that said town shall be obligated to repay to the commonwealth the full amount appropriated by

this item no later June 30, 2006 125,000”.

The amendment was adopted.

Mr. Binienda of Worcester then moved that the bill be amended in section 2 by inserting after item 1410-0010 the following item:

“1410-0100 For the construction of the Robert Goddard statue in Worcester 20,000”.

The amendment was adopted.

Mr. Loscocco of Holliston and other members of the House moved that the bill be amended by adding at the end thereof the following section:

“SECTION 99. Chapter 246 of the Acts of 2002 is hereby amended paragraph three of Section 44 in line seven by striking the following text: ‘January 1, 2003’ and inserting in place thereof the following text:— December 31, 2003.”.

The amendment was adopted.

Mr. LeDuc of Marlborough and other members of the House then moved that the bill be amended in section 2 by inserting after item 1410-0400 the following item:

“Hunger Emergency Hotline and Food Stamp Outreach.

4400-1000 And provided further, that not more than \$250,000 shall be expended on a food stamp outreach program 117,806,865”.

The amendment was rejected.

Representatives Creedon of Brockton and O’Brien of Kingston then moved that the bill be amended in section 2 by inserting after item 7007-1300 the following item:

“7061-9504 For the purpose of establishing the 2003-2004 Emergency Mold Remediation and Repair Fund within the Department of Education; provided further, that \$12,000,000 shall be appropriated from the Commonwealth Stabilization Fund. The Fund shall be established for the purpose of making one-time grants to school districts for the cost of cleanup, remediation, and evaluation of school buildings and repair or replacement of school property or equipment damaged by mold contamination for which the unusual humidity and heat during the summer of 2003 was a major contributing factor. To be eligible for funding, school districts must provide documentation to the Department of Education of mold contamination in one or more buildings during the period of July 15, 2003 through September 15, 2003, and documentation of any of the following expenses related to mold contamination for which the district is seeking grant money:

1. custodial or other employee overtime for activities directly related to cleaning, repairing, or remediation of mold contamination
2. repair or remediation of the underlying source of the mold contamination, where identified
3. replacement or repair of damaged school property or equipment
4. professional services for the investigation or evaluation of the mold contamination, for clean up and remediation, or for repairs related to the mold contamination

Documentation provided to the Department of Education as part of an application for grants from the Fund shall be deemed to be public records. Applications for grants from the Fund must

be for expenditures attributable solely to a school district's response to mold contamination occurring during the period of July 15, 2003 through September 15, 2003 12,000,000".

The amendment was rejected.

Messrs. Bradley of Hingham and Rogers of Norwood then moved that the bill be amended by striking out section 29 and inserting in place thereof the following section:

"SECTION 29. Section 12 of chapter 118E of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following:— Notwithstanding the provisions of any general or special law to the contrary, no health plan offered by, or under a contract with, the division under section 9D of this chapter or 42 USC section 1396d section 1905(a)(26) shall be deemed to constitute the business of insurance and no such plan shall be subject to the provisions of chapter 175 to 176O, inclusive. Nothing herein shall affect the legal status or obligations under such insurance laws of any entity otherwise constituting or conducting the business of insurance for any other purpose."

The amendment was adopted.

Mr. Casey of Winchester then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 100. Notwithstanding the provisions of section 37 of chapter 62C of the General Laws or any other general or special law to the contrary, the commissioner of revenue shall accept applications for abatement of tax on behalf of employees and former employees of the Massachusetts Technology Park Corporation for tax years 1988 to 1999, inclusive, as such applications relate to taxes paid on amounts contributed to the simplified employee pension plan administered by said employer that were incorrectly included in the gross income of said employees. Such applications shall be considered timely if filed with said commissioner within 180 days from the effective date of this act. Any abatement paid pursuant to these applications shall not include payment of interest or of any costs related to the filing of the applications."

The amendment was adopted.

Mr. Pedone of Worcester and other members of the House moved that the bill be amended by adding at the end thereof the following section:

"SECTION 101. Notwithstanding any general or special law to the contrary, the Administrative Office of the Trial Court will continue to maintain and operate a juvenile court in the city of Worcester, Worcester Memorial Auditorium."

The amendment was adopted.

Mr. Lepper of Attleboro then moved that the bill be amended in section 2A by striking out item 4590-0301 and inserting in place thereof the following item:

"4590-0301 The department of public health may expend an amount not to exceed \$6,000,000 generated from revenues received from the collection of federal financial participation for the school health services program; provided, that the revenue shall be directed toward additional resources for the school health services program; and provided further, that the department of public health shall re-open its grant application process for school based health centers for grants to be received on January 1, 2004, until a new application deadline of December 10, 2003 6,000,000".

The amendment was adopted.

Mr. Goguen of Fitchburg then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 102. Item 6033-9917 of section 2B of chapter 235 of the Acts of 2000, as amended

by section 19 of chapter 246 of the acts of 2002, is hereby further amended by striking out the amount of ‘\$750,000’ and inserting in place thereof ‘\$870,000’ in line 11.”.

The amendment was rejected.

Mr. Evangelidis of Holden and other members of the House moved that the bill be amended by adding at the end thereof the following three sections:

“SECTION 102. Notwithstanding the provisions of section fifty-seven C of chapter fifty-nine, or any other general or special law, any town with quarterly tax payments that (1) is a member of a regional school district that does not have an approved budget as of November 30, 2003, as provided in section sixteen B of chapter seventy-one, and (2) has not had its fiscal year 2004 tax rate approved, as provided in section twenty-three of chapter fifty-nine, may issue an additional notice of preliminary tax and require payment of a third quarter preliminary tax installment; provided, however, that no such additional notice of preliminary tax may issue unless first approved by the commissioner of revenue; and provided, further, that the provisions of section fifty-seven C of chapter fifty-nine regarding procedures for issuing, mailing and collecting any additional notice of preliminary tax requiring a third quarter preliminary tax installment in cities and towns with quarterly tax payments shall be applicable to such notice, including the payment of interest.

SECTION 103. Notwithstanding the provisions of section twenty-three D of chapter fifty-nine, or any other general or special law, any town with semi-annual tax payments that (1) is a member of a regional school district that does not have an approved budget as of November 30, 2003, as provided in section sixteen B of chapter seventy-one, and (2) has not had its fiscal year 2004 tax rate approved, as provided in section twenty-three of chapter fifty-nine, may issue a notice of preliminary tax and require payment of such preliminary tax; provided, however, that no such notice of preliminary tax may issue unless first approved by the commissioner of revenue; and provided, further, that the provisions of section twenty-three D of chapter fifty-nine regarding procedures for issuing, mailing and collecting any notice of preliminary tax in cities and towns with semi-annual tax payments shall be applicable to such notice, including the payment of interest.

SECTION 104. Sections 102 and 103 shall apply to a town that accepts it by vote of its board of selectmen.”.

The amendment was adopted.

Messrs. Kafka of Sharon and Rogers of Norwood moved that the bill be amended in section 2 by inserting after item 1410-0400 the following item:

“Division of Medical Assistance.

4000-0600 900,000”;

and by adding at the end thereof the following section:

“SECTION 105. Chapter 26 of the Acts of 2003 is hereby amended in section 2 in item 4000-0600 by adding at the end thereof the following:— and provided further, that notwithstanding any general or special law to the contrary, for any nursing home that provides kosher food to its residents, the division of medical assistance, in consultation with the division of health care finance and policy, is directed to approve a special innovative program, and the division of health care finance and policy, in recognition of the unique special innovative program status granted by the division of medical assistance, shall for any nursing home that provides kosher food to its residents, establish up to a \$5 per day increase to the standard payment rates to reflect the high dietary costs incurred in providing kosher food.”.

The amendment was adopted.

Mr. Jones of North Reading and other members of the House moved that the bill be amended by striking out section 14 and inserting in place thereof the following eight sections:

“SECTION 14. Section 121 of chapter 140 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out the definition of ‘ammunition’ and inserting in place thereof the following definition:—

‘Ammunition’, cartridges or cartridge cases, primers (igniter), bullets or propellane powder designed for use in any firearm, rifle or shotgun, and tear gas cartridges. The term ‘ammunition’ shall also mean any device or instrument which contains or emits over 260 grams of a liquid, gas, powder or any other substance designed to incapacitate.

SECTION 14A. Section 129B of said chapter 140, as so appearing, is hereby amended by inserting after the word ‘incapacitate’, in line 142, the following words:— containing more than 260 grams of liquid, gas or powder.

SECTION 14B. Said section 129B of said chapter 140, as so appearing, is hereby further amended by inserting after the word ‘incapacitate’, in line 154, the following words:— containing more than 260 grams of liquid, gas or powder.

SECTION 14C. Said section 129B of said chapter 140, as so appearing, is hereby further amended by inserting after the word ‘incapacitate’, in line 188, the following words:— containing more than 260 grams of liquid, gas or powder.

SECTION 14D. Said section 129B of said chapter 140, as so appearing, is hereby further amended by inserting after the word ‘incapacitate’, in line 96, the following words:— containing more than 260 grams of liquid, gas or powder.

SECTION 14E. Said section 129B of said chapter 140, as so appearing, is hereby further amended by inserting after the word ‘incapacitate’, in line 140, the following words:— containing more than 260 grams of liquid, gas or powder.

SECTION 14F. Chapter 269 of the General Laws, as appearing in the 2003 Official Edition, is hereby amended by inserting after section 10A the following sections:

Section 10B. Any person who makes a sale or delivery of chemical mace, pepper spray or other similarly propelled liquid, gas or powder containing over 260 grams of a liquid, gas, powder or any other substance designed to incapacitate to any person under the age of eighteen shall be punished by a fine of not more than two thousand dollars or by imprisonment for not more than six months, or both. This section shall not prohibit the employment of any person over the age of eighteen from handling or selling such products and shall not prohibit a business from employing a person under the age of eighteen who does not directly handle or sell such products.

Section 10B½. Any person under the age of eighteen who possesses, purchases or attempts to purchase chemical mace, pepper spray or other similarly propelled liquid, gas or powder containing over 260 grams of a liquid, gas, powder or any other substance designed to incapacitate, or makes arrangements with any person to purchase or procure such products, or who willfully misrepresents his age, or alters, defaces or falsifies his identification offered as proof of age, with the intent of purchasing such products shall be punished by a fine of not more than five hundred dollars.

SECTION 14G. Chapter 269 of the General Laws, as appearing in the 2003 Official Edition, is hereby amended by inserting after the first paragraph the following:— Whoever except in the lawful defense of life or property, willfully discharges chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate, with the intent to accost or annoy another person shall be punished by a fine of not more than five hundred

dollars.”.

The amendment was adopted.

Ms. Atkins of Concord and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 108. The Department of Education is required to report to the clerk of the House of Representatives and the Clerk of the Senate as to the financial status of the Special Education Circuit Breaker, so called, including but not limited to, the number and cost of each student eligible under the program, the manner in which the vote of re-imbursement is calculated, and all data used to calculate the rate of re-imbursement. Said report shall be filed by December 31, 2003.”.

The amendment was adopted.

Mr. Toomey of Cambridge then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 109. Section 17J of Chapter 180 is hereby amended by adding after the first sentence of the first paragraph, “Deductions in an amount determined by the employee and in compliance with applicable law may also be made for any committee on political education designated by the employee pursuant to this section. The approval of the comptroller shall not be required for such deductions. All deductions pursuant to this section shall be made without charge to any person or entity.”.

The amendment was adopted.

Representatives St. Fleur of Boston and Lepper of Attleboro moved that the bill be amended by adding at the end thereof the following section:

“SECTION 110. Item 4800-0038 of section 2 of Chapter 26 of the Acts of 2003 is hereby amended by striking out the following:— ‘and provided further, that not more than \$295,000 shall be expended for a contract with Massachusetts Families for Kids’ and inserting in place thereof the following:— and provided further, that \$450,000 shall be expended for a contract with Massachusetts Families for Kids.”.

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended by adding at the end thereof the following three sections:

“SECTION 111. Chapter 41 of the General Laws, as most recently amended by section 20 of chapter 46 of the acts of 2003, is hereby amended by striking out section 95A and inserting in place thereof the following section:—

Section 95A. Constables appointed pursuant to the provisions of sections 91, 91A and 91B or otherwise elected to serve as such in a city or town shall, not later than the fifth day of every month, deposit with the city or town treasurer 25 per cent of the fees collected by them during the preceding month for the service of civil process under the fee structure established in section 8 of chapter 262. The treasurer shall deposit such funds into the General Fund of the city or town and they shall be expended, subject to appropriation by a majority vote of the city council or by a majority vote of town meeting in a town, for any purpose for which the city or town deems necessary.

SECTION 112. Said chapter 41, as so appearing, is hereby further amended by striking out section 95B and inserting in place thereof the following section:—

Section 95B. Each constable shall annually on or before April 15 file with the city or town treasurer an account signed under the penalties of perjury of all fees and money received by him under section 8 of chapter 262 for the service of civil process. Such account shall include an

itemization of all civil process fees charged by the constable's civil process office, all revenue received from said fees and all amounts paid by the constable to any city or town treasurer on account of such civil process fees under section 95A.

SECTION 113. Section 111 of this act shall take effect on March 1, 2004.”.

The amendment was adopted.

Mr. Walsh of Boston then moved that the bill be amended in section 61, in line 5, by inserting after the word “Policy” the words “and for the William Monroe Trotter Institute For The Study Of Black Culture”; and the amendment was adopted.

Ms. Gobi of Spencer then moved that the bill be amended in section 39, in line 7, by inserting after the word “Peabody” the following:— ; provided further that \$100,000 shall be expended for final design, land acquisition and reconstruction of a wooden covered bridge on Bridge Road in the Towns of Ware and Hardwick; and provided further that \$50,000 shall be expended for a final design, land acquisition and construction of a bike path in the Town of Ware”.

The amendment was rejected.

The same member then moved that the bill be amended in section 14 (as printed), in lines 5, 6 and 7, by striking out the sentence contained therein and inserting in place thereof the following sentence: “A firearms identification card shall remain valid, unless revoked or suspended.”.

The amendment was rejected.

Ms. Gobi of Spencer and other members of the House then moved that the bill be amended in section 53, in line 9, by inserting after the word “Worcester” the following: “; provided further, that \$10,000 shall be obligated for the purpose of maintaining the Korean War Memorial in the city of Worcester”.

The amendment was rejected.

Mr. Vallee of Franklin then moved that the bill be amended by adding at the end thereof the following three sections:

“SECTION 114. The first paragraph of section 9 of chapter 161A of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out the sixth sentence and inserting in place thereof the following 2 sentences:— A city or town that is also a member of a regional transit authority or that at anytime joins a regional transit authority shall have a portion of the amount assessed for the operation of the regional transit authority credited against its share of the assessment made under this section. The community's assessment shall be reduced by deducting any amount not required to cover the annual costs which are incurred by the authority for the proportional level of services operated in the community by the authority as determined by the advisory board to the authority. For purposes of this section ‘annual costs’ are those costs which are funded by the assessments made under this section. The amounts credited shall not exceed the total amount of the assessment.

SECTION 115. Section 3 of chapter 161B of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

Any city or town, or group or combination of cities or towns, other than a city or town included in the Massachusetts Bay Transportation Authority operates fixed route bus service may, upon compliance with the provisions of this section, by a majority vote of the city council or majority vote of the town meeting or majority vote of any other legislative body, respectively, be made into a body politic and corporate and a political subdivision of the commonwealth under the name of the municipality within the new authority having the greatest population, or under any other appropriate regional name agreed to by a majority of the member municipalities, and

followed by the words ‘Transit Authority’.

SECTION 116. Section 3 of Chapter 161B of the General Laws, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph: —

Any city or town, group or combination of cities or towns, other than a city or town included in the Massachusetts Bay Transportation Authority and in which the Massachusetts Bay Transportation Authority operates fixed route bus service or in a authority established pursuant to section fourteen may, by a majority vote of the city council or of the town meeting or majority vote of any other legislative body, respectively, and subject to the approval of the advisory board to a regional transit authority, join an authority which is not separated from the city or town or group or combination of cities and towns by more than 1 municipality.”.

The amendment was rejected.

Messrs. Larkin of Pittsfield and Kulik of Worthington then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 114. The second paragraph of section 18 of chapter 773 of the acts of 1960, as most recently amended by section 15 of chapter 319 of the acts of 1998, is hereby further amended by inserting after the word ‘for’ as first appearing in line 4, the words:— certain projects at the Amherst Campus designated by the President of the University and the Chancellor of the Amherst Campus pursuant to a two year pilot program for projects initiated in the 2004 and 2005 calendar years, and.”.

The amendment was adopted.

Mr. Fallon of Malden then moved that the bill be amended in section 39, in line 7, by inserting after the word “Peabody” the following: “; provided further, that not less than \$20,000 be expended for the removal of the pedestrian overpass at the MBTA Oak Grove Station”.

The amendment was adopted.

Representatives Correia of Fall River and Rogeness of Longmeadow then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 115. Section 2 of chapter 26 of the acts of 2003 is hereby amended in item 9700-0000 by adding the following language: — ; provided, however, that notwithstanding the provisions of any general or special law to the contrary, the funds appropriated herein for the purposes of expenses related to the provision of joint information technology shall be available for expenditure until June 30, 2005.”.

The amendment was adopted.

Mr. Kaufman of Lexington then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 116. Section 9A of chapter 8 of the General Laws, as amended by section 3 of the chapter 55 of the Acts of 2003, is hereby further amended by adding the following sentence:— No fee or charge shall be levied upon non-profit advocacy and groups petitioning, informing or engaging elected or appointed officials of the Commonwealth for meetings, receptions or exhibits held in the state house during business hours.”.

The amendment was adopted.

Messrs. Loscocco of Holliston and Toomey of Cambridge then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 117. Section 14 of chapter 38 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out said section 14 and inserting in place thereof the following:—

Section 14. A medical examiner or forensic investigator designated by the chief medical examiner shall, on payment of a fee as determined from time to time by the secretary of public safety, which shall be not less than \$75, view the body and make personal inquiry concerning the cause and manner of death of any person whose body is intended for cremation or burial at sea and shall authorize such cremation or burial at sea only when no further examination or judicial inquiry concerning such death is necessary. Said fee shall be paid by the person to whom such authorization for cremation or burial at sea is given. Cremation fees collected by the office of the chief medical examiner shall be utilized to support the comprehensive system of medico-legal investigative services delivered by the agency. District medical examiners employed on a fee-for-service basis will be compensated for performance of cremation views at a rate set by the secretary of public safety. Other medical examiners or forensic investigators performing cremation views will not receive additional compensation beyond their specified salaries.”.

The amendment was adopted.

Messrs. Wagner of Chicopee and Carron of Southbridge then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 118. Section 599 of Chapter 26 of the acts of 2003 is hereby amended by striking in the last sentence the words ‘December 15, 2003’ and inserting in place thereof the following words:— April 1, 2004.”.

The amendment was adopted.

Mr. Naughton of Clinton then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 119. Notwithstanding any General or Special law to the contrary, the Department of Mental Health and the Division of Capital Asset Management is hereby authorized to enter into agreements with the Town of Northborough in regards to the conveyance of certain lands located on the property of the Westborough State Hospital adjacent to Lyman Street in the town of Northborough.”.

The amendment was adopted.

Messrs. O’Brien of Kingston and other members of the House then moved that bill be amended by adding at the end thereof the following section:

“SECTION 120. Section 116, subsection (a)(1) of Chapter 36 of the Acts of 2003 is hereby amended in the second paragraph by striking the word ‘and’ and inserting in place thereof the word:— or.”.

The amendment was adopted.

Mrs. Teahan of Whitman then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 121. Item 4512-0500 of section 2 of chapter 26 of the acts of 2003 is hereby amended by inserting at the end thereof the following: ‘; provided further that \$74,000 shall be expended for the Tufts dental facilities serving persons with special needs’ and in said item by striking out the figures: ‘\$1,399,150’ and inserting in place thereof the figures:— \$1,473,150.”.

The amendment was adopted.

Mrs. Parente of Milford then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 122. Section 10 of chapter 218 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after line 24 the following:— third district court of Southern Worcester.”.

The amendment was rejected.

Mr. Miceli of Wilmington then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 122. Notwithstanding the provisions of section 548 of chapter 26 of the Acts of 2003, or the provisions of any general or special law or any rule or regulation to the contrary, any sale or transfer of Tewksbury State hospital property shall be in accordance with the provisions set forth in sections 40E through 40J, inclusive of Chapter 7 of the General Laws.”.

The amendment was adopted.

Mr. Dempsey of Haverhill then moved that the bill be amended by striking out section 76 and inserting in place thereof the following section:

“SECTION 76. Subsection (4) of SECTION (1) of Chapter 42 of the Acts of 2003 is hereby amended by adding the following language at the end:— To the extent that an annual amount of \$17 million in said subsection (4) of Section 1 is not fully allocated the division shall first fund capital rate adjustments for nursing homes in urban or geographically remote under-bedded areas.”.

The amendment was rejected.

Messrs. Timilty of Milton and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 123. Notwithstanding the provisions of any general or special law to the contrary, of the total amount raised through the issuance of general obligation debt in fiscal year 2004 the executive office of administration and finance shall expend \$3,793,560 for payments to cities, towns and regional school districts to fund the difference between the amount appropriated in item 7052-0005 of section 2 of chapter 26 of the acts of 2003 and the amount necessary to fully fund the purposes of said item.”.

The amendment was adopted.

Representatives Spilka and Pope of Wayland then moved that the bill be amended by striking out sections 29A and 29B and inserting in place thereof the following two sections:

“SECTION 29A. Section 1 of chapter 218 of the General Laws, as recently amended by section 453 of chapter 26 of the acts of 2003, is hereby amended by striking out the words ‘The district court of Natick, held at Natick; Natick, Sherborn, Wayland, and Sudbury’ and inserting in place thereof the following:— The district court of Natick, held at Natick: Natick and Sherborn.

SECTION 29B. Section 1 of chapter 218 of the General Laws, as recently amended by section 453 of chapter 26 of the acts of 2003, is hereby further amended by striking out the words ‘The first district court of southern Middlesex, held at Framingham; Framingham, Ashland, Holliston, and Hopkinton’ and inserting in place thereof the following:— The first district court of southern Middlesex, held at Framingham; Framingham, Ashland, Holliston, Sudbury, Wayland and Hopkinton.”.

The amendment was adopted.

Ms. Parente of Milford then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 124. Section 621 of Chapter 26 of the Acts of 2003 is hereby amended in line 4 by inserting after the words ‘Our Island Home,’ the following:— the Geriatric Authority of Milford.”.

The amendment was adopted.

Messrs. Kulik of Worthington and Larkin of Pittsfield then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 125. The balance of the bond spending appropriation 7410-8958 which otherwise would expire on September 30, 2003 is hereby extended to December 31, 2004.”.

The amendment was adopted.

Representatives Blumer of Framingham and Spilka of Ashland then moved that the bill be amended in section 58, in line 6, by inserting after the word “Norwood;” the following:— provided further, that not less than \$104,123 shall be expended for the school age parenting project at Framingham high school;”. The amendment was adopted.

Mr. Koutoujian of Waltham and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 126. There shall be a special commission to conduct an investigation on the significant racial, ethnic and linguistic disparities in access to health care and prevention services and quality care and the disparities in medical outcomes. The investigation shall include, but not be limited to disparities in the diagnosis and treatment of breast, cervical, prostate and colorectal cancers, strokes and heart attacks, infant mortality, diabetes, asthma and other respiratory illnesses.

The commission shall consist of 1 member representing the secretary of health and human services, 1 member representing the commissioner of public health, 1 member representing commissioner of medical assistance, 1 member representing the attorney general, 3 members of the house of representatives, 1 of whom shall be designated by the speaker of the house as co-chair of the commission, 3 members of the senate, 1 of whom shall be designated by the senate president as co-chair of the commission, 1 member representing Health Care for All, 1 member representing the Massachusetts division of the American Cancer Society, 1 member representing the New England division of the American Heart Association, 1 member representing Massachusetts General Hospital, 1 member representing Brigham and Women’s Hospital, 1 member representing the Massachusetts Hospital Association, 1 member representing the Massachusetts League of Community Health Centers, 1 member representing the Massachusetts Medical Society, 1 member representing the Harvard School of Public Health, 1 member representing the Boston Public Health Commission, 1 member representing the Springfield Health Department, 1 member representing Blue Cross/Blue Shield of Massachusetts, 1 member representing the Massachusetts Nurses Association, 1 member representing the Institute on Urban Health Research at Northeastern University, 1 member representing the Massachusetts Association of Health Plans, 1 member appointed by the president of the Massachusetts state AFL-CIO, and 1 member representing Boston Medical Center.

Said commission shall convene on or before February 1, 2004 and shall file a report not later than August 1, 2005 with the governor and the offices of the clerk of the senate and house of representatives. The report shall include but not be limited to, recommendations for designing, implementing and improving programs and services and proposing appropriate statutory and regulatory changes to reduce disparities in access to health care services and quality care to reduce disparities in medical outcomes and to address diversity in the health care workforce including, but not limited to, doctors, nurses and physician assistants.”.

The amendment was adopted.

Mr. Rogers of Norwood then moved that the bill be amended by striking out section 55 (previously amended by the House) and inserting in place thereof the following section:

“SECTION 55. Section 2 of chapter 26 of the acts of 2003 is hereby amended by striking item 4000-0100 and inserting in place thereof the following item:—

4000-0100 For the operation of the executive office, including the operation of the managed care oversight board; provided, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that the executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by all agencies under the purview of the secretariat, and shall ensure that all measures are taken to make such systems compatible with one another for enhanced interagency interaction; provided further, that the executive office shall continue to develop and implement the common client identifier; provided further, that the executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that not less than \$455,000 shall be expended for the Massachusetts Alliance of Boys and Girls Clubs to provide grants to boys and girls clubs of Massachusetts; provided further, that not less than \$40,000 shall be expended for the public partnership program between the town of Saugus and the greater Lynn YMCA and YWCA and the public partnership program between the town of Saugus and the Saugus YMCA and YWCA; provided further, that not less than \$80,000 shall be expended for the young parents programs of the Newton Community Service Centers, Inc.; provided further, that \$100,000 shall be undertaken for studies pursuant to section 668 of this act and other studies undertaken for the purposes of successfully implementing the reorganization of health and human services; and provided further, that the executive office of health and human services and its agencies, when contracting for services on the islands of Martha's Vineyard and Nantucket, shall take into consideration the increased costs associated with the provision of goods, services, and housing on the islands 2,483,812".

The amendment was adopted.

Mr. Rogers then moved that the bill be amended by striking out section 41 and inserting in place thereof the following section:

"SECTION 41. Section 201 of chapter 184 of the acts of 2002 is hereby amended by striking the figure '\$32,000,000' and inserting in place thereof the following: — \$340,200,000."

The amendment was adopted.

Mr. Rogers then moved that the bill be amended by striking out section 79 and inserting in place thereof the following section:

"SECTION 79. Notwithstanding any general or special law to the contrary, the board of higher education is hereby authorized and directed to establish a 2 year pilot program for fiscal years 2005 and 2006 for out-of-state tuition retention at the Massachusetts College of Liberal Arts.

The board shall calculate the total tuition collected by said college in fiscal year 2003 from out-of-state students and shall promulgate regulations to permit said college to retain all out-of-state tuition in excess of 103 percent of the fiscal year 2003 out-of-state tuition amount; provided further, that said regulations shall ensure that no resident of Massachusetts is denied admission to said college as a result of said tuition retention. The board shall issue a report on the progress of said initiative no later than December 1, 2004 to the house and senate chairs of the joint committee on education, arts and humanities, and the chairs of the house and senate ways and means committees. Said report shall include the number of out-of-state students attending said college, the amount of tuition retained under said program, and the programs or initiatives funded with said retained revenue."; and by adding at the end thereof the following section:

"SECTION 127. Section 79 shall take effect on July 1, 2004."

The amendments were adopted.

Mr. Rogers of Norwood then moved that the bill be amended, in section 38, in line 2, by inserting after the word “repealed” the following: “; and all monies held in the Beautification Fund of the Town of Braintree on the effective date of this act shall be transferred to the stabilization fund of said town”.

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended by striking out section 64 and inserting in place thereof the following section: “SECTION 64. Item 9110-0100 in Section 2 of Chapter 26 of the Acts of 2003 is hereby amended by adding at the end thereof the following:— provided further, that said executive office shall expend not less than \$18,500 for the elder advocacy organization known as the silver-haired legislature to have use of office space, office equipment, supplies, copy machines, telephones, and postage.”.

The amendment was adopted.

At twenty-seven minutes before three o’clock P.M., the Speaker declared a recess until three o’clock; and at twenty-eight minutes after three o’clock the House was called to order with the Speaker in the Chair.

Mrs. Harkins of Needham and other members of the House then moved that the bill be amended, in section 2A, by striking out item 1599-4122 and inserting in place thereof the following item:

“1599-4122 For a reserve for the payment of a portion of the salary adjustments and other economic items provided for in various collective bargaining agreements negotiated between the board of higher education and: the Association of Professional Administrators; and the American Federation of State, County and Municipal Employees, Council 93, Local 1067, AFL-CIO; provided, that said payments shall fund the fiscal year 2004 payments associated with salary adjustments and other economic benefits provided for in such collective bargaining agreements; provided that the salary of each employee covered by the terms of the collective bargaining agreements listed in this item shall be increased by an amount of money which shall cause said employee to be paid, effective on January first, two thousand and four, the salary specified in the relevant agreement which would have been in effect as of January first, two thousand and four in accordance with the provisions of such agreement; provided further, that employees covered by the terms of the collective bargaining agreements listed in this item shall, subject to appropriations in fiscal year two thousand and five and thereafter, continue to be paid salaries specified in this item until the parties to said collective bargaining agreements reach agreement or lawful impasse in negotiations for successor agreements; provided, further, that the chancellor of the board of higher education is authorized and directed to expend these funds for such salary adjustments and other economic items in accordance with the provisions herein and terms of the collective bargaining agreements listed in this item; provided further, that funds appropriated herein shall be transferred by the comptroller to the board of higher education based upon a schedule submitted by the chancellor of the board of higher education; provided, further, that any requirement that the employer shall submit to the general court a request for an appropriation necessary to fund cost items in a collective bargaining agreement shall not apply to the funding for salary adjustments and other economic items set forth in this item for the collective bargaining agreements listed in this item, notwithstanding the provisions of chapter one hundred and fifty E of the General Laws, including subsection (c) of section seven of said chapter one hundred and fifty E or any other general or special law or collective bargaining agreement to the contrary and any contractual requirement relative to allocation of

appropriations which would interfere with or impede the payment of salary adjustments and other economic items provided for in this item for the collective bargaining agreements listed in this item shall not apply to the payment of such salary adjustments and other economic items, notwithstanding the provisions of any collective bargaining agreement to the contrary; provided further, that notwithstanding the provisions of chapter 150E of the General Laws or any other general or special law to the contrary, appropriation or expenditure of funds in this item shall not constitute or create an obligation for the commonwealth or any institutions of public higher education to provide any other salary adjustments or economic benefits associated with any fiscal year prior to other than fiscal year 2004, as otherwise provided in such collective bargaining agreements 8,216,572”.

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mrs. Harkins; and on the roll call 159 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 442 in Supplement.]

Therefore the amendment was adopted.

Mrs. Harkins of Needham and other members of the House then moved that the bill be amended, in section 2A, by striking out item 1599-4121 and inserting in place thereof the following item:

“1599-4121 For a reserve for the payment of a portion of the salary adjustments and other economic items provided for in various collective bargaining agreements negotiated between the board of trustees of the University of Massachusetts and: the Massachusetts Society of Professors/Faculty Staff Union/MTA/NEA; the Professional Staff Union, Local 509, Service Employees International Union, AFL-CIO/CLC; the University Staff Association/Massachusetts Teachers Association/NEA; the International Brotherhood of Police Officers, Local 432, Units A and B; the International Brotherhood of Teamsters, Local 25 (two units); the University of Massachusetts and the International Brotherhood of Police Officers, Local 399; the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 507; the National Association of Government Employees, Local 245; the American Federation of Teachers, Local 1895, AFL-CIO, Faculty Federation; the American Federation of Teachers, Local 1895, AFL-CIO, Educational Services; International Association of Police Officers, Local 399; the Massachusetts Society of Professors/Lowell; the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 1776; the Graduate Employee Organization, Local 2322, UAW; the Service Employees’ International Union, Local 509, Unit B; the Service Employees’ International Union, Local 254, AFL-CIO, CLC, Clerical-Technical Unit; the Service Employees’ International Union, Local 254, AFL-CIO, CLC, Professional/mid-Management Unit; the National Association of Government Employees; the Graduate Employee Organization, Local 1596, UAW; and the Graduate Employee Organization Boston, Local 1596, UAW; provided, that said payments shall fund the fiscal year 2004 payments associated with salary adjustments and other economic benefits provided for in such collective bargaining agreements; provided that the salary of each employee covered by the terms of the collective bargaining agreements listed in this item shall be increased by an amount of money which shall cause said employee to be paid, effective on January first, two thousand and four, the salary specified in the relevant agreement which would have been in effect as of January first, two thousand and four in accordance with the provisions

of such agreement; provided, further, that employees covered by the terms of the collective bargaining agreements listed in this item shall, subject to appropriation in fiscal year two thousand and five and thereafter, continue to be paid agreement or lawful impasse in negotiations for successor agreements; provided, further, that the president of the University of Massachusetts is authorized and directed to expend these funds for such salary adjustments and other economic items in accordance with the provisions herein and the terms of the collective bargaining agreements listed in this item; provided, further, that any requirement that the employer shall submit to the general court a request for an appropriation necessary to fund cost items in a collective bargaining agreement shall not apply to the funding for salary adjustments and other economic items set forth in this item for the collective bargaining agreements listed in this item, notwithstanding the provisions of chapter one hundred and fifty E of the General Laws, including subsection (c) of section seven of said chapter one hundred and fifty E or any other general or special law or collective bargaining agreement to the contrary and any contractual requirement relative to allocation of appropriations which would interfere with or impede the payment of salary adjustments and other economic items provided for in this item for the collective bargaining agreements listed in this item shall not apply to the payment of such salary adjustments and other economic items, notwithstanding the provisions of any collective bargaining agreement to the contrary; provided further, that notwithstanding the provisions of chapter 150E of the General Laws or any other general or special law to the contrary, appropriation or expenditure of funds in this item shall not constitute or create an obligation for the commonwealth or any institutions or public higher education to provide any other salary adjustments or economic benefits associated with any fiscal year prior to fiscal year 2004, as otherwise provided in such collective bargaining agreements 25,960,284”.

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mrs. Harkins; and on the roll call 159 members voted in the affirmative and 0 in the negative.

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

Therefore the amendment was adopted.

Ms. Candaras of Wilbraham and other members of the House then moved that the bill be amended by adding at the end thereof the following two sections:

“SECTION 128. Notwithstanding any general or special law to the contrary, during fiscal year 2004 and including the accounts payable period for that fiscal year, the division of medical assistance may expend from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund an amount not to exceed \$590,000,000 for a program of MassHealth supplemental payments to certain publicly operated entities providing Title XIX reimbursable service, directly or through contracts with hospitals under an agreement with the division relating to such payments and transfers as established in accordance with Title XIX of the Social Security Act or federal waivers thereof, federal regulations promulgated thereunder, the terms of the waiver under section 1115 of the Social Security Act, state law, and the Medicaid state plan. The funds may be expended only for payment obligations arising during fiscal year 2004. Such expenditures shall reduce payments from the Uncompensated Care Trust Fund to such entities by an amount comparable to the net revenues received by such entities under this section. The division of medical assistance shall notify the house and senate

committees on ways and means if such expenditures are rendered ineligible for federal reimbursement. All expenditures made pursuant to this section shall be reported quarterly to the house and senate committees on ways and means. Amounts so authorized for said expenditure shall be funded in part through intergovernmental transfers to the commonwealth of municipal or other non-federal public funds. The Boston public health commission and the Cambridge public health commission shall transfer to said medical assistance intergovernmental transfer account an amount not less than 55 per cent of the gross amounts of supplemental payments made by the division of medical assistance under managed care contracts with the commissions; provided that, an amount equal to not more than 5 per cent of the gross amounts of supplemental payments made by the division of medical assistance shall be transferred from said medical assistance intergovernmental transfer account to the Essential Community Provider Expendable Trust Fund, established by section 129 of this act.

SECTION 129. There is hereby established the Essential Community Provider Expendable Trust Fund, which shall be administered by the Secretary of Health and Human Services. Expenditures from said Fund shall be subject to appropriation. The purpose of said fund shall be to provide financial support to community health centers, community health center-based managed care organizations, and other essential community providers that serve populations in need of community-based care, clinical support, care coordination services, pharmacy management services or other special needs for continuing community care, including, but not limited to those populations who are chronically ill, elderly, or disabled. The secretary of health and human services shall develop regulations governing the necessity and recommended uses of said fund in consultation with the Massachusetts League of Community Health Centers, the Massachusetts Hospital Association and representatives of other community providers. Notwithstanding the provisions of any general or special law to the contrary, said Secretary shall make available from said fund \$3M in a one-time grant for a community health center located in Suffolk county that participates in the MassHealth program, so-called, operates a 24-hour urgent care facility and a 340B outpatient pharmacy program, so-called; \$3.5M in a one-time grant for a hospital in Hampden County with a significant inpatient mental health and methadone program that participates in the MassHealth program, so-called; \$790,000 each in a one-time grant for a sole community hospital under the Medicare program located in Barnstable County and one located in central and southern Berkshire county; \$4M in a one-time grant for a disproportionate share financially distressed community hospital located in Suffolk County with a locked inpatient adolescent psychiatric unit that participates in the MassHealth program, so-called; and \$950,000 in a one-time grant for a disproportionate share acute care hospital located in the Southeastern Massachusetts division of medical assistance psychiatric service are that operates inpatient psychiatric units. Said Secretary shall file a report not later than January 1, 2004, to the Speaker of the house of Representatives, the President of the Senate, and to the house and senate committees on ways and means delineating any and all initiatives or proposals recommended to be funded, the amount recommended to be expended on each such initiative; the names of each entity recommended to receive funds pursuant to this section and the extent to which such expenditures are eligible for federal reimbursement; provided further, that any federal reimbursements received by the commonwealth for expenditures made from the Fund shall be deposited into the Fund.”.

The amendment was adopted.

Mr. Hill of Ipswich then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 130. Chapter 184 of the acts of 2002 is hereby amended, in section 2, in item 8000-0010 by adding after the word ‘Yarmouth’ the following words:— ; provided further, that \$183,150 shall be provided for community policing in the town of Ipswich; provided further, that \$32,661 shall be provide for community policing in the town of Hamilton.”.

The amendment was adopted.

Mr. Rodrigues of Westport then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 131. By striking subsection (b) of section 20E of chapter 90 of the General Laws, as amended by section 1 of chapter 222 of the acts of 2002 and inserting in place thereof the following subsection:—

(b) Within forty-five days, the registered owner shall furnish to such parking clerk in writing the name and address of the lessee or rentee of such motor vehicle at the time of such violation; and if the lessee or rentee is also the operator, the lessee’s or rentee’s driver’s license number, state of issuance of such driver’s license and the lessee’s or rentee’s date of birth.

And by striking out subsection (J) of said section 20E of said chapter 90, as added by section 2 of said chapter 222 of the acts of 2002.”.

The amendment was adopted.

Representatives Khan of Newton and Kennedy of Brockton then moved that the bill be amended by striking out section 85 and inserting in place thereof the following section:

“SECTION 85. The department of housing and community development, in coordination with the executive office of health and human services, the Citizens Housing and Planning Association, the Massachusetts Coalition for the Homeless and representatives of local and regional housing authorities shall conduct a study of the feasibility of developing a statewide application system and waiting list for all state public housing resources that would permit application in multiple housing authorities through the submission of a single application form, while allowing each authority to continue to make its own eligibility and preference determinations to the extent permitted by law. Said report shall include, but not be limited to, the following: (1) a review by the executive office of health and human services of all existing computerized technology systems with the demonstrated capacity to operate a statewide housing inventory list, a single point of entry application process, automated waitlist linkage, and automated data collection for all appropriate subsidized, affordable or special needs housing resources operating within the Commonwealth, whether public or privately managed, and whether funded by local, state or federal funds, while supporting each housing provider’s unique eligibility and preference determinations to the extent permitted by law; (2) a review of any such technology systems that can link the extensive filing, waitlist and application systems already operating within housing provider offices while minimizing or avoiding any systems change; (3) analysis on the possibility of or need for adjusting currently existing computer technology systems that promote a ‘silo effect’, so called, due to their inability to work outside a particular funding area and; (4) information those computer technology systems that could be in operation by the commencement of fiscal year 2005 or earlier, that cover the most extensive housing inventory; that can provide the greatest range of reasonable accommodations, and that would enhance current compliance with the federal Americans with Disabilities Act & applicable state and federal fair housing regulations. The department shall file a report of its findings and recommendations with the house and senate committees on ways and means and the joint committee on housing and urban development no later than March 15, 2004.”.

The amendment was adopted.

Mr. Petrolati of Ludlow then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 132. Item 1108-5200 of section 2 of Chapter 26 of the Acts of 2003 is hereby amended by adding after the words ‘such premiums and rates;’ in line 42, the following:— provided, notwithstanding the provisions of this item or any general or special law to the contrary, the authority’s share of such premiums for employees of the Massachusetts Bay Transportation Authority, for any bargaining unit working without a contract, shall remain in force and effect until the effective date of any subsequent agreement.”.

The amendment was adopted.

Messrs. Greene of Billerica and Kaufman of Lexington then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 133. Item 6033-9903 of section 2B of chapter 235 of the acts of 2000 is hereby amended by inserting at the end thereof the following:— ; provided further, that the Mass Highway Department shall expend \$2,500,000 to construct sound barriers in the towns of Billerica and Lexington; provided further, that said barriers in the town of Billerica shall be on the northerly side of Route 3 from a point 500 yards south of the Elliot Street bridge and extending 700 yards north of the Elliot Street bridge on the northerly side of Route 3; and providing further, that said barriers in the town of Lexington shall be from the off-ramp from route 3 accessing route 128 south and extending to the Grove Street bridge.”.

The amendment was adopted.

Mr. Finegold of Andover then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 134. Item 6033-9903 of section 2B of chapter 235 of the acts of 2000 is hereby amended by inserting at the end thereof the following:— ; provided further, that the Mass Highway Department shall construct sound barriers in the town of Andover from exit 41 to exit 43 on Route 93.”.

The amendment was adopted.

Mr. Cabral of New Bedford then moved that the bill be amended in section 64 (previously inserted by amendment), in line 4, by striking out the word “less” and inserting in place thereof the word “more”.

The amendment was adopted.

Mr. Scaccia of Boston then moved that the bill be amended, by adding at the end thereof the following four sections:

“SECTION 135. Chapter 188 of the General Laws is hereby amended by deleting Sections 1 and 1A and inserting in their place the following as Section 1:—

Section 1. The real property or manufactured home of an owner, as herein defined, shall be protected against attachment, seizure or execution of judgment to the extent of \$300,000, provided, however, that such owner has filed a declaration of homestead as provided in section two; and, provided further, that such owner occupies or intends to occupy such real property or manufactured home as his principal residence.

For the purposes of this chapter, an owner shall include a sole owner, joint tenant, tenant by the entirety, tenant in common, or one who rightfully possesses the premises by lease or otherwise. A trustee may file a declaration of homestead for real property or a manufactured home that is held in trust provided the trustee occupies the property or home as his principal residence.

The protections of this chapter shall extend to debts incurred by a family member of said owner so long as said family member occupies or intends to occupy such real property or

manufactured home as his principal residence. For purposes of this chapter, the term ‘family member’ shall mean the spouse, child or children, or parent of said owner.

An owner who has filed a declaration of homestead but who, as the family member of another owner, is entitled to the protection of one or more additional homesteads filed by such other owner, may combine the exemptions of all such declaration of homestead.

The following shall be exempt from the provisions of this chapter:

1. Federal, state and local taxes, assessments, claims and liens;
2. Debts contracted that are secured by a mortgage on the premises, whether said mortgage was executed by the owner or by a predecessor in title;
3. Any and all debts, encumbrances or contracts existing prior to the filing of the Declaration of Homestead;
4. An execution issued from the probate court to enforce its judgment that a spouse pay a certain amount weekly or otherwise for the support of a spouse or minor children;
5. Where buildings on land not owned by the owner of a homestead estate are attached, levied upon or sold for the ground rent of the lot whereon they stand;
6. Upon an execution issued from a court of competent jurisdiction to enforce its judgment based on fraud, mistake, duress, undue influence or lack of capacity.

SECTION 136. Section 6 of chapter 188 of the General Laws is hereby amended by striking out the first sentence and by striking out from the second sentence the words ‘such property’ and inserting in their place the following phrase:— ‘property which is subject to a mortgage executed before an estate of homestead was acquired therein, or executed afterward and containing a release thereof’.

SECTION 137. Section 7 of chapter 188 of the General Laws is hereby amended by inserting at its end the following paragraph: —

A mortgage executed by an owner for property that is already subject to a declaration of homestead shall not terminate such homestead.

SECTION 138. Sections 135, 136 and 137 of this act shall take effect on January 1, 2004.”.

The amendment was adopted.

Mr. Cabral of New Bedford then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 139. (a) On or before December 15, 2003, the Secretary of the Executive Office of Health and Human Services shall report to the House and Senate committees on Ways and Means on projected enrollment and expenditures under Section 682 of Chapter 26 of the Acts of 2003. If the Secretary reports that expenditures will be less than \$160,000,000 then, on January 1, 2004, notwithstanding subsection (3) of section 16D of chapter 118E or any other general or special law to the contrary, a person who is not a citizen of the United States by who is either a qualified alien within the meaning of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 or is otherwise permanently residing in the United States under color of law shall be eligible to receive benefits under the MassHealth Essential program, so-called, if such individual meets the categorical and financial eligibility requirements for the program of preventive and primary care for chronically unemployed persons established pursuant to Section 682 of Chapter 26 of the Acts of 2003, provided said individual is age 65 or older or age 19 to 64 and disabled and provided that enrollment of said non-citizens may be limited by the Division of Medical Assistance so as not to exceed the amount made available and that the Division determines that there is adequate funding to enroll 36,000 long term unemployed individuals under said Section 682 and to also enroll said non-

citizens under this section.

(b) The Secretary shall notify those elderly and disabled non-citizens who have been denied or terminated from non-emergency MassHealth that they are eligible to apply for Prescription Advantage during the next year enrollment period.

(c) On January 1, 2004, the Secretary shall report to the House and Senate Committees on Ways and Means on additional costs to the Uncompensated Care Pool and to emergency MassHealth coverage to certain non-citizens pursuant to Section 322 of Chapter 26 of the Acts of 2003.”.

The amendment was adopted.

Mr. Keenan of Southwick and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 140. Section 703 of Chapter 26 of the Acts of 2003 is hereby amended by striking out the words ‘the effective date of this act’ and inserting in place thereof the following: ‘July 1, 2004’.”.

The amendment was adopted; and the bill (House, No. 4311, printed as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the conservation commission of the town of Andover to grant an easement (see Senate, No. 1183) (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 (Mrs. Harkins of Needham being in the Chair) 158 members voted in the affirmative and 0 in the negative.

[\[See Yea and Nay No. 444 in Supplement.\]](#)

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

Order.

On motion of Mr. Finneran of Boston,—

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

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-nine minutes after five o'clock P.M., on motion of Ms. Donovan of Woburn (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M.