

JOURNAL OF THE HOUSE.

Wednesday, July 20, 2005.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow 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:

Prayer.

Gracious God, we believe in You and place our trust and confidence in You, Your ways and Your guidance for meaningful and successful living. As elected leaders in our diverse communities, help us to unite constituents in addressing together current political and legislative challenges and in planning for both the current and future needs of the people in this changing world. Inspire us to promote the importance of values, both human and spiritual, and the need for excellence in all aspects of our daily living in this competitive world. As a society, and individually, help us to keep our goals and priorities clear and focused.

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

Pledge of allegiance.

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

Message from the Governor.

Health insurance, availability.

A message from His Excellency the Governor recommending legislation relative to increasing the availability and affordability of private health insurance to residents of the Commonwealth (House, No. 4279) was filed this day in the office of the Clerk.

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

Statement Concerning Representative Dempsey of Haverhill.

A statement of Mr. Rushing of Boston was spread upon the records of the House, as follows:

Statement concerning Representative Dempsey of Haverhill.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Dempsey of Haverhill, will not be present in the House Chamber for today's sitting due to illness. Any roll calls that he may miss today is due entirely to the reason stated. Representative Dempsey of Haverhill.

Statement Concerning Representative Kennedy of Brockton.

A statement of Mr. Rogers of Norwood concerning Mr. Kennedy of Brockton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kennedy of Brockton, was not present in the House Chamber for today's sitting due to his hospitalization. Had he been present, he would have voted in the affirmative, in each instance, to override the Governor's vetoes and reductions to the fiscal year 2006 budget. Any roll calls that he missed today or may miss for the next several days will be due entirely to the reason stated.

Statement concerning Representative Kennedy of Brockton.

Petitions.

Mrs. Harkins of Needham presented a petition (subject to Joint Rule 12) of Lida E. Harkins relative to certain persons dually eligible for Medicare and Medicaid programs; and the same was referred, under Rule 24, to the committee on Rules.

Safety net plan.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Scibak of South Hadley, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Health Care Financing. Sent to the Senate for concurrence.

Mr. Koczera of New Bedford presented a petition (subject to Joint Rule 12) of Mark C. Montigny and others for legislation to grant creditable service for retirement purposes to public employees for service in the National Guard; and the same was referred, under Rule 24, to the committee on Rules.

National Guard, creditable service.

Papers from the Senate.

The House Bill relative to car rental transactions in the city of Revere (House, No. 4180) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the following:

Revere, car rental transactions.

"SECTION 1. Notwithstanding any general or special law to the contrary, the city of Revere may by ordinance impose a surcharge of not more than \$10 upon each vehicular rental transaction contract in the city. Amounts received by the city under this act shall not be considered in determining the amount of any state assistance to the city.

SECTION 2. The commissioner of revenue shall administer the surcharge imposed under section 1. Each vendor shall collect the surcharge and remit it to the department of revenue on a quarterly basis. All provisions of chapter 62C of the General Laws relative to assessment, collection, payment, abatement, verification and administration, including penalties and interest, shall, so far as pertinent, apply to this surcharge as though it were a tax enumerated in section 2 of said chapter 62C.

SECTION 3. The commissioner of revenue shall pay to the city on a quarterly basis all proceeds of the surcharge collected under section 2. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the city

shall establish and maintain a special account to be known as the Public Safety Facility Capital Expenditure Fund into which all such payments shall be deposited. The city treasurer may invest funds in the account in the manner authorized by sections 55 and 55B of chapter 44 of the General Laws, and any interest earned on the account shall be credited to and become part of the account. Amounts appropriated from the account shall be expended exclusively for the principal and interest on loan orders incurred by the city for architectural, engineering, geotechnical and design services and for the original equipping and construction of a new public safety facility for the city. When the account contains sufficient funds for these purposes, the mayor shall so certify to the commissioner and the surcharge shall cease to be imposed.

SECTION 4. This act shall take effect upon its passage.”; and striking out the title and inserting in place thereof the following title: “An Act authorizing a surcharge on vehicular rental transaction contracts in the city of Revere.”.

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

A Bill to provide a sewer easement in the town of Andover (Senate, No. 2088, amended in section 1 (as printed), in line 13, by inserting after the word “Corp.” the words “, but the town shall require Yvon Cormier Construction Corp. to restore the parcel to the condition it was in before the sewer installation.”; and, in line 14, by inserting after the word “line” the words “, and the town shall maintain the sewer line”) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

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

Bills.

Authorizing the development of a regional education, training and skills alliance center in the city of Taunton (Senate, No. 61) (on a petition);

Creating the military family relief fund (Senate, No. 2009, changed and amended) (changed in section 2, line 28 and in section 3, lines 3, 16 and 18, by striking out the words “Adjutant General” and inserting in place thereof, in each instance, the words “Military Division” and in section 2, lines 9 and 10, and section 3, lines 11 and 12, by striking out the following: “as a result of September 11,

Andover,
sewer
easement.

Taunton,
skills
center.

Military
family
relief
fund.

2001 terrorist attacks” and inserting in place thereof, in each instance, the words “in the global war on terrorism and those who provided direct relief for others who were called up to duty in the global war on terrorism” and amended in section 2, in lines 9 and 10 and in section 3, in lines 11 and 12, by striking out the words “in the global war on terrorism and those who provide direct relief for others who were called up to duty in the global war on terrorism” (inserted by changed) and inserting in place thereof, in each instance, the following: “were called to active duty after September 11, 2001”) (on a petition);

Further regulating salaries of public employees serving in the Armed Forces of the United States (Senate, No. 2062, amended by striking out section 2 and inserting in place thereof the following section:

“SECTION 2. Said chapter 137 is hereby amended by striking out section 21 and inserting in place thereof the following section:—

Section 21. Section 1 shall expire on September 11, 2008. Sections 2 and 3 shall expire on September 11, 2005.”; and by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to regulate salaries of public employees serving in the armed forces of the United States, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”) (on a petition);

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

A Bill authorizing the sale of certain conservation land in the town of Tewksbury (Senate, No. 1210, amended in section 1, in the second sentence, by inserting after the word “feet” the words “to be used for residential purposes”) (on House, No. 4083), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Public
employees,
military.

Tewksbury,
conservation
land.

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 Kathi-Anne Reinstein and others that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land to the city of Revere for the construction of a public safety facility. Under suspension of the rules, on motion of Mr. Scibak of South Hadley, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Bonding, Capital Expenditures and State Assets. Sent to the Senate for concurrence.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 1280, 1282 and 1320, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation

Revere,
land
conveyance.

Environmental
issues.

and study of certain House documents concerning environmental issues (House, No. 4281). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

Middlesex
Canal
Commission.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, No. 1329, a Bill relative to the Middlesex Canal Commission (House, No. 4280). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Environmental
Trust.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to the Environmental Trust (House, No. 1283).

Hazardous
materials
mitigation.
Pilots,
district
three.

By the same member, for the same committee, on a petition, a Bill pertaining to hazardous materials mitigation (House, No. 1315).

By the same member, for the same committee, on a petition, a Bill relative to pilots (House, No. 1377, changed in line 4, by striking out the words "and district three" and inserting in place thereof the words "district two, district three and district four").

Forest
reserves.

By the same member, for the same committee, on Senate, No. 524 and House, No. 1318, a Bill authorizing the establishment of old growth forest reserves (House, No. 1381, changed in section 1, in line 11, by striking out the words "environmental management" and inserting in place thereof the words "conservation and recreation").

Food
supplies.

By the same member, for the same committee, on Senate, No. 483 and House, No. 1384, a Bill to protect local food supplies, farmland and farm viability (House, No. 4282).

Scenic
roadways.

By the same member, for the same committee, on House, No. 1361, a Bill to protect the historic and scenic roadways, parkways and boulevards of Massachusetts (House, No. 4283).

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

Charlestown
Navy
Yard,
waterfront
walkway.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill authorizing a public waterfront walkway to be exempted from the harbor line in the Charlestown Navy Yard in the city of Boston (House, No. 1305, changed in section 1, in line 11, by inserting after the word "piles" the words "beyond the harbor line" and in lines 12 and 13 by striking out the sentence "A license by said department for the public waterfront walkway on piles shall be permanent.").

Dennis,
beach
fund.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Dennis to establish a beach capital improvement fund (House, No. 4154) [Local Approval Received].

By Mrs. Walrath of Stowe, for the committee on Health Care Financing, on Senate, No. 700 and House, No. 3910, a Bill to require public notice prior to restricting MassHealth Coverage. (House, No. 4284).

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

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on Senate, Nos. 39 and 42 and House, Nos. 1423, 3421, 3425, 3428, 3430, 3433, 3840 and 3841, a Bill relative to the development of underused state owned real property and the disposition of state owned surplus real property (House, No. 4278) [Estimated Cost: \$9,800,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means.

Surplus
property,
disposition.

Subsequently, Mr. DeLeo of Winthrop, for said committee, reported that the foregoing bill ought to pass with amendments in section 5 by striking out the following paragraph: "This chapter shall not apply to the disposition of real property prior to July 1, 2005", in section 13, under the heading "Economic Development", by striking out the following: "1599-xxxx" and inserting in place thereof the following: "1599-2001"; and by inserting after section 17 the following section:

"SECTION 17A. Sections 1 through 11 of this act, inclusive, shall not be effective as to the disposition of any real property designated surplus by the commissioner of the division of capital asset management and maintenance prior to July 1, 2005, or as to the disposition of any real property owned by the commonwealth and subject to a special act for the conveyance, lease or other disposition of such property with an effective date prior to July 1, 2005." [Estimated Cost: \$9,800,000.00].

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

Mr. Donato of Medford, for said committee, then reported that the matter be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting, for a second reading, with the amendment recommended by the committee on Ways and Means, pending.

Orders of the Day.

The Senate Bill relative to creditable service for vocational education teachers (Senate, No. 2057), 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.

Third
reading
bill.

House bills.

Authorizing the conveyance of certain land in the town of Tewksbury to Robert W. Lafreniere (House, No. 1421) (its title having been changed by the committee on Bills in the Third Reading);

Third
reading
bills.

Establishing a sick leave bank for Earle Bercier, an employee of the Department of Correction (House, No. 4056) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the charter of the town of Rockland (House, No. 4107);

Relative to the charter of the town of Rockland (House, No. 4108);

Relative to the charter of the town of Rockland (House, No. 4109); and

Relative to the charter of the town of Rockland (House, No. 4110);

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.

House bills.

Concerning illegal dumping in the city of Worcester (House, No. 1748);

Relative to the appointment of retired police officers in the town of Weymouth to serve as special officers (House, No. 3848);

Authorizing the retirement of officer Zenaida Flores of the Boston police department (House, No. 4120); and

Authorizing the retirement of Boston Police Officer Robert Welby (House, No. 4121);

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

Recess.

At six minutes after eleven o'clock A.M., on motion of Mr. Rush of Boston (Mr. Petrolati of Ludlow being in the Chair) the House recessed until one o'clock P.M.; and at ten minutes after one o'clock the House was called to order with Mr. Petrolati in the Chair.

Quorum.

Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), 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 150 members were recorded as being in attendance.

[See Yea and Nay No. 136 in Supplement.]

Therefore a quorum was present.

The House Bill providing for a certain exemption from the sales tax (House, No. 4220, amended) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 2, in section 2, in line 2 and in lines 9 and 10, and in section 3, in line 5, striking out the following: "day of August 13, 2005" and inserting in place thereof, in each instance, the following: "days of August 13, 2005 and August 14, 2005"; and in section 2, in line 8, inserting after the year "2005" the following: "and August 14, 2005".

Under suspension of Rule 35, on motion of Mr. Donato of Medford, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

On the question on concurring with the Senate in its amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 147 members voted in the affirmative and 7 in the negative.

[See Yea and Nay No. 137 in Supplement.]

Therefore the amendments were adopted, in concurrence.

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

Mr. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call I had voted in the negative. However, I now find that, for some inexplicable reason, I was recorded in the affirmative.

House
concurred in
Senate
amendments,
yea and nay
No. 137.

Statement of
Representative
Walsh of
Boston.

Reports of Committees.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4230), returning with His disapproval of certain items and a section and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2006 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. 4200), reported, in part, in each instance, that certain items (contained in section 2) stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported, in each instance, that the matters be scheduled for consideration by the House.

Under suspension of Rule 7A, in each instance, on motion of Mr. Jones of North Reading, the following items were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

Item 1599-6901 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$20,000,000 to \$10,000,000 and reduced said item by striking out the following: "provided further, that \$14,000,000 shall be expended in fiscal year 2006 to adjust the wages, compensation or salary and associated employee-related costs to personnel earning less than \$25,000 in annual compensation who are employed by private human service providers that deliver human and social services under contracts with departments within the executive office of health and human services and the executive office of elder affairs; provided further, that \$6,000,000 shall be expended in fiscal year 2006 to adjust the wages, compensation or salary and associated employee-related costs to personnel earning more than \$25,001 and less than \$40,000 in annual compensation

General
Appropriation
Bill,
reductions
and
disapprovals.

Second
reading
bills.

Recess.

Quorum.

Quorum,
yea and nay
No. 136.

Sales tax
exemptions.

General
Appropriation
Bill,
reductions
and
disapprovals.

who are employed by private human service providers that deliver human and social services under contracts with departments within the executive office of health and human services and the executive office of elder affairs” and inserting in place thereof the following: “; provided further, that \$7,000,000 shall be expended in fiscal year 2006 to adjust the wages, compensation or salary and associated employee-related costs to personnel earning less than \$25,000 in annual compensation who are employed by private human service providers that deliver human and social services under contracts with departments within the executive office of health and human services and the executive office of elder affairs; provided further, that \$3,000,000 shall be expended in fiscal year 2006 to adjust the wages, compensation or salary and associated employee-related costs to personnel earning more than \$25,001 and less than \$40,000 in annual compensation who are employed by private human service providers that deliver human and social services under contracts with departments within the executive office of health and human services and the executive office of elder affairs”.

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

[See Yea and Nay No. 138 in Supplement.]

Therefore item 1599-6901 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 3000-5000 (contained in section 2), which had been reduced by the Governor from “\$7,500,000” to “\$6,146,143” then was considered.

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

[See Yea and Nay No. 139 in Supplement.]

Therefore item 3000-5000 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7003-0604 (contained in section 2), which had been vetoed by the Governor, then was considered.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 130 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 140 in Supplement.]

Therefore item 7003-0604 (contained in section 2) was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Human
services
providers
item
1599-6901
stands,
yea and nay
No. 138.

Head Start
programs
3000-5000
stands,
yea and nay
No. 139.

Long-term care
career grants
item 7003-0604
stands,
yea and nay
No. 140.

Item 7004-9033 (contained in section 2), which had been reduced by the Governor from “\$2,500,000” to “\$2,000,000” then was considered.

The question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 140 members voted in the affirmative and 13 in the negative.

[See Yea and Nay No. 141 in Supplement.]

Therefore item 7004-9033 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 2030-1000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item by striking out the words “Hyannis and “.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 136 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 142 in Supplement.]

Therefore item 2030-1000 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 1108-5200 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$949,010,107 to \$934,010,107 and reduced said item by striking out the following: “; provided further, that the preceding provisions pursuant to employee contributions shall expire December 31, 2005 at which time the commonwealth’s share of the premiums for active state employees and their dependents shall be 85 per cent” and “; provided further, that the preceding provision pursuant to employee contributions shall expire December 31, 2005 at which time the commonwealth’s share of the premiums for active state employees hired after June 30, 2003 and their dependents shall be 80 per cent”.

After debate on the question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 140 members voted in the affirmative and 11 in the negative.

[See Yea and Nay No. 143 in Supplement.]

Therefore item 1108-5200 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4000-0990 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

Mental Health
rental
subsidies
7004-9033
stands,
yea and nay
No. 141.

Hyannis
boat
registration
2030-1000
stands,
yea and nay
No. 142.

State
employees
health
insurance
item
1108-5200
stands,
yea and nay
No. 143.

General
Appropriation
Bill,
reductions
and
disapprovals.

The Governor reduced the item by striking out the following: “; provided further, that notwithstanding subsection (d) of section 10F of chapter 118E of the General Laws, or any general or special law to the contrary, premiums for this program shall be collected according to the following eligibility categories: (1) enrollees in households earning less than 200 per cent of the federal poverty level shall not be responsible for contributing to program premium costs; (2) enrollees in households earning between 200 per cent and 300 per cent of the federal poverty level, inclusive, shall contribute not less than 20 per cent and not more than 30 per cent of the monthly premium cost according to a sliding scale established by the executive office; provided, that additional contributions shall not be required for any enrollee after the third enrollee in such a household; (3) enrollees in households earning between 301 per cent and 400 per cent of the federal poverty level, inclusive, shall contribute not less than 85 per cent and not more than 90 per cent of the monthly premium cost according to a sliding scale established by the executive office; provided, that additional contributions shall not be required for any enrollee after the first enrollee in such a household; and (4) enrollees in households earning more than 400 per cent of the federal poverty level shall pay not more than the full premium cost of the program; provided further, that the secretary of shall certify quarterly in writing to the house and senate committees on ways and means that premiums established pursuant to the fourth paragraph of section 10F of chapter 118E have been paid by all enrollees for whom premiums are applicable”.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 144 in Supplement.]

Therefore item 4000-0990 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4000-1405 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$132,154,120 to \$130,934,120 and reduced said item by striking out the following: “; provided further, that any such individual shall not be subject to sponsor income deeming or related restrictions”.

On the question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 145 in Supplement.]

Therefore item 4000-1405 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Children s
medical
security
plan item
4000-0990
stands,
yea and nay
No. 144.

Chronically
unemployed
health care
item
4000-1405
stands,
yea and nay
No. 145.

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

The Governor reduced the item by striking out the following: “; provided further, that notwithstanding any general or special law to the contrary, the division of health care finance and policy, in conjunction with the executive office of elder affairs and the executive office of health and human services shall, by August 1, 2005, for all non-acute chronic and rehabilitation hospitals, adopt and implement, for the rate year effective October 1, 2005, a Medicaid rate reimbursement methodology, that utilizes a hospital base year of either 2002 or 2003; provided further, that in calculating the Medicaid rate of reimbursement for such hospitals, such reimbursement shall exclude any costs associated with any beds licensed by the department of mental health”.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 146 in Supplement.]

Therefore item 4100-0060 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Uncompensated
Care Pool
item
4100-0060
stands,
yea and nay
No. 146.

Item 7004-9024 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$26,283,345 to \$24,283,345 and reduced said item by striking out the following: “; provided further, that the costs of administration shall not exceed 6 per cent of the appropriation provided in this item; provided further, that the 6 per cent shall include, but not be limited to, all expenditures which may be made by the department to conduct or otherwise contract for rental voucher program inspections” ,”but not more than 40 per cent” (both times it appears) and “; provided further, that the department shall submit an annual report not later than February 1, 2006 to the secretary of administration and finance and the house and senate committees on ways and means detailing expenditures, the number of outstanding rental vouchers by income level and the number and types of units leased that are funded from this item”.

On the question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 144 members voted in the affirmative and 9 in the negative.

[See Yea and Nay No. 147 in Supplement.]

Therefore item 7004-9024 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Low-income
rental
assistance
item
7004-9024
stands,
yea and nay
No. 147.

Item 4403-2001 (contained in section 2), which had been vetoed by the Governor, then was considered.

Travelers
Aid
Society
of Boston
item
4403-2001
stands,
yea and nay
No. 148.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 15 in the negative.

[See Yea and Nay No. 148 in Supplement.]

Therefore item 4403-2001 (contained in section 2) was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

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

The Governor reduced the item from \$30,840,024 to \$29,840,024 and reduced said item by striking out the following: “; provided further, that not less than \$1,000,000 shall be expended for the provision of cost reimbursement funding to certified Early Intervention Programs”.

On the question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 149 in Supplement.]

Therefore item 4513-1020 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4590-0250 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$14,718,309 to \$14,618,309 and reduced said item by striking out the following: “; provided further, that not less than \$350,000 shall be expended for the governor’s commission on gay and lesbian youth”; and inserting in place thereof the following: “; provided further, that not less than \$250,000 shall be expended for the governor’s commission on gay and lesbian youth”.

On the question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 130 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 150 in Supplement.]

Therefore item 4590-0250 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7004-9316 (contained in section 2), which had been reduced by the Governor from “\$5,000,000” to “\$3,000,000” then was considered.

The question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by

Early
intervention
program
item
4513-1020
stands,
yea and nay
No. 149.

Commission
on gay and
lesbian youth
item
4590-0250
stands,
yea and nay
No. 150.

Homeless
families

the Constitution; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 151 in Supplement.]

Therefore item 7004-9316 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7061-0011 (contained in section 2), which had been reduced by the Governor from “\$5,000,000” to “\$3,000,000” then was considered.

The question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 152 in Supplement.]

Therefore item 7061-0011 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4590-0914 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$1,600,000 to \$533,333 and reduced said item by striking out the following: “; and provided further, that the funds appropriated in this item shall be made available for expenditure through June, 2008”.

On the question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 153 in Supplement.]

Therefore item 4590-0914 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 8000-0110 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item by striking out the following: “; c) limit the distribution of criminal offender record information to conviction data and data regarding any pending criminal charge, except as otherwise authorized by law”.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 154 in Supplement.]

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

Therefore item 8000-0110 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds

assistance
7004-9316
stands,
yea and nay
No. 151.

Municipal
education
expenses
7061-0011
stands,
yea and nay
No. 152.

Public health
hospital
staffing
item
4590-0914
stands, -
yea and nay
No. 153.

Criminal
History
Systems
Board
item
8000-0110
stands,
yea and nay
No. 154.

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

Item 3000-7060 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$2,000,000 to \$1,000,000 and reduced said item by striking out the following: "of education".

On the question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 155 in Supplement.]

Therefore item 3000-7060 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7114-0106 (contained in section 2), which had been vetoed by the Governor, then was considered.

After remarks the question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 156 in Supplement.]

Therefore item 7114-0106 (contained in section 2) was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4510-0720 (contained in section 2), which had been vetoed by the Governor, then was considered.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 157 in Supplement.]

Therefore item 4510-0720 (contained in section 2) was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 1410-0400 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item by striking out the following: "provided further, that notwithstanding any general or special law to the contrary, the secretary of veteran services may continue a training program for veterans' agents and directors of veterans' services in cities and towns; provided further, that the purpose of the training program shall be to maximize federal assistance available for veterans and to assure that the agents and directors receive uniform instruction on providing veterans and dependents with advice relative to procurement of state, federal and local benefits to which

Parent-Child
Home
Program
item
3000-7060
stands,
yea and nay
No. 155.

Salem State
nursing
program
item
7114-0106
stands,
yea and nay
No. 156.

Nurses aid
scholarship
program
item
4510-0720
stands,
yea and nay
No. 157.

they are entitled, including employment, education, health care, retirement and other veterans' benefits; provided further, that the subject matter of the training program shall include benefits available under said chapter 115 and alternative resources, including those which are partially or wholly subsidized by the federal government, such as Medicaid, Supplemental Security Income and Social Security Disability benefits, as well as federal pension and compensation entitlements; provided further, that the secretary shall promulgate regulations for the training program; provided further, that upon successful participation by the veterans' agents or directors of veterans' services in the training program, the costs of the training program incurred by the several cities and towns shall be reimbursed by the commonwealth on or before November 10 following the fiscal year in which the costs were paid".

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 158 in Supplement.]

Therefore item 1410-0400 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4800-0038 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item by striking out the following: "provided further, that the department shall report to the house and senate committees on ways and means and the joint committee on children and families by March 15, 2006 on the utilization of the transitional funds and the progress of the implementation of the department's reprocured system of care".

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 159 in Supplement.]

Therefore item 4800-0038 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7007-0900 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item from \$20,418,282 to \$16,418,282 and reduced said item by striking out the following: "provided further, that said office shall grant not less than \$4,000,000 to the Massachusetts International Marketing Partnership Incorporated, the business entity awarded the contract pursuant to section 60 of chapter 141 of the acts of 2003 for the express purpose of implementing the strategic marketing and promotional program to recover the commonwealth's lost international market share".

Veterans
disability
benefits
item
1410-0400
stands,
yea and nay
No. 158.

Foster care
services
item
4800-0038
stands,
yea and nay
No. 159.

Travel and
Tourism
item
7007-0900
stands,
yea and nay
No. 160.

On the question on passing said item, notwithstanding the reductions of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 15 in the negative.

[See Yea and Nay No. 160 in Supplement.]

Therefore item 7007-0900 (contained in section 2) was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 5920-5000 (contained in section 2), which had been reduced by the Governor, was considered, as follows:

The Governor reduced the item by striking out the following: “; provided further, that the department shall report to the house and senate committees on ways and means not later than January 2, 2006, on the use of any funds encumbered or expended from this item including, but not limited to, the number of clients served in each region and the types of services purchased in each region”.

On the question on passing said item, notwithstanding the reduction of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 161 in Supplement.]

Therefore item 5920-5000 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Engrossed Bill — Land Taking.

The engrossed Bill providing a temporary sewer easement in the town of Andover (see Senate, No. 2088, 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 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 162 in Supplement.]

Therefore the bill was passed to be enacted.

Subsequently Mr. Donato of Medford moved that this vote be reconsidered; and the motion to reconsider prevailed. Pending the recurring question on passing the bill to be enacted, further consideration thereof was postponed, on further motion of Mr. Donato, until the next sitting.

Engrossed Bill.

The engrossed Bill relative to car rental transactions in the city of Revere (see House, No. 4180) (which originated in the House),

Andover
sewer
easement.

Bill enacted
(land taking),
yea and nay
No. 162.

Revere,
car rental
transactions.

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, at the request of Mr. Peterson of Grafton; and on the roll call 131 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 163 in Supplement.]

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

Emergency Measures.

The engrossed Bill providing for a certain exemption from the sales tax (see House, No. 4220, 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 50 to 0. Sent to the Senate for concurrence.

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

The engrossed Bill relative to financing the production of affordable housing (see House, No. 4277), 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 52 to 0. Sent to the Senate for concurrence.

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

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the gift, loan or pledging of the credit of the Commonwealth as defined by Section 1 of Article LXII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 164 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. DiMasi of Boston,—

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

Bill
enacted,
yea and nay
No. 163.

Sales tax
exemptions.

Bill
enacted.

Affordable
housing,
financing.

Bill enacted
(state credit),
yea and nay
No. 164.

Next
sitting.

Mr. Peterson of Grafton then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-one minutes after five o'clock P.M. (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.