

JOURNAL OF THE HOUSE.
Tuesday, November 18, 2003.

Met according to adjournment, at eleven o'clock A.M., with Mrs. Walrath of Stow 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, Our Creator, we place our confidence and trust in You and in Your personal concern for us. The spiritual and human values, which You have made known to us, offer a clear blueprint for meaningful and successful daily living. Your assistance and direction enables us to formulate sound intellectual and moral goals and priorities as we try to cope with the demands and pressures of each new day. In proposing legislation, grant us the wisdom and patience to evaluate correctly existing data and the new information which comes to us — some accurate and some erroneous. Let our legislative and policy decisions help and benefit people now and in the future. May Your gifts of peace, integrity and joy remain a constant reality in our lives as we deal with people, conflicts and opportunities.
Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mrs. Walrath), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Guests of the House.

Mr. DiMasi of Boston then took the Chair, declared a brief recess and introduced Sally Hoyt (Senate President), Anne MacGillvray (Speaker of the House), Antoinette LoConte (Speaker pro tempore) and Domenica Piscitella (Senate Chief of Staff), all of the Silver Haired Legislature. They were the guests of the Speaker and the entire House membership.

Papers from the Senate.

A Bill protecting the natural and historic resources of the Commonwealth (Senate, No. 1254, amended in section 2, in line 12, by striking out the following: "section 8 of", in line 35 by striking out the following: "purposes of Article 97" and inserting in place thereof the words "natural resource purposes", in line 41 by inserting after the word "is" and also after the word "or" (the second time it appears), in each instance, the word "for", in line 65 by striking out the word "or" and inserting in place thereof the word "and" and in line 141 by striking out the word "affair" and inserting in place thereof the word "affairs") (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

A Bill authorizing the Department of Highways and the city of Westfield to divert the use of certain parcels of land in the city of Westfield (Senate, No. 2087) (on a petition) [Local Approval Received]; passed to be engrossed by the Senate, was read; and it was referred, under

Rule 33, to the committee on Ways and Means.

Bills

To enhance the management of problem wildlife (Senate, No. 1207) (on a petition);
Authorizing the disposition by exchange of land held for preservation of natural scenic and open qualities (Senate, No. 2086) (on a petition) [Local Approval Received];
Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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 petition of Paul C. Demakis, J. James Marzilli, Jr., Matthew C. Patrick and Robert O'Leary relative to establishing a minimum energy efficiency standard for certain products. Under suspension of the rules, on motion of Mrs. Walrath of Stow, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Energy. Sent to the Senate for concurrence.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill relative to the reporting of fires in schools (Senate, No. 1372) 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; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Washington (Senate, No. 1972, changed and amended) ought to pass with certain amendments. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendments pending.

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 with the amendments pending.

By Mr. Rogers of Norwood, for the committee on Ways and Means, to whom were referred the Bill relative to certain tobacco manufacturers (House, No. 4279) and the Bill protecting the public health and enhancing cigarette escrow compliance (House, No. 4305) reports recommending that the bill (House, No. 4305) ought to pass with an amendment substituting therefor a Bill with the same title (House, No. 4327). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

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 with the amendment pending.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill further regulating the use of plowing equipment on motor vehicles (House, No. 1338) 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; and, under said rule, it was placed in the Orders of the Day for the

next sitting for a second reading.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to the retirement benefits of certain public employees (House, No. 3587) 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; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills.

Engrossed bills

Establishing a new business corporation act (see Senate, No. 103, amended) (which originated in the Senate);

Authorizing the town of Hingham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3886, amended); and

Granting civil service preference to the children of a certain deceased police officer (see House, No. 3942);

(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.

The Senate Bill authorizing the commissioner of Capital Asset Management and Maintenance to modify, extinguish and relocate a certain easement in the city of Lawrence (Senate, No. 2083, changed and amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

House bills

Providing for uniform regulatory standards for certain insurance companies (House, No. 2823) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing a public waterfront walkway to be exempted from the harbor line in the Charlestown Navy Yard in the city of Boston (House, No. 3857) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the town of Southampton to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4162); and

Relative to annuity contracts (House, No. 4193);

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.

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

House bills

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

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);
Relative to motorcycle awareness (House, No. 2124);
Relative to the removal of veterans' commemorative flag holders (House, No. 2390);
Authorizing the Department of Revenue to make a certain refund (House, No. 3101);
Exempting the position of deputy police chief of Chelmsford from civil service (House, No. 3836);
Authorizing the town of Monroe to lease certain land (House, No. 3993, changed);
Establishing an infrastructure and town property capital improvements fund in the city known as the town of Franklin (House, No. 4072);
Relative to the off-street parking board in the city of Worcester (House, No. 4082);
Relative to a change in land use in the town of Lakeville (House, No. 4112);
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);
Relative to the town administrator of the town of West Boylston (House, No. 4230);
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 were read a second time; and they were ordered to a third reading.

The House report of the committee on Natural Resources and Agriculture, 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, was accepted.

Recesses.

At twenty-five minutes before twelve o'clock noon, on motion of Mrs. Walrath of Stow (Mr. DiMasi of Boston being in the Chair), the House recessed until one o'clock P.M.; and at twelve minutes after one o'clock the House was called to order with Mr. DiMasi in the Chair. The House thereupon took a further recess, on motion of Mr. Tobin of Quincy, until three o'clock; and at thirteen minutes after three o'clock the House was called to order with Mr. DiMasi in the Chair.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to modify, extinguish and relocate a certain easement in the city of Lawrence (see Senate, No. 2083, changed and amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

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

roll call 159 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 448 in Supplement.]

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

Reports of Committees.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill facilitating electronic transactions (Senate, No. 2076, amended) 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. Larkin of Pittsfield, 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 Bill exempting the position of deputy chief of police in the town of Milford from the provisions of civil service law (House, No. 3880) [Local Approval Received] be scheduled for consideration by the House.

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

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Bridgewater to Patrick Driscoll (Senate, No. 1691, amended) 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. Flynn of Bridgewater, 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 Bill relative to the office of town manager in the town of Arlington (House, No. 4253) [Local Approval Received] be scheduled for consideration by the House.

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

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to the disposition of certain state-owned land in the city of Medford (House, No. 3076) 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. Donato of Medford, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill regulating commercial electronic mail (Senate, No. 2019, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with an amendment previously recommended by the committee on Science and Technology (text contained in House document numbered 4312) pending.

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. Dempsey of Haverhill, the bill was read a second time forthwith.

The amendment previously recommended by the committee on Science and Technology,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4312),— was rejected.

The bill then was ordered to a third reading.

Under suspension of the rules, on further motion of Mr. Dempsey, the bill was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Pending the question on passing the bill to be engrossed, in concurrence, the same member moved that it be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4326.

The amendment was adopted; and the bill (Senate, No. 2019, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Subsequently the bill came from the Senate with the endorsement that said branch had non-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 number 4326).

The bill bore the further endorsement that the Senate had asked for a committee of conference on the disagreeing votes of the two branches; and that Senators Barrios, Melconian and Sprague had been appointed as the committee on the part of the Senate.

On motion of Mr. Dempsey of Haverhill, the House insisted on its amendment; and concurred with the Senate in the appointment of a committee of conference. The Speaker appointed Representatives Dempsey, Pedone of Worcester and Polito of Shrewsbury as the committee on the part of the House. Sent to the Senate to be noted.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to the safe placement of newborns and infants (House, No. 4325) ought to pass with certain amendments in section 1, in line 00, by striking out the word “The” and inserting in place thereof the words “Subject to appropriation, the” and by adding at the end of said section 1 the following paragraph:

“The department shall explore the possibility of expending funds received from the United States Department of Health and Human Services pursuant to the Promoting Safe and Stable Families Program, as most recently amended by the Promoting Safe and Stable Families of 2001, in order to implement the public information program required by this section and to alleviate the burden said information program may have on the department’s appropriation from the commonwealth. When implementing its public information program, the department shall prioritize those areas of the commonwealth that have been identified by the department of public health as having the highest teen pregnancy rates.”; in section 2, in line 00, by striking out the year “2008” and inserting in place thereof the year “2007”; in section 3, in line 00, by striking out the date “January 1, 2006” and inserting in place thereof the date “June 30, 2008”; and by adding at the end thereof the following section:

“SECTION 4. For purposes of this act only, the following term shall be defined in the following manner unless the context shall clearly indicate a different meaning or intent:— ‘hospital’, a hospital that is licensed under section fifty-one of chapter one hundred and eleven, or operated by the teaching hospital of the University of Massachusetts Medical School.”. Referred, under

Rule 7A, to the committee on Steering, Policy and Scheduling with the amendments pending. Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Mr. Rogers of Norwood then moved that Rule 7A be suspended in order that the bill might be read a second time forthwith.

After debate on the question on suspension of Rule 7A, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 101 members voted in the affirmative and 57 in the negative.

[See Yea and Nay No. 449 in Supplement.]

Therefore the motion to suspend Rule 7A was negatived (less than the required two-thirds of the members present and voting having voted in the affirmative); and, under said rule, the bill was placed in the Orders of the Day for the next sitting for a second reading with the amendments recommended by the committee on Ways and Means pending.

Recesses.

At twelve minutes before five o'clock P.M., on motion of Mr. Petrolati of Ludlow (Mr. DiMasi of Boston being in the Chair), the House recessed until half past six o'clock; and at a quarter before seven o'clock the House was called to order with Mr. Scaccia of Boston in the Chair. The Chair (Mr. Scaccia) thereupon declared a further recess subject to the call of the Chair; and at half past seven o'clock the House was called to order with the Speaker in the Chair.

Quorum.

Mr. Jones of North Reading then asked for a count of the House to ascertain if a quorum was present. The Speaker, 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 158 members were recorded as being in attendance.

[\[See Yea and Nay No. 450 in Supplement.\]](#)

Therefore a quorum was present.

Emergency Measure.

The engrossed Bill relative to public employees serving in the armed forces of the United States (see Senate, No. 1985, 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 7 to 0. Sent to the Senate for concurrence.

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

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and

nays, at the request of Mr. Jones of North Reading; and on the roll call 159 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 451 in Supplement.]

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

Paper from the Senate.

A Bill relative to the reform of the unemployment insurance system (Senate, No. 2150) (on Senate bill, No. 2146), passed to be engrossed by the Senate, was read.

Mr. Rogers of Norwood then moved that the rules be suspended in order that the bill might be read a second time forthwith.

After remarks on the motion to suspend the rules, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 136 members voted in the affirmative and 23 in the negative.

[See Yea and Nay No. 452 in Supplement.]

Therefore the rules were suspended.

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

Mr. Rogers then moved that the rules be suspended in order that the bill might be read a third time.

After debate on the motion to suspend the rules, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 136 members voted in the affirmative and 23 in the negative.

[See Yea and Nay No. 453 in Supplement.]

Therefore the rules were suspended.

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

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Cabral of New Bedford moved that it be amended by adding at the end thereof the following section:

“SECTION 16. Section 29 of chapter 151A, as appearing in the 2002 Official Edition, is hereby amended by inserting after line 133, the following:—

(7) An individual otherwise eligible for benefits from the loss of full-time work may not be disqualified from any benefits attributable to the full-time work solely because the individual left part-time employment during the base period before the loss of said full-time work.”.

The amendment was rejected.

The same member then moved that the bill be amended in section 5, in lines 00 to 00, inclusive, by striking out the tables contained therein and inserting in place thereof the following tables:

“Employer Account
Reserve Percentages

Negative Percentage

15.0 or more 8.7 9.3 9.7 10.3 10.8 11.3 11.8
14 but less than 15.0 8.4 9.0 9.4 10.0 10.5 11.0 11.5
13.0 but less than 14.0 8.1 8.7 9.1 9.7 10.2 10.7 11.2
12.0 but less than 13.0 7.8 8.4 8.9 9.4 9.9 10.4 10.9
11.0 but less than 12.0 7.5 8.1 8.6 9.1 9.6 10.1 10.6
10.0 less 11.0 7.2 7.8 8.3 8.8 9.3 9.8 10.3
9.0 but less than 10.0 6.9 7.5 8.0 8.5 9.0 9.5 10.0
8.0 but less than 9.0 6.6 7.2 7.7 8.2 8.7 9.2 9.7
7.0 but less than 8.0 6.3 6.9 7.4 7.9 8.4 8.9 9.4
6.0 but less than 7.0 6.0 6.6 7.1 7.6 8.1 8.6 9.1
5.0 but less than 6.0 5.9 6.3 6.8 7.3 7.8 8.3 8.8
4.0 but less than 5.0 5.6 6.0 6.5 7.0 7.5 8.0 8.5
3.0 but less than 4.0 5.3 5.7 6.2 6.7 7.2 7.7 8.2
2.0 but less than 3.0 5.0 5.4 5.9 6.4 6.9 7.4 7.9
1.0 but less than 2.0 4.7 5.1 5.6 6.1 6.6 7.1 7.6
0.0 but less than 1.0 4.4 4.8 5.3 5.8 6.3 6.8 7.3

Positive Percentage

0.0 but less than 0.5 4.0 4.3 4.8 5.4 5.9 6.4 6.9
0.5 but less than 1.0 3.9 4.2 4.7 5.3 5.8 6.3 6.8
1.0 but less than 1.5 3.8 4.1 4.6 5.2 5.7 6.2 6.7
1.5 but less than 2.0 3.7 4.0 4.5 5.1 5.6 6.1 6.6
2.0 but less than 2.5 3.6 3.9 4.4 5.0 5.5 6.0 6.5
2.5 but less than 3.0 3.5 3.8 4.3 4.9 5.4 5.9 6.4
3.0 but less than 3.5 3.4 3.7 4.2 4.8 5.3 5.8 6.3
3.5 but less than 4.0 3.3 3.6 4.1 4.7 5.2 5.7 6.2
4.0 but less than 4.5 3.2 3.5 4.0 4.6 5.1 5.6 6.1
4.5 but less than 5.0 3.1 3.4 3.9 4.5 5.0 5.5 6.0
5.0 but less than 5.5 3.0 3.3 3.8 4.4 5.0 5.4 5.9
5.5 but less than 6.0 2.9 3.2 3.7 4.3 4.8 5.3 5.8
6.0 but less than 6.5 2.8 3.1 3.6 4.2 4.7 5.2 5.7
6.5 but less than 7.0 2.7 3.0 3.5 4.1 4.6 5.1 5.6
7.0 but less than 7.5 2.6 2.9 3.4 4.0 4.5 5.0 5.5
7.5 but less than 8.0 2.5 2.8 3.3 3.9 4.4 4.9 5.4
8.0 but less than 8.5 2.4 2.7 3.2 3.8 4.3 4.8 5.3
8.5 but less than 9.0 2.3 2.6 3.1 3.7 4.2 4.7 5.2
9.0 but less than 9.5 2.2 2.5 3.0 3.6 4.1 4.6 5.1
9.5 but less than 10.0 2.1 2.4 2.9 3.5 4.0 4.5 5.0
10.0 but less than 10.5 2.0 2.3 2.8 3.4 3.9 4.4 4.9
10.5 but less than 11.0 1.9 2.2 2.7 3.3 3.8 4.3 4.8
11.0 but less than 11.5 1.8 2.1 2.6 3.2 3.7 4.2 4.7
11.5 but less than 12.0 1.7 2.0 2.5 3.1 3.6 4.1 4.6
12.0 but less than 12.5 1.6 1.9 2.4 3.0 3.5 4.0 4.5

12.5 but less than 13.0 1.5 1.8 2.3 2.9 3.4 3.9 4.4
13.0 but less than 13.5 1.4 1.7 2.2 2.8 3.3 3.8 4.3
13.5 but less than 14.0 1.3 1.6 2.1 2.7 3.2 3.7 4.2
14.0 but less than 14.5 1.2 1.5 2.0 2.6 3.1 3.6 4.1
14.5 but less than 15.0 1.1 1.4 1.9 2.5 3.0 3.5 4.0
15.0 or more 1.0 1.3 1.8 2.4 2.9 3.4 3.9”.

The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended in section 10, in line 00, by striking out the figures “5.1” and inserting in place thereof the figures “5.5”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 23 members voted in the affirmative and 136 in the negative.

[\[See Yea and Nay No. 454 in Supplement.\]](#)

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended in section 10, in lines 00 and 00, by striking out the following: “in each of the 10 metropolitan statistical areas of the commonwealth”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 40 members voted in the affirmative and 119 in the negative.

[\[See Yea and Nay No. 455 in Supplement.\]](#)

Therefore the amendment was rejected.

The Speaker then interrupted the pending business and placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 123 members voted in the affirmative and 36 in the negative.

[\[See Yea and Nay No. 456 in Supplement.\]](#)

Therefore Rule 1A was suspended.

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 section:

“SECTION 16. Subsection (a) of section 24 of chapter 151A of the General Laws, as so appearing, is hereby amended by striking out, in the first sentence, the word ‘thirty’ and inserting in place thereof the following:— forty.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 36 members voted in the affirmative and 122 in the negative.

[See Yea and Nay No. 457 in Supplement.]

Therefore the amendment was rejected.

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 section:

“SECTION 16. Subsection (a) of section 24 of chapter 151A of the General Laws, as so appearing, is hereby amended by striking out, in the first sentence, the word ‘thirty’ and inserting in place thereof the following:— thirty-four.”.

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. Jones; and on the roll call 36 members voted in the affirmative and 122 in the negative.

[See Yea and Nay No. 458 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended in section 4, in line 0, by striking out the following: “\$14,000” and inserting in place thereof the words “thirteen thousand dollars”; and by striking out section 10 and inserting in place thereof the following section:

“SECTION 10. Chapter 151A is hereby amended by striking section 30(a) in its entirety and replacing it with the following: —

Section 30. (a) Except as provided in subsection (b), the total benefits which an unemployed individual may receive during his benefit year shall be an amount equal to thirty-six percent of his wages in the base period, or an amount equal to twenty-six times his benefit rates, whichever is less, plus dependency benefits payable under section twenty-nine. If such amount includes a fractional part of a dollar, it shall be rounded to the next lower full dollar amount.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 24 members voted in the affirmative and 135 in the negative.

[See Yea and Nay No. 459 in Supplement.]

Therefore the amendment was rejected.

Subsequently a statement of Mr. Marzilli of Arlington was spread upon the records of the House, as follows:

MR. SPEAKER: During the taking of the above yeas and nays, I was present in the House Chamber and voted in the negative. Nevertheless I now find that I was inexplicably recorded as having voted in the affirmative. I will state for the record that it was my intention to be recorded in the negative on the previous roll call.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended in section 10, by adding at the end thereof the following sentence: “Notwithstanding the immediately foregoing sentence, any time when the commissioner adds to every employer’s contribution rate a uniform secondary adjustment payment pursuant to section 13 of chapter 151A, the total benefits which an unemployed individual may receive during his benefit year shall be an amount equal to thirty-six percent of his wages in the base period, or an amount equal to twenty-six times his benefit rate, whichever is less.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 25 members voted in the affirmative and 133 in the negative.

[\[See Yea and Nay No. 460 in Supplement.\]](#)

Therefore the amendment was rejected.

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 section:

“SECTION 16. Subsection (a) of section 24 of chapter 151A of the General Laws, as so appearing, is hereby amended by inserting in the first sentence after the phrase ‘thirty times the weekly benefit rate’ the following:— , provided that at any time when the commissioner adds to every employer’s contribution rate a uniform secondary adjustment payment pursuant to section 13 of chapter 151A, the amount of base period wages required by this section for the purpose of determining claimant eligibility shall be at least forty times the weekly benefit rate for the period of time such adjustment payment is assessed and the thirteen consecutive weeks immediately following the time such adjustment is assessed.”.

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. Jones; and on the roll call 39 members voted in the affirmative and 119 in the negative.

[\[See Yea and Nay No. 461 in Supplement.\]](#)

Therefore the amendment was rejected.

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 section:

“SECTION 16. Section 1 of chapter 151A, as so appearing, is hereby further amended by striking out subsection (w) and inserting in place thereof the following subsection:—

(w) ‘Average weekly wage’, an amount equal to one ninety-first of the sum of two times the total wages reported for an individual in the three highest quarters of the individual’s base period and the total wages reported in the remaining quarter of such base period. If such average weekly wage includes a fractional part of a dollar, it shall be rounded to the next lower full dollar amount.”.

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. Jones; and on the roll call 24 members voted in the affirmative and 134 in the negative.

[\[See Yea and Nay No. 462 in Supplement.\]](#)

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended by striking out section 10 and inserting in place thereof the following section:

“SECTION 10. Chapter 151A is hereby amended by striking section 30(a) in its entirety and replacing it with the following: —

Section 30. (a) Except as provided in subsection (b), the total benefits which an unemployed individual may receive during his benefit year shall be an amount equal to thirty-six percent of

his wages in the base period, or an amount equal to twenty-six times his benefit rate, whichever is less, plus dependency benefits payable under section twenty-nine. If such amount includes a fractional part of a dollar, it shall be rounded to the next lower full dollar amount.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Lepper of Attleboro; and on the roll call 23 members voted in the affirmative and 135 in the negative.

[See Yea and Nay No. 463 in Supplement.]

Therefore the amendment was rejected.

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

“SECTION 16. Recipients of unemployment insurance benefits shall personally collect benefit checks from a distribution location established by the department and shall receive neither electronic payments nor payments via mail or parcel.”.

The amendment was rejected.

After debate on the question on passing the bill to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 134 members voted in the affirmative and 24 in the negative.

[See Yea and Nay No. 464 in Supplement.]

Therefore the bill (Senate, No. 2150) was passed to be engrossed, in concurrence. Mr.

Rodrigues of Westport moved that this vote be reconsidered; and the motion to reconsider was negatived.

Order.

On motion of Mr. Peterson of Grafton,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow 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 eleven o'clock P.M., on further motion of Mr. Peterson (the Speaker being in the Chair) the House adjourned, to meet tomorrow at eleven o'clock A.M.