

JOURNAL OF THE HOUSE.
Monday, November 17, 2003.

Met at seven minutes after eleven o'clock A.M., with Mr. DiMasi of Boston in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

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

God of Goodness and Forgiveness, we open our hearts and minds to You as we seek Your assistance and address each day's legislative and personal opportunities and responsibilities. During these stressful and uncertain times with unlimited people needs but with often limited legislative options, inspire us to offer You and constituents our best reasonable and ethical judgments, choices and decisions. Your gift of spiritual wisdom to us, rather than our acquired human wisdom, enables us to be focused clearly on both current and ultimate realities, values and the purpose for which we have been created by You. May we have the intellectual and moral courage to remain faithful to our goals and priorities.

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

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

Resolutions.

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

Resolutions (filed by Representatives Jones of North Reading and Donovan of Woburn) congratulating Sally Hoyt on receiving the Outstanding Citizen Award;

Resolutions (filed by Mr. Casey of Winchester) congratulating Mary Josephine Sordillo Russo on the occasion of her ninety-fifth birthday;

Resolutions (filed by Mr. Connolly of Everett) congratulating Richard Francis Horgan on his eightieth birthday;

Resolutions (filed by Mrs. Haddad of Somerset) congratulating David J. Oliveira on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. LeDuc of Marlborough) congratulating William "Bill" Mauro, Jr., on the occasion of his retirement;

Resolutions (filed by Mr. Rush of Boston) recognizing Mark Granger of West Roxbury for his many years of dedicated service to the Boy Scouts of America, Troop 5;

Resolutions (filed by Messrs. Stanley of Waltham and Koutoujian of Waltham) congratulating Ryan Lawrence White on earning the rank of Eagle of the Boy Scouts of America;

Resolutions (filed by Mr. Travis of Rehoboth) congratulating David Medeiros on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mr. Wagner of Chicopee) congratulating Dan Dulchinos on the occasion of being named the Coach of the Year by the National Baseball Coaches Association;

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

Communications.

The following communications were read for the information of the House:

Communications

From the Inspector General (under the provisions of Section 2 of Chapter 664 of the Acts of 1986) submitting a review of the lease of land and buildings at the former Belchertown State School; and

From Plainridge Racecourse (under Section 2 of Chapter 128C of the General Laws) submitting copies of contracts for the simulcasting of dog races;

Severally placed on file.

Quarterly Report.

The quarterly report of the Massachusetts Turnpike Authority (under the provisions of Section 9 of Chapter 87 of the Acts of 2000) on the status of the Central Artery/Ted Williams Tunnel Project, was placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Brown of Wrentham, petition (accompanied by bill, House, No. 4313) of Scott P.

Brown (by vote of the town) that the town of Norfolk be authorized to establish a department of public works; and

By Mr. Kennedy of Brockton, petition (accompanied by bill, House, No. 4314) of Thomas P. Kennedy (with the approval of the mayor and city council) relative to the payment obligations of the city of Brockton under a certain water supply contract;

Severally to the committee on Local Affairs and Regional Government.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Atsalis of Barnstable, petition (subject to Joint Rule 12) of Demetrius J. Atsalis relative to the restoration to service of certain public employees retired under the disability retirement laws of the Commonwealth.

By the same member, petition (subject to Joint Rule 12) of Demetrius J. Atsalis that the State Retirement Board be directed to grant certain creditable service to Paul Thomas, a member of the state police.

By Mr. Bosley of North Adams, petition (subject to Joint Rule 12) of Daniel E. Bosley for legislation to further regulate the dates for the operation of motor vehicles with metal studded tires on the roadways of the Commonwealth.

By Mr. Brown of Wrentham, petition (subject to Joint Rule 12) of Scott P. Brown and Cheryl A. Jacques that the Department of Correction be authorized to establish a sick leave bank for

Joanne M. Sollecito, an employee of said department.

By Mrs. Harkins of Needham, petition (subject to Joint Rule 12) of Lida E. Harkins for legislation to restore student transportation services and authorize fees to be charged for said transportation.

By the same member (by request), petition (subject to Joint Rule 12) of Ray Neary relative to parental notification and consent concerning human sexual education in the public schools.

By Mr. Kujawski of Webster, petition (subject to Joint Rule 12) of Charles A. Bisbee, Jr., and Peter V. Kocot that the Department of Highways be directed to erect signs on certain state highways designating the city of Northampton as the home of President Calvin Coolidge.

By Mr. Knuuttila of Gardner, petition (subject to Joint Rule 12) of Brian Knuuttila, Stephen M. Brewer, Mark J. Carron, Shaun P. Kelly and another relative to access to beaver dams to protect the public health and safety.

By Mr. Murphy of Weymouth, petition (subject to Joint Rule 12) of James M. Murphy and Ronald Mariano for legislation to designate a certain bridge in the city known as the town of Weymouth as "The Weymouth Veterans Memorial Bridge".

By Mr. Vallee of Franklin, petition (subject to Joint Rule 12) of James E. Vallee for legislation to make certain changes in the law relative to the registration of sex offenders.

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

Papers from the Senate.

Bills

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 (Senate, No. 1229, amended in section 1, in lines 1 to 3, inclusive, by striking out the words "division of fisheries and wildlife, within the department of fisheries, wildlife and environmental law enforcement, and/or" and inserting in place thereof the words "department of fish and game and" and in line 28 by striking out the words "division of fisheries and wildlife and/or" and inserting in place thereof the words "department of fish and game or") (on a petition);

Making appropriations for fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2140) (on Senate bill, No. 2139);

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

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2143) of Marc R. Pacheco, Steven A. Tolman, Thomas J. O'Brien and Steven C. Panagiotakos for legislation to protect the unemployment insurance safety net. To the committee on Commerce and Labor.

Petition (accompanied by bill, Senate, No. 2145) of Richard T. Moore, Peter J. Koutoujian, Mark C. Montigny, Harriette L. Chandler and other members of the General Court for legislation for a caring Commonwealth; defining the health care policy of the Commonwealth; Health Care Policy Council established. To the committee on Health Care.

Petition (accompanied by bill, Senate, No. 2144) of Andrea F. Nuciforo, Jr., and Daniel E. Bosley for legislation to authorize the Mount Greylock Regional School District to convey and

lease real estate. To the committee on State Administration.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Alice K. Wolf relative to the English immersion law. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill) of Michael A. Sullivan (mayor), Timothy J. Toomey, Jr., Paul C. Demakis, Anne M. Paulsen, Byron Rushing, Rachel Kaprielian, Alice K. Wolf and others (with the approval of the mayor and city council) for legislation to authorize persons seventeen years of age to vote in certain elections in the city of Cambridge; and

Petition (accompanied by bill) of Alice K. Wolf, Paul C. Demakis, Anne M. Paulsen, Jarrett T. Barrios, Byron Rushing and others (with the approval of the mayor and city council) that the city of Cambridge be authorized to allow certain non-citizen residents of said city to vote in school committee and city council elections;

Severally to the committee on Election Laws.

Petition (accompanied by bill) of Michael J. Rodrigues and other members of the General Court relative to requiring health insurance plans to provide diagnosis and treatment of Lyme disease; and

Petition (accompanied by bill) of Robert Spellane, other members of the General Court and others for legislation to establish a registered clinical exercise physiologist licensing board; Severally to the committee on Health Care.

Petition (accompanied by bill) of Thomas J. O'Brien, Therese Murray and Martin J. Walsh for legislation to establish a sick leave bank for Mary M. Putney, an employee of the Trial Court of the Commonwealth. To the committee on the Judiciary.

Petition (accompanied by bill) of Michael F. Kane and Michael R. Knapik for legislation to regulate the operation of sound amplification systems by operators of motor vehicles. To the committee on Public Safety.

Petition (accompanied by bill) of Frank M. Hynes and other members of the House for legislation to further regulate severance allowances for public employees. To the committee on Public Service.

Petition (accompanied by bill) of Michael A. Costello, Alice Hanlon Peisch, Barbara A. L'Italien, Patricia A. Haddad and William Lantigua relative to notices by the State Ethics Commission;

Petition (accompanied by bill) of John A. Michitson for legislation to authorize teleconference meetings of governmental bodies;

Petition (accompanied by bill) of Daniel E. Bosley (with the approval of the mayor and city council) that the Division of Capital Asset Management and Maintenance be authorized to convey certain parcels of land in the city of North Adams to said city; and

Petition (accompanied by bill) of Frank M. Hynes for legislation to further regulate exhibitors using convention centers or exhibition centers financed by the Commonwealth; Severally to the committee on State Administration.

Petition (accompanied by bill) of Frank M. Hynes relative to the collection of taxes on the sale of boats built or rebuilt in the Commonwealth. To the committee on Taxation.

Under suspension of the rules, on motion of Mr. Driscoll of Braintree, the reports were

considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill relative to community preservation (House, No. 1509); and

Of the Resolutions relative to the adoption of a comprehensive public policy and strategy for the preservation and advancement of science and technology based economic development throughout the Commonwealth (House, No. 4182);

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

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

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill designating portions of Interstate 90 and Interstate 93 (House, No. 4231),— and recommending that the same be recommitted to the committee on Transportation. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 801) of William Francis Galvin and Angelo M. Scaccia for legislation to further regulate the price of milk; and

Of the petition (accompanied by bill, House, No. 2648) of Charles A. Murphy, Eric Turkington and Michael E. Festa relative to the milk control law;

And recommending that the same severally be referred to the committee on Commerce and Labor.

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

Severally sent to the Senate for concurrence.

By Mr. Walsh of Boston, for the committee on Homeland Security and Federal Affairs, that the Bill relative to electronic record standards (House, No. 4298) ought to pass with an amendment in section 1, in line 4, by striking out the word “All” and inserting in place thereof the words “Notwithstanding any general or special law to the contrary all”. Referred, under Rule 33, to the committee on Ways and Means.

Mr. Rogers of Norwood, for said committee, reported recommending 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 Rule 7A, on motion of Mr. Scaccia of Boston, the bill was read a second time.

The amendment recommended by the committee on Homeland Security and Federal Affairs then was adopted; and the bill (House, No. 4298, amended) was ordered to a third reading.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill authorizing the commissioner of conservation and recreation to modify, extinguish and relocate a certain easement in the city of Lawrence (Senate, No. 2083, changed and amended) ought to pass

[Local Approval Received]. 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. Torrisi of North Andover, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill regarding notarization of documents including electronic notarization (House, No. 4217, changed) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading.

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

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on a petition, a Resolve relative to the preservation of the archaeological and fossil resources of the Commonwealth (House, No. 3679). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Dempsey of Haverhill, for the committee on Science and Technology, that the Bill regulating commercial electronic mail (Senate, No. 2019, amended) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4312. Referred, under Rule 33, to the committee on Ways and Means with the amendment pending.

By Mr. Walsh of Boston, for the committee on Homeland Security and Federal Affairs, that the Bill facilitating electronic transactions (Senate, No. 2076) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

By Mr. Dempsey of Haverhill, for the committee on Science and Technology, that the Bill relative to restoring the infrastructure of library services for residents of the Commonwealth (House, No. 1199) ought to pass. Referred, under Rule 33, to the committee on Local Affairs and Regional Government on the part of the House.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on Senate, No. 766 and House, Nos. 2253, 2815 and 3336, a Bill relative to the safe placement of newborns and infants (House, No. 4325) [Representatives Paulsen of Belmont, Khan of Newton and Sullivan of Fall River dissenting].

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on a petition, a Bill releasing certain land in Northampton from the operation of an agricultural preservation restriction (House, No. 1715).

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

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill authorizing cities, towns and regional districts to send certain information to registered voters (printed as Senate, No. 349) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and

Scheduling.

By Mr. Vallee of Franklin, for the committee on Criminal Justice, on a petition, a Bill relative to making false emergency reports (House, No. 1064).

By the same member, for the same committee, on a petition, a Bill prohibiting illegal videotaping (House, No. 3303).

By the same member, for the same committee, on a petition, a Bill criminally negligent homicide (House, No. 3486).

By Mr. Bosley of North Adams, for the committee on Government Regulations, on a petition, a Bill authorizing the town of Fairhaven to issue an additional license for the sale of alcoholic beverages to HP Cooking, Inc. (House, No. 4148) [Local Approval Received].

By Mr. Mariano of Quincy, for the committee on Insurance, on a petition, a Bill relative to small group insurance (House, No. 1699).

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

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the following bills ought to pass:

Bill affirming the standard for commercially used weights and measures devices (House, No. 27);

Bill relative to motorcycle awareness (House, No. 2124); and

Bill authorizing the Department of Revenue to make a certain refund (House, No. 3101);

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

Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Vallee of Franklin, for the committee on Criminal Justice, on a petition, a Bill relative to the removal of veterans' commemorative flag holders (House, No. 2390). 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; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

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

The Senate Bill authorizing the town of Palmer to establish a special revenue fund (Senate, No. 1947) [Local Approval Received]; and

House bills

Relative to the Dighton Water District (House, No. 387);

Relative to compassionate care by the prompt pronouncement of death by a nurse practitioner (House, No. 1663);

Exempting the position of deputy police chief of Chelmsford from civil service (House, No. 3836) [Local Approval Received];

Authorizing the town of Monroe to lease certain land (House, No. 3993, changed) [Local Approval Received];

Establishing an infrastructure and town property Capital Improvements Fund in the city known as the town of Franklin (House, No. 4072) [Local Approval Received];
Relative to the off-street parking board in the city of Worcester (House, No. 4082) [Local Approval Received];
Relative to a change in land use in the town of Lakeville (House, No. 4112) [Local Approval Received];
Validating the proceedings of the annual town meeting in the town of Palmer (printed in House, No. 4141);
Authorizing the town of Florida to lease certain land (House, No. 4163, changed) [Local Approval Received];
Relative to the town administrator of the town of West Boylston (House, No. 4230); [Local Approval Received];
Relative to group marketing plans (House, No. 4295); and
Relative to the time allowed for local assessors to appeal the valuation of state-owned lands to the Appellate Tax Board (House, No. 4297)
Severally placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, ought NOT to pass, on the petition (accompanied by bill, House, No. 1152) of Thomas N. George, other members of the General Court and another relative to establishing a visitor impact fund to assist cities and towns hosting visitors to state parks, forests and reservations.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1153) of Harold P. Naughton, Jr., and Lewis G. Evangelidis relative to establishing a visitor impact fund to assist cities and towns hosting visitors to state parks, forests and reservations.

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

Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Engrossed Bills.

Engrossed bills

Establishing reasonable fees for copying medical records (see Senate, No. 642) (which originated in the Senate);

Relative to debt collection and loan servicing agencies (see House, No. 13); and

Authorizing the certification of David E. Jones to a civil service list for police officer notwithstanding the maximum age requirement (see House, No. 3918);

(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.

Orders of the Day.

House bills

Validating the acts and proceedings at a certain town caucus in the town of Westhampton

(House, No. 1712);

Relative to emergency medical services (House, No. 1914) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the survivor benefits of George Calder (House, No. 3868);

Authorizing a ballot question in the town of Belmont relative to the granting of licenses for the sale of alcoholic beverages (House, No. 3975);

Relative to granting of an easement by the city of Newton to the Massachusetts Water Resources Authority (House, No. 4009); and

Relative to the Board of Health of the town of Tewksbury (House, No. 4145);

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

Senate bills

Establishing a traffic commission in the city of Westfield (Senate, No. 1932);

Regulating the use of Lowell Park in the town of Barnstable (Senate, No. 1935);

Authorizing the town of Lunenburg to convey a certain parcel of land (Senate, No. 1952); and

Authorizing the town of Millbury to grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2056, amended); and

House bills

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

Authorizing the town of Bridgewater to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (printed as Senate, No. 2016);

Authorizing the town of Adams to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (printed as Senate, No. 2034);

Authorizing the town of Dighton to establish a special fund (House, No. 455);

Designating a certain rest area in the town of Barnstable as the Korean War Veterans Memorial Rest Area (House, No. 1412);

Relative to the relocation and alteration of layout of High Pole Hill Road in the town of Provincetown (House, No. 3840);

Relative to the appointment of retired police officers as special police officers in the town of Fairhaven (House, No. 3978);

Authorizing the town of Middleton to grant certain easements (House, No. 4196);

Relative to a certain parcel of land in the town of Hinsdale (House, No. 4199); and

Authorizing the Plymouth Airport Commission to lease certain parcels of land (House, No. 4214);

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

The Senate Bill designating a certain portion of state highway Route 44 as the Prisoner of War-Missing in Action Highway (Senate, No. 1893, amended) was read a second time.

Pending the question on ordering the bill to a third reading, Mr. O'Brien of Kingston moved that it be amended in line 3 by striking out the words "from Middleborough to Plymouth".

The amendment was adopted; and the bill (Senate, No. 1893, amended) was ordered to a third reading.

Recess.

At half past eleven o'clock A.M., on motion of Mr. Driscoll of Braintree (Mr. DiMasi of Boston being in the Chair), the House recessed until one o'clock P.M.; and at eight minutes after one o'clock the House was called to order with Mr. DiMasi in the Chair.

Papers from the Senate.

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. 4311) 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 2410.

Under suspension of the rules, on motion of Mr. Flynn of Bridgewater, the amendment was considered forthwith.

The House then non-concurred with the Senate in its amendment; and, on motion of Mr. Finneran of Boston, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Rogers of Norwood, Larkin of Pittsfield and deMacedo of Plymouth were appointed as the committee on the part of the House. Sent to the Senate to be joined. Subsequently the bill came from the Senate with the endorsement that said branch had insisted on its amendments, concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Murray, Panagiotakos and Knapik had been joined as the committee on the part of the Senate.

The Senate Bill relative to public employees serving in the armed forces of the United States (Senate, No. 1985, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4307) with a further amendment in section 1 by adding at the end thereof the following sentence: "Nothing in this section shall limit or reduce a person's entitlement to benefits under section 59 of chapter 33 of the General Laws [A].".

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

Mr. Costello of Newburyport then moved that the House concur with the Senate in its further amendment with a still further amendment in section 1 by inserting after the word "Laws" [at "A"] the words "; provided, however, that nothing in this section shall entitle a person to benefits in excess of the maximum benefit provided under said section for any period during which said person is receiving benefits under this section".

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

The House Bill authorizing the town of Dracut to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3922) came from the Senate

passed to be engrossed, in concurrence, with an amendment in line 3 striking out the following: “Alan R. Mancotte d/b/a L’l Peach Food Store” and inserting in place thereof the following: “Li’l Peach of Mammoth Rd., Dracut, Inc.”.

Under suspension of Rule 35, on motion of Miss Garry of Dracut, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith. The same member then moved that the House concur with the Senate in its amendment with further amendments in line 3 by striking out the following: “Li’l Peach of Mammoth Rod., Dracut, Inc.” (inserted by amendment by the Senate) and inserting in place thereof the following “QIKSLV, Inc. d/b/a/ Li’l Peach of Mammoth Road, Dracut”; and by adding at the end thereof the following section:

“SECTION 2. This act shall take effect upon its passage.”.

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.

Recess.

At twenty-five minutes past one o’clock P.M., on motion of Mr. Flynn of Bridgewater (Mr. DiMasi of Boston being in the Chair), the House recessed subject to the call of the Chair; and at twenty-four minutes before five o’clock the House was called to order with Mr. DiMasi in the Chair.

Reports of a Committee.

Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4005), returning with His disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2004 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4004), reported, in part, in each instance, that sections 603 and 696 stand (as passed by the General Court).

Mr. Cabral of New Bedford moved that the rules be suspended in order that the House might consider forthwith passing section 603, notwithstanding the objections of the Governor.

Pending the question on suspension of the rules, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. DiMasi of Boston), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 157 members were recorded as being in attendance.

[\[See Yea and Nay No. 445 in Supplement.\]](#)

Therefore a quorum was present.

The pending motion to suspend the rules prevailed; and section 603, which had been vetoed by the Governor, was considered, as follows:

“SECTION 603. There shall be a commission to investigate and study public employee compensation, including, but not limited to the, health insurance, dental insurance, life

insurance, education assistance, disability insurance, voluntary savings programs, and retirement benefits. The study shall include, but not be limited to, an analysis and comparison of public employee compensation in Massachusetts, including member contribution rates, eligibility, vesting, and portability, to other public and private employee compensation plans. The commission shall consist of 15 members as follows: the house and senate chairman of the joint committee on public service, who shall serve as co-chairs of the commission; 1 member of the senate appointed by the senate president and 1 member of the house appointed by the speaker of the house, or their designees, the secretary of administration and finance, or his designee; the executive director of the group insurance commission, or his designee; a representative of the Massachusetts Municipal Association; the chairman of the Public Employee Retirement Administration Commission, or his designee; a representative of the Associated Industries of Massachusetts, a representative of the Massachusetts Taxpayers Foundation, representative of the Massachusetts Association of Contributory Retirement Systems; the chairman of the state retirement, or his designee and chairman of the state teachers' retirement board or his designees; a representative of the Massachusetts Teachers' Association, and a representative of the American Federation of State, County, and Municipal Employees. The commission shall report to the general court the results of its study together with its recommendations and draft of legislation necessary to carry such recommendations into effect by filing the same with the clerk of the house of representatives, the joint committee on public service and the house and senate committees on ways and means on or before April 1, 2004.”.

After remarks on the question on passing said section, notwithstanding the 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 134 members voted in the affirmative and 24 in the negative.

[\[See Yea and Nay No. 446 in Supplement.\]](#)

Therefore section 603 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Under suspension of the rules, on motion of Mr. Scaccia of Boston, section 696, which had been vetoed by the Governor, was considered, as follows:

“SECTION 696. Notwithstanding any general or special law to the contrary, or any legal memoranda or other type of agreement entered into by and among any state or public agencies, authorities or bodies corporate and politic prior to the effective date of this act, the division of urban parks and recreation in the department of conservation and recreation shall assume the sole responsibility for the delivery and the performance of services for all maintenance and repair work, including snow and ice control, for the boulevards, parkways, roads, ways and bridges, including drawbridges, previously under the care, custody and control of the metropolitan district commission. No lands, facilities, boulevards, parkways, roads, ways, bridges, personnel, equipment or material under the care, custody and control of the department within the urban parks district and no duties mandated by law to be undertaken and performed by the department within the urban parks district, may be transferred either in whole or in part to any other state or public agency or to any other entity, without the express prior approval of

the general court. Nothing in this section shall be construed to prohibit the department from entering into cooperative agreements with municipalities to share joint management and maintenance responsibilities for areas situated within the urban parks district; provided, however, that such agreements shall not pledge or commingle funds or funding sources, but shall instead designate specific services to be provided by each entity within the limits of its authority. Nothing in this section shall be construed to prohibit the department from entering into agreements with individual corporate or other partners from within the private sector to promote the donation of services or funds or other assistance to the department; provided, however, that the department shall at all times exercise its statutory duties in managing and supervising the delivery of such services, funds or assistance.”.

The question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 111 members voted in the affirmative and 47 in the negative.

[\[See Yea and Nay No. 447 in Supplement.\]](#)

Therefore section 696 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.

Order.

On motion of Mr. Finneran of Boston,—

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

Messrs. Ayers of Quincy, Driscoll of Braintree and Timilty of Milton then moved that as a mark of respect to the memory of Joseph J. Semensi, a member of the House from Randolph from 1967 to 1980, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remain-ing matters in the Orders of the Day, at twenty minutes before six o'clock P.M., on motion of Mr. Scaccia of Boston (DiMasi of Boston being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.